



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.05 p.m. – 4.15 p.m.

Gibraltar, Thursday, 20th October 2016

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The Gibraltar Parliament

The Parliament met at 3.05 p.m.

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

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

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Thursday, 20th October 2016.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 24th, 29th and 30th June, 5th, 6th, 7th, 8th and
5 27th July, 9th, 15th, 22nd and 29th September, and 7th October 2016.

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

Mr Speaker signed the Minutes.

COMMUNICATIONS FROM THE CHAIR

10 **Clerk:** (iii) Communications from the Chair.

Mr Speaker: I know there is a communication from the Chief Minister before the Chair.

Congratulations to the Leader of the Opposition on award of Queen's Counsel

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I rise just to congratulate the hon. Gentleman, the Leader of the Opposition, on having taken silk this week. The announcement, I think, was made from the Convent on Monday.

He is, as I have said already in a public statement, my principal political opponent these days and I often say long may that continue to be the case, but at a professional level he has been recognised with the award of the rank of Queen's Counsel and I wanted to, on behalf of all
20 Members on this side of the House, congratulate him in that respect. (*Banging on desks*)

Mr Speaker: May I associate myself with those remarks and congratulate the Leader of the Opposition on my own behalf and that of the staff here in Parliament – a most richly deserved achievement, in my view.

25 **Hon. D A Feetham:** Thank you very much to the Chief Minister and thank you very much, Mr Speaker, for your congratulations.

When the Hon. the Chief Minister said, about a week and a half ago, that he respected me as a lawyer but not as a politician, I saw a glimmer of hope that perhaps my application for silk had actually stood some prospect of success!

30 I am very grateful to the House not only on my own behalf but also on behalf of my wife Julia. They say that behind every man there is always a better woman, and no doubt that is more apposite in the case of my long-suffering wife Julia than in most cases. (**Several Members:** Hear, hear.) I am very grateful. (*Laughter and banging on desks*)

PAPERS TO BE LAID

35 **Clerk:** We carry on with the Order Paper: (iv) Petitions; (v) Announcements; (vi) Papers to be laid – the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table the Annual Accounts of the Government of Gibraltar for the year ended 31st March 2015 and the Audited Accounts of the Gibraltar Regulatory Authority for the year ended 31st March 2016.

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

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

45 **Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.
We begin today with –

Mr Speaker: Before we proceed with answers, I have received notice from the Chief Minister that he wishes to make a Statement.

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Cabinet reshuffle – Statement by the Chief Minister

Clerk: The Hon. the Chief Minister.

55 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this this morning I met with His Excellency the Governor to advise him to appoint new ministerial portfolios under section 46 of the Constitution and to issue particular directions to that effect.

I want to start this afternoon, of course, by thanking all Ministers for the work that they have each done in their Departments to date. I have spoken to all Ministers overnight and explained to them how it was that I proposed that the Government should now continue the discharge of its responsibilities and each, of course, are delighted to hear that they will be moving to new Departments and new challenges, whilst of course being saddened in the same measure to leave behind people whom they have built very strong relationships within the past five years.

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The work Ministers have done in the Departments that they have been responsible for since 9th December 2011 and then in the year building up to the General Election last year was magnificent work and I want to thank them for it. It was, of course, that work which led to the magnificent and unprecedented growth in our support, from 200 votes in 2011 to 5,000 votes in the General Election of 2015 last year when we were supported by seven out of 10 voters.

As hon. Members will recall, I announced that there would be a ministerial reshuffle after the General Election by the time of the following Budget. The small matter of the campaign in the Referendum on exiting the European Union got in the way and I must tell the House today that there are differences in the reshuffle that we will do today to the reshuffle that we would have done a year ago after the General Election, as a result of the Brexit referendum. So, it is time now, almost a year after the General Election, to reshuffle, to refresh and to reboot.

We think that we have, in the announcements that we made this morning, a better calibration of the spread of Departments in order to better align service delivery in areas where we have detected that we are doubling up on efforts where we are delivering a service to our community. As a result, when hon. Members look at this reshuffle they will see that the changes obviously have nothing to do with any individual's capacity to deliver in one Department or not deliver in another Department. You see, Mr Speaker, I have no doubt that I am probably the luckiest Chief Minister in the history of Gibraltar – and I note that I am in the presence of two others – in terms of the talent available to me and the undoubted ability of Ministers to deliver in any Department or Ministry that I might ask them to deliver on.

This is, therefore, Mr Speaker, the ministerial configuration with which I would have wanted to start the lifetime of this Parliament, with the additional changes that the Deputy Chief Minister and I have made as a result of the Brexit referendum.

So, if I can start now with the work that I am going to ask the Deputy Chief Minister to discharge on behalf of Her Majesty's Government of Gibraltar. Joseph Garcia and I have been working together now for well-nigh 25 years, a quarter of a century in politics together – and, as far as he looks, not a day older – and this manifestation of a portfolio is one which we have agreed is the best way for him to assist me in the discharge of my obligations and for him to apply his extraordinary talents. Those who know Dr Garcia as long as I do, know that his abilities are without rival in the context of making the case for Gibraltar. He is no doubt, in my mind, the best Deputy Chief Minister Gibraltar has ever had and is able to deputise for me, and in some instances to do a much better job than I would, in terms of lobbying and ensuring that Gibraltar's message is put across.

At this historic time in the affairs of Gibraltar, Joseph Garcia becomes the Minister for Exiting the European Union. He continues to have responsibility for lobbying internationally and for the representative offices abroad, and he continues to have responsibility for European Affairs. If I may say so, Mr Speaker, for Joseph Garcia and for Fabian Picardo it is indeed with a very heavy heart that we create ministerial responsibility for leaving the European Union, something that I know all Members in this House would not have wanted to see us have to do. In the process of doing so, the Deputy Chief Minister will retain responsibility for Lands and Government Projects, for Civil Aviation, for Information and for Political, Democratic and Civic Reform, as well as for the promotion of the right to self-determination and liaison with the United Nations.

Mr Speaker, I follow now with the announcement of a major ministerial change which relates to the work of John Cortes, who will become Gibraltar's new Minister for Education and will relinquish responsibility for Health. In doing so, I think it is important to highlight that John Cortes is a magnificent political operator – although I think he prefers to think of himself as an environmentalist first and foremost. He has done a magnificent job, therefore, in Health. He has brought transformational changes to the Gibraltar Health Authority, where we have repatriated many, many services, which means not just a lower cost to the Health Service but also less stress for patients, who are now able to enjoy the benefit of care in Gibraltar where previously they might have had to go abroad for the purposes of that care. He leaves what is the highest spending Department in Gibraltar, but he leaves this post able to have the satisfaction of the

115 huge number of projects that he has completed in the past year alone and in the five years that
he has been in post since December 2011. There are many other changes also already on foot in
the GHA, some of them already very near to completion, but I am going to ask him also now to
retain responsibility for the Environment and for the Upper Rock, which are the areas that all of
us know are second nature to him, as well as Climate Change. The maintenance, administration
and operation of tourist sites and beaches will also pass to him, which we think is better served
120 in that Department in the context of the Department of the Environment than in the context of
the Department of Tourism, where we are looking instead to develop a Department that
promotes Gibraltar internationally. Minister Cortes is going to retain responsibility for public
health and environmental health, and the big change is that he is going to become the Minister
for the second highest spending Department in the Government, which is Education.

125 Now with Education, I am giving John a huge amount of responsibility and I am going to ask
him to do something which has never been done before in the history of Gibraltar. Mr Speaker, I
am asking John Cortes to deliver five new schools during the lifetime of this Parliament. The
planning of that work is already underway, but the beginning of the projects is to start under his
time as Minister for Education. He is also going to be responsible for delivering on our
130 commitment to bring school lunches into school. He is therefore going to become Gibraltar's
very own Jamie Oliver! In Education also John will have responsibility for the further
development of the University of Gibraltar, one of the flagship projects that Gilbert Licudi was
the father of and which now is ripe for further development under the tutelage of Professor
Daniella Tilbury as Vice Chancellor.

135 I am also asking John to take responsibility for Heritage, which we think sits well with his
responsibility for the environment, given that a lot of our heritage assets are in areas where he is
going to be doing a lot of work also with the part of his portfolio that deals with urban renewal.
And he will retain responsibility for the utilities, including refuse collection and disposal, which
again sits well with the environmental portfolio that I am asking him to take responsibility for. In
140 terms of heritage, I remind Members that there will soon be a new Heritage and Antiquities Act,
and it will be his responsibility to see that Act through Parliament. So, in effect, he will be both
our Jamie Oliver and our Indiana Jones, all rolled into one! I can think of no one better to take on
these onerous responsibilities.

Gilbert Licudi will move from Education, which is now the domain of John Cortes, to take
145 responsibility for Employment, for Tourism, Commercial Aviation and the Port. I should say,
Mr Speaker, it is very apposite that Mr Licudi is not here with us today, given that he is in
Denmark promoting Gibraltar in an international backgammon tournament, where he plays for
the Gibraltar side, already starting to do the work as Minister for Tourism.

Gilbert Licudi, as all those who have had the opportunity of working with him will know, is an
150 incredibly gifted politician and professional. He is a man who has delivered, in the lifetime of the
last Parliament and in the early part of this Parliament also, probably more than most Ministers
have delivered in all their time in the previous Governments that there have been in Gibraltar.
He has already delivered two new schools, he has delivered a University and he has delivered a
small boats marina already.

155 I am asking him, therefore, to apply his considerable ability to areas where we need to
explore new possibilities in a post-Brexit world. Tourism is one of those responsibilities. I think it
is an area where we can do things in a different way, and that is why the Department for
Tourism, the Ministry of Tourism that Gilbert Licudi will lead, will not be responsible for the
maintenance of the tourist sites and the beaches. It is going to be a Department which I will now
160 ask to look outwards to the rest of the world, and not inwards to Gibraltar, in order to promote
Gibraltar to the rest of the world as a tourist destination – with responsibility for keeping the
sites in the order that they need to be in and to the standard that they need to be, passing, as I
said, to the Ministry of the Environment.

I am also asking Gilbert Licudi to head a Department of Commercial Aviation, which will
165 include responsibility for Gibraltar Air Terminal Ltd and new commercial aviation projects –

another area where we believe there are opportunities for Gibraltar after Brexit – and to take responsibility for all entry points to Gibraltar, including the Port. I am consolidating all responsibilities in respect of the Port – which was previously split across Ministries – in one Ministry for the Port, to include Maritime Services and ship and yacht registration, another potential area of business for Gibraltar.

In respect of employment and Social Security, which will move, together with the industrial tribunal, to Gilbert Licudi, he inherits from Neil Costa the lowest level of unemployment in recorded history in Gibraltar and his job will be to maintain those low levels of unemployment in the ballpark of where they are today – something, Mr Speaker, that Mr Licudi will be well acquainted with as he was the shadow Minister with responsibility for employment in the time that I was Leader of the Opposition and, before me, under Joe Bossano.

Gilbert Licudi will retain responsibility for co-ordination of international exchange of information, Civil Contingencies, the Gibraltar Fire & Rescue Service and the Airport Fire and Rescue Service.

Mr Speaker, I move on now to the responsibilities of Albert Isola. Albert Isola will head a new Ministry: a Ministry of Commerce. It is important, in my view, to consolidate in one Ministry what we do for the financial services industry, what we do for the gaming industry and what we do for the e-commerce industry, and what we do in e-government, and therefore he will also take responsibility for government IT, together with the responsibility for Business and Commercial Affairs and for postal services.

Albert Isola is undoubtedly a very, very safe pair of hands. Members of the financial services and gaming communities know that they have in Albert Isola a Minister who listens and who understands the issues that affect business in Gibraltar. He is undoubtedly an excellent conciliator who has the capacity to deliver on the most sensitive projects, and as we move into this post-Brexit world we need to ensure that what we do for commerce in Gibraltar we do well and we do in a joined-up way, and hence the creation of this one Ministry that will deal with the concerns of business in Gibraltar. I know that Albert will have a very big job on his hands to ensure that Gibraltar's financial services remain attractive post Brexit. He is already doing an excellent job of working with me and with the Deputy Chief Minister in recalibrating the nature of our relationship with the United Kingdom post Brexit to ensure that Gibraltar does remain very attractive to the financial services community. He has the depth of understanding of those industries to be able to assist us and to deliver for us and for those industries.

I move on now to two extraordinarily talented young people who have done an excellent job in Government since 9th of December 2011 – and I am not going to start talking about Joe Bossano, Mr Speaker! *(Laughter)*

Neil Costa has done a magnificent job in every Ministry I have asked him to oversee. He will become the Minister for Health, Care and Justice. Health is not a new area for Neil, as he held shadow responsibility for Health in the Opposition under both Joe Bossano and myself, and in creating this new Ministry of Health and Care, we have thought it important that we consolidate the way that we deliver care across the board in our community. Until now, we have had a Ministry dealing with Health, a Ministry dealing with Elderly Residential Services and a Department of Social Services, and another for the disabled. So today we create the Ministry of Health and Care, a Ministry that will deal with all the care services that we give in our community in one joined-up way. Neil will take on responsibility for the Health Authority, for Elderly Residential Services, for Social Services and for the Disabled, all under one Minister. We think it is time to stop doubling up the work that we do and to seek efficiency in the way that we deliver these services, so that we get the best value for money and therefore have more to plough back into the provision of care that we give in our community. This Ministry of Health Care is one that I have been very keen indeed to create since 26th of November last year and I am very happy that Neil Costa is going to be heading it. His record in each of the Departments that I have asked him to lead on is one of delivery and one of efficiency, and it is absolutely right that he should have the opportunity to now head this new pioneering Ministry of Health and

Care. I sincerely believe that creating the Ministry of Health and Care is the most revolutionary aspect of what the Government is doing today in this reshuffle and it will be good for our community in the long term.

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One of the things I am also asking Neil Costa to do is to take over where Gilbert Licudi has done a huge amount of work in the Ministry of Justice. Neil Costa becomes also today Gibraltar's Minister for Justice, and the youngest one ever to boot. He will take on responsibility for the legal system, for the Probation Service, for tribunals, for the community service schemes, for access to justice, legal aid and assistance, which we all know is in an issue that has to be resolved as soon as possible and where Gilbert Licudi has done a huge amount of work already with the Bar Council and with the judiciary to find the right parameters. Neil also takes on responsibility for law drafting. And so, after today, Neil Costa becomes Minister for Health, Care and Justice. In dealing with issues which relate to health and care I am conscious that the issues that face Gibraltar are not just issues for our community; they are issues for all of Europe and for the United Kingdom in particular. Wherever health services are provided free at the point of delivery there is a problem in all communities as our communities age, and we have to ensure that we are able to continue to provide the standard of care that we want to see provided across the board. It is also important to note that there is a huge interplay between Care and Justice, particularly in the areas of mental health and in respect of some young people in care, and this Ministry will be best equipped to deal with those issues under the auspices of one Minister.

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The other young talent that has done extraordinary work in the time that she has been working with me in Government has been Samantha Sacramento. Mr Speaker, I should tell the House that Samantha Sacramento was flying into Gibraltar today but has found herself diverted not just from her Ministries but also to Malaga airport instead of Gibraltar, and will join us as soon as we are able to get her into the jurisdiction.

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She is a very, very talented and passionate young woman, who cares not just about the politics of what she does but for the people in her care as a result of her ministerial portfolios. She is, I must tell you, the unsung hero of the building of Charles Bruzon House and Seamaster Lodge for the Elderly. She has been, as Minister with responsibility for Social Services and the Disabled and responsibility for Housing, the person who has ensured that those developments are prepared for people with disabilities and the elderly in a way that works for them. She has done extraordinary work in the remedial works required at Albert Risso House and Bishop Canilla house, and therefore creating a new Ministry today within the concept of the Housing Ministry is that of the Ministry of *affordable* Housing. No longer will the Government deal, through its Housing Ministry, just with the rental of Government property; we will now also deal, through the Housing Ministry, with the development of affordable property, something which has traditionally been done through No. 6 Convent Place alone. In the post-Brexit scenario that we face, it is important that I be able to continue to do the international work which I now I have to do with the Deputy Chief Minister, but that should not delay the development of affordable housing in Gibraltar, and given the work that Samantha has done already in property development for the Government at Charles Bruzon House and at Seamaster Lodge and the deep understanding she has, therefore, of building requirements, I think it is absolutely right and proper that she should be given the additional responsibility of taking on Gibraltar's affordable housing schemes and the responsibility and obligation that we acquired at the last General Election to develop approximately 1,500 more affordable homes during the lifetime of this Parliament. Work is quite advanced on paper in respect of these. The time has come now to start the process of delivering them, and I am going to ask her to start and lead in that process herself.

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Samantha has also done fantastic work in the area of collection of housing arrears, as many Members of the House will know. That is the work she is doing at Housing and she is going to continue with that responsibility, as well as with responsibility for Equality and the Minorities, where she has done ground-breaking work in the past five years. Gibraltar has changed dramatically, under the auspices of her role as Minister for Equality, in the way that it deals with

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270 minorities and how we approach equality, and it is right that she should continue to have that responsibility.

Samantha also takes on responsibility for Civic Rights, Citizens' and Advice the Ombudsman, Consumer Affairs and Protection, Data Protection and Health and Safety; and also, with a heavy heart, I must also announce that she will take on responsibility for the control of drugs misuse, including substance abuse, and responsibility for Bruce's Farm. The reason I say once again 'with a heavy heart' is because you will know that I wanted to take on that responsibility myself after the last General Election. I am very keen to see us do a lot of work in that area, but it is impossible for me to do that work at the moment given the work I have to do internationally in respect of Brexit. Therefore I have asked Samantha to take on that responsibility. I know that she will do it well, and what I propose to do is to create an inter-ministerial committee on the prevention of the misuse of drugs and on rehabilitation of drugs offenders, which I will chair and which will include Samantha and also the Minister for Justice and Health, Neil Costa, so that I can do some of the work that I wanted to do but that I do not delay the important work that needs to be done more efficiently in respect of that particular area of responsibility.

285 Mr Speaker, Steven Linares will continue to be the Minister for Culture, Youth and Sport, but he will relinquish responsibility for Heritage, which, as I have told you, will become the responsibility of John Cortes. Steven has done an absolutely excellent job in respect of the work he has done in Sports and in Culture. It is in his time that you have seen the development of events-led tourism as a result of the events that are organised by the Ministry of Culture – in particular, the Gibraltar Music Festival, which I think is something that now will continue to grow and grow. And in the context of the work that he has already done, this fantastic political operator – who is vivacious and convivial, and all who know him get on with – will also assist me by taking on responsibility for broadcasting and the media, which until now has been my own responsibility and which I also reluctantly relinquish in order to be better able to deal with the international issues facing Gibraltar today.

295 Paul Balban is a serious operator who knows his areas of responsibility better than absolutely anyone in Gibraltar or in this Parliament, and I am going to ask him to head a new Department, which will be a Department for Infrastructure and Planning, bringing together all the areas of Technical Services, Town Planning, and Transport and Public Service Vehicles, and Public Transport, together with his existing responsibilities for Traffic, Parking, Roads and Licensing, and Vehicles, and of course the implementation of the Sustainable Traffic and Transport Plan. That is best described, in our view, not just as a Department of Technical Services but a Department of Infrastructure and Planning, which is really what it is, and I have confidence that we are now very close indeed to being able to make major announcements in respect of the implementation of the strategic Traffic and Transport Plan.

300 And last and most certainly not least, of course, is the man that Joseph and I are lucky to have as a political mentor within the Government, the former Chief Minister of Gibraltar, the Hon. Joe Bossano – another one of the young talented people in my Government – who will remain Minister for Economic Development and Inward Investment and will continue to have responsibility for international trade and telecommunications and enterprise, but who will see the creation of a new Ministry today, which I am asking him to head, which is a Ministry of Public Sector efficiency. I think it is essential, in the context of the world into which we are going to be operating, that we understand that the public sector that we fund is as efficient as it can be. We do not believe in austerity and we do not believe in cuts, and we are and remain committed to the manning levels of the Civil Service; but we do believe in efficiency and we think that one of the biggest selling points for Gibraltar is to be one of the most efficient places in the world in which you can do business. In order to do that, we have to keep constantly under review how our public sector works and what it delivers for the community that it is designed to serve. As Chief Minister of Gibraltar, my first obligation is to serve the public in Gibraltar and I head what is in fact the public sector. Each of my Ministers has a responsibility to taxpayers and to voters. Every single civil servant, everybody who takes their emoluments from the Crown, has a

responsibility to the public to be the most efficient in the way that we discharge our obligations to them, and it is absolutely right, therefore, that we constantly check and review how we do public sector efficiencies in Gibraltar to ensure that we get the best results that we can and that we are dealing with inward investors and we are dealing with those who want to do business in Gibraltar in the most efficient way.

Mr Speaker, I think that creating the responsibility for public sector efficiency through Joe Bossano, who understands the public sector intimately, having been Chief Minister and having been a leading trade unionist in the 1970s and 1980s, will work very well with me retaining responsibility for the Civil Service and Albert Isola taking responsibility for commerce. In that way, together we can work to calibrate how best to ensure that the public sector delivers for this community as efficiently as it should. I am also asking Joe Bossano to take on responsibility from me for procurement, because this is one of the areas where I believe that the public sector can do better. I have believed that passionately since we were elected. I believe that we have done a lot of work already with the excellent people in the Department of Procurement to make our procurement better, but I think we can improve it even more. Finally, Joe will also retain responsibility for training and for the Gibraltar Savings Bank.

Mr Speaker, as I think is obvious, this is a Government of huge Gibraltarian talent. We do not do everything right, but we try to do as much as we can as well as we can, and with this reshuffle I believe that we can go further in doing so. I believe that these new Departments will make for a better layout of Ministries which are better suited to deliver our Strongest Foundations manifesto and to deal with the many challenges that Brexit presents to us. It may be necessary to tinker a little more around the edges of this reshuffle in the future because we are creating new Departments, but we need to make sure that everything is picked up to right effect in the right places as some of these departmental changes take effect. But I am sure that with the energy and the enthusiasm and the vigour that my Ministers will bring to the work that they will continue to do now in their new Ministries, we will be able to produce excellent results again, not just for the GSLP/Liberals at the next election but for the whole of Gibraltar in the delivery of the service that we provide as a Government – and that is what matters the most. And in reshuffling and rebooting and refreshing this Government I am conscious that it is important for us always for the political philosophy that we hold to ensure that no one on this side of the House ever feels that we have become the Establishment. We are not, Mr Speaker. We are the representatives of the electorate in the heart of Government, and with this reshuffle I hope we will be able to do more for those that we serve.

In this House, Mr Speaker, I hope that Ministers with new responsibilities will be able to work well with Members opposite in respect of the discharge of our respective parliamentary responsibilities also.

Thank you very much, Mr Speaker. *(Banging on desks)*

Mr Speaker: May I explain, for the benefit of the new Members of the Opposition – the relatively new Members now – that it is the practice when a ministerial statement is made in Parliament, to allow Members of the Opposition to ask questions for clarification, if they so wish.

**Procedural –
Ministerial titles**

Clerk: We now move on to Answers to Oral Questions. We –

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Mr Speaker: May I clear up a couple of things. I take it that the answers to the questions that have already been submitted will continue to be made by the outgoing Ministers as it were.

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Chief Minister (Hon. F R Picardo): Mr Speaker, yes, it was remiss of me not to say during the course of my statement that for this parliamentary session Members will be answering questions in respect of the Ministries in which they were at the time the questions were submitted.

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Mr Speaker: For the next meeting of Parliament there is a need for the Clerk, with the Chief Minister, to consider the new titles, in respect of each new Minister, that are going to be inserted in the answers, so that they are explanatory but not longer than is absolutely necessary. That is something that can be carried out between now and then.

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Hon. Chief Minister: Mr Speaker, yes. I do not think the titles will change very much, and in fact they are probably now shorter –

Mr Speaker: You have indications already?

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Hon. Chief Minister: Yes, I think they are probably shorter now than they were. Legal Notice 207/2016, which has been issued, I understand, a few moments ago, is the notice under section 46(1) of the Constitution, signed by His Excellency – the particular directions under section 46 which actually provide the new titles – and I am sure if one of them seems a little long the Clerk and I can liaise to agree a suitably abridged version for reading purposes.

Questions for Oral Answer

BUSINESS AND EMPLOYMENT

Q609/2016

**Returning graduates –
Placement in suitable jobs**

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Clerk: We now commence with Question 609/2016. The questioner is the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I may, may I echo my congratulations to the Leader of the Opposition on taking silk. I am very happy for him to have received this honour.

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Also, if I may, I would like to take this opportunity to wish all 10 Ministers the best of luck in their respective new portfolios, that they will run and deliver their new mandates with distinction and to the best of their abilities for the betterment of our community.

Mr Speaker, I know I have said this before, but even though we may not share the same political vision I want to thank in particular Minister Cortes for always having his door open in the Health Ministry. It is amazing how many people he has helped me to help, and I thank him

400 for his approachability. I similarly look forward to sharing positive working relationships with the other Ministers in their new portfolios for the good of our people. (*Banging on desks*)

Now moving on to my question: can the Minister for Education explain whether he is satisfied with the placing of graduates in jobs which reflect their specialities, once they return from the UK?

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Clerk: Answer, the Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, the information requested is not available, as very few graduates who return to Gibraltar register with the Employment Service as unemployed and therefore submit to the Employment Service their qualifications, including the degree they have read.

Whereas it is, of course, wonderful to be able to report to this House that most graduates find direct employment as a result of our thriving economy, it means, unfortunately, that I do not have any empirical basis on which I can provide an answer to the hon. Lady's specific question. When terms of engagement are received by the Employment Service, their qualifications, including their degree, are not submitted, as it is not a legal requirement under the Employment Regulations 1994.

I can tell the hon. Lady, however, that whereas the 2012 Census of Gibraltar does not provide specific details on whether a graduate's job reflects his or her specialities, the data shows that most graduates are employed in 'professional, managers and senior officials' and 'associate professional and technical' occupations. In fact, 84% of male and female graduates in full-time employment were registered in these occupations.

Hon. Ms M D Hassan Nahon: If I may, Mr Speaker, I would like to ask the Hon. Member, Minister Costa ... I have spoken with various individuals who have come back from the UK and have spent a few years in Gibraltar feeling a little lost because they have not been able to put their speciality to the best of their abilities. I appreciate the statistics that the hon. Member has put out, but would there be a policy to help such people who are feeling that their specialities are a little wasted and not used? Where would they turn and what would he recommend that they do in order for them to feel that they are managing or satisfying that speciality?

Hon. N F Costa: Mr Speaker, I remind the hon. Lady that at some point this year the Hon. former Minister for Education, Mr Licudi and I announced the creation of an Employment Development Service so that there are officials within the Employment Service who deal specifically with graduates returning to Gibraltar, and they guide, assist and advise them on vacancies that are available within the private sector and of course any vacancies coming out in the public sector.

As I have explained to the hon. Lady, it is thankfully a fact that most graduates when they return ... As somebody said to me very recently, all the good ones are taken up immediately and those who are having some trouble know that they can attend the Employment Service, and indeed the Education Service, to be able to be guided.

I have met with various – I can think, off the top of my head, of maybe four or five – graduates who have returned and who have had some difficulty in finding employment based on the speciality that they have read, but I am happy to say that most of them have been able to find a job that is, tangentially at least, related to their academic qualifications.

410

Hon. Ms M D Hassan Nahon: Sorry, if I may one last time: what about the situation where perhaps a graduate has been here for many years and perhaps has been working somewhere else but has a different speciality that he or she has not wanted to take up then – does that individual become expired to the system that you are now explaining to us works? Is it only for recent graduates, or ...? Can you understand what I am getting at? Thank you.

Hon. N F Costa: Mr Speaker, I think I understand the hon. Lady's question. The service that is provided by the Employment Service is open to absolutely every graduate, whether they have just returned from the UK or whether they have worked in the United Kingdom or elsewhere and are returning. It is a new service. It is relatively recent – it was only announced and came into operation, if I recall correctly, just before summer – so maybe I have been guilty of not making sufficient announcements or sufficient communications on the existence of the service; and whereas I am no longer the Minister for Employment, I have no doubt that the current Minister for Employment will be equally delighted to meet with any persons, if she has certain people in mind that we may be able to assist.

Hon. D A Feetham: Mr Speaker, a related supplementary: what about incentivising young people to do degrees in areas and professional qualifications in areas which are going to be necessary for the economy in the future? Is that something that the Government is also considering and has considered?

Hon. N F Costa: Yes, Mr Speaker. In fact, the reason why I did not address the point asked in the supplementary question was because the hon. Lady was asking me about returning graduates, but the Employment Service careers service that I spoke of just recently also deals with the Department of Education, and jointly they present public talks and also they hold private meetings and tutorials with the Education Department attending the schools and they identify what are the industries in Gibraltar which are bound to have vacancies in the future.

I know that Minister Bossano, when he was the Minister for Employment, made, rightly, the case that there were vacancies coming in respect of accounting and auditors, and to the hon. Gentleman's credit I think we have over 60 graduates, as a result of Minister Bossano's efforts, currently undergoing accounting and finance in the UK, so that over the three years accounting and auditing firms will find they will no longer seek vacancies elsewhere but rather will be able to recruit home talent.

The Education Department and Employment together, of course, work also closely with Minister Isola, who assists in feeding information in respect of gaming and financial services, so we think that collectively and holistically we have been able to, I think as the hon. Gentleman has done, identify a gap where we should be telling students, before they go off to university and before they choose their careers, which are the opportunities that are likely to arise when they return to Gibraltar.

Hon. D A Feetham: Mr Speaker, I am very grateful for that. Indeed, accountancy has been a longstanding issue not only during the currency of this Government but going back to the GSD Government, and there has been a huge amount of recruiting of accountants from the Philippines, of all places – I do not know why the Philippines, but there has been a lot of recruitment from the Philippines, as the hon. Gentleman recognises from across the benches.

Is the Government's philosophy and policy limited to information – in other words, providing students with the information of the vacancies of the areas that might be growth areas in the future; or is the Government going further and providing incentives to students to go into those areas? Off the top of my head, something that we certainly put in our manifesto was top-up grants, for example, in relation to students going to the United Kingdom and doing certain kinds of degrees which are necessary in order to fill skills gaps here in Gibraltar in areas that are necessary.

Clerk: Question 610. The Hon. T N Hammond.
Oh sorry, I beg your pardon. My apologies.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):
Over the last couple of years, Gibtelecom have been offering additional support to encourage

465 people to go into that area, and unfortunately there have been no takers, even though we have
got 950 people. I think historically when the GSLP took on the commitment to provide
everybody with the opportunity of going into further education, the philosophy has been since
then to give every child that comes out of school the opportunity to do what is their natural
470 inclination and what they are likely to be best at, without in fact focusing on whether it would be
what Gibraltar needed. To that extent, the old practice of saying that if people did not come
back to work in Gibraltar they would be penalised stopped making any sense, because we were
not asking them to go and study for something specifically. I think there may be a time in the
future when we will need to revisit that, but it has not happened so far. The incentive in the
particular area of telecommunications where I am involved has not worked.

SPORTS, CULTURE, HERITAGE AND YOUTH

Q610/2016

Wellington Front refurbishment – Costs

475 **Clerk:** Question 610. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Government say what have been the total costs of
the Wellington Front refurbishment and if any of that cost has fallen outside of the contract with
Koala Ltd; and, if so, what that amount is and to whom it has been paid?

480

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, we are not
in a position at this moment in time to provide the information requested, but expect to be able
to do so on the project completion.

Hon. T N Hammond: Mr Speaker, I understand there may not be a precise figure of the final
cost, but can the Minister not provide some information on the costs to date and whether any of
those costs have fallen outside of the contract with Koala, or can he even indicate whether any
costs whatsoever have fallen outside of the contract with Koala?

Hon. S E Linares: Mr Speaker, the project has not yet finished, but there was a contract with
Koala, as the hon. Member rightly says, and yes, there might have been certain other works, but
what we always try to do in these cases is that if we have a budget for the project we might
then, at the end, say, 'Right, okay, you do this job but don't do that job which was part of the
specification, therefore, in order to keep within the budget.' That is why it is very difficult at this
moment in time to give the Hon. Member how all the invoices that come for different works
that happen there ... If anybody goes to Wellington Front you will see that different jobs have
been cropping up within the general project, but like I said, what we do is we try and see how
we can cut down on certain things that were originally there but are probably not necessary, in
order to try and cover up for works that might be necessary.

Hon. D A Feetham: Mr Speaker, I think I understand what the hon. Gentleman is saying, and I
will just try and paraphrase him and ask my supplementary. What he is saying is – and it is not
unusual in a construction contract – that the main contract went to Koala, but, in order to keep
costs down, certain aspects of the job were subcontracted to some other construction company,

or some other company, because they were able to do it cheaper than Koala. No? Well, could he explain, please, because therefore I have not understood it.

Hon. S E Linares: It is nothing to do with the works being cheaper. The contract was given to Koala. Whether Koala then subcontracts in the general contract ... it is up to Koala who they subcontract to for different works. What I am saying is that in the general project of the whole of the Wellington Front there are certain things ... It is nothing to do with cheap or not cheap; it is what you want done or do not want done, nothing to do with the price.

I will give you an example: the outside walls which are in Queensway, for example, were originally to be plastered, to be sandblasted and everything like that, and we thought, 'Well, that is not really necessary to do, because the walls are all right as they are now, but the money you were going to spend to do that, do something else inside, which we would like you to do,' and whether it is Koala who does it through another subcontractor ... it is up to Koala to decide who does their works for them. That is what I meant.

Hon. D A Feetham: Okay, Mr Speaker, so essentially what he is saying is this, isn't it – that there are no costs that have fallen outside the contract with Koala because there is a Government contract with Koala and whether Koala subcontracts to anybody else is up to Koala. That is what he is saying, correct? Therefore, the answer to the question posed by my hon. Friend is that there are no costs that have fallen outside the contract with Koala.

Chief Minister (Hon. F R Picardo): No, Mr Speaker, the answer to the question is the answer first given: that the project is not yet finished and that it may be that there are some costs which relate to the project or it may be there are not, but when the project is finished we will be able to tell him.

The hon. Gentleman should know that Wellington Front is an area which has, for example, sewerage pipes going through it and sewerage pumps going in it. Some of those are assigned to this project and some are not. In order to give an answer which is correct, we have to wait for the project to finish in order to be able to give an answer which is correct. Because the last thing we want to do is to give an answer which is not correct; otherwise we will be accused of giving inaccurate information to the House, which the hon. Members will not want to be receiving. In respect of a project like this, when it is finished we will be able to give a detailed breakdown of the costs.

Hon. D A Feetham: Yes, Mr Speaker, but I understand that that explanation that the hon. Gentleman has provided is applicable to the cost of the project, because what he is saying is, 'Well, look, we cannot provide you with the cost of the project, because we are still receiving invoices and until we basically collate all these invoices and look at them we cannot provide you with the information.' But part of the question is different. Part of the question is whether there have been any costs that have fallen outside the contract with Koala, and I am not going to push it but I would have thought that that is something that the Government is capable of answering, because either – and he has provided two different answers – either everything has been included in the contract with Koala, which Koala then subcontracts, or there is a contract with Koala and then there are several minor or larger, I do not know, contracts with third parties. That is the question: whether it is the former or the latter.

Hon. Chief Minister: Mr Speaker, I just do not understand where the hon. Gentleman thinks he is going. There is a contract with Koala which is obviously being honoured and the works are being done; and if, in the context of that contract, Koala subcontracts anything, it is a matter entirely for Koala. We will get the invoicing from Koala. When we have finished the project we will be able to tell them what that project has cost, etc. But there may be other things happening in respect of Wellington Front. The hon. Member's question is about Wellington Front. Yes, of

course we know, but they relate to the project and the wider aspects of the project. Some of them may be in the original determination of what the project should be and some of them will be outside the original determination of what the project should be, because it is normal, as the hon. Gentleman knows, in any construction project that you may end up breaking something whilst you work, or something may turn out not to be of the standard and quality that you expected when you were going into a project and it may break and it has to be repaired. That will be known at the end of the project.

The hon. Gentleman has been in Government and has been in charge of projects. I do not hesitate to remind him of how overspent his projects were and how overspent his Government usually was. At the airport they went from £24 million to £84 million, the highest overspend in the history of Gibraltar politics – probably one of the highest overspends in the history of politics in the world, Mr Speaker. But in respect of this project at Wellington Front we will be able to give a full and accurate answer when the project is finished.

Hon. T N Hammond: Mr Speaker, it certainly was not my intention when I forwarded the question to ... I did not expect quite a convoluted and difficult ... And it was not my intention to catch Government out in any way, it was a genuine interest to find out whether there was anything beyond the scope, because I am aware that Government do publish some figures – I do not know if it is running totals of works related to Wellington Front being carried out by Koala – and I was interested to know whether any other works may be factored in which are not available under the Government website.

If I were to come back at the next session and rephrase the question – rather than use ‘total cost’ use ‘running costs so far’ – does the Government think it would be able to provide an answer as to costs accrued so far, both towards Koala and potentially towards any other company that may be involved?

Hon. Chief Minister: Mr Speaker, as with most Government projects, invoicing is happening all the time, there are adjustments happening, and we do not want to give information which then turns out not to be accurate – because when we give information in good faith which is then subject to adjustments, then we are exposing ourselves to suggestions that we have somehow misled the House either intentionally or unintentionally. So I would rather wait for a moment when we are able to give accurate information and not give a management account of any particular project to Members opposite, because we do not think that that is in the interests of efficiency.

Hon. D A Feetham: Mr Speaker, this presumably went out to tender, so the Government obviously has a price on this particular contract. Are they prepared to at least say whether the job is within the price, or is it going to exceed the price? What is the price?

Hon. Chief Minister: Mr Speaker, again I think hon. Gentlemen have heard me say before that where a contract is not completed we do not want to disclose that information, because it is not in the Government’s commercial interest to do so. We are still, at every stage, like every developer, negotiating the context of what is being delivered and trying to get the best deal for the taxpayer. As in the course of every potential development, things are coming up which we might think are new and not in the original scope but which we want done in the original price, and that is an ongoing negotiation.

At the end of the process we will be able to tell hon. Gentlemen what the job given was, what the tender price was, what the final price was and what the variations were. I think that is what is in the best interests of the taxpayer, so that we provide the community with full transparency as to the contract and tender price, the actual completion value of the contract and what was done for that completion value.

Hon. T N Hammond: Mr Speaker, can the Government therefore confirm – because I am in some doubt now; I was not previously, but I am actually in some doubt with respect to the figures it publishes on its website related to this project and payments made to Koala – that those figures it publishes are accurate, because it seems Government is not absolutely certain whether it can provide this House with information that is accurate.

Hon. Chief Minister: Mr Speaker, of course they are accurate, because it is a reflection of payments made, so they are accurate as to a transaction. In other words, this is the amount that has been paid. What has it been paid for? Some of it is advance payment in respect of some aspects of the work, some of it is moneys which were retained in respect of other aspects of the work where the period of the retention is now at an end. So it is an accurate reflection, a snapshot, of what has been paid, but in terms of what it has been paid for ... there is obviously in any project, large or small, a constant negotiation between the Government and those providing services to us, which comes to an end in a final account, and that is when we can give accurate information as to payments made and what for.

Hon. T N Hammond: In which case, Mr Speaker, because I can find information on payments made to Koala but not to any other companies related to the Wellington Front project, would it be correct to say that no payments have thus far been made to any third parties directly by Government, any other companies directly by Government, with respect to the Wellington Front project?

Hon. Chief Minister: Mr Speaker, if the hon. Gentleman takes the term ‘Wellington Front project’ to mean that which Koala was contracted to do and is defined in that way, because it may be that you have got ... and I am just literally inventing this for the purposes of illustration. You could have a company that deals with sewerage that has been asked to do sewage clearing works, and that would be usually the responsibility of the Minister for Infrastructure and Planning, to use the terminology I will use in the next meeting of the House, and that may also relate to works done in the context of Wellington Front. That is not the Wellington Front project, but it is at Wellington Front and it may have been brought to our attention as a result of the Wellington Front project. An expansive definition of the ‘Wellington Front project’ might include that, because Koala might have told us that they cannot get new pipes in until the sewerage issue is dealt with. That is why it is accurate to say that payments in respect of that project have only been made to Koala and not to third parties, but that there may be third parties being paid for works that somehow tangentially also relate to Wellington Front more generally but which may have an effect on Wellington Front is also true.

Q611/2016
National Theatre –
Estimated construction cost

Clerk: Question 611. The Hon. R M Clinton.

485 **Hon. R M Clinton:** Mr Speaker, how much does the Government estimate the construction of a National Theatre would cost?

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, we are not in a position at this moment in time to disclose the information requested. Various estimates of

what the theatre will cost are available to Government. The project has not yet commenced, and when it does, in order to get the best deal for Gibraltar, we would be unwise to disclose what we think each option should cost.

Hon. R M Clinton: Mr Speaker, I thank the Hon. Minister for his answer. I just wonder if he could give us a ballpark – whether it is going to be somewhere between £10 million and £20 million, or £1 million, or £500,000, any idea at all; and also, perhaps as a rider while I am standing, if he could confirm the location would still be the site of the old Queen’s Cinema and the Queen’s Hotel, which I think the Government bought for about £5 million.

Chief Minister (Hon. F R Picardo): Mr Speaker, we will not be giving an estimate or a ballpark or a finger in the air, first of all because that is to ask a hypothetical question, which is not allowed under the Rules of the House, and second because it would be foolish in the extreme for us to do so. If we pitch it here in the House just for the purposes of entertaining the hon. Gentleman with a ballpark play, we may be pitching it higher than it should be, and somebody who might be able to do it for less for this community might then take the advantage of saying, ‘Well, if they think it is ballpark £x I am going to go up to £x and I am going to be in their ballpark.’ So, given that we are very prudent in terms of looking after the public purse and we look after every single penny, I can assure him that we are not going to do anything that puts us at risk of giving an advantage to those who commercially interface with the Government by falling into the trap of answering his hypothetical question. But I can tell him this: we have absolutely no intention of wasting £10 million on the process of preparing for the development.

Hon. R M Clinton: Mr Speaker, perhaps the Hon. the Chief Minister prefers to answer my second question, which is: is the preferred site still the Queen’s Cinema or the Queen’s Hotel?

Hon. Chief Minister: Mr Speaker, yes.

Hon. D A Feetham: Mr Speaker, in relation to this particular project, is this a project that the Government intends to complete within the next four years?

Hon. Chief Minister: I know that the hon. Gentleman chivvies between asking us please not to complete our manifesto because it costs too much and he thinks we cannot afford it, and then chastising us for not completing those parts of our manifesto that he identifies we have not yet done and suggesting that we should have done so. I have absolutely no intention of falling into the invitation spelt TRAP of not completing our manifesto in the lifetime of this Parliament, and this is a manifesto commitment.

Q612/2016
External lift to Parliament –
Concerns of Heritage Trust

490 **Clerk:** Question 612. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how it intends to address the concerns of the Heritage Trust in respect of the siting of the proposed external lift to Parliament, and why is a chairlift not a viable alternative option?

495

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, Her Majesty's Government of Gibraltar is fully committed to an inclusive society where nobody is disadvantaged. We aim to provide such an inclusive environment in all of our public buildings regardless of age, gender or disability. To do so we have to consider removing barriers which have been imposed in the past.

We have to acknowledge that buildings were designed without considering those with disabilities. We all therefore face a challenge when such inclusiveness is to be achieved in historic buildings. We have to balance the safeguarding of our historic fabric with its continued use by *all* members of our society. The Government continues to consider all options.

We acknowledge and we are grateful to the Heritage Trust, who have voiced their concerns. However, we are committed to providing access to all and feel that we have left no stone unturned when looking for possible solutions. We do continue to look forward to working with the Trust in all our projects.

The question of the use of a chairlift as an option is one which was discarded by technical experts advising Government, as it raised a number of obvious issues. Whilst chairlifts may be acceptable in a private dwelling where their use is restricted to a few individuals with limited mobility, their use in public buildings such as this Parliament raises a number of concerns. Apart from the fact that the public stairs serve as a fire escape and restricting its already narrow width imposes significant risks, there are more basic issues, such as how someone with this disability is to be managed and where are the wheelchairs to be stored.

Those who are disabled are to be treated with the dignity that they deserve and we do not believe that a chairlift is the best option.

Hon. R M Clinton: Thank you, Mr Speaker, sorry, thank you to the hon. Member.

Unfortunately, I do not believe I have heard an answer to the question in terms of the concerns of the Heritage Trust, because if he has, no doubt, read the letter to him, or to the Government, they were concerned that they had originally agreed to the siting of the lift at the north-east corner of the building and now it is to be on the north-west corner of the building, in which is, I think, a slightly different schematic design to the original option 1, as opposed to their preferred option 3. Can the Minister please explain why, what was previously agreed, the Government has now changed its mind?

Hon. S E Linares: Mr Speaker, because having the lift in the north-east corner of Main Street site provided with a ramp, and the ramp would have come through at a gradient of 1.3, assuming headroom is at 2.3 m, which is the norm, or 1.6, assuming that the headroom is 2 m, which is less. Therefore it falls short of the limit that is legal, which is 1.12, and therefore to put a gradient at the angle of where the lift would have actually come to and then get into this Chamber would have been too much of a gradient, and therefore it would have made it illegal. So the technical advice that we have had is that doing it on the north-east of this building ... although I must say that the principle of putting a lift outside has already been accepted, it is a question of whether we put it on the north east or on the north west, and it is obviously technically easier and legal to put it on the north west, which was the original place where it was agreed. But then, yes, with consultation with the Heritage Trust and my office, the Ministry of Heritage ... together came and thought that it would be better to do it on the north east, and when all the technical works came about doing it in the north east, all these things arose about the gradient, so there was no other option but to go back to where it was originally, which the Heritage Trust was not quite happy with, but neither were the Heritage Ministry, but there was no other option, and therefore it has been decided that it should be on the north west of the building. But the encroachment on the building is exactly the same: either you put the lift on the north east or the north west. So it was thought at the time – because I was involved in that – that it looked better for the building to have it on the north east, but these things have arisen

550 which are of a technical nature, of a legal nature, and therefore we have had to revert to going to the north west. I am pointing in the hall, because it is exactly where we would do the lift.

Hon. Chief Minister: If I may be of assistance to the House, Mr Speaker – and the hon. Gentleman might be pleased to hear that all of those issues have now landed on my desk and I am not satisfied that it is not possible to pursue other options and I am looking at those other options myself ... I will say with equal clarity that if the choice comes when it is only possible to do it in one particular way, then it will be done in that way, whether or not we would all wish it to be done in another, because the most important of the two principles that we are dealing with – and both of them are hugely important: first the preservation of our heritage, and second access to people with disabilities – the second one is the one that is most important. So we are going to continue to try again to get this right in a way that satisfies not just the Heritage Trust but everyone in Gibraltar who is concerned about heritage. They happen to have the opportunity to voice their concerns as the Trust, but in the Ministry in particular and in my office we have these concerns as well and we want to get it absolutely right, but when we put, in the end, on the balance – which I hope we do not have to do – doing it one way which does not satisfy the Ministry for Heritage and the Heritage Trust, or even us, but is the only way to guarantee access to disabled people, then the hammer will fall in favour of disabled people if it has to.

Hon. R M Clinton: Mr Speaker, I am grateful for the Chief Minister's intervention and I am glad to hear that his office is having a look at the whole issue.

I of course agree entirely with him that access is the main priority, and certainly we need to bear that in mind as obviously this building was not designed in a time when those were paramount issues, but I agree with him that at the end of the day disability access must come first.

575 It may be a complete diversion, but I notice that there is no such provision for Members of this House. Maybe that will come at a later date, or maybe it can be done in parallel. I seem to recall there was some objection to members of the public passing through the Chamber if a lift was sited on that side of the House rather than on that side of the House. But anyway, it is a by-the-by and I certainly would not want to double the cost for the taxpayer to create two sets of lifts just for our convenience.

580 The Hon. Minister, on heritage, mentioned the question of legal matters. Just for the benefit of Members, who may or may not be aware, under the Gibraltar Heritage Act this building is actually listed on schedule 2 as a category B listed building under section 40, which means there is a restriction under section 49. That restriction means – and you will forgive me while I read from my not-so-big phone; I have not got a tablet yet – that:

49. No person who is beneficially interested in any Listed "B" building, structure, site or land shall–

– I only quote part (a), which is relevant; part (b) is about trees, which I know John will be interested in, though probably not in this case –

(a) make to that building, structure, site or land any alterations, addition, or repair that affects its archaeological, architectural, artistic, historical or vernacular character ...
except in accordance with a permit in writing issued for that purpose by the Government acting after consultation with the Board.

The 'Board' being, of course, the board of Heritage Trust.

590 So I think what I am trying to say is the board of Heritage Trust is more than just an NGO acting in this case; it actually has a legal standing in whether or not a permit is issued and obviously the Government has got to act in consultation with it.

If I read the letter from the Heritage Trust to the Government, I notice they make reference to a heritage permit. I just wonder if that permit was for the north-east corner or for the north-west corner, and is that permit going to be changed.

595 **Hon. Chief Minister:** Mr Speaker, let me start by dealing with the first point the hon. Gentleman dealt with. We have absolutely no intention whatsoever of installing a lift for hon. Members to be able to access this place. Hon. Members are advised to take the stairs. It is good for all of us, Mr Speaker.

600 If there is a Member who is disabled, that is why we are going to add a lift, so that he can come and access this place and do his job, or he can come and watch this place in action if he is not a Member, but there will be one lift and I think that that is absolutely sufficient for hon. Members or members of the public.

605 Frankly, if we needed to close our stairs and we needed to come in through the general area, we could. Members of the House of Commons access the House of Commons through the same door that members of the public access the House of Commons. They sometimes have advantages in terms of security in areas that they can access, and people would not be able to access the back, but we have absolutely zero intention of doubling up the cost in respect of access to this building when it comes to adding a lift.

610 Second, Mr Speaker, the law provides that a permit is required. No permit has been issued. There is consultation in the process of making a final determination. That consultation which the Heritage Trust is entitled to under the Act has already occurred, but the Government nonetheless now is taking other considerations into account in order to be able to try and marry those competing concerns of protecting our heritage and giving access for people with disabilities, which, by the way, is something that we have been wrestling with for some time
615 now but was *never* the policy of the previous administration, never the policy of the previous administration – something which I think is, frankly, shameful. We will get this right and we will get it right for the protection of our heritage and for access for people with disabilities.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, can I now move that the House do now adjourn to tomorrow at 2.30 in the afternoon.
620

Mr Speaker: The House will now adjourn to tomorrow at 2.30 in the afternoon, when we will proceed with Question 613.

The House adjourned at 4.15 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.41 p.m. – 5.58 p.m.

Gibraltar, Friday, 21st October 2016

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The Gibraltar Parliament

The Parliament met at 2.41 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

SPORTS, CULTURE, HERITAGE AND YOUTH

Q613-614/2016

Heritage –

Heritage and Antiquities Act; Heritage Trust trustees

Clerk: Friday, 21st October 2016. We continue with answers to questions and we commence with Question 613. The Hon. R M Clinton.

5 **Hon. R M Clinton:** Mr Speaker, can the Government provide an update in respect of the implementation of the new Heritage and Antiquities Act?

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

10 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 614.

Clerk: Question 614. The Hon. R M Clinton.

15 **Hon. R M Clinton:** Mr Speaker, on what basis does the Government select trustees to be appointed to the Heritage Trust and when will it reduce the number of appointees?

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

20 **Hon. S E Linares:** Mr Speaker, I can confirm that the new Heritage and Antiquities Act is on track. I had a final revision meeting with members from my Ministry and the Government Legal Office very recently to iron out the latest draft. Pending certain clarifications and amendments, we should be in a position to present the Bill to Parliament very shortly.

25 Within the Bill mentioned above the appointment of trustees will be amended to fulfil our manifesto commitment.

Hon. R M Clinton: I thank the Minister for his response.

30 If he could clarify two things for me: how many appointees does he now envisage in the new Act; and again, in my question I asked on what basis does the Government select trustees, or is it that the new Act will totally abolish the appointment of any trustees by Government?

Hon. S E Linares: Mr Speaker, the trustees are appointed as they have been appointed for many years, exactly in the same manner. That means that the Government decide who are the trustees. In our case we select people who are very interested in heritage. The last one we appointed was the archivist, who was very interested in heritage himself so we decided to appoint him as one of the Government trustees.

What I have done as a Minister is consulted the Heritage Trust to see how we can fulfil the manifesto commitment, which says that the Trust will have a majority of trustees that they can pick, and we will be doing that and amending the law as in the Bill and that will be reflected in the Bill.

Hon. R M Clinton: I thank the Minister for his answer.

No doubt he will be attending the Heritage Trust AGM on 17th November and no doubt the Trust and the trustees will welcome the update on the passage of the legislation.

Thank you, Mr Speaker.

Q615/2016
Victoria Stadium –
Lighting

Clerk: Question 615. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Sport provide details as to why it has been necessary to cancel evening allocations at Victoria Stadium Pitch No.2, as it seems the floodlights serving this pitch cannot be switched on if the floodlights at Pitch No.1 are also in use at the same time?

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, there was only a need to cancel one evening allocation whilst the issue of the floodlight mechanism was resolved. Once this was addressed, training allocations have continued as normal.

Hon. E J Reyes: Mr Speaker, as a regular visitor to the stadium in the evenings, is the Minister able to confirm that the existing lighting of floodlights to pitch 2 – is that how it is staying, or is that being reviewed with the possibility of intensifying a bit more light? Although one can carry out certain training with the lights as it is at the moment, it is certainly not good enough for any type of competitive game going on.

Hon. S E Linares: Mr Speaker, basically there were no lights before, and therefore we have been able to put in lights despite the fact that we were told when we came into Government that the lights were not even allowed to be lit at that place. We worked together with the RAF and the air traffic control to see how we could mitigate the fact that we could put lights in Pitch No.2.

Having said that, what we always strive for is to try and upgrade the lights, and at the moment there do not seem to have been any requests to upgrade the lights, but if there is any request – which there is on the main pitch, for example, because, as the hon. Member knows, when he was the Minister ... again, the terminology can be ascertained by the people who are experts, but you had 200 lux, which is how light the stadium was at the time that he was there, and then we had UEFA and FIFA coming in and asking us to upgrade it. We upgraded it to 1,200 lux, to which people were saying, 'Oh, we will have to wear sunglasses to play football and

to be there!' Now, apparently, we have to upgrade it again, so it is a constant thing that we are looking at, and it is exactly the same with Pitch No.2. We did not have lights, we have put in some temporary lights because some of them, as the hon. Member knows, are put up temporarily, and if we need to upgrade it, then again these are issues where we always have to consult a third party, which could well be the Airport and how it affects that. As the hon. Member also knows, we have put lights in the hockey pitch and those are collapsible lights, again because we had to mitigate the issues of the air traffic control. So we will be working as much as we can to have exactly the highest light and of the highest quality.

85 **Hon. E J Reyes:** Mr Speaker, I must say I am really pleased on behalf of sports lovers to see that this Minister managed to succeed at least by dotting the I's and crossing the t's of work that I had started I think about three or four station commanders ago. It is certainly much better than what it was, but it still lacks, like I said, the intensity to be able to carry on some competitive type of games.

90 The Minister did mention that if there was a request to increase the light to Pitch No.2, he would look into it. Can he please accept my word for it, given that I spend so many hours there at the stadium, that there is, believe me, quite a substantial number of requests for improved or at least a greater amount of light on Pitch No.2 and I would like him to consider it over the next few months.

95 **Hon. S E Linares:** I will do, Mr Speaker.

Q616/2016
Football, cricket and rugby –
Facilities

Clerk: Question 616. The Hon. E J Reyes.

100 **Hon. E J Reyes:** Can the Minister for Sports update this House if he has now identified and agreed upon or is in the process of discussions with respective sports governing associations regarding any additional or alternative facilities for the playing, teaching and development of football, cricket or rugby?

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Government is in close and continuous discussion with both the Rugby and Cricket Association in order to develop the Europa playing fields to provide adequate facilities for the playing, teaching and development of all sports mentioned and others.

110 **Hon. E J Phillips:** Mr Speaker, just one supplementary in relation to that. As a father who goes every Saturday to watch his son play football in the resources that we have currently available, one question in relation to alternatives and I think one thing that the Minister should be looking at is how we make more efficient the process of allocation of pitches. My understanding of the position is that many of the clubs' coaches and their assistant coaches, within that alternative facilities question point that my hon. Friend has made ... that people have to go at eight or 8.30 in the morning to get that allocation. Is the Government looking at ways of making that more efficient, rather than have 20 coaches turn up to the GFA, or at least the point at which they get allocations to the GFA, and make it a lot more easier for people using those

120 facilities to get allocations, i.e. using other forms of allocation – online applications or some
database that they could use to get allocations for football? It just seems to me to be inefficient
to have 20 members of our community rocking up to the GSLA headquarters asking for an
allocation for the specific week in advance. I just thought the Government may be looking at
more efficient ways of dealing with this problem.

125

Hon. S E Linares: Mr Speaker, as the father also of a child who plays football and goes there
constantly and understands the problem, the hon. Member is actually wrong because the
allocations of football, for example, are given to the GFA in block and then it is the GFA who
distributes it. As the hon. Member might concur with me, then the GFA distributes it to different
130 clubs and it is up to them to have the system that the hon. Member is saying. If they want to
have an online basis with their clubs, then they can do that, but the GSLA does have a system of
online applications and all that but it is done through the governing body. Therefore, what the
GSLA will not do is, for example, give my son's club, Europa Football Club, specific training
sessions, because it is up to the GFA to try and distribute it amongst the clubs. So whatever the
135 hon. Member is saying I understand, but I think it is more a system that needs to be done by the
GFA itself rather than the GSLA, because again, like I say, it is done in block. Basketball is the
same, and volleyball – anybody who uses the Bayside complex goes under the governing body of
that sport, which is given block allocations and then that sport distributes it specially for training.
When there are matches, they will have allocations and everybody knows when the matches are
140 played, but when it is for training sessions it is up to the GFA to do that.

Hon. E J Phillips: One further point in relation to the Europa Point allocations that you were
talking about before. There have been a number of occasions where a number of people have
raised this with me in relation to Europa Point. You have mentioned the development of that
145 area for the playing of football, for example. There have been a number of occasions, and I have
actually experienced one of them myself, where the gates are locked and no one is able then to
open them and you have children climbing right behind, quite dangerously so, to get on to the
Europa Point football pitch. I am not too sure if the Minister is aware of those circumstances,
they have certainly been made aware to me, but what is the Government doing about it? I know
150 they have laid astroturf in certain sections of Europa Point. What further developments does the
Government have in mind in relation to that specific area and access and egress?

Hon. S E Linares: As I have answered in the question, what we are doing is working with the
rugby and the cricket in order to develop the area further than what it is today. That was an idea
155 that I had because we had leftover turf from when we ripped up the old turf. We had turf left
over and basically it is recycling turf, and that is why you can see that the laying out was done on
a temporary basis. At the beginning, I can also tell the hon. Member, there was no one who
wanted to use that space – it was too far away, it was not adequate, there were health and
safety issues. As soon as people understand that, yes, of course we try and mitigate health and
160 safety issues, we try and play in grounds that are safer ... because this turf was a 10-year old turf,
but it is adequate for training sessions.

I am aware, because I actually see it from my balcony. I live up there and I see this constantly
and I know what the hon. Member is saying, but I can tell you that the GSLA is all the time trying
to fence off so that children do not jump, but children will be children. My son is one who goes
165 down there and sometimes jumps over the fence to play with his friends, which is wrong, of
course it is wrong, and I tell him off. *(Interjection)* Yes, of course, and that is why I do take the
responsibility seriously, and that is why we try and mitigate and make it as safe as possible. So
what I am saying is ... Why isn't it open? Well, it is not open because it would be open for people
to take their dogs and do what they do with dogs there, and that is even more dangerous
170 because of health and safety. *(Interjection)* Well, what I am saying is health and safety generally

of using the space. The GSLA gives the GFA allocations now, and they then distribute it to the clubs, even in that space.

175 **Hon. E J Phillips:** I think, with respect, the Hon. Minister is getting rather confused about what I mean about the access to those particular pitches – recycled pitches, if you want to call them that. There have been occasions – I have experienced one of those in particular as well – that when an allocation is provided to a club, for example, there is no access available because the GSLA representative has not been there to open that gate for precisely the reasons that you have identified in terms of health and safety. That was the point I was trying to make, if the
180 Minister could give us any information or clarification as to how that operates.

Hon. S E Linares: It operates as I have just told you. If there was not, on that occasion, somebody to open the gate from the GSLA, we will find out why they were not there, but I can tell him that the system is that, if you have an allocation, somebody should go there and open
185 the door for you and the children to go in and play. If that was not the case, then something down there has failed and somebody has not gone to open the gate. But I will find out why that has happened and see that it does not happen again.

Hon. E J Phillips: I just make the point that these are concerned parents who have come to
190 me and ask me to put that question, and I have had a number of them and that is why it has been raised in this House.

Hon. D A Feetham: Mr Speaker, as a father who has constantly attempted to indoctrinate his children to play and watch football, and in particular support Manchester United, and who has
195 abysmally failed on both counts because none of my children have turned out to be sporty – *(Interjection by Mr Speaker) (Laughter)* No, it is not the Manchester United side of the equation that has turned them off, I can tell you; it is sport in general.

The hon. Gentleman must be aware of the importance of proper and adequate training facilities to the development of football in particular in Gibraltar. We have a situation where
200 most of our clubs are having to travel to Spain in order to train their players in Spain because they cannot obtain allocation here in Gibraltar. That is really stifling the development of the game here in Gibraltar. Therefore, does he not agree with me that if we really want to develop football here in Gibraltar the Government has to prioritise the finding of extra training facilities so that people do not have to travel to Spain in order to train on Spanish pitches?

205 **Hon. S E Linares:** Mr Speaker, again as a father – and, proudly, my son actually supports my team, which is Spurs, and I am sure that Mr Speaker would not like to hear that, because he is from Arsenal – what I am saying is that of course we are looking for as many spaces ... every single space. I go round travelling on my motorbike to see if I can identify spaces and areas in
210 which children can not only play football but any other sports that we can find. It is an issue that Gibraltar is limited in space; we cannot get over that. We try and find, and positively, all the time to see if we can get areas where we can convert into a playing area for futsal, for netball, for basketball and all that. We are striving all the time.

I can assure the hon. Member that I do see the importance, not only as a father but a
215 professional PE teacher, that it is very, very important for children to do sports and that we will strive and do as much as we can to find areas in which sports can be practised.

Chief Minister (Hon. F R Picardo): Mr Speaker, if I may just assist in that respect, because –

220 **Mr Speaker:** Are there any other fathers who wish to inform the House about their – *(Laughter and banging on desks)*

Hon. Chief Minister: Yes, Mr Speaker, as the proud father of a young Gibraltarian footballer, and, given that everybody is naming their team, I happen to be lucky enough to have received, from a friend who went to watch the match earlier this week, the programme of the Liverpool v Manchester United match the other day from Anfield, (**A Member:** Boring!) and wishing to see a Gibraltarian play at that level for any of the top teams in any league ...

The hon. Members have to recall that we fought a General Election campaign maintaining the Victoria Stadium, adding playing fields and pitches at Europa. Also, alongside the Victoria Stadium when we finish the hon. Gentlemen's project, which they did not finish in their time, of the 'tunnel under the runway', as it is colloquially called, we will add training pitches in the area of Victoria Stadium alongside the pitches that we are going to add at Europa, alongside assisting the GFA to have their own separate stadium.

So, in the context of stifling the development of football in Gibraltar, I think hon. Members need to look at themselves and look at their pamphlet and see that they were the ones who carried less training pitches in the context of the proposal that they put before the public. They were the ones who stopped the development of the tunnel because they ended the contract which then led us to litigation, which we won, and we are the team that stands for more training facilities.

So I am sure, Mr Speaker, we will score the goal, there will be more places to train and I hope when the time comes when we do deliver on all of that, they stand up – not in this House, outside of this House – in front of the electorate and say, 'Vote GSLP Liberal because they do what they say.'

Several Members: Hear, hear. (*Banging on desks*)

Mr Speaker: I am going to curtail these exchanges on sporting facilities by all these proud parents, given that I am only a grandfather and all I do with my son is to go fishing and therefore I do not need any of the sporting facilities. I am going to curtail the exchanges and move on to the next question. (*Banging on desks*)

Mr Speaker: I will allow you one supplementary and no more.

Hon. E J Reyes: Thank you, Mr Speaker, it is on the original answer.

Mr Speaker: Yes.

Hon. E J Reyes: In the original answer, Mr Speaker, the Minister said that, looking at the Europa playing fields, he was looking into the development for the playing, teaching and development of cricket and rugby, and he mentioned others. Is it possible to have an indication of what sports fall under the category of 'others'?

Hon. S E Linares: Yes, Mr Speaker. I am pleased to announce that it is football, for training of football as well. (*Interjection*) Pardon? No, 'others' is football, rugby, cricket or any other outdoor sports that can be done. You can play American football or whatever. (*Interjection by Hon. Chief Minister*)

Mr Speaker: Petanca, for instance?

Hon. S E Linares: Petanca, yes. It is an open area in which we will concentrate rugby and cricket, but there will be a lot of time as well that can be used for other training facilities for any other sports, and that is what 'other' means.

Hon. E J Reyes: Yes, I understand the Minister.

275 **Mr Speaker:** I said one supplementary, I will allow you only one more.

Hon. E J Reyes: No, Mr Speaker, I am just trying to –

280 **Mr Speaker:** We really have to make progress, otherwise hon. Members will not have any spare time to spend with their children. *(Laughter)*

No, I am serious. We have over a hundred questions to deal with and I think there is a limit to the amount of time that we should spend here unnecessarily. **(A Member:** Hear, hear.) When it is necessary we spend as much time as possible. So let's see if we can make progress.

285 The Hon. the Member who supports Arsenal, I will allow him one final supplementary. *(Laughter)*

Hon. E J Reyes: Thank you, Mr Speaker.

290 What I was really trying to find out was, when he mentioned the word 'others' – and I know that others could be petanca right down to anything else – I was trying to home in ... Is there any particular sport that perhaps he can mention that he has already started to give very serious consideration to? I take it that the Minister will probably have even spoken with some associations, so perhaps he can enlighten this House by saying, 'Although not cast in stone, the others could possibly be ...' and perhaps list one or two.

295 **Hon. S E Linares:** I have already mentioned football is an extra one and I would suggest that some training sessions from other sports that might want to – for example netball or basketball or hockey might want some allocations there. *(Interjection by Hon. Chief Minister)*

Q617/2016
Sports and Leisure Authority –
Advertising of vacancies

Clerk: Question 617. The Hon. E J Reyes.

300 **Hon. E J Reyes:** Mr Speaker, can the Minister for Sports provide details of any current vacancies at the Sports and Leisure Authority, together with details of when these vacancies, if there are any, will be advertised?

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the GSLA currently has the following three vacancies: Centre Manager, grade 5; Assistant Sports Development and Training Manager, grade 4; Assistant Admin Manager, grade 4.

310 These vacancies have been advertised and interviews are scheduled to take place in the very near future. Mr Speaker, I can announce that whilst this question has been submitted to date I think already interviews have already happened.

Q618/2016
Sports-related grants –
Payments during current financial year

Mr Speaker: Next question.

315 **Clerk:** Question 618. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sport provide updated details of all payments made during this current financial year in respect of any sports-related grants?

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

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

Answer to Question No 618/2016

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	13,119.62
Triathlon	290.00

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	20,254.61
Netball	5,409.87
Pool	14,713.95
Rowing	4,615.23
Sea Angling	8,465.50
Shooting	11,090.67
Tenpin Bowling	2,028.59

Q619/2016
Cultural grants –
Awards during current financial year

325 **Clerk** Question 619. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Culture provide updated details of any cultural grants awarded so far pertaining to this current financial year.

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I now hand over to the hon. Member opposite a schedule in respect of cultural grants awarded in this financial year.

Answer to Question No. 619/2016

Cultural Grants for financial year 2016 - 2017	£
Being payment for sponsorship of the Gibraltar World Music Festival	50,000.00
Gibraltar National Dance Organisation - IDO conference held in Gibraltar	10,000.00
Art in Movement - Costs of instructors to lead workshop exhibitions, gradings & equipment	980.00
Julian Felice - Bayside & Westside Drama Group for promotional material and clothing	1,500.00
Macap (Face Frames Gallery) Ltd - Face Frames Gallery application for visiting artist - Agustin Incicco	657.00
Guy Valarino - Part funding of promotion and marketing pack	1,850.00
Ideal Productions - Assistance for the Mrs Gibraltar 2016 Pageant	1,880.00
Shane Dalmedo - Assistance for the Gorham's Family of Neanderthals project	2,000.00
Stylos Dance Studio for participation in Destination Dance UK	2,777.00
Gibraltar Philharmonic Society – Assistance for concerts to promote classical music	10,000.00
Gibraltar Face & Body Paint Association Attending the World Body Painting Festival	1,570.00
S A McLaren - Assistance for fees at Northern Ballet School	3,648.00
Gibraltar Academy of Music & the Performing Arts Gibraltar Youth Choir competition in Barcelona	4,868.00
Gibraltar Academy of Music & the Performing Arts Gibraltar Festival of Young Musicians - sounds and lights	1,245.00
Fine Arts Association Props for life and portrait sessions, chairs and easels & painting of gallery vault	3,404.20
Giorann Henshaw for Gibraltar Artisans Market - ten expandable tables	2,250.00
Jensan Callejon - Performance by DJ and local artist at Great Wall of China	1,000.00
Gibraltar Cultural Services - Berlin Artist Exchange Residency Project 16	6,000.00

Continued Answer to Question No. 619/2016

MO Productions Production of the 15th Gibraltar International Dance Festival & participation at 2017 Sussex Festival	5,000.00
Richard Garcia - Services for Evaluating a book	50.00
The Gibraltar Photographic Society Replacement of furniture in the Photographic Society premises	1,800.00

Q620-623/2016

Youth clubs –

Names; youth workers; attendees; programmes

335 **Clerk:** Question 620. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm the names of the current youth clubs operating within our community?

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I will answer this question together with Questions 621 to 623.

345 **Clerk:** Question 621. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm the numbers of qualified youth workers employed at each youth club?

350 **Clerk:** Question 622. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm the number of children and/or young people who regularly attend each club?

355 **Clerk:** Question 623. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm what programmes are being run from each youth club.

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the following youth clubs operate within our community: Youth Centre, Laguna Youth Club, Plater Youth Club and Dolphins Youth Club.

365 There are no youth workers employed in youth clubs. All youth workers are employed by the Youth Service.

It is very difficult, if not impossible, to ascertain exactly how many young people attend regularly each club. This is due to the fact that it depends on the programmes and projects that are offered at any given time.

370 All clubs and projects deliver informal educational programmes which reflect the needs of young people attending. These programmes include raising self-esteem, drug and alcohol

awareness, bullying workshops, developing team work, managing emotions, exploring coping strategies to manage their anger, personal hygiene, etc. The sessions are delivered through a variety of visual aids and interactive games, encouraging positive participation and attitude at all times. The aims of the programmes are to enable young people to develop their life skills so that they can contribute positively to their community. This is carried out during weekdays and weekends throughout the whole of the year.

For further information on our Youth Service I would advise the hon. Member to access their magnificent website, on which activities and programmes are posted together with the posts of every single member of staff within the Youth Service. The website also includes policy procedures, contacts, training and news, which are updated on a regular basis.

Hon. E J Phillips: Mr Speaker, thank you to the Minister for explaining the magnificent website that is available.

I just want to know how the Government, or the Youth Service, attempts to judge how successful they are being at communicating and working with young people in relation to these life skills. You talk about certain areas such as personal development, drugs and alcohol awareness. Clearly, some serious issues are being dealt with, with young people using that particular youth club in that service. How does the Government satisfy itself, if it does not really know what numbers are visiting the youth clubs on a regular basis, that ... How does it monitor success of that and judge whether they need to make improvements, for example, in one particular area. How does it work? Is it on a piecemeal basis, or on a youth worker particularly referring to the Youth Service saying, 'We need to do more of this, or less of that'? How does it work?

Hon. S E Linares: Mr Speaker, it is very simple. The youth workers get together nearly every week, they consult each other, they co-ordinate between youth clubs, they identify where the needs are, and therefore, for example, that is why I said that there is no youth worker employed in a youth club – they are all the Youth Service. They are all basically working under one roof and then they go to the youth clubs to deliver the programmes as and when required. For example, there might be a programme or a specific need within the south area of Gibraltar, like in the Dolphin Club, and therefore the youth worker goes there. They also have part-time youth workers who help, volunteers who help, but the one who leads is obviously the professional. The professional is the youth worker and, like I said, if the hon. Member looks at the website they are there. Everybody who is qualified, their names, their photographs, everything is there and also a rundown of all the programmes. But when it comes to say how many, numbers, well, if there is a programme there might be eight children or young people. There might be another programme that has more interest or is more amenable to young people and there are 20 in a group. So it all depends on the programme and the project that they are doing.

So it is not a question of me telling the hon. Member that in each youth club 10 people come every day. It does not work like that. It depends on the programme and what they are doing.

Hon. E J Phillips: The only difficulty I have, Mr Speaker, with the answer is that clearly children depend on regularity and frequency. You are dealing with very serious issues with children, in terms of drugs and alcohol awareness/abuse. It almost appears, from the description of the activities and the programmes that are being performed at these youth clubs, that it reflects almost a counselling service, and I think there must be an element of that to all of this anyway, but what I would say is that given the fact that children require regularity and frequency, if you are having what appears to be a floating youth service around our youth clubs, don't you think it would be better served having at least a regularity with one particular individual at each club?

Hon. S E Linares: Mr Speaker, I go back again that they are not employed by youth clubs, but yes, of course there is within the staff, I believe, continuity as well, and it is a very serious area. The Youth Service, I can tell you, and the youth workers are very professional and very dedicated people who work even weekends, Saturdays and Sundays, and they do get involved in many things which we then have to pass to Social Services, for example, and children who are bullied and children who have mental health problems, and it is dealt with, with the GHA, which we are working with very closely to see how we can deal with young people who have mental health issues.

Yes, the first port of call usually is the youth club. Children have social problems – they go to the youth club and they do have people ... There is continuity in the sense that there is usually a professional youth worker in each youth club and there is a lot of continuity. Maybe after four or five years there might be changes, but when I said ‘floating’ it is not floating in that a youth worker goes one day to one youth club and then moves to the other. There are enough staff that have continuity and they stay. In the Dolphin Youth Club, for example, there is a youth worker there who has been there for about three years. There is a lot of continuity. It could well be that there is a need to move that person from one ... It is like a school teacher, basically, where you are in a school, you stay the whole year in a school and then maybe the Department of Education wants to move you to another school. That is how it works, so there is continuity.

I accept that it is a very important role that they do play because they are always the first port of call for young people directly. That is why we work very closely with the GHA, with the Social Services, with everything, because ultimately it is to do with child protection issues.

Hon. E J Phillips: Mr Speaker, I just have one more question, and I would invite the Minister to take this up as I am just trying to make a positive contribution to this question, and that is that don’t you think, Minister, we should be moving more towards an active citizenship programme at that youth level so that we can encourage civil responsibility, pride and respect?

I think one of the comments when people talk to me about our children and where they have to go in terms of sports activities and other activities, is don’t you think, given the Government’s commitment to educating our children about Gibraltar’s history and the pride that all our children should have for our history, that we should encourage active citizenship within our youth clubs?

Hon. S E Linares: I completely agree, Mr Speaker, and I can tell you that the Youth Service is very, very actively looking at doing those life skill programmes. They have got programmes to do with Mental Health Awareness Day, they get involved in that; the Easter community events which they do with the RGP; the Care Agency; and then they have Clean up the World, which is something to do with the conscience of the young people. I can tell you that they are very actively all the time looking, and youth workers are all the time. Citizenship is another issue which they teach in a different way to the school environment. They teach how to become citizens: they should know their rights, but they should also know their responsibilities.

I can tell the hon. Member that I am very satisfied in the way in which currently the Youth Service is delivering all this and always strives to improve.

Mr Speaker: The Hon. Edwin Reyes has a supplementary arising from Question 618.

Hon. E J Reyes: Thank you, Mr Speaker. I am really grateful for that.

Very short and sweet: on the schedule provided to Question 618, like you just said, under the sub-paragraph ‘Grants awarded to Sporting Societies’, the penultimate one is shooting, £11,090. I know shooting has disciplines within the association, like the clay target, the pistol shooting and the air rifles, which we traditionally used to call small bore, those type. Can the Minister, if he does have it to hand – if not, he can sort of search it out for us in respect of which of the

475 disciplines, because there is a huge difference between clay target and pistol shooting. The shooter in one discipline does not necessarily take part in the other.

480 **Hon. S E Linares:** Mr Speaker, I will clear it up with him, but from memory I think it is either one or the other or both. I remember that the target shooting bought equipment that they needed and they asked for a grant, which was given. But it could also be the new venue, which is the pistol shooting up in the retrenchment block where the new equipment would not be needed for the new premises. I will find out because it is a big amount, but I think it is split into the two. That means that the two clubs, target shooting and pistol, who are separate but all under one umbrella of shooting, both asked for grants. Therefore, I would suspect that if they are split it should have been notified here as split, but if they are not it might be one or the other and we can put the name of the association that it is.

Hon. E J Reyes: Thank you.

490 And finally, Mr Speaker, on the page of hosting of special sports and leisure events, there is £6,100 expenditure in sports day sound system. Am I correct in assuming ... I did see a vast improvement in the school sports this year, in the PA system. Am I correct in assuming that that is an expenditure in respect of use by all the schools and would therefore ... I would perhaps dare say the equipment might even now be registered in the inventory of the Gibraltar Sports & Leisure Authority, or is it a one-off hire charge for one particular school, or, for example, the other sports day, the GibSports Day? It could be that. The Minister may have it, but if not, Mr Speaker, I am willing to wait until he finds out.

500 **Hon. S E Linares:** Yes, Mr Speaker, again I will try and ascertain why the sports day has been placed there as the sound system. The hon. Member is correct, it should be all the sound systems for the sports days of schools and GibSports. But again I think the hon. Member is right, it might not have been put here but placed somewhere else. But I will find out for him.

Hon. E J Reyes: I am really grateful. That concludes my supplementaries on 618, Mr Speaker.

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q624/2016

Gibraltar Nature Reserve mobile application – Upper Rock interactive map

Clerk: Question 624. The Hon. L F Llamas.

505 **Hon. L F Llamas:** Mr Speaker, can the Government explain why the Upper Rock app interactive map does not work?

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

510 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the Gibraltar Nature Reserve mobile application requires a software update and this is currently being actioned. A new version of the application will be published this year and will include additional material on the Nature Reserve and all its components.

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Hon. L F Llamas: Mr Speaker, can I ask if the new app is being designed by the same company that did the current app, or is it a new company?

520 **Hon. Dr J E Cortes:** Mr Speaker, I do not have the information, but I do know is that it is one aspect of the application, the so-called 'free tracking' function that is not working properly; all the rest of it works. I suspect it probably is the same people, but I will have to confirm that.

Q625/2016
Barbary Macaques –
Prosecutions for feeding

Clerk: Question 625. The Hon. E J Phillips.

525 **Hon. E J Phillips:** Mr Speaker, can the Government confirm how many people have been prosecuted for the offence of feeding Barbary Macaques in the Upper Nature Reserve?

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

530 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, no people have been fined.

535 **Hon. E J Phillips:** Mr Speaker, just to clarify, no people have been fined was the answer to that question. Does it mean that it is not necessarily accurate how many people have been prosecuted? So no people have been prosecuted – is that correct?

Dr J E Cortes: Fined or prosecuted.

Hon. E J Phillips: Thank you.

Q626-628/2016
Litter –
Number of wardens employed and powers; prosecutions; fines

540 **Clerk:** Question 626. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm the number of litter wardens currently employed by the Government and explain what powers are currently available to litter wardens?

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

550 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with 627 and 628.

Clerk: Question 627. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm how many successful prosecutions have been conducted in relation to litter offences?

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Clerk: Question 628. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm the number of fines imposed by the courts or other authorities, law enforcement or otherwise, in respect to litter offences over the last five years?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, there are currently two litter wardens employed by the Department of the Environment and Climate Change. The powers include the ability to issue fines under the Litter Act and the Animals and Birds Act. They are also empowered to report for process in relation to offences against the Nature Protection Act. This includes stopping and searching, examining anything or vehicles which that person may have in his or her possession, and seizing and detaining anything for the purposes of processing under the Act.

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There have been no prosecutions in relation to litter offences, but rather fines paid in court. In 2016, 31 tickets have been paid. Out of these, 12 were for dangerous litter at £250 and the remaining 19 were for litter at £70.

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In the past five years 101 litter tickets have been issued.

Q629/2016

Bluefin tuna –

Tonnage caught and registered

Clerk: Question 629. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, further to Question 293/2016, can the Minister for the Environment state what has been the tonnage of Bluefin tuna caught and registered in Gibraltar during the 2016 season?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the tonnage of tuna caught this season is 13.894.

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Q630/2016

Waste treatment plant –

Awarding of contract

Clerk: Question 630. The Hon. T N Hammond.

590 **Hon. T N Hammond:** Further to the answers provided to Questions 449/2015, 8/2016 and 332/2016, can the Minister now state when the contract for the waste treatment plant will be awarded?

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

595 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, we are still not in a position to award the tender.

600 **Hon. T N Hammond:** Mr Speaker, is the Minister in a position to explain why we have had such a substantial delay in this project when it was originally stated by the Minister that there would be an announcement prior to August 2015 as to who would have this contract? We are now obviously well over a year beyond that point and there is still no announcement.

605 **Hon. Dr J E Cortes:** Yes, Mr Speaker. It is as a result of the success of the recycling programme that we have in treating our urban waste. We are increasing recycling streams tremendously. The amount of non-recyclable waste is decreasing and we have to reassess what type of treatment a decreasing amount of waste is going to have, and that is the reason why we have not taken an ultimate decision.

610 We are having the matter studied, but it is a very different amount of urban waste that we are producing now because there is so much more recycling and so much more being removed, so some of the original plans are non-viable because there is less waste to be treated.

615 **Hon. T N Hammond:** Mr Speaker, I might accept that we have made inroads into recycling, and that is a success undoubtedly. However, the fact is – and I need to be careful not to use unparliamentary language here, but we continue to pump human waste out directly into the sea and that is the issue that concerns me here and the issue that I am addressing.

620 **Hon. Dr J E Cortes:** Mr Speaker, we are obviously talking at cross purposes. From the waste treatment plant we normally used to refer to solid waste, the rubbish that is collected. From the hon. Member's supplementary it appears to me that he is talking about sewage, so we are talking about two separate things. My initial answer was in relation to waste treatment; now he is talking in relation to sewage.

625 In relation to sewage, we are still in detailed discussions with our preferred provider. We are making progress, but we are not in a position to declare the situation just yet.

Hon. T N Hammond: Mr Speaker, is the Minister able to give an indication of when he might be in a position to provide that information?

630 **Hon. Dr J E Cortes:** No, Mr Speaker.

Hon. D A Feetham: But is the Government still committed to a sewage waste treatment plant?

635 **Hon. Dr J E Cortes:** Mr Speaker, I think that asking that question to me can only have one answer: of course I am committed to that plant.

Q631/2016
Temporary power turbines –
Total cost since January 2012

Clerk: Question 631. The Hon. T N Hammond.

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

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

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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the total rental cost of the power turbines since January 2012 has been £12,499,251.42.

Q632/2016
Electronic health record –
Cycling-related accidents

Clerk: Question 632. The Hon. T N Hammond.

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Hon. T N Hammond: Further to Question 99/2015, has the electronic health record been upgraded to allow for the recording of cycling-related accidents?

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

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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, no, but let me just qualify that. The electronic health record system has not needed to be upgraded, but we are now entering the data in a different way so that we are now able to identify it. So we have not had to upgrade it but we do now have a record of cycling accidents.

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Q633/2016
Residential Dementia and Day Care Centre –
Update re opening

Clerk: Question 633. The Hon. R M Clinton.

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

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the residential unit is expected to open within the next two months. The day centre

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is due to open next week – I believe Monday – for relocated services, and in about five to six weeks for new services.

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Q634/2016
Dementia Day Care Centre –
Contractor

Clerk: Question 634. The Hon. R M Clinton.

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

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
685 Mr Speaker, a preferred bidder has been identified with whom discussions will be held, but I am not yet in a position to disclose this publicly.

Hon. R M Clinton: Mr Speaker, am I correct in understanding the Hon. Minister in that he will be opening the Day Care Centre next week and fully operational within the next five weeks, but he has not actually awarded the contract yet?
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Hon. Dr J E Cortes: Yes, Mr Speaker. I am sure that the hon. Member is about to ask me how I am going to do it, but I will let him ask me before I answer it.

Hon. R M Clinton: Mr Speaker, yes, I would be grateful if the Hon. Minister would enlighten me!
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Hon. Dr J E Cortes: I love getting Mr Clinton to do things I ask him to do!

Mr Speaker, the services opening this week are relocated services which are currently held elsewhere within Health Authority premises. In the choosing of the preferred bidder we have ensured that they have the resources available to kick in very quickly within the time period that I have stated, so that is part of the arrangement. So the Hon. Mr Costa will shortly be talking details through with the team that is already handling that, and they will be ready to start to provide the service within the timeframe I have said.
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Q635 and 646/2016
Primary Care Centre –
Update on new appointments system

Clerk: Question 635. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, does the Minister envisage making any further changes to the appointments system at the Primary Care Centre?
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Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

715 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):**
Mr Speaker, I will answer this question together with Question 646.

Clerk: Question 646. The Hon. Ms M D Hassan Nahon.

720 **Hon. Ms M D Hassan Nahon:** Can the Minister for Health give us an update on how the Primary Care Centre's new system is working?

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

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Hon. Dr J E Cortes: Mr Speaker, in answer to Question 635, the Primary Care Team is constantly testing the system in table-top exercise to see whether any changes to the distribution of appointments would reap benefits. For example, repeat prescriptions and the manner in which sick notes are dispensed are areas which are being looked at – and if I may add one which is not in the prepared answer, another thing that is being considered is allowing doctors the occasional slot during the day to deal with patients over the phone, for example reporting test results and so on over the phone, where they would be able to do perhaps a number of patients in one slot and not require the patients to come in. That is some extra information I have gained since the prepared answer.

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735 In answer to Question 646, certainly in terms of availability of appointments it is ensuring that patients have access to a greater number of appointments on a daily basis than before. At present, patients have access to between 100 and 120 advance appointments and between 140 and 160 on-the-day appointments. Prior to the changes there would only have been on-the-day appointments, as the advance appointments would have all been exhausted by the first day of the month. Typically there would have been between 70 and 85 appointments available only, instead of the number available now.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I am grateful for that information and I am sure that the statistics are favourable, and I am happy to hear that, but I hear a lot of complaints that people simply cannot get through. I myself have tried, I have had my kids ... Two or three of them have been sick in the last month and I have literally given up calling. I am giving this information in good faith because I have given up and ended up going privately because I just simply cannot get through; and a lot of people tell me the same thing, so something is still not working right.

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Hon. Dr J E Cortes: Mr Speaker, I will give them the information. I appreciate that. I am assuming that the hon. Lady is referring to phone appointments, phoning in and cannot get on the phone. At the appropriate time there are up to seven operators constantly manning the phones. There are hundreds of calls coming in. We took a sample month and there were in fact 55,000 calls into the PCC in one month. As you can understand, it is absolutely impossible, without employing a lot more people for a short period of time, to cope with that number of phone calls; it is virtually an impossibility and certainly the staff there are doing the best that they can, but dealing with 55,000 calls in a month – it is unbelievable, and I could not believe it when I was told – is very, very difficult. At least most times the message gets through in the system that there are people on line and how much time they have to wait, but it is very, very difficult and I do apologise to people who phone. It is just that there is such a number of people calling in at the same time.

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Hon. Ms M D Hassan Nahon: Mr Speaker, is there any way to gauge how many of these calls do not get through? That would give us an indication of whether we need more manpower to answer the phones, and perhaps even more doctors. I am sure the hon. Member will agree this

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is a matter of absolute priority, so if more manpower is needed as a result of finding out how many more of these calls are not getting answered, it would be good to know in order to take action.

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Hon. Dr J E Cortes: I do not think, Mr Speaker, that the number of doctors, whether or not we need more – and we have a lot more than when we came into office – but whether we need more is related to the number of calls, because those 55,000 will be calls. It will not be 55,000 people – if somebody calls three times, that will register as three calls, and most of those people will be seen; the only thing is that they have to wait a long time. I can get the information. I can ask the GHA's IT team to extract that information. I will make it available to my colleague and I am sure that if you ask him later on he will be able to supply it.

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It is a complex matter and we are trying very hard. I think we are making a great deal of progress, but clearly there is always more to do.

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Hon. D A Feetham: Mr Speaker, does the hon. Gentleman accept that this is one of the areas where there appears to be a significant amount of grievances from members of the public?

Hon. Dr J E Cortes: Mr Speaker, of course, but many fewer than there used to be. The progress that we have made in the Primary Care Centre over the last few years – and there is written testimony from users and from doctors about the progress we have made – is tremendous, but you would expect that the greatest number of complaints would come from the frontline, when people are anxious, when people are not feeling well and when there is a lot of demand on the service. So absolutely, it is one area which will continue always to attract attention and people will continue wanting improvements, but that is actually almost by definition when you are accessing the service and that is where there is the highest volume of interaction, and therefore that is where you would expect most areas of concern.

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Hon. D A Feetham: Mr Speaker, but this has been a topic on which successive shadow Ministers for Health have indeed been questioning, particularly the Hon. Minister, almost on a four-monthly basis. I have gone back to all the questions and I have questions about this going back to 2012, and the Hon. Minister keeps on coming back and saying it is a developing situation. At some point members of the public are going to want some concrete answers from the hon. Gentleman and not 'well, it's developing and we are looking at it'.

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Isn't it not the reality that five years on from him taking over the reins as Minister for Health, we are nowhere near having a solution to this particular problem than we were five years ago?

Chief Minister (Hon. F R Picardo): Well, Mr Speaker –

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Hon. D A Feetham: Ah, to the rescue!

Hon. Dr J E Cortes: No, no, no... as I....

Hon. Chief Minister: Mr Speaker, I hear the trembling fear in the Hon. Leader of the Opposition's voice at the fact that I have got up and his attempt at a feeble joke to deflect from the fact that he has fallen into an almighty trap. He has given me the opportunity to actually reflect on the fact that actually in the five years that John Cortes has been Minister for Health, he has improved that situation tremendously in relation to the Primary Care Centre.

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Are there complaints today? Of course there *might* be, and it is very likely, Mr Speaker, that it is impossible to devise a system which will not lead to a complaint, because I daresay to the hon. Gentleman, and indeed to the hon. Lady, in the context of the substance of what we are debating, that it is impossible to say that somebody might not call up one day and the line might

be engaged because there is a huge demand for the service and we are continually seeking to improve it.

820 Mr Speaker, this is Question Time. It is not a time for political speeches from the hon. Gentleman in the guise of questions; it is time for short, sharp questions. But, I am not going to respond in kind by dealing with the litany of advances that John Cortes has brought to all areas of the Health Service in Gibraltar, (*Banging on desks*) in particular the Primary Care Centre.

825 Mr Speaker, the hon. Lady has moved on and does not defend the three initials that the hon. Gentleman now leads, but he is fixed with the abysmal service that we inherited five years ago and that we have improved tremendously, and that we are continuing to improve tremendously and that we will never rest from improving. That is why they will always hear from us that we are developing the service further, because when we have improved it we will improve it again. That is what John Cortes has done for each one of the five magnificent years that he has led for
830 Health in Gibraltar and that is what Neil Costa will now do for the many magnificent years that he will lead for health for my Government too. (*Banging on desks*)

Hon. D A Feetham: Mr Speaker, it is an indictment on the Minister for Health that the Chief Minister has to stand up to defend him. (**A Member:** Oh!) Yes, because he cannot do it for
835 himself! (*Interjections*)

Mr Speaker, does the Hon. the Minister for Health – (*Interjection and laughter*) Yes, I hope he does not throw that at me. No. Shall I sit down? Shall I hide underneath the – ? (*Interjection*)

840 Mr Speaker, doesn't he recognise – doesn't the entire Government recognise – it is not a question of a complaint, as the Hon. the Chief Minister has described it, or some complaints, as the Hon. Chief Minister has described it? There is a litany of complaints about the operation of the Primary Care Centre, and what I want to know is what the Government is going to do about it, Mr Speaker.

Hon. Chief Minister: Mr Speaker, it is not that John Cortes cannot defend himself. John
845 Cortes can more than just defend himself. John Cortes has demonstrated that the hon. Gentleman is no match for him – even in advocacy, where he was recently professionally recognised – when it comes to politics and in particular in relation to the Health Service. But, it is that John Cortes does not need to defend himself, because the whole Government, and indeed the whole community, recognises the job that John Cortes has done in relation to Health. Or
850 doesn't he know that he had only a distance of a mere, I think, 300 votes from John Cortes in the 2011 General Election and almost 5,000 at the last General Election? (*Banging on desks*) That is the judgement of the community in respect of how John Cortes has improved the Primary Care Centre, *that* is the judgement of the community in respect of how this Government has delivered in respect of the Health Services, and *that*, Mr Speaker, is nothing compared to what
855 the professionals will tell you has been the improvement that John Cortes has brought to the services that they provide to this community.

Mr Speaker, if you care to talk to patients and you care to analyse what sort of reaction there is from them in respect of the service that we provide, it is very easy to talk to the few who have had a problem. My job and his job has been and Neil Costa's job now is to improve on those who
860 have had a problem so that they never have a problem again. But the number of people who do not have a problem, who enjoy their passage through the Health Service, who have access to the Primary Care Centre without a problem I am sorry to say to him is much greater now than it ever was under them. The difference is that we will not rest until we improve it as much as we can.

865 Mr Speaker, John Cortes will get up to defend himself when a serious point is made which needs defending, not when a cheap political point is shot by a man who reshuffled his Cabinet before he knew what the Departments to shadow were to be.

870 **Mr Speaker:** May I point out to hon. Members that they are now of course debating the Primary Care Centre and it is not just a case of asking a simple supplementary and receiving an answer.

The Primary Care Centre is a very important item of great public interest – I use it myself regularly – and therefore I would welcome that hon. Members should debate the Primary Care Centre under a substantive motion, but I am not going to allow many further exchanges on this issue now. Information has been sought, two questions have been answered giving information; 875 I am not going to allow a debate on the Primary Care Centre.

The Hon. the Leader of the Opposition.

880 **Hon. D A Feetham:** Mr Speaker, very grateful for the guidance. I just have one more supplementary question and it is for the former and sacked Minister for Health. (*Interjection*) Can he please Mr Speaker –

Hon. Chief Minister: Point of order.

885 **Mr Speaker:** I would like the Hon. Leader of the Opposition, in order to maintain an equable temperament this afternoon, to withdraw the word ‘sacked’. I do not think that any objective person would consider that any Minister in Gibraltar has been sacked. There were 10 Ministers at the beginning of the week; there are 10 Ministers at the end of this week. Would he please withdraw the word, even though he may have said it in a joking fashion without any malice, but I really do not want exchanges to descend this afternoon into idle comments.

890 **Hon. D A Feetham:** Mr Speaker ... may I ...

895 **Hon. Chief Minister:** If I can assist the House, Mr Speaker, can I just tell the hon. Gentleman, on the basis of –

Hon. D A Feetham: Mr Speaker has asked me.

Mr Speaker: [inaudible] the Hon. the Leader of the Opposition has [inaudible].

900 **Hon. Chief Minister:** But can I assist the House for a moment? (*Interjection by Mr Speaker*) All right.

905 **Hon. D A Feetham:** Mr Speaker, of course. Mr Speaker asked me to withdraw the term ‘sacked’ and I will happily withdraw the term ‘sacked’: the *former* Minister for Health, and after the Hon the Chief Minister or...

I will ask my question, and my question is very simple. What people want to know is what is the Government doing in order to improve the service in the Primary Care Centre.

910 **Hon. Chief Minister:** Mr Speaker, just dealing with the point of order that I was going to make, which I think you very usefully dealt with, it is very easy to descend into name-calling, but I would hasten upon the hon. Gentleman to recognise that although I thought he did it untimeously because it was clear that there was going to be a Government reshuffle – I had advertised it on a number of occasions and it actually came, I think, within a week of him having done his – when a Government is going to reshuffle, it does not sack anyone, promote or demote, unless people are sent to the back benches, but if anyone, having been reshuffled, is going to be described as having been sacked, I implore him to look at his own list of shadow responsibilities, because he has just sacked himself from Education, (*Laughter*) if you apply that standard, and sacked somebody else from Health and taking it on – although I do recognise, of course, he was in much greater difficulty than I was because he cannot keep his party together 915

920 and one of his people has gone, to no longer be one of his people, into an independent chair. But in those circumstances, given that he has been sacked as party leader by her, I implore him not to use that sort of language, which is so easy to then lead to a debate.

Hon. Dr J E Cortes: Mr Speaker, I will now answer on the factual content.

925 As the hon. Member clearly has not heard my answer and I made it very clear that whereas before there could be as few as 70 to 85 appointments on the day, now there are between 240 and 280 on-the-day appointments. Appointments no longer run out. We now have 22 doctors instead of 16, we now have a fully electronic health record in the Primary Care Centre, and elderly people no longer have to queue up at 6 a.m. in order to get their appointments. If that is
930 not improvement, clearly the hon. Member opposite is totally out of touch and my hon. and learned Friend Mr Costa will have a very easy time in answering his totally uninformed questions in the future. *(Banging on desks)*

As to my own situation, I think that the Hon. the Leader of the Opposition might care to walk around St Bernard's Hospital on Monday morning and gauge the reaction about my departure
935 for himself. He may not be so well received after the comments that he has made today.

Mr Speaker, a little press release reported in one corner of *the Gibraltar Chronicle* criticising my performance will not go down in history, but today, just before coming here, I walked into the chemotherapy suite and I saw two Gibraltarian patients having their treatment there – and I need say no more.

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Several Members: Hear, hear. *(Banging on desks)*

Hon. Ms M D Hassan Nahon: Mr Speaker, can I just say to the Minister for Health, or the ex-Minister for Health, considering that I have called a few times on different occasions with three
945 different children sick in the space of a month and a half and never have I been able to get through, can he take that as a sort of case study that if people ... It is very difficult to explain, but I understand what he means by you cannot always get through, but one person here has tried on various occasions and has not got through. So, please, if he could look into it, because the system does not seem to be working from over the phone. I know there are a lot of disabled
950 people as well who say the same thing and I think it should be looked at with a priority.

Thank you.

Hon. J E Cortes: Certainly Mr Speaker, that is one thing that will certainly be looked into.

955 **Hon. R M Clinton:** Mr Speaker, if I may make a hopefully constructive comment or question perhaps for the new Minister for Health: is given the difficulties that people obviously have in making telephone appointments, that he perhaps would like to consider looking into some kind of ... I know you already have a queuing system, but whether by having separate phone numbers for children's appointments or different types of appointments, or even within the same
960 queuing system. I know everybody hates trying to contact their bank, but a way you can perhaps say, 'Press 3 for children's appointments'. I know parents do find it distressing when their kids are ill. Obviously every illness is distressing, but it may be a form of triaging so that of those 50,000 calls there might be some which are more urgent than others, or parents feel more distressed than others may be. Just a suggestion: would the Minister consider it?

965

Hon. Dr J E Cortes: Mr Speaker, some of these things have been looked at and also the making of appointments online, and that should be able to happen soon with the electronic system.

There is a problem: people do not like calling the bank and being passed from one to the
970 other and people could get the idea that if they, say, press 1 for children, they are going to press

1 anyway and it might not be a child, and then they hear 'Sorry, I cannot deal with it.' So it is not as simple as that, but certainly these are all things that are constantly under review.

975

Q636/2016
Accident and Emergency –
Patient access

Clerk: Question 636. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, is the Minister satisfied that patient access to the Accident and Emergency Department works well?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, yes Sir.

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Hon. D A Feetham: Mr Speaker, this is another area where there are a host of complaints in relation to the system. Anybody who goes to the Accident and Emergency will see that there are significant delays in the access to the department. My question is: is the Minister looking to improve the situation there, so that the very significant waiting times can be reduced?

990

Let me tell him this, just by way of an example: only last week I was told by an elderly lady that she had gone to the Accident and Emergency at 10 o'clock in the evening and was only seen at four o'clock in the morning – that is an elderly lady. You can understand why people feel very strongly about this, and you can understand why there are significant grievances.

995

Hon. Dr J E Cortes: Mr Speaker, my answer was very clear. I believe that access works well because everybody has access to it.

Once you have arrived there are several considerations. I am not aware of this particular situation, although obviously we would need to look at the details as to what happened. There are fast-track systems for children, for example; we are now changing the system for ladies who are pregnant who have threatening miscarriages and we are taking them elsewhere so they do not have to wait in the waiting room; and lots of things.

1000

One never knows what might be going on behind the scenes and whether there are emergencies that are being dealt with. Certainly there are more A&E doctors now than there were five years ago and the Department is currently going through a phase of construction to expand and have more facilities inside so more people will be taken care of inside without having to wait outside.

1005

What I can say is that, because fortunately we now have an electronic system there as well, I am now able to call up statistics. I can say, for example, that in the year up to 18th October, which is just a day or two ago, there had been 29,548 attendances at A&E; that the average waiting time for arrival to discharge is four hours 20 minutes, which is just higher than the UK standard and much better than the actual case in the UK, where they are hitting averages of up to six or seven hours; and that the average waiting time from arrival to seeing a clinician is one hour and nine minutes, which is very good indeed. So the average is now much better than it was. We have occasions when the system seems not to work as well, but we are now able to pinpoint exactly which these instances are and investigate them further. I think that, again, is huge progress, and now we have this information readily available at the press of a button.

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1015

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

1020 I was surprised by the original answer that the hon. Gentleman gave, that access works well, because there is a corridor that leads you to the Accident and Emergency – that is the reality of the situation.

1025 In relation to the construction that the hon. Gentleman mentioned of an extension to the Accident and Emergency, the information that is coming to me is that there has been a considerable scaling down of the equipment and features that were going to be made available at that extension. Is that something that the hon. Gentleman is aware of? If he is not aware of that, can he look into it? The concern expressed in relation to that is that of course the extension with those features was something that was going to improve the service considerably, whereas now the scaling back might have an impact on the improvement in the service.

1030

Hon. Dr J E Cortes: Mr Speaker, I am not aware of the detail. I am surprised, because I would have thought that I would have been made aware. I will certainly look into it, and if it is something I believe unreasonable I will ask the new Minister for Health to look into it and to rectify it if it is something that has been done for some reason. But I am not aware and I cannot confirm that that is the case.

1035

Q637/2016
Gibraltar Health Authority –
Formal complaints

Clerk: Question 637. The Hon. D A Feetham.

1040 **Hon. D A Feetham:** Mr Speaker, can the Minister for Health state how many formal complaints have been made in relation to services within or associated with the GHA within the last two years, broken down by year and brief nature of the complaint?

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

1045 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the information requested is on the GHA website.

1050 **Hon. D A Feetham:** Mr Speaker, just to clarify the answer the hon. Gentleman has provided, my understanding is that there are effectively three types of complaint, and I would ask the hon. Gentleman to confirm or correct me if I am wrong: there are complaints to the GHA Complaints Board, and then there are formal complaints to the GHA and informal complaints to the GHA. My question relates to formal complaints to the GHA. First of all, is my understanding of the various layers of complaints procedures correct; and secondly, does the answer relate to those formal complaints made to the GHA?

1055

1060 **Hon. Dr J E Cortes:** Mr Speaker, his information is incorrect and out of date. I will not make any comment on that. It is incorrect and out of date because, as of April or May last year, the whole complaints system was taken over by the Ombudsman's Complaint Handling Scheme and is now all dealt with through that, and the Complaints Board no longer exists. Complaints now go through different levels to the Ombudsman. If there are any issues which need independent clinical investigation, the Ombudsman will then access somebody from outside Gibraltar through his own good offices. So there are not those different levels; they are all detailed by the Ombudsman.

1065 In the GHA website, in the quarterly reports of the complaints officer – or, now, the
Complaints Handling Scheme Officer – it gives full details of complaints by discipline and by area.
It is quite a comprehensive report.

1070 As I said last time, Mr Speaker, in answer to another question, because all the complaints are
now registered and treated in a more formal way, except for the very, very minor ones – why is
my water not here and why is it by the next bed – and because all these complaints now go
formally through the Ombudsman’s handling scheme, there are in fact more recorded
complaints. That is an artefact of an improved system and is not necessarily a reflection of an
increased number of complaints. This is why we have to look at statistics with wisdom and
insight and we cannot just look at numbers on their own. I think I have answered the question
that I have been asked in supplementary.

1075 **Hon. D A Feetham:** Mr Speaker, I would have thought that there were more complaints
because there are more people complaining. That is the simple analysis that I would make
(*Interjection*) – Mr Speaker, may I – in my simple non-scientific mind, I suppose.

1080 Mr Speaker, I have asked him the question because I did go to the GHA website. I went to the
GHA website, and if the hon. Gentleman goes to it himself – and it appears he has not for some
considerable amount of time, but if he goes and he looks at complaints – (*Interjection*) Yes. If he
goes and looks at complaints, it says ‘GHA Complaints Procedures’. I have got it here, Mr
Speaker, this leaflet, and this is the information that I downloaded only this week from the GHA
website. It is a leaflet. This leaflet explains:

How you can let us know if you are dissatisfied as a result of a direct experience with our service.

Who can I complain to?

A verbal informal complaint to a member of staff in the Department where the complaint originated in the
Primary Care Centre, then to the relevant manager at the centre.

A written formal complaint addressed to the Chief Executive of the GHA or the Complaints Co-ordinator.

1085 That is why I have asked the question, because it is on the GHA website.

So are we saying, therefore, that the information that the public is being given in the GHA
website is out of date, is incorrect and therefore needs to be corrected by the GHA, by the
Department that the Hon. Minister obviously runs so well?

1090 **Hon. Dr J E Cortes:** Mr Speaker, there are a couple of things that have been raised. I accessed
the GHA website yesterday, so maybe even more recently than he did. He is looking at a
different place, and I will go into that now. It appears that that bit of information may be out of
date. There was some information which was referred to by the Hon. Mr Clinton on mental
health when we went on *Viewpoint* last week which was also out of date and which is now
1095 correct and updated. I will have to look into whether the right page has not been linked to on
this occasion; I will have to check that. It is a massive website and is in the process of being
renewed, so that might stand correction. But the information, the data and the statistics are
included in the Quarterly Report section and all the information that I have said is available
there.

1100 Oh, and one more thing: there are not necessarily more complaints recorded because more
people are complaining, because if people in the past had an informal complaint which did not
go into the statistics and now they have a formal complaint that goes into the statistics, even if
there are fewer complaints the numbers in the statistics might be greater.

1105 But there is another thing: even if there were more complaints, considering that now we are
doing 2,000 more operations than three or four years ago and we have 10,000 more patient-
doctor contacts in St Bernard’s alone than we had three or four years ago, there are going to be
more interactions and therefore there could be more occasions when things do not go according
to what the patient would like to see. I can tell you though that if you divide the number of
complaints by the number of interactions, the rate, which is very important, is in fact down.

1110 **Mr Speaker:** Next question.

Hon. D A Feetham: Mr Speaker, can I pass this over to the hon. Gentleman?

Mr Speaker: Yes.

1115

Hon. D A Feetham: This is a leaflet downloaded from the actual website. It did not appear to me to be unreasonable, because you could have a complaint to the Ombudsman but you could also have a complaint to the GHA itself, and that is what I was directing my question to.

1120 You could have an informal complaint to the GHA, which is all set out in that leaflet, a formal complaint to the Chief Executive of the GHA, and separately a complaint to the Ombudsman by somebody who perhaps, for example, is not satisfied with the response given by the Chief Executive of the GHA in a formal complaint. The hon. Gentleman is saying that that does no longer exist, and obviously I am taking that answer at face value.

1125 **Hon. Dr J E Cortes:** Mr Speaker, the new complaints board – sorry, the new complaints procedure – was actually passed here in Parliament in time for its enactment earlier on last year. This seems to have a couple of things out of date, including the e-mail address and the reference to an independent review panel, and obviously I will make sure – even if it is the last thing I do as Minister for Health – that this is corrected and updated.

1130

Mr Speaker: Next question.

Q638/2016
St Bernard's Hospital –
Nurses

Clerk: Question 638. The Hon. D A Feetham.

1135 **Hon. D A Feetham:** Mr Speaker, can the Minister please provide a schedule setting out the number of nurses employed in each department of St Bernard's Hospital, also stating whether those nurses are permanent and pensionable or on a fixed term contract, together with their nationality?

1140 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

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

1145 I have been uncharacteristically helpful maybe, Mr Speaker, although I think not even the Leader of the Opposition who seems to have it in for me today would consider me unhelpful, in that the information does include other areas of the Health Authority and not exclusively St Bernard's Hospital.

Answer to Question 638/2016

DEPT NAME	NUMBER	P&P	P&P nationality	Contract	Contract nationality
MATERNITY	5	5	1 BRI 4 GIB	0	0
MENTAL HEALTH	86	70	46 GIB 22 BRI 1 PORT 1 MALAY	16	2 SPA 14 BRI
TSSU/CSSD	9	9	GIB	0	0
PCC	26	26	1 GERMANY 1 SPA 18 GIB 6 BRI	0	0
ITU	30	21	2 BRI 9 GIB 1 FRE 9 SPA	9	3 BRI 5 SPA 1 ROM
DUDLEY TOOMEY WARD	28	26	BRI 3 SPA 4 GIB 19	2	2 SPA
OPERATING DEPT	33	19	5 bri 8 gib 4 spa 1 polish 1 irish	14	5 bri 8 spa 1 POL
CAPT MURCHISON	32	30	23 GIB 1 SPA 5 BRI 1 PORT	2	2 SPA
A&E	23	19	1 BRI 4 SPA 14 GIB	4	3 SPA 1 BRI
OPHTHALMOLOGY	6	6	2 SPA 4 GIB	0	0
JOHN WARD	33	24	BRI 3 SPA 5 GIB 16	9	3 BRI 6 SPA
INFECTION CONTROL	2	2	1 GIB 1 BRI	0	0
CLINICS	19	19	14 GIB 2 SPA 3 BRI	0	0
VICTORIA WARD	30	28	17 GIB 4 SPA 7 BRI	2	2 SPA
DIALYSIS & HAEMOFILTRATION	6	0		6	SPA
RAINBOW	19	14	8 BRI 5 GIB 1 SPA	5	4 BRI 1 SPA
NIGHT ROTATION	22	18	17 GIB 1 SWE	4	SPA
CARDIAC REHAB	1	1	GIB		
BREAST SCREENING	1	1	BRI		
DIABETES	1	1	GIB	0	0
DERMATOLOGY	1	1	GIB	0	0
PALLIATIVE	2	2	GIB	0	0
PHLEBOTOMY	3	3	GIB	0	0
MEDICAL INVESTIGATION UNIT	2	2	GIB	0	0
DENTAL	6	4	GIB	2	1 PORT 1 GERMANY
DISTRICT	15	15	11 GIB	4	BRI

1150 **Mr Speaker:** The Clerk will call the next question and then we can come back to this one if the Hon. the Leader of the Opposition has any supplementaries.

**Q639 and 648/2016
St Bernard's Hospital –
Doctors' contracts**

Clerk: Question 639. The Hon. D A Feetham.

1155 **Hon. D A Feetham:** Mr Speaker, can the Minister provide a schedule showing the length of contracts of all doctors employed at St Bernard's Hospital, showing the areas in which they practise, their nationality and the date they started?

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

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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 648.

Clerk: Question 648. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Can the Minister for Health explain why it is that most of the doctors and surgeons in St Bernard's Hospital are not on a fixed contract or pension scheme?

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

1170

Hon. Dr J E Cortes: Mr Speaker, the information is in the schedule I now hand over in relation to Question 639.

ANSWER TO QUESTION 648

Answer to question 639

Post	Sub-Category	Location	Status	Nationality	Date Entry	Termination
Associate Specialist						
Consultant	Orthopaedic Surgeon	SBH	GHA Non-Permanent	Ger	02/10/2006	04/01/2018
Consultant	Ophthalmologist	SBH	GHA Non-Permanent	Ger	01/07/2006	28/02/2017
Consultant	Physician	SBH	GHA Non-Permanent	Bri	19/03/2012	31/01/2017
Consultant	Paediatrician	SBH	GHA Non-Permanent	Bri/Gib	10/08/2015	09/08/2018
Consultant	Haematology Services	SBH	GHA Non-Permanent	Bri	01/10/2008	31/12/2016
Consultant	Physician	SBH	GHA Non-Permanent	Spa	08/01/2012	08/05/2019
Consultant	Ophthalmologist	SBH	GHA Non-Permanent	Iri	07/08/2006	28/02/2017
Consultant	Orthopaedic Surgeon	SBH	GHA Non-Permanent	Bri	08/06/1995	23/12/2016
Consultant	ENT	SBH	GHA Non-Permanent	Bri/Hungarian	11/09/2014	10/09/2017
Consultant	Physician	SBH	GHA Non-Permanent	Polish	13/10/2014	12/10/2017
Consultant	Physician	SBH	GHA Non-Permanent	Pol	02/06/2008	28/02/2017
Consultant	Paediatrician	SBH	GHA Non-Permanent	Spa	01/02/2005	28/02/2017
Consultant	ENT	SBH	GHA Non-Permanent	Hung	20/10/2014	19/10/2017
Consultant	Radiologist	SBH	GHA Non-Permanent	Ger	01/12/2010	28/02/2017
Consultant	Anaesthetist	SBH	GHA Non-Permanent	Czech	01/11/2010	31/01/2017
Consultant	Radiologist	SBH	GHA Non-Permanent	Bri	27/05/2003	28/02/2017
Consultant	Radiologist	SBH	GHA Non-Permanent	Bri	03/09/2012	02/12/2016
Consultant	Gynaecologist	SBH	GHA Non-Permanent	Bri	01/06/2011	30/11/2016
Consultant	Gynaecologist	SBH	GHA Non-Permanent	Dutch	14/09/2015	13/09/2018
Consultant	Radiologist	SBH	GHA Non-Permanent	Czech	01/02/2012	31/01/2017
Consultant	Paediatrician	SBH	GHA Non-Permanent	Bri/Gib	05/09/2005	04/12/2016
Consultant	Anaesthetist	SBH	GHA Non-Permanent	Bri	09/11/2009	20/01/2017
Medical Intern						
Non-Consultant Hospital Doctor	Ortho & Trauma	SBH	GHA Non-Permanent	Bri	10/03/2015	09/03/2017
Non-Consultant Hospital Doctor	Surgery	SBH	GHA Non-Permanent	Bri	05/09/2016	04/08/2017
Non-Consultant Hospital Doctor	Medicine	SBH	GHA Non-Permanent	Hung	29/08/2016	28/07/2017
Non-Consultant Hospital Doctor	A&E	SBH	GHA Non-Permanent	Pak	05/02/1997	31/07/2017
Non-Consultant Hospital Doctor	A&E	SBH	GHA Non-Permanent	Ger	01/06/2010	31/07/2017
Non-Consultant Hospital Doctor	Surgery	SBH	GHA Non-Permanent	Pak	25/02/1997	31/07/2017
Non-Consultant Hospital Doctor	A&E	SBH	GHA Non-Permanent	Can	06/08/2003	31/07/2017
Non-Consultant Hospital Doctor	A&E	SBH	GHA Non-Permanent	Bri	09/01/2014	08/12/2016
Non-Consultant Hospital Doctor	A&E	SBH	GHA Non-Permanent	Bri	12/01/2015	11/12/2016
Non-Consultant Hospital Doctor	A&E	SBH	GHA Non-Permanent	Spa	01/07/2015	31/05/2017
Non-Consultant Hospital Doctor	Medicine	SBH	GHA Non-Permanent	Hung/Bri	03/11/2014	02/10/2017
Non-Consultant Hospital Doctor	A&E	SBH	GHA Non-Permanent	Bri	05/02/2003	31/07/2017
Non-Consultant Hospital Doctor	Medicine	SBH	GHA Non-Permanent	Cyp	11/08/2015	10/07/2017
Non-Consultant Hospital Doctor	Medicine	SBH	GHA Non-Permanent	Bri	05/09/2011	31/07/2017
Non-Consultant Hospital Doctor	A&E	SBH	GHA Non-Permanent	Spa	02/07/2015	31/05/2017
Non-Consultant Hospital Doctor	Surgery	SBH	GHA Non-Permanent	Spa	05/02/2001	31/07/2017
Non-Consultant Hospital Doctor	Medicine	SBH	GHA Non-Permanent	Spa	01/09/2006	31/07/2017
Non-Consultant Hospital Doctor	Surgery	SBH	GHA Non-Permanent	Bri	28/01/2002	31/07/2017
Non-Consultant Hospital Doctor	Medicine	SBH	GHA Non-Permanent	Spa	04/02/2004	31/07/2017
Non-Consultant Hospital Doctor	A&E	SBH	GHA Non-Permanent	Spa	06/06/2012	31/07/2016

1175 In relation to Question 648, doctors recruited since 2012 are on a fixed-term contract or pension scheme, depending on circumstances. I may just explain, for example, we have a doctor recruited since then on a short-term contract because there is a Gibraltarian who is due to return with those qualifications who will replace him.

1180 Those in post before that are on various different arrangements entered into with the previous administration. However, the situation will shortly be rectified with the introduction of the new consultant contract and contract for non-consultant hospital doctors.

1185 **Hon. Ms M D Hassan Nahon:** Is the Minister aware that this is sadly one of the principal reasons why we have been losing very good doctors? They are simply not happy, or have not been happy, with their working conditions.

Hon. Dr J E Cortes: Mr Speaker, that is not the case. I do not accept that being a true reflection of the facts.

1190 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I have an e-mail that was sent around by a few of the doctors who left recently, one I am happy to lend the Minister. In the e-mail they are warning Ministers, managers and politicians. They say that they have warned them about the arrogance; the lack of respect for doctors; the fact that they consider that the GHA do not take advice from doctors and that they only take advice from the, I quote, 'corrupted incompetent professionals with their own agendas'; warning that the system will fail; that Gibraltar is going to lose a second surgeon; as well as warning about the GHA's lack of interest in their discontent; not interested in recognising the value of properly trained staff; do not respond to obvious red flags; saying there is little hope for the improvement of the system.

1195 This is something that I consider very, very concerning, especially when we have lost three doctors and we are now relying on locums, which is affecting quality and continuity of care, and of course the fact that it is costing a hell of a lot more money.

1200 **Mr Speaker:** This supplementary may not come strictly within the ambit of the two questions. I think I should allow an opportunity to the Hon. Minister because these are very serious allegations which are being made and which I am sure he will want to deal with.

1205 **Hon. D A Feetham:** Mr Speaker, may I ask as well, for the benefit of *Hansard*, that whatever e-mail the hon. Lady has should in fact form part of the record, because if we are going to be discussing an e-mail it should form part of the record so that we can then refer back.

1210 **Mr Speaker:** You are quite right, yes. The Hon. Leader is quite correct. If it is going to be made available to the Hon. the Minister, it should be made generally available.

1215 **Hon. Dr J E Cortes:** Mr Speaker, the question of when a person decides to leave a place of employment is always a very delicate one. I have to be careful what information I give and I am glad I do not know the name of the individual who wrote that e-mail, because it maybe that that person left for reasons that he may not have been happy with, but for all we know the GHA may not have been happy with the service that he or she provided, and there is always the ability to leave, send an e-mail which is not substantiated, and make spurious accusations which would need to be investigated. Therefore, that is something that one has to look at very carefully.

1220 In the case of the three surgeons who have left recently, one of them on retirement, one for family reasons and one for other private reasons, that is for them and is not for me to discuss in this House.

I am satisfied that those allegations are spurious and incorrect. I could bring a host of other e-mails from a host of other professionals who say the very opposite.

1225 So we must be careful. Did that doctor go because there was a certain grievance and therefore he is trying to get his own back because he did not agree with the action which may have led to that? We have got to be very, very careful. These are serious allegations and they would have to be thoroughly investigated.

In relation to locums –

1230

Minister for Business & Employment (Hon. N F Costa): Do you mind?

Hon. Dr J E Cortes: No, I will give way.

1235

Hon. N F Costa: Mr Speaker, on a point of order, this is a matter that we have spoken about previously when the hon. Lady decided to bring to this House – for the first time, I may add – questions on the basis of rumours that she had heard.

1240

I did refer Mr Speaker to the Standing Orders and I will refer him to Rule 17(1), and there are three Standing Orders which are relevant and which ... I think we have got to be extremely careful not to allow Members opposite to put questions which would be, in my view, a grave violation of the following Standing Orders.

The first is 17(1)(iii) and says:

if a question contains a statement, the Member asking it shall make himself responsible for the accuracy of the statement;

1245

In my submission, Mr Speaker, it is nigh impossible for the hon. Lady, without having the resources to make an investigation, to be able to tell this House whether or not the statements that she reads out in an e-mail are accurate, for the very good reasons that my hon. colleague Mr John Cortes has just said.

Secondly, 17(1)(vii):

a question shall not ask for an expression of opinion, or for the solution of ... hypothetical propositions;

1250

In essence, Mr Speaker, when an e-mail is brought or any other statement is read which the Minister has not had an opportunity to consider and to investigate, what he is asking is essentially to opine on matters, on hypotheticals, which he is not allowed to do.

And thirdly, and certainly directly on point on this matter – and forgive me if I get the Roman numeral incorrectly – is 17(1)(xv):

a question shall not be asked seeking for information set forth in ... ordinary works of reference.

Sorry, 17(1)(iv):

a question shall not be asked as to whether statements in the Press or of private individuals ... are accurate;

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Mr Speaker, for all of those reasons and for all of those submissions it is not right that any Member of this House once again comes asking about questions based on innuendo, rumour and statements on which the hon. Gentleman has been ambushed without notice and is totally incorrect.

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Mr Speaker: The Hon. the Minister is perfectly correct and I should not have been as liberal as I have been.

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He is particularly correct in respect of 17(1)(iii). A Member asking a question has got to make themselves responsible for the accuracy of the statement. Perhaps I have erred in being over liberal because Members of the Opposition, most of them, are still new and perhaps I err on their side ... Though some people may not think so, I do err on the side of giving them an opportunity. But having realised how serious the matter was, I thought I should not rule it out,

because an allegation has been made and obviously the Minister must have an opportunity to deal with that matter.

1270 **Hon. N F Costa:** Yes, but, Mr Speaker, the reason why I rose to address the Chair on a point of order is because the moment that the House allows it on *Hansard* after having followed the Hon. the Leader of the Opposition's request that it should be placed on the record because the question has been asked, we are literally opening a floodgate that literally no one wants to allow.

1275 Mr Speaker, it is *impossible* for a Minister to come to this House being able to answer questions on statements, made by third parties, which the Minister has not had the opportunity to investigate. If it were to be allowed, we could be here ad infinitum every day of the week and twice on Sundays talking about rumours.

1280 **Mr Speaker:** The Hon. Minister is perfectly correct. One of the things that I have learned in the four years – the other day, four years – since I have been Speaker, is that the Rules are not well known by hon. Members.

I would invite ... in fact, I would instruct hon. Members that they should be familiar with the Rules. There is a need for them to know what the Rules are. Sometimes there may be a fine distinction, but we need to be very, very careful.

1285 Here we have had, this afternoon, certain statements made from some party – whom, we do not know. The hon. Member has to make herself responsible, and before she does come to the House making such statements she needs to ensure that they are accurate. If they are 100% accurate, then she is responsible and not whoever has made the allegations. (*Interjection*)

1290 **Hon. Ms M D Hassan Nahon:** Please... Can I, if you do not mind?

Mr Speaker: But what it comes down to is ... and I would particularly ask the Members of the Opposition, because they are the ones who ask questions. Some of them are experienced, they have been here a number of years. There are definite Rules governing the right to ask questions – Rule 17 in particular. They need to be familiar with Rule 17.

Does the Leader of the Opposition wish to ...?

Hon. D A Feetham: Well, the hon. Lady wants to.

1300 **Hon. Ms M D Hassan Nahon:** Thank you.

Mr Speaker, with the utmost respect to you I was here the other day, four days ago, and I showed you the e-mail and I asked you if it was appropriate for me to ask. (*Interjection by Mr Speaker*) I know, because I am not a lawyer and I have not been here for a long time, I purposely came to you to ask if it was appropriate (*Interjection by Mr Speaker*) to bring up the e-mail.

1305 Can I just say a couple of other things. I accept the legal point, I would not like to start getting into that debate, but I would not call them rumours, because rumours are what people say without names. Whether they are spurious or not maybe can be debated, even though I do not agree because they are from two different doctors saying very similar things, so I would not use the word 'spurious'; but certainly not rumours, because they are not anonymous or hearsay.

1310 Above all, I think that there is a tendency here ... we are missing the point. What really should be coming out here ... the concern is that I have an e-mail and that I have given information that a few of our doctors – very, very good doctors – have left with very serious accusations, and I would have liked to have seen the Minister, or any of the Government Ministers opposite, showing more concern, rather than defensiveness that the situation ... about the things that I have been bringing up.

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I am very sorry, but this is affecting an entire population that three doctors have left, and to say that they were personal reasons and retirement ... Clearly not, when I have an e-mail saying the opposite from two of them.

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Hon. N F Costa: Mr Speaker –

Mr Speaker: No, I have the floor.

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Clearly, I am to blame because I have misled the hon. Lady and, had I not done so, had I guided her correctly, the matter would not have arisen. I have to apologise to her and to hon. Members because this has happened.

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The procedure should have been that the matter could have been raised in a general way: has the Minister received any complaints; is he aware of any complaints? Blah, blah, blah. That is the manner in which it should have been raised and not in the specific manner in which it has been.

I apologise to hon. Members. We all make mistakes. I have stated before in the House that I am not infallible, otherwise I would not be here – I might be in the Vatican instead. *(Laughter)* So I do apologise.

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Hon. N F Costa: Mr Speaker, if I may – just by way of assistance, I can assure the hon. Lady that I only arose because we want to be able to provide to this House the information that she requests. But it is not possible to be able to provide any information to the hon. Lady if she does not tell us of such allegations and accusations before the House, to be able to investigate it. And with the greatest of respect to the hon. Lady, because she knows that I have a lot of time and respect for her, just because two people say something does not make it right, and for us to be able to determine and ascertain – for the benefit, as she rightly says, of our community – allow us the opportunity to investigate those complaints.

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Hon. Ms M D Hasson Nahon: Fair enough, but can I just say: now am I entitled to ask had the Minister for Health heard all these accusations? They are saying they have put them forward to the Minister. Am I allowed to ask whether these complaints ...? Or is the Minister saying that he has never heard any of these complaints?

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Mr Speaker: You are able to. The Minister may not give you the –

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Hon. Ms M D Hasson Nahon: Are these complaints new? They are alleging that these complaints are not new: are they new?

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Hon. D A Feetham: Well, I was going to add. I have to say on the point of order I understand the elevation of rumours, I understand the question of making yourself responsible for statements, and I also understand the hon. Gentleman's point about asking the Minister a question without actually the Minister having seen the e-mail for himself so that he can then objectively look at the e-mail and then comment on it, because at the end of the day he cannot comment on something he has not seen. But the reality of the situation, Mr Speaker, has to be that on something as serious as this, that if there is an e-mail from two doctors – I have not seen it – that make serious allegations, surely the hon. Lady is entitled to ask about those allegations. The hon. Gentleman can then deny, accept or comment or whatever, but otherwise the scrutiny of this House, in terms of the ability of the hon. Lady to ask questions about this, would be severely curtailed. It is the process.

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I understand it is the process, it is the affording of the opportunity, and I also understand it is the adoption by a Member of Parliament of something that is said in an e-mail. What a Member of Parliament cannot do is adopt something that is in an e-mail when that person does not have first-hand knowledge of what is contained in the e-mail. But the Member of Parliament must be

1370 entitled to basically ask the Minister to comment, provided he or she gives the Minister an opportunity to basically see the allegations that he is supposed to meet.

Mr Speaker: Yes, but on the other hand, care has to be taken that under the guise of a question that may appear perfectly harmless – why is it that doctors are not on a fixed contract or pension scheme – a supplementary is then asked which puts the Minister in an impossible position. It is for me to be the ultimate judge as to whether I should allow that supplementary or not. On this occasion I did, and I am wrong.

Hon. N F Costa: Mr Speaker, if an hon. Gentleman or an hon. Lady wishes to have specific information on specific instances, the only way that the hon. Gentlemen opposite or the hon. Lady is going to receive it is by asking us, before the House, to investigate. Or, if they come to this House ready with a question, surely it would have to be on the Order Paper, with notice, and not – and I do not mean this word disrespectfully – ‘ambushed’ under the guise of a question that is only, if anything, tangentially related to the question on the Order Paper.

1385 But if, say, the hon. Lady only found out or only received the e-mail today or the day before and did not have the opportunity to put it on the Order Paper, but she felt that it was urgent and needed to be ventilated in this House, if she did not feel comfortable or did not wish to make the enquiry of Dr John Cortes before the House, respectfully then the question would have had to be couched on ‘Is the Hon. Gentleman aware that ...?’ or couched in general ways for the hon. Minister to be able to say ‘I have not heard’ or ‘I have heard’ or ‘I will investigate’, but to say in this House categorically that there are accusations and there are allegations which have been put forward by a doctor ... And in this society a doctor is taken as a person of absolute trust. When a doctor tells you to take a medicine, you do not go back home and check it so see whether or not you should take it. A doctor is in a position of absolute trust, and when doctors say something people tend to take that advice, really, as biblical, as gospel.

1395 As I say Mr Speaker, the Hon. Mr Cortes in particular, of all Ministers, would be the first one to dive head-in to be able to obtain the information that he is requested to do. I just rose because I thought it was unfair that under the guise of a question that was at most tangentially related to the question on the Order Paper, he should then have been put accusations by an e-mail which he has never sighted.

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Mr Speaker: The upshot of it all is that I myself need to brush up on my rules, musn’t !!

Hon. Dr J E Cortes: If I may, this is hugely complex. I can say that we have well over 30 doctors now and the vast majority are very happy, but we have got to be careful because just because somebody is a doctor ... they are also human.

1405 Let us take an example of a member of any other profession who for some reason may leave. For all the hon. Lady knows – and it was not the case in this case – somebody may have gone through a disciplinary process or may have had some other problems and they were forced in one way or another to leave and they may have grievances. Then they can write *whatever they like*, whether or not it is true, and hand it to a Member of the Opposition, and then it is raised in Parliament and one has to defend something which is potentially totally unjustified, unfounded and spurious. Therefore we have to be very, very careful.

1410 On this particular occasion I have not seen the e-mail. I think from what the hon. Member says it is now not possible to put that in *Hansard*, but I would be very happy to see it and to share my comments.

1415 I think we are talking about three general surgeons who left. I have got to be very careful again, because I may know aspects of what led to their departure that I cannot share. *(Interjection)* Absolutely. I can say that at least one of them gave me a hug and thanked me for all I had done for him before he left. Another one thanked me for trying to resolve a question of registration which it has not been possible to resolve, and I will leave it at that. So there was no

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breakdown in my relationship with them. But you never know what is behind ... and you do not know – not you, Mr Speaker; I was not referring to this Lady, I was talking in general terms. So when we are talking about the departure of a person who then writes an e-mail, we have got to be very careful how much credence we give to it.

1425 Of course I am concerned, but I think that one thing is clear: it is not as easy to be a doctor in the GHA now as it was before, because we insist now on a certain standard of registration and we are now working on job plans. The majority of them embrace this, but some may feel less comfortable than they were when management and the Minister were not more on top of the fact that they are here, getting paid to provide a service to the people during the hours that they
1430 are paid – and perhaps it is not as easy now to be a doctor. The majority have embraced them. One or two may have decided to go away for other reasons – not these in particular, but I think that when you try and improve standards and demand certain standards, then some people accept it and some people do not.

1435 On the specific matter of locums, locums tend to be more expensive, but on some occasions locums are actually better than the people who left. On this occasion we are very lucky, for example, with one particular general surgeon locum who has certain skills which the other ones did not have, and even though he costs us slightly more we are now able to do some operations or some investigations in Gibraltar that we used to have to refer abroad or we had to bring in a visiting consultant. So in fact in some areas the cost has actually increased. So you cannot say
1440 that a locum in particular is necessarily something negative.

1445 On one other subject, since we are on the subject of locums, I think that the main Opposition party raised the issue of the fact that we do not have a pathologist. We do. We have a locum pathologist. Sadly, we do not have a substantive pathologist because the pathologist died, passed away under tragic circumstances after a short but very serious illness. We then had to bring in a locum. We advertised and interviewed, we selected somebody who told us that he would only come if he got twice the pay we were giving him, if he got extra time, if he had an extra-special flat, and we told him no. (*Interjection*) So we are now through the process with a locum who is doing an excellent job of replacing him.

1450 So it is very easy to hear rumours in the street, or pick things off Facebook and then make a press release about it, or even worse bring them to Parliament, but we must be very, very careful and not lose the respect of the people by bringing such things here. Mr Speaker, of course everybody is free to bring things here, but I think that the hon. Members opposite will probably find the Hon. Mr Costa as approachable as I, and if they have genuine concerns let's try and resolve them without trying to make unnecessary political capital out of individual
1455 circumstances about which facts we are not certain.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you, I am grateful for that. I think that the Hon. Minister knows that whenever I can I try to speak to him privately and I am not one to try to make political capital but to help people, above all. But this case for me was of very grave
1460 public concern, because to see three doctors leaving Gibraltar in a space of three or four months was something that worried me for the sake of our community in general.

I do not know any more how to put it across, because I feel like I am not really getting much by way of answer, confirming or not whether the Ministers as alleged have been hearing about it, but I accept the answer.

1465 I just want to ask one more thing, which is not exactly about that. Back to the original question really, a supplementary. The Minister for Health tells me that the doctors who are now getting pensions and contracts as from 2012. Where does the Government stand on the fact that doctors who were working here for 10, 15 years did not have contracts or pensions? I am sure we will get back that it was before your administration, but perhaps did you try to right a
1470 wrong there? I know particularly, and I am sure that the Minister knows who I am talking about, that there is one terminally ill doctor who has cried to me and told me that he has got nothing to leave to his family – and that is not a rumour; that is from the horse's mouth.

1475 **Hon. Dr J E Cortes:** Mr Speaker, once again, this is very difficult because in Gibraltar it is a small place, we all know each other and we know who the people concerned are. It is a tragic situation of that particular individual, but it is not as it appears. I cannot give personal details in this House, so I will have to explain to the hon. Member outside this House, and even if *Hansard* will not reflect the answer I owe it to that individual not to provide the answer, but I have given certain assurances to his colleagues about his status.

1480 Mr Speaker, the situation regarding contracts is as follows. The consultants in 2004 were given a pay deal subject to a contract which never transpired. In 2012 we started negotiations on the contracts. For a number of reasons these negotiations were quite extended, they were very complex. Sometimes it was the doctors' representatives, Unite the Union, who took a little bit longer to respond to some queries; sometimes it was the GHA's management. We are now in a situation that we have agreed on all the main details of the contract and we are now just
1485 working out minor adjustments. I am sure that Mr Costa will be able to announce the full acceptance of the consultants' contract now within months.

With the junior doctors and non-consultant hospital doctors, we have been meeting with them regularly, we have been improving their terms and conditions, changing some of the shifts so that they do not do, particularly in some areas, as many hours. We have more now in place,
1490 we have given them safeguards regarding their security of tenure, and again we are developing that contract and working very closely together.

I think that covers most of the areas.

Hon. D A Feetham: Mr Speaker, may I? It was one of my questions too.

1495 What we have here is three consultant surgeons leaving within a short period of time in a particular area. We are talking about surgery. It must be more than mere coincidence that that has taken place. And let me tell you that one of those doctors is very close to my own heart – he saved my life – and I know exactly why he left, because he also told me, and it is *not* coincidence. (*Interjection*) I mean low morale was the reason that he expressed to me as the reason for going.
1500 Does the hon. Member accept that it cannot just simply be coincidence that three consultant surgeons have left during a short period of time?

Hon. Dr J E Cortes: Mr Speaker, I do not know who the doctor he is talking about is, but it is not relevant. Low morale can come from a whole lot of reasons, including one's own personal position, one's own personal perception of improvement and that perhaps you are resisting the change. So low morale is not necessarily due to the organisation; or, if it is due to the organisation, it may be a negative response to a positive development.
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And yes, Mr Speaker, there is such a thing as coincidence.

1510 **Chief Minister (Hon. F R Picardo)** Maybe I can be of assistance, because I have had discussions with the relevant doctor in question in respect of –

Hon. D A Feetham: Mr Speaker, are we actually speaking under the Rules? If we are going to stick to the Rules ... A point of order, Mr Speaker.
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Hon. Chief Minister: No, Mr Speaker, I am giving more information to the House. Doesn't the hon. Gentleman want more information? This is Question Time.

Mr Speaker: First of all, I need to judge whether in fact the Chief Minister is providing additional information in his intervention to what the Minister has provided.
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Hon. Chief Minister: Mr Speaker, I hope I will be able to assist the House because I have had discussions with the surgeon that the hon. Gentleman has discussed, on a number of occasions about the issues that related to him in particular. We will not be disclosing who that is, although

1525 the hon. Gentleman has thanked this person in public before and named them, and therefore
people may be able to identify who it is. I understand anyway that that person reached
retirement age, Mr Speaker, and that should give us an indication of how he reached the
1530 decision that he should retire – because he reached retirement age. But the issue affecting that
person repeatedly was that he wanted to be able to buy a larger home, and he came to see me
in respect of that on a number of occasions and asked to be able to access Government tenders
without having to go through the tender system and asked to be able to purchase property from
the Government without having to go through a public competition system.

Mr Speaker, with the best will in the world the Government is not able to allow people to
jump the queue simply because they happen to be in a particular profession. If that affected
1535 morale – because the hon. Gentleman might like to know that this particular surgeon said
repeatedly to me that this was affecting his morale – I am afraid that following the rules is
something that the Government is always going to have to do, because people are not able to
jump the rules in respect of property purchase in Gibraltar because of the profession they may
be exercising.

1540 I hope, Mr Speaker, that that assists to inform the House – nay, the community, because all
the community is getting is what the hon. Members opposite are saying – but we are not able to
give more information unless they put us in the position where we have no alternative but to do
so.

But the last time I checked, Mr Speaker, retirement age was retirement age.

1545 **Hon. D A Feetham:** Well, Mr Speaker, I am sorry but I cannot accept the accuracy of the
answer the hon. Gentleman has given and I feel duty bound and morally bound to actually stand
up and to – (*Interjection*) No, Mr Speaker, he has given a statement which is not accurate. This
particular surgeon is in Sweden practising.

1550 **Hon. Chief Minister:** Mr Speaker –

Hon. D A Feetham: He is in Sweden practising.

1555 **Hon. Chief Minister:** He may be in Sweden practising, Mr Speaker, because they may have a
different retirement age or he may have gone into private practice, but he may not be in the
public sector in Sweden practising. Here, he was in the public sector, in the GHA, and he reached
retirement age. Or is it that the hon. Gentleman thinks that he can just get up and say things in
order to try and create an impression of something else? Is the hon. Gentleman saying that the
1560 surgeon is in Sweden practising on the public purse, employed by the Swedish public health
authorities? And if he is, can he tell us what the retirement age is there and can he tell us
whether he is just contracted as a consultant outside the retirement age, because here he
reached retirement age.

When somebody reaches retirement age, Mr Speaker, what they tend to do is retire, whether
1565 their morale is high or their morale is low. If they then are able to obtain consultancy work
somewhere else, well very good, but it does not affect that they have reached retirement age
and it does not affect that whilst they have been here the thing that they have said has affected
their morale is that they are not able to purchase a bigger home outside of the tender system.

1570 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may, I happen to know the history of this
doctor and the housing issue, and I think that I need to clarify that the doctor was not asking for
anything that he was not promised. This doctor came to Gibraltar in the – (*Interjection*) Please,
Mr Speaker, I believe that –

1575 **Mr Speaker:** The hon. Lady is making a statement.

Hon. Ms M D Hassan Nahon: No Okay, I will stand by that. I will stand by the statement I am about to make. Please, let me just ... I think I am entitled to ... If I know something that perhaps the Chief Minister is not correct about, I think I should be entitled to say it.

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Mr Speaker: Please put it in the form of a question. *(Laughter)*

Hon. Ms M D Hassan Nahon: The doctor was contracted before this GSLP Government came to office and it was the GSD who gave him a promise of a property and for his child to have school care in Gibraltar. That was a promise that unfortunately the GSD did not honour on this doctor. So the doctor was initially cheated off, to say the least, because this promise and this part of his job contract, as he saw it, was not honoured and he had difficulty finding a place, based on the fact that they told him they would accommodate him. The Chief Minister knows this, because I came to see the Chief Minister before I joined the GSD, before the by-election, to explain to him that this doctor was not being given what he had been promised. However, let me just assure the House that he moved on from there and that his issues – take the e-mail, do not take the email, whatever you want – are not based on the house. I do not think it is fair and I think I am being fair enough to explain that this was a promise by an administration that was not honoured and it is not fair to say that he was trying to jump the queue or ask for something that he did not deserve, because it was part of what he was told before he came to Gibraltar.

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Hon. Chief Minister: Well, Mr Speaker, I am grateful to the hon. Lady in respect of that information about what it is that he was allegedly promised, and I hope I get my grammar right in answering her now, but let's be very clear –

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Mr Speaker: Let me make one thing clear now. I am going to allow the Chief Minister now to intervene. Then I think the Leader of the Opposition has a supplementary and I will allow a supplementary. Then I am bringing the exchange ... We are then moving on, from then on.

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Hon. D A Feetham: I have no more supplementaries.

Mr Speaker: You don't? Then we are moving on.

Hon. Chief Minister: So, Mr Speaker, let's be very clear. The hon. Lady is right: she told me those things in the context of setting up a meeting between me and this person, this doctor. I then had the meeting with the doctor, who did not mention any of those things. He said, 'Look, the thing I need is this ...' *(Interjection by Hon. Ms M D Hassan Nahon)* But she was not at the meeting. What she has told the House is what she told me, which led to my having the meeting with the doctor. At the meeting with the doctor he says to me, 'Look, what I need is this: I need a property and I cannot afford to pay Gibraltar prices, and so therefore can I please buy a property from the Government without having to go through the tender process?' And my answer was, 'Look, you have to go through the tender process and you have to be in touch with the Deputy Chief Minister. There are things coming out in the Upper Town you may wish to buy there during the course of making a bid, and we give good deals in the context of those bids. People put in their sealed bids, the top bid gets it and you can get it – but we cannot do it otherwise.' But none of the things that she had said to me and she has referred to the House now were the things that the doctor was saying to me.

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Frankly, she is absolutely right. If somebody is given a job on the basis that they are going to be provided with (a) or (b), then that is the job offer and it should be made good, but he did not put those things to me as the things that were relevant to him. *(Interjection by Hon. Ms M D Hassan Nahon)* Right, absolutely, but those were not the things that he then put to me. Your meeting with me led to my meeting with him, and we were not able to resolve it in a way that he was very satisfied with but he went away saying that he would make a bid in the context of

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1630 the then tender process. I do not know whether the man then made a bid or did not make a bid,
but one has different pressures in one's life and if one then decides that it is not resolved and
you want to take a particular course of action it has got nothing to do ... and I think the
important thing here, Mr Speaker, is it has got nothing to do with what was happening in the
Health Service. I know that what the hon. Lady has said does relate to the Health Service, but it
is very surprising that those things which the hon. Gentleman was not aware of as Minister of
1635 Health were not the basis of the man's going. The man left because he retired, because he
reached retirement age.

I do not know how we can have a disagreement about that, Mr Speaker. It is simple:
retirement age tends to affect morale in different people in different ways, because you reach
an age where you do not feel as young as you used to.

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Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):
That is why I don't retire! (*Laughter*)

Hon. Chief Minister: But it is not the wider malaise that hon. Members are referring to.

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The hon. John Cortes has a record, I think, of inspiring most people who work with him. I
have yet to hear somebody who works in a Department run by John Cortes saying that they are
low on morale. If anything, and until they work with Neil Costa, who has a particularly uplifting
effect on me and everybody else he works with also, (*Laughter*) the people in the Health
Authority are slightly in mourning because they are losing a man that they love, (**A Member:**
1650 Yes.) a Minister who is well loved in his Departments, (**A Member:** Yes.) and I am sure that they
will also grow to love Neil Costa. People in the Department of Education are looking forward to
him starting his stint there, because he is a man who is also known for his ability in respect of
education. He has got more PhDs than most of us have hot dinners or than I answer questions in
this House, (*Laughter*) but he does not have an effect of ruining people's morale – whoever they
1655 have operated on, Mr Speaker.

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Hon. Ms M D Hassan Nahon: I have never suggested that the Minister has ruined anybody's
morale. What I have brought up is issues in the Health Service and I am sorry to see that we have
digressed onto matters of housing and other sorts of things that really have nothing to do with
this. I am actually glad that I was privy to a lot of this history, because I was able to put it right.
(*Interjection*)

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But we still have not dealt with the bottom line, which is that two doctors have alleged that
things are very, very bad in the Health Service, and we are still on the defensive and we still have
not got to the crux of the issue. I am very sorry about that, for the community – not only for the
doctors, let me say but for the community. It worries me deeply that a few really, really good
doctors have left Gibraltar, because it will have a domino effect in the quality and care of our
people. I am really sorry about that, because now we are going to be having locums – the usual
Xanit situation – and there is not going to be quality and continuity of care. I hope to God I am
wrong.

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Hon. Chief Minister: Mr Speaker, the hon. Lady has to understand that it is not all just
politics. It is not all just politics. It is politics here. This is politics: we are having a debate which is
political.

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She would have my full and entire agreement if I thought for one moment that the Minister
for Health had supervised the mechanism where doctors are going, out of desperation for issues
related to the Health Service, and we were being left with locums who could not deal with
matters. That is not the case, but sometimes when somebody goes you have to have a locum
because that is the way that you get the best person for the job. There are other questions on
the Order Paper that will disclose the excellent job that is being done in finding the right people
1680 for the job, in many instances locals who are away – locals, not locums. Locals who are away.

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1685 What she *surmises* is going to happen, which is hell and brimstone, is that we are only going to have locums, we are not going to have doctors to operate on our people, our community. Woe is us! That is not happening. We have had a coincidence of people leaving at a particular time for issues that are unrelated. Issues that are unrelated. I can tell her that the issues which affected the morale of this particular individual – which is what the Hon. the Leader of the Opposition raised, not her – when they came to me were unrelated to the Health Service. Right. Unrelated to the Health Service.

1690 The hon. Lady needs to understand you had a situation where the hon. Gentleman has got up and explained very candidly what happened in relation to the pathologist. The pathologist did not leave because of low morale. It is clear that the pathologist (*Interjection by Hon. D A Feetham*) passed away. (*Interjection by Hon. Ms Hassan Nahon*) I know you are not talking about the pathologist; I am. Perhaps if you listen you will understand what I am trying to say. The pathologist passed away. It is not that we do not know why the pathologist passed away because we have not got a pathologist to do a pathology on the pathologist. We had a locum quickly and we will have a locum pathologist until we have a full-time pathologist.

1695 Is it that Members are saying, ‘You should move even more quickly, because what we think is right’ – and this is where the balance has to be struck in terms of professionalism – ‘is to be able to choose the best person for the job long term, and when people leave you can either replace them quickly or you can replace them with reasonable pause so that you find the right person in the long term.’

1700 It is not as if we are being told nobody wants to work in the Gibraltar Health Authority because morale there is so low; the opposite is true. We have a lot of applications and that is why we need locums, whilst we sift them to get the right people for the jobs; and where possible, where we have invested – coming back to some of the questions we were dealing with yesterday – in educating Gibraltarians who are away, who are experts in those disciplines who apply, to see whether they can be the ones to take them if they are the best person for the job, because this is the Health Service, this is not just a place where you get in because of your passport. (*Interjection by Mr Speaker*) Coming on later. I hope that deals with the issues that the hon. Lady is raising. She does not have to think, ‘Woe is us – we haven’t got any doctors in the Health Authority!’ We have more doctors and more consultants now than we had when we were in Opposition and after we took over in 2011, so I think we are moving in the right direction.

1715 **Hon. D A Feetham:** Mr Speaker, may I? (*Interjection by Hon. Dr J E Cortes*) I will give you a chance to round up with this question; no doubt you will use it to round up.

How many surgeons are there now working at the hospital?

1720 **Hon. Dr J E Cortes:** Mr Speaker, I am not sure whether I answered that as a question in a recent meeting of Parliament or whether I provided that to the media in relation to a press question. Off the top of my head, and this is recollection, we have four general surgeons at consultant or associate specialist level, four orthopaedic surgeons, three obstetrician-gynaecologists, six junior doctors –

1725 **Hon. D A Feetham:** Locums?

Hon. Dr J Cortes: No, locums? We have surgeons. Surgeon locums, we have the three covering the general surgeons, although the recruitment process is already well underway, and we have one, possibly two, covering long-term sickness, as far as locums are concerned.

1730 But if I may round off the question, locums are necessary because of the recruitment process, and remember that doctors, particularly good doctors with good jobs, need to give considerable notice to their own employers before they can leave and take up another job such as in Gibraltar.

1735 The surgical department in St Bernard's Hospital is an excellent department which has made huge progress. We now have, instead of one operating theatre, four or five operating theatres, including day surgery; we have more surgeons, we have more nurses. So anybody who, in those circumstances, had low morale is probably better off somewhere else.

1740 Just to round up completely on this, I can confirm, now that I know who the doctor in question is, that he did embrace me and thank me from the bottom of his heart for the way that he had been treated by me during his time under my Ministry.

Several Members: Hear, hear. (*Banging on desks*)

Q640/2016
St Bernard's Hospital –
Attracting consultants

Clerk: Question 640. The Hon. D A Feetham.

1745 **Hon. D A Feetham:** Mr Speaker, can the Minister for Health explain what he is doing to attract local consultants who are working in UK hospitals and further afield to come and work at St Bernard's Hospital?

1750 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, a great deal. Doctors who are consultants, or training to be consultants, who contact the GHA or are known to the GHA are always engaged with.

1755 Consultant posts which are due to become vacant are tracked and matched with the availability of local doctors. One example is the replacement of Dr Mike Maskill, whose retirement was planned and whose post was advertised on a designate basis and filled by Dr Gareth Latin, who eventually took over from him.

1760 Similar processes are envisaged in at least three other cases, and any new cases about which we may become aware, either through approaches by individuals or through information sought from the Department of Education, are also followed up.

Q641/2016
DHA stores –
Stock control security and frontline management

Clerk: Question 641. The Hon. D A Feetham.

1765 **Hon. D A Feetham:** Mr Speaker, what steps has the Government taken to permanently address the concerns raised by the GHA's Director of Finance and Procurement in his report to the GHA Board dated 31st May 2012 regarding serious concerns about stock control security and the frontline management in stores?

1770 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, in April 2014, after long negotiations with Unite, amended elements of the stores restructure proposal of 2011, held up due to longstanding stores staff claims, were finally given the green light and implemented.

1775 In January 2015 the Stores Supervisor position was finally made permanent after it had been filled on a temporary basis since the retirement of the previous supervisory grade D officer back in August 2011.

1780 In April 2015 an approved second HEO position within GHA Finance and Procurement was finally recruited and was assigned higher management responsibility for procurement and stores.

1785 In May 2015 the new HEO, the procurement and stores front line managers, together with GHA IT commenced working on the development of an in-house bespoke electronic inventory management solution. The software development has now been completed and was recently successfully piloted with some elements of pantry supplies. We will shortly carry out all major preparatory groundwork needed for the software to be uploaded with the relevant stores inventory data for the stock items to be barcoded before the software can become sustainable and operational within what will be a first phase of development and improvement in inventory management and control in this area.

1790 **Hon. D A Feetham:** Mr Speaker, thank you very much to the Minister for the answer.

Let me just read from the actual report, because it did strike me as quite a striking analysis from the Director of Finance and Procurement. What he said was, and I quote:

Stock control, security and the frontline management in stores continue to be a very serious concern and a risk that, if not addressed permanently, could have serious financial and patient care implications.

1795 That was on 31st May 2012. Why has it taken the Minister two years to get to his first step, which was in 2014, and then three years, to 2015, in order to introduce all the items that the hon. Gentleman has listed in his answer, given what are very serious concerns expressed by the Director for Finance and Procurement about, apparently, lack of control?

1800 **Hon. Dr J E Cortes:** Mr Speaker, perhaps the Hon. the Leader of the Opposition ... I am so sorry that I am being moved from Health, if only because I will not have the pleasure of answering his questions. *(Interjection by Hon. Chief Minister)* But anyway, Mr Speaker, *(Interjection by Hon. D A Feetham)* I am grateful to the Hon. the Leader of the Opposition. Perhaps he should be able to answer me, if I were allowed to ask him questions, why in the 16 years up to 31st May 2012 nothing had even been identified. **(A Member: Hear, hear.)** *(Banging on desks)*

1805 Mr Speaker, the matter started improving at that time. There was a complex need to restructure the stores department, which had implications which Unite the Union was concerned about, and it took very long and hard negotiations to finally resolve them.

1810 The process of preparing bespoke software is complicated, but I am now very glad to say that we are beginning the implementation – not a moment too soon, I will agree, but there was a process to follow and the process at least was started in 2012 after nothing had been done about it for many, many years. *(Banging on desks)*

Q642/2016
GHA Director of Finance –
Submission of monthly finance report

Clerk: Question 642. The Hon. D A Feetham.

1815 **Hon. D A Feetham:** Mr Speaker, can the Minister for Health advise if the GHA Director of Finance continues to submit to the GHA board a monthly finance report?

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

1820

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, no, sir, he has never submitted a monthly report. Shall I assist, Mr Speaker, before he asks, that he has submitted a quarterly report?

1825 **Hon. D A Feetham:** And is that a document that the hon. Gentleman is prepared to make available to the Opposition?

Hon. Dr J E Cortes: Mr Speaker, I suspect that the reason for this question may be related to the last board meeting, where the ... There is a finance report which is an internal document, and there is a finance report which is a public document, which is tabled at the public meetings of the Health Authority. So there is an element which he can access on the website and there is an element which obviously is an internal report.

1830
1835 **Hon. D A Feetham:** So, Mr Speaker, just to be clear in my mind about that answer, the quarterly finance report – is that a public document? Is it available to the public? Is he willing to make it available to the public? Or is he saying that parts of that report have been made public through the board's report, which is what he is saying?

1840 **Hon. Dr J E Cortes:** Mr Speaker, there is an internal working document for the organisation, which is the quarterly report. There are internal reports that have a shorter timeframe, once a month some of them and so on. But the ones I am referring to are the quarterly reports which are submitted to the board. There is a summary of those reports which is part of the open agenda, which is a public document.

1845 **Hon. D A Feetham:** Mr Speaker, we all welcome reasonable expenditure and proper expenditure on health. I cannot think of anything else that I would wish the public finances of this community to be spent on, apart from possibly education, Social Services, health. Those are the areas where any fair society would invest a vast bulk of the income generated by that society. But there is no doubt that over recent years there has been a huge increase in expenditure on health. It is projected in the books to increase to about £8.2 million a month by the end of this financial year. I suspect that it might even increase more than that.

1850
1855 In the light of that, does he not accept that transparency in the way that the finances of the GHA are managed and handled is just as important as transparency in the areas of public finance? Therefore, I would invite the Hon. the Minister to perhaps at the very least provide a public summary of these reports on a monthly basis, if not the entirety of the report, so that there can be greater scrutiny of the finances of the GHA.

Hon. Dr J E Cortes: Mr Speaker, there is clearly a Budget session of Parliament where the question of expenditure in the Health Service, as elsewhere, is openly discussed at length. I have

1860 already said that a summary of the report is published in the quarterly board reports and therefore it is already happening.

Q643/2016
Gibraltar Health Authority –
Date of next public board meeting

Clerk: Question 643. The Hon. D A Feetham.

1865 **Hon. D A Feetham:** Mr Speaker, can the Minister for Health advise when the next GHA board meeting will take place in public

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

1870 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, subject, obviously, to the new Minister possibly changing the date for other commitments, the intention and the booking is that the next GHA board meeting in public will take place on 23rd November this year. Mr Clinton will no doubt be there.

1875 **Mr Speaker:** Next question.

Q644/2016
Gibraltar Health Authority –
Amounts paid out in claims

Clerk: Question 644. The Hon. D A Feetham.

1880 **Hon. D A Feetham:** Mr Speaker, how much has the GHA, or the Government on its behalf, paid out in respect of claims made against the GHA in respect of the last four years, providing a breakdown on a case by case basis?

Just to clarify, I am not asking the hon. Gentleman to provide the actual names of the cases, but if he can provide the breakdown I would appreciate it.

1885 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the information is in the schedule I hand over.

1890 Let me just explain, Mr Speaker, that it is presented by total cases by month rather than individual cases and it is divided into two parts. The first part is those sums which are paid for directly by the GHA and the second part are those parts of claims that are paid for by our insurers. So there are two tables there.

1895 **Mr Speaker:** Perhaps it ought to be made clear for the benefit of the general public that the Minister, in the schedule, has not revealed any names.

Hon. Dr J E Cortes: Absolutely, Mr Speaker, no names are provided whatsoever.

Mr Speaker: No names are revealed in the schedule.

1900

Mr Speaker: Next question. We can come back to it.

Answer to Question 644/2016

Amount paid out to claimants against the GHA for the settlement of complaints/disputes out of court, 2012

Month Paid	New Claim	Brought forward from previous years	Amount
Jan-12	1		£2,968.12
Feb-12	1		£3,034.00
Mar-12	3		£21,926.43
Apr-12	0	1	£112.58
May-12	3		£6,809.00
Jun-12	0		£0.00
Jul-12	0		£0.00
Aug-12	1		£650.80
Sep-12	0		£0.00
Oct-12	1		£4,501.98
Nov-12	2		£8,647.52
Dec-12	0		£0.00

PLEASE NOTE

Breakdown by case is not available for this year

Amount paid out to claimants against the GHA for the settlement of complaints/disputes out of court, 2013

Insurance & Claims - Claims

Month Paid	Case	New Claim	Brought forward from	Amount
Jan-13	1	1		£48,238.40
Feb-13	2	1		£32,837.00
Feb-13	3	1		£15,000.00
Feb-13	4	1		£475.00
Apr-13	5	0	1	£135.00
May-13	6	1		£37,696.50
Aug-13	7	1		£10,000.00
Aug-13	8	1		£42,838.30
Sep-13	9	1		£10,000.00
Oct-13	10	1		£10,766.00
Oct-13	11	1		£34,000.00
Dec-13	12	0	1	£7,287.90

Cont...

Answer to Question 644/2016 continued

Amount paid out to claimants against the GHA for the settlement of complaints/disputes out of court, 2014

Insurance & Claims - Claims

Month Paid	Case	New Claim	Brought forward from previous years	Amount
Jan-14	1	1		£29,111.00
Mar-14	2	0	1	£9,500.00
May-14	3	1		£12,500.00
May-14	4	1		£47,720.97
Jun-14	5	0	1	£12,000.00
Oct-14	6	0	1	£36,604.00
Nov-14	7	0	1	£0.00
Dec-14	8	1		£25,000.00
Dec-14	9	1		£50,000.00

Amount paid out to claimants against the GHA for the settlement of complaints/disputes out of court, 2015

Insurance & Claims - Claims

Month Paid	Case	New Claim	Brought forward from previous years	Amount
Jan-15		0	0	£0.00
Feb-15	1	1	0	£22,500.00
Mar-15		0	0	£0.00
Apr-15		0	0	£0.00
May-15	2	1	0	£17,500.00
Jun-15		0	0	£0.00
Jul-15		0	0	£0.00
Aug-15	3	1	0	£10,000.00
Sep-15	4	1	0	£4,250.00
Oct-15		0	0	£0.00
Nov-15	5	1	0	£75,000.00
Dec-15		0	0	£0.00

Q645/2016
Primary Care Centre –
Sampling patients for drugs

Clerk: Question 645. The Hon. Ms M D Hassan Nahon.

1905

Hon. Ms M D Hassan Nahon: Can the Government confirm whether the Primary Care Centre is sampling people with depression for drugs?

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

1910 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, it is unclear what is meant by 'sampling'. If it is meant to refer to whether patients are tested routinely without the full consent and awareness of the patient of what exactly they are being tested for, the answer is no, sir.

1915 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I think this relates to another question, which is Question 647. I do not know if I am entitled to –

Mr Speaker: You can come back to it.

1920 **Hon. Ms M D Hassan Nahon:** If I can come back to it, but I think what I am trying to say is that my intention with this question was to suggest whether there should be a first stop to establish the root causes for depression primarily in youngsters and start treating the symptoms early on by trying to establish whether depression is coming from drugs.

1925 I read with a lot of concern the Connected Health document produced by Felix Alvarez and Damian Broton, who were suggesting a one-stop shop where everything would be treated in one go and therefore disorders for addictive personality and so on could be dealt with early on – this is why I am asking – as a prime tac to deal with people who are showing signs of depression at the Primary Care Centre as a first stop.

1930 I do not know whether legalities come into it, but I do not see why they would not have to be aware of it.

Mr Speaker: Could I suggest to the Minister that, given that Question 647 is of a similar nature – the only thing is that it is dealing with A&E, but it is of a similar nature – you deal with it. (*Interjection by Hon. Dr J E Cortes*) Yes. Question 646 we have done, so we will deal with Question 647.

1935

Q647/2016
Accident and Emergency –
Testing patients for drugs

Clerk: Question 647. The Hon. Ms M D Hassan Nahon.

1940 **Hon. Ms M D Hassan Nahon:** Can the Government inform whether youngsters or anyone who ends up blacked out in A&E gets drug tested?

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

1945 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, yes. I am happy to answer the supplementary to explain the difference.

Mr Speaker: Yes, enlarge on it now.

1950 **Hon. Dr J E Cortes:** Mr Speaker, the critical difference between a person going to a GP with depression and somebody attending blacked out in A&E is as follows.

1955 A person who goes to a GP with depression cannot be tested for drugs without their consent, because clearly that would be an invasion of their privacy and would affect the patient-doctor relationship. A doctor cannot just secretly ask for tests and take a blood sample without the patient knowing. The patient can discuss it with the doctor and the doctor can arrange for those tests to be done, but it has to be with their consent. It *cannot* be done without their consent.

The situation in A&E when somebody arrives blacked out, where there is no knowledge of what the situation would be – there is no chance of a conversation, like a GP can have with somebody with depression – is very different, because then the doctor has to rule out all the different potential causes of the blackout.

1960 Therefore I can confirm that in all cases, depending on the doctor's assessment, intoxicated youngsters will have blood-alcohol levels tested and urine toxicology for cannabinoids, opiates, amphetamines and other drugs, where there is an index of suspicion and this appears to be a feasible cause for the blackout.

1965 **Hon. Ms M D Hassan Nahon:** On a supplementary to Question 647 particularly, can I ask: do families get told or made aware of the findings of these tests, particularly for youngsters, so that they can be aware of it and try and deal with the problems of their children?

1970 **Hon. Dr J E Cortes:** In Gibraltar we all are very possessive of our children up to a fairly advanced stage, and it will not be the first time that I have had people coming to see me *'porque el niño'* or *'porque la niña'* and then you ask how old they are and they are something like 38 or 40! What can one say? Clearly, in those circumstances it would be given to the person, the patient. Anybody over 18 would have to have the ability to determine who else he tells. Anybody under 18 – and sometimes there is flexibility and the age can be 16, but anybody who is younger than that – clearly there is involvement of the parents.

Hon. Ms M D Hassan Nahon: Thank you.

1980 As a supplementary on Question 645 particularly, can the Minister tell me whether doctors have a mandate or whether he would consider giving a mandate to doctors to recommend to patients that they see with depression to talk about the possibility ... whether they believe that they are on drugs, or take it from there and advise them to get tested for drugs or deal with what may seem like a drug problem in the patient?

1985 **Hon. Dr J E Cortes:** Mr Speaker, I do not think doctors need a mandate, because doctors are trained in this, and obviously if they detect a possibility of a drug connection to a state of depression they are going to broach the subject.

1990 What I can say is that just a few days ago I met with Felix and Damian and in fact they told me that they had given you some information that they thought you were going to put into questions, and I said, 'Absolutely, it is her perfect right to do that,' and I have agreed – and I am sure that the Hon. Mr Costa will support me in what I have agreed – that I will meet them quite shortly with the GP leads in order to discuss how they could improve the service for people who are suffering from the influence of drugs.

1995 I think that is a better way of informing them, rather than giving a directive, because then the doctors will be able to express what their concerns may be, what the ethical issues may be, and they are going to be meeting with this group led by Felix and Damian in order to develop a modus operandi. I am sure that the Hon. Mr Costa will enjoy chairing that meeting, as I would have had I chaired it.

2000 **Hon. Ms M D Hassan Nahon:** Thank you. I am very happy to hear of this development and I would welcome any opportunity for Minister Costa to involve me if he thinks I can be of any value to this new incentive. Thank you.

Q649/2016
Fibromyalgia –
Classification

Clerk: Question 649. The Hon. Ms M D Hassan Nahon.

2005 **Hon. Ms M D Hassan Nahon:** Can the Government explain why fibromyalgia is not considered a disability?

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

2010 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, fibromyalgia is a medical condition; it is not a disability.

2015 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I accept that the Hon. Minister must know a lot more than me about medicine, and so I have been doing some research on Google – as we all end up in that place – and it is, I believe, open to interpretation in that, for example, the US accepts that it is a disability and offers benefits as a result.

2020 I have spoken to a few sufferers here in Gibraltar – it actually affects women more than men – and that is why I know that they suffer deeply and it does cause a lot of hindrance and suffering. Because I see that in different countries it is treated as a disability, I ask the Minister if Government would be willing to look into it because of the fact that there is a lot of suffering going on and it does debilitate the sufferer.

2025 **Hon. Dr J E Cortes:** Yes, Mr Speaker, I think I need to explain this – and I have lots of friends who suffer from this condition.

The thing is that in defining a disability it is the effect that the medical condition has on your ability to perform in life. Therefore, you may have any particular condition at a certain minor level which is not enough to make you disabled, and yet that condition may progress and then you are disabled. So the definition of disability is not the medical condition but how it affects you in life.

2030 Therefore, I believe that, for example, when the Disability Panel meets to assess whether a patient is disabled or not, it is not the condition but how it is affecting them, so it is not necessarily that fibromyalgia is excluded as a cause for disability. That is the subtle difference that I should point out.

2035 **Hon. Ms M D Hassan Nahon:** I appreciate that. So can I just ask the Minister: what would he say to a fibromyalgia sufferer who is severely debilitated by this and feels that he or she should be entitled to benefits and what goes with the disability of such a debilitating condition?

2040 **Minister for Business & Employment (Hon. N F Costa):** Mr Speaker, this used to be my area when I was responsible for Social Security; now it is the Hon. Minister Licudi who will be taking over that portfolio.

Hon. Ms M D Hassan Nahon: I look forward to him taking over.

2045 **Chief Minister (Hon. F R Picardo):** You'd better do your homework! *(Laughter)*

Hon. Ms M D Hassan Nahon: I'm fine with Google!

Hon. N F Costa: A Google scholar!

2050 As I explained to I think it was the Hon. Mr Llamas and the Hon. Mr Hammond in a series of
questions and supplementaries, the Disability Allowance is awarded to persons by an
interdisciplinary panel. There are two panels, one for adults and the other for children,
depending on the application and then depending, of course, on the specialists who sit on the
panel, and the assessment is made on the influence of the disability of that person. So, if a
2055 person's disability is such that it affects that person's ability to do the things that the hon. Lady
and I would take for granted – such as dressing, showering, preparing for a day – then Disability
Allowance is provided.

Mr Speaker: Next question.

Q650/2016

**Mental health issues in young people –
Investigation of increased numbers**

2060 **Clerk:** Question 650. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Does Government have an opinion on the growing concern in
Gibraltar about an apparent increase in mental health issues with young people, and are there
plans afoot to look into the matter?

2065

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
2070 Mr Speaker, Government takes very seriously all issues related to child and adolescent mental
health, as is reflected in our 2015 manifesto commitments. Greater awareness, improved
assessments and screening programmes can account for apparent increases in current cases in
Gibraltar.

2075 A multi-agency committee chaired by the Minister for Health has been meeting regularly with
the aim of consolidating and advancing the work that is currently undertaken, improve inter-
agency collaboration and communication, and explore ways of developing child and adolescent
mental health services suitable for the needs of Gibraltar.

2080 This is over and above the current arrangements, which include courses for staff and parents
on autism and the monthly meetings of the multi-agency Child and Adolescent Review Group
and other work by the GHA, Social Services, the Youth Service and the Education Department.

Hon. Ms M D Hassan Nahon: Mr Speaker, I was personally, as I know that other Members in
this House have been, very saddened by the amount of suicides that have taken place this year.
It made me think about the situation with mental health and the fact that, as far as I can count,
2085 we have had four suicides this year and a few attempted suicides. I find this quite a big rate of
suicides in Gibraltar and it genuinely worries me as to whether our Mental Health department is
failing us. Is there follow-up care, I ask, for patients who have perhaps left Ocean Views or
patients who have gone back home? Where is Mental Health when these are the types of figures
that we have been looking at so far?

2090

Hon. Dr J E Cortes: Mr Speaker, this is not a direct supplementary but I am very happy to
answer it.

Very shortly after the latest of the very, very sad suicides – and these things touch us all in
Gibraltar much more closely than in less close-knit communities – I called a meeting of the

2095 Mental Health team and we had wide discussions. This is not something that can be conclusive,
because there are many different causes for suicide and not all the persons who have
committed suicide were known to the Mental Health Service or had made any contact with the
Mental Health Service. They can be people who have problems and they do not make contact
and maybe are unrecognised. So I asked the Mental Health team to look critically at what we
2100 may or may not be doing and I am expecting that a report will be presented to my successor on
this.

There is follow-up by the Community Mental Health team, who do an excellent job, but sadly
we cannot control what happens in every person's life and it is possible that suicide in a small
community can almost have a copycat effect and people who are thinking of it may almost be
2105 encouraged to take that step when they have heard of other people doing it. This is something
that is very, very sad, but I can assure the House that the team is looking very critically at
whether there is anything at all that can be done in order to approach and to be able to prevent
this sort of situation – but it is very difficult.

2110 **Hon. Ms M D Hassan Nahon:** Thank you for that.

I accept what the Minister is trying to say, but I would like to make him aware that only
yesterday I had to deal with an attempted suicide. And this is not rumour, this is not spurious – I
saw it for myself: there is no follow-up care. I say this in good faith. Please note that there are
2115 people who are left alone and there is no follow-up care at the moment, or perhaps a very low
level of follow-up care, and I urge the Minister to please look into this more carefully. The
assumption is that psychiatric medicine is given and patients are left to their own devices and
there is not enough follow-up.

In a supplementary, if I may ask: what provisions are given in schools to our young students,
in terms of mental health?

2120

Mr Speaker: Is the Minister able to answer that?

Hon. Dr J E Cortes: Mr Speaker, I will be in a couple of weeks' time as the Minister for
Education, or maybe just a couple of hours' time – because I pick things up very quickly! (**A**
2125 **Member:** Hear, hear.) (*Banging on desks and laughter*)

Seriously, Mr Speaker, I do know a little bit about it because I prepared for the *Viewpoint*
discussion last week. The schools have their own special needs co-ordinators. They have a
person in the school – it is often the deputy head – who is detailed to look after pastoral care,
and there are also two educational psychologists, which is one more than when we took office;
2130 we had a manifesto commitment then. And there is a considerable amount of support and cross
working with the Youth Service and so on. For more detail than that it would have to be either
the Hon. Gilbert Licudi, who is not with us today, or me after I have been able to inform myself
better. There is support there. Certainly it is an area which, because of the work I have done in
the GHA on mental health, particularly interests me and I hope to look at how we can improve
2135 services for children in the Department of Education in the future.

In relation to the sad incident that the hon. Member tells us she witnessed yesterday,
without knowing the details I cannot comment, but if there are any particular concerns she
wants to share with me later I would be happy to talk to the Mental Health team and see what
may or may not have happened and what support maybe would be necessary in the future.

2140

Hon. Ms M D Hassan Nahon: Thank you for that. I will indeed speak to you about that later,
but again I was not trying to use that point to make a political point but mainly to make you
aware of what is actually happening.

In terms of the schools and a psychologist, luckily on this occasion I did do my homework and
2145 from what I understand there is no clinical psychologist in schools. Would the Government be
interested in introducing a clinical psychologist – because I believe that the educational

psychologists do not necessarily know how to deal with mental health like a clinical psychologist – which would be greatly appreciated there?

2150 **Hon. Dr J E Cortes:** Mr Speaker, there is a clinical psychology service provided by the GHA, which employs three clinical psychologists and they do work with the schools when young children are referred to them either through the school, through the Youth Service or through a GP. I could not tell you what volume of work they have, but I do know that there is access to clinical psychologists. Even though they are not working for the Department of Education, they
2155 are working for the GHA.

Hon. Ms M D Hassan Nahon: This was my question, Mr Speaker: whether the Government would be interested in having an on-site Department of Education clinical psychologist. I would urge them to look at this.

2160 I hear the Minister saying no. Why would you not agree with me if it means helping our young students?

Hon. Dr J E Cortes: Mr Speaker, I am not able to comment on that; I do not know enough about what the educational demands would be for a clinical psychologist.

2165 We must be careful here, because very often we say, 'Why don't we have such and such in Gibraltar? Why don't we have a specialist in this and that?' We must be very careful that, because of Gibraltar's small size, in some specialities we would not have enough cases to keep that specialist skilled, and therefore in the UK sometimes for particular conditions you have to have maybe 200 or 300 patients a year in order to keep your accreditation and for an order for
2170 your college to allow you to practise. We cannot bring people to Gibraltar to be employed here within our schools or elsewhere if there are not enough cases. What we would have to do is bring a specialist over for a period of time – like we bring child psychiatrists over, for example – but we would not have enough work for them. It is not just that they would be sitting down doing nothing; it is that they would de-skill, which means that they would not be of any practical use, or limited practical use.
2175

But I do not know what the workload would be and so on, so at this point in time I cannot comment further.

Hon. Ms M D Hassan Nahon: I do not think that one clinical psychologist working for the
2180 Department of Education, shared by all the schools that we have in Gibraltar, would stay stagnant, but again that is just a comment.

Hon. Dr J E Cortes: I didn't say that.

2185 **Hon. Ms M D Hassan Nahon:** No, I am not saying you said that, but I would more or less guess that their workload would be taken up, and therefore it was just a constructive suggestion.

Hon. R M Clinton: Mr Speaker, would the Minister be able to advise the House whether in his
2190 meeting with the Mental Health team there is an intention to include any NGOs in the general discussion about the recent spate of suicides? I appreciate it was not mentioned in the *Viewpoint* programme, probably precisely because we do not want to encourage any copy cats, but it is obviously very concerning to the community – and we are a small community.

2195 **Hon. Dr J E Cortes:** Mr Speaker, again the Hon. Mr Costa may have a different approach, or not, to the one that I was planning, but certainly my policy has always been to involve the relevant NGOs. I come from an NGO background, after all, and I must, for example, say that I have discussed the suicide issue already with a group of counsellors who are not officially yet

2200 structured as an organisation but who came to see me collectively to talk to me about issues in relation to counselling. So I have already done that and it is something that I ... What I normally do in these circumstances is I talk to the internal team first to see exactly what the issues are and so on and then invite NGOs for a more general discussion, and then meet again – internally, for example – to see whether we need to change anything or develop anything further.

2205 **Hon. R M Clinton:** Mr Speaker, I thank the Minister.

Perhaps a question addressed to the new Minister – to perhaps consider organisational frameworks and models such as the Samaritans, which obviously is a well-established model worldwide. Obviously, we have Childline in Gibraltar, but it is catering for a completely different age range. A lot of people who may be driven to suicide could fall completely out of the net in terms of mental health care, not necessarily displaying any symptoms or perhaps not even wanting to get help, which perhaps leads them to this – and this is particularly more prevalent amongst males because we tend not to share our problems with other people, as perhaps the other gender does more readily. Again, just a suggestion that the Minister would consider that when he takes over his Ministry.

2215

Hon. Dr J E Cortes: I must say that my hon. and learned Friend's diary is already pretty full and he does not know it yet! I have already scheduled a meeting with Childline. They have, in fact, announced publicly that they are going to extend their activity to include adults. I think that civil society has a huge role to play in developing our medical services and I am sure that my colleague does so. Already in his diary – although, as I say, he does not know it yet – there is a scheduled meeting with them to explore just that line.

2220

Hon. D A Feetham: Mr Speaker, coming back to the original Question 650 – and the question by the hon. Lady was does the Government have an opinion on the growing concern in Gibraltar about an apparent increase in mental health issues with young people – is the Government agreeing that there is a growing problem of mental health issues with young people? And if there is, how does the Government actually come to that conclusion? Is it because it has statistics of these things and therefore the hon. Gentleman can make that assessment?

2225

I am just interested because there have been many, many supplementary questions in relation to this, but I am just not clear whether, from the answers that have been provided, the Government actually accepts that there is an apparent increase in mental health issues with young people; and if it does, on what basis does it make that assessment?

2230

Hon. Dr J E Cortes: What is an 'apparent increase'? I certainly have no data to corroborate that, but 'apparent' ... What is 'apparent'? If you hear of several cases in the street or in the newspapers, or talking to people, or when particular issues come up on one of the social media, it is very difficult to pinpoint. I think that whether there is an increase or not, real or apparent, mental health issues have to be tackled and we are doing quite a bit to improve provision.

2235

There has been a spate of suicides, not all in young people, but that maybe unusual, a coincidence perhaps, possibly copycat – it is a very delicate matter, so I am being very careful in how I express this view. Perhaps given over a period of 20 years the incidents in Gibraltar may be lower. I do not think that is related necessarily to youth mental health issues.

2240

It is a fact, not just in Gibraltar but throughout the western world – if that definition is still valid – that cases of particular conditions, such as autism for example, are increasing. But then, as I said in my answer, our ability to detect this is also improving. There is better training, more vigilance, more screening programmes. So it may be apparent. Is it real? I cannot judge one way or the other. What we have to do is tackle the problem regardless of that.

2245

Mr Speaker: Next question.

Q651/2016

**Government cleaning contracts –
Changes in the last year**

2250

Clerk: Question 651. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Government confirm whether there have been any changes in Government cleaning contracts in the last year?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
2260 Mr Speaker, no, sir.

Hon. Ms M D Hassan Nahon: Mr Speaker, I ask because I have witnessed for myself and also heard a lot of complaints about Gibraltar looking rather filthy, in particular and I want to let the Government know that in the lighthouse the toilets are pretty disgusting and I think it is a bad image that we are giving to our tourists in our main area of pride, where everything should be in tiptop condition.

2265

I was wondering if it may have had something to do with cleaning contracts or workload, salaries, cuts in manpower. I also suggest ... I do not know why rubbish is not collected on a Saturday. You have people here for the weekend, and Gibraltar has tons of bin liners all over Gibraltar on a weekend. I do not know, but it is just looking rather shabby. This was the root of my question.

2270

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, if I may be able to assist, because the hon. Lady mentioned Europa Point and how ... I did see the post of one individual who had actually gone there, and I thought it was pretty disgusting the way the toilets were. I was concerned about it and I stand up to answer that because the GSLA has, in a way, the parks, and we try and do all the parks and all the toilets and have everything as clean as is possible. We have already got a maintenance team, of which we have a hotline of things that might be going wrong in the parks.

2275

Yes, it was on a Sunday, somebody was supposed to have cleaned that toilet on that day, but I can assure the hon. Lady that there are not any cuts or anything that has happened to the cleaning contracts that at least I am aware of, or that we have cut down on anything. It was just that day, and I agree with the person who posted it that it was rather disgusting. I can assure the hon. Lady that it is constantly being cleaned. What you cannot avoid is that it is cleaned one minute and then 10 minutes later somebody comes in and leaves it in a disgusting manner, and then you have to wait for another hour until somebody comes and cleans it again. But it was specifically on the Europa Point one.

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2285

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you to the Minister for the answer, but I have to say in all honesty this had nothing to do with the Facebook post. I am really on none of the groups. I do not think I am on any of the groups, because I decided it was better for my health not to be, even though it might remove me a little bit from society, but it works out better for me.

2290

I take my children there very often to play, so I see it, so I very much doubt, anyway, the coincidence of me having found this complaint on the day that he talks about. I also have very dear friends who actually have to make time every morning during the school run to go and take their kids to play at about eight or 8.30 in the morning and they stay there for a little while before they go and do the school run, and they have also been rather shocked by the condition

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2300 of the toilets. So it really has nothing to do with that one event that he talks about, and I think it is an ongoing problem. So I hope that with his connections and Departments he can maybe have a closer eye on it, so that Gibraltar's image is not affected by this.

2305 **Hon. E J Phillips:** Mr Speaker, I think, with respect, my learned Friend raises an interesting point about not only rubbish in our streets but litter as well. Obviously the Minister confirmed that there had been zero prosecutions in respect of litter offences and 101 tickets issued in the last five years, which amounts to one and a half a month in five years, which I think ... Clearly it is a question of education enforcement, isn't it?

2310 **Hon. Dr J E Cortes:** Mr Speaker, again, if you average out over five years, when in the first few years there was not a single litter warden in the former administration, there were no litter tickets ... *(Interjection)* What I am saying is that you cannot average it over five years, because we implemented the programme a couple of years later, so you have got to average it over maybe two or three years. You cannot say – **(Mr Speaker: Sixteen!)** Well, over 16 years: what is zero over 16? Infinity, no? *(Laughter)* The Hon. Speaker was my mathematics teacher, so he will correct me if I am wrong.

2315 But I cannot really say. We are actually fining a lot more people recently – if you made a graph, it is increasing – and we are doing a lot. In fact, now one of the reasons why people ask to see me is to see whether I can waive their litter tickets, which I cannot and I will not. This is a new dimension, so I think it is having an effect.

2320 But as my hon. Friend says, if you happen to go into a toilet after somebody has been in it, or there have been three coaches coming in and made it a bit of a mess, that is regrettable. What I can say is that whenever we have reports of toilets and so on being in a bad condition we immediately take action and get it rectified.

2325 **Hon. D A Feetham:** Mr Speaker, may I?

Mr Speaker: Yes you may, but I hope that you are not going to ask a supplementary which is going to contribute to a debate on the general cleanliness or otherwise of Gibraltar. Let's be fair. I will allow the Hon. the Leader ... We have the original question: can the Government confirm whether there have been any changes in Government cleaning contracts in the last year? The answer could have been, 'Yes, we cancelled this particular contract but we gave a new one to somebody else', or, 'We have introduced new requirements in our contracts in respect of this and that.' That is the kind of answer that I would have thought was really relevant to the original question. And what happens instead? We are beginning to get into a debate about the general state of cleanliness or otherwise in Gibraltar.

2335 The Hon. the Leader of the Opposition.

2340 **Hon. D A Feetham:** Mr Speaker has obviously read my mind in terms of the question that I was going to ask, and I will tell you why I was going to ask it: it is because the hon. Lady in her own supplementary – Mr Speaker has not picked her up on that, and allowed it – asked about the toilet and asked about the general cleanliness of Gibraltar. The Hon. Minister Linares answered about the toilet but not about the general cleanliness of Gibraltar, and I just wondered whether that aspect of the question that the hon. Lady has asked would be answered, which I understand is: does the Government accept that there has been a recent deterioration in the cleanliness of Gibraltar? I think that was the question that was asked by the hon. Lady, and it is an important issue because I certainly am getting an increasing number of complaints in this regard and therefore it is right that the Government, which has received a question, should be afforded the opportunity of answering it.

2350 **Mr Speaker:** I will, of course, allow the Government Minister to answer, and then we are going to move on. But I look forward at the next meeting of the House to a motion in which there will be a general discussion about the cleanliness or otherwise of Gibraltar.

2355 **Hon. Dr J E Cortes:** Mr Speaker, again, it is hard to tell because all the information that the hon. Member will have got by way of complaints will be anecdotal, it will not have been a systematic study of rate of cleanliness and so on.

I know that the litter wardens work very hard, we are now fining more than ever. I chair a litter committee, which includes NGOs, which meet regularly and we have made a lot of progress in a lot of areas from sorting out problems like the long-standing problems of bins in Chatham Counterguard, which are no longer there, and other areas we are tackling. So I think there are areas which are better; there may be some areas which are worse, and these are things that we have to carry on working on.

2365 **Mr Speaker:** Yes, Mr Clinton.

Hon. R M Clinton: Thank you, Mr Speaker.

2370 Going back to the original question on cleaning contracts and the subject of procurement, I notice it was the Minister for Sports and Leisure who stood up and answered the question in respect of his area or Department taking care of those particular facilities. My question to the Government is: what is the Government policy on cleaning contracts? Is there an omnibus contract for the whole of Gibraltar? Do you split it down by the schools, by the sports authorities, by main streets? What is the general policy on cleaning contracts? Are they centralised? Is this something perhaps that Minister Bossano will be looking at in terms of procurement, whether to look at the award of these particular types of contracts? I guess what I am saying, Mr Speaker, is: does each Department award their own cleaning contracts?

2375 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the answer is that the position at the moment remains exactly as it was under the former administration, because they gave a 20-year contract –

2380 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Which has not finished.

2385 **Hon. Chief Minister:** – for cleaning services, which covers the whole of Gibraltar, and given the comments that we have heard today, that 20-year contract that they gave does not seem to be fit for purpose. But we will take under advisement all the things that we have heard today in the context of reviewing the cleaning contract that the GSD gave for 20 years for the whole of Gibraltar.

2390 Frankly, Mr Speaker, I also do not think that this question arises from the original question, but anyway ...

2395 **Hon. R M Clinton:** Mr Speaker, I thought it was particularly pertinent to the original question. *(Interjection)* It is, but the question was have there been any changes in the Government cleaning contract. I am asking how are these contracts awarded. That is particular pertinent to the question.

2400 **Mr Speaker:** That in itself can be an original question: on what terms does the Government award a contract? That can be a substantive original question and not a supplementary. But I am being liberal because it is Friday afternoon. *Pero la siguiente vez se vai a enterar. (Laughter)*

Hon. Dr J E Cortes: All I can say on that is that the Department of the –

Mr Speaker: I do not need to apologise for that aside do I? (*Laughter*)

A Member: Nobody heard it!

2405

Dr J E Cortes: Just to finish this one, the Department of the Environment manages one general contract, which is the one that the Hon. Chief Minister has explained was inherited, and that is the one that I am responsible for.

2410

There may be minor cleaning contracts here and there for little areas or office areas and so on. I am not aware of the detail and it would have to be a substantive question where all my colleagues would have to feed in to provide a substantive answer.

2415

Hon. Chief Minister: Let me be clear, because I think it is important that the House has the right information. The GSD gave, in Government, a 20-year contract for the cleaning of Gibraltar. There are office contracts, so different offices may have different contracts for Government offices, but for Gibraltar there is one contract for 20 years, granted in 1997 by the party opposite when they were in Government.

2420

Mr Speaker: Right, I am now going to give my former pupil, the Hon. Dr Cortes, a respite after the very busy afternoon that he has had. So we will move on to Question –

Hon. Ms M D Hassan Nahon: Excuse me.

2425

Mr Speaker: My patience is being stretched. Okay.

Hon. Ms M D Hassan Nahon: Sorry. I appreciate that the contract is being run by the same people as before, so does it mean that the GSD is to blame? I do not see it like that. If Gibraltar is getting smelly –

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Mr Speaker: No –

Hon. Ms M D Hassan Nahon: – and if Gibraltar –

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Mr Speaker: No!

Hon. Ms M D Hassan Nahon: – how can the Government –

Mr Speaker: I am going to ask you one more time –

2440

Hon. Ms M D Hassan Nahon: – not take responsibility for these –

Mr Speaker: If Gibraltar is getting smelly, you bring a motion –

2445

Hon. Ms M D Hassan Nahon: I am sorry –

Mr Speaker: – to the next meeting of Parliament and we will debate it then.

2450

Hon. Ms M D Hassan Nahon: – but how can you say that the cleaning contract was given by the GSD so eso es *lo que hay*?

Mr Speaker: Order! (*Mr Speaker bangs on the desk*) Order! Please! Order. Do not make me have to stand up and suspend the session. I expect hon. Members who have got the floor to let

me have the floor when I ask for it. That is fundamental to the respect which the office of Speaker is entitled to.

2455 If I am not doing my job properly, if I do make a mistake ... and I have apologised already, but I do expect fundamental basic respect. When I ask for the floor hon. Members must concede the floor to me and not carry on arguing the toss with me. That they must do.

2460 **Hon. Chief Minister:** Mr Speaker, if I can clarify, I have not for one moment said anything to do with that. I have been asked a separate question about how we procure services and I have said we have procured the service 20 years ago, or 19 years ago, in 1997. I did not answer the hon. Lady's question; those questions were answered by somebody else. She has jumped to the conclusion that I am blaming today's problems, as they have put them, in respect of cleanliness on that contract.

2465 I was asked a defined question – how does the Government procure those contracts – and I have answered saying that we procured them under the former administration 19 years ago. They gave a contract for 20 years. She has then said, 'Is the Government saying the GSD are to blame?' We have not said that, because it is obviously not the GSD who are supposed to be cleaning our roads and it is not the GSLP who are supposed to be cleaning our roads; it is supposed to be the people who the GSD gave the contract to. So, if our roads are not as clean as they should be, it is obviously a company that is responsible.

2475 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I apologise on my part if I got you hot tempered, and I apologise to the Chief Minister if I seem to have misunderstood. I did not mean it like that. I just got the impression that perhaps it was a bit like 'this is a contract, these are the people from the GSD who came in under the GSD, they have a 20-year contract and this is what we have'. It came to me as an implication to the fact that perhaps if they are not working to the best of their ability or Gibraltar is smelling a bit, it is a contract that we cannot get rid of. I am sorry.

Q688/2016
'Last shop in Europe' site –
Plans for development

2480 **Mr Speaker:** Question 688, please.

Clerk: Question 688. The Hon. L F Llamas.

2485 **Hon. L F Llamas:** Mr Speaker, what plans does Government have to deal with the plot of land next to the lighthouse where the last shop in Europe once stood? (*Laughter*)

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

2490 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, Government is shortly to advertise the plot of land for expressions of interest. Government is open to ideas for its development that are in keeping and sensitive to the area. A condition will be imposed on the successful tenderer to include a Neanderthal interpretation and visitor centre within the development to complement the world heritage site at Gorham's Cave.

2495 **Hon. L F Llamas:** That is very interesting and is something which I think will be quite well received.

2500 Can I just ask why nothing has been done, in terms of leaving it abandoned in that state, in the same context as my Friend has just said, the image it portrays of Gibraltar, having a tourist spot where loads of tourists go up in coaches and taxis and they see a derelict area day in and day out?

Hon. Deputy Chief Minister: Mr Speaker, I fear the answer may be rather similar to the answer the hon. Lady was given. It is a long story and I will try to explain it as succinctly as possible.

2505 The site was put out for expressions of interest by the hon. Members themselves when they were in office and a preferred bidder was identified. They started discussions with that preferred bidder. We continued the discussions with the preferred bidder. There were a number of issues which stalled those discussions when both sides of the House have been in Government.

2510 One of them was the possibility of locating a sewage treatment plant in the area, which the preferred bidder was not very keen to see and wanted certain guarantees and assurances which I think neither they nor we were prepared to give.

Secondly, if you recall the issue with the stadium which was going to be located in that area and which may have had a restaurant in the area, again that also delayed the project considerably.

2515 Finally, the third delay was caused by Brexit, where the preferred bidder wanted some kind of assurance or guarantee, or at least wanted to wait until the Referendum had taken place and to know what was going to happen before taking a decision. The Referendum took place, the results in Gibraltar we all know and the results in the UK we all know, and then, as a result of that, we have now terminated discussions with that preferred bidder and that is why the plot is going out to tender again.

2520

Hon. R M Clinton: Mr Speaker, I am sure we all remember the old shop that used to be there, but what remains of the original shop I think is a heritage piece which I think, and I am happy to be corrected, are either a bomb-proof shelter or an ammunition store. Would the Minister be able to confirm to the House that that will not be allowed to be demolished?

2525

Hon. Deputy Chief Minister: Mr Speaker, can I say I am not aware exactly of the heritage value of what he is referring to, although I am aware of what it is that he is referring to. My understanding is that that is where they want to locate the Neanderthal visitors interpretation centre, so there is some intention to preserve it at the moment but we need to wait and see when the expressions of interest come in and then determine the area that is going to be required and also determine the heritage value of that particular area that he is referring to. I myself am not clear on that question at the moment.

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Mr Speaker: Before we move on to the next question, I cannot help but comment that whoever called that 'the last shop in Europe' of course had no knowledge of geography whatsoever – unless there are no shops in Tarifa, that is. *(Interjection)*

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A Member: Or for language. Much cheapness.

2540

Q689/2016
Northern Defences regeneration –
Progress

Clerk: Question 689. The Hon. T N Hammond.

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Hon. T N Hammond: Mr Speaker, can the Government say what progress has been made in the project to regenerate the Northern Defences, and when does Government expect the project to be complete?

2550

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

Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker. Following the completion of cleaning-up works in the area of the Puerta de Granada site and Princess Lines last year, works this year at the Northern Defences have focused on the King's and Queen's Lines.

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The progress to date is as follows. Access from the Princess Lines via Lower Forbes Battery to the Queen's Lines is now possible. All tunnels (King's and Queen's Gallery) have been cleared of debris and asbestos. Musketry loop holes along Queen's Gallery have been unblocked and provide a new attraction to this unique military site. Tons of debris and rubble are currently being removed from the Queen's Lines. These operations are expected to be completed by the end of this year.

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Cleaning-up operations will then focus on the area of King's Lines in January 2017. Completion of such cleaning-up operations is expected by March 2017.

I would like to add that it gives me great pleasure that tours along these newly exposed areas are now available and are being organised by the Heritage Trust and the Government.

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Hon. T N Hammond: Just for complete clarity then, the entirety of the project is expected to be completed in March 2017 – is that correct?

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Hon. Deputy Chief Minister: No, Mr Speaker, this only refers to that particular area. I think when the project was originally announced and we started to get involved in the Northern Defences I made it very clear that this was going to be a long-term project, it was something that was going to take very many years. So I am talking about this particular area, the Queen's Lines, King's Lines, King's Gallery, Queen's Gallery. That is the area which will be completed by March 2017 in terms of the clearing-out operation.

ADJOURNMENT

2575

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House do now adjourn to Wednesday, 26th October at 11 a.m.

2580

Mr Speaker: The House will now adjourn to Wednesday, 26th October at eleven in the morning.

The House adjourned at 5.58 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.03 a.m. – 2.05 p.m.

Gibraltar, Wednesday, 26th October 2016

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The Gibraltar Parliament

The Parliament met at 11.03 a.m.

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

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

Order of the Day

Standing Order 7(1) suspended to proceed with Government Bills

Mr Speaker: The Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with Government Bills.

Mr Speaker: Those in favour? (**Members:** Aye.) Those against? Carried.

GOVERNMENT BILLS

FIRST AND SECOND READING

Civil Marriage Amendment Bill 2016 – First Reading approved

10 **Clerk:** A Bill for an Act to make provisions for the marriage of same sex couples and for connected purposes.

The Hon. the Minister for Tourism, Housing, Equality and Social Services.

15 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision for the marriage of same sex couples and for connected purposes, be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to make provision for the marriage of same sex couples and for connected purposes be read a first time.

20 Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Civil Marriage Amendment Act 2016.

**Civil Marriage Amendment Bill 2016 –
Second Reading approved**

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):

25 Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, the Bill intends to give effect to the Government's proposals to enable civil marriage between people of the same gender.

Mr Speaker, the first landmark moment came with the introduction of the Civil Partnership Act in 2014. There has since then been lobbying for civil marriage between individuals of the same sex to be made possible.

30 The Government's manifesto commitment in 2015 was to publish a Command Paper in order to take the public views on this issue. Having taken office for a second time last November, we immediately set out to give effect to our manifesto commitment and issued the Command Paper in December 2015, the response to which, Mr Speaker, was overwhelming. Indeed, it was the largest response ever received to a Government Command Paper. The majority of the responses were in favour of equalising civil marriage.

Since the close of the consultation period, which we even extended, and through an inter-ministerial committee headed by the Chief Minister, we have given a lot of thought and consideration to the matter. Such was the importance that we have given to this process, that we also had lengthy meetings with representative groups. Marriage is a hugely important institution.

This of course has been an important and has also been a very emotive subject, with strong views for and against. I wish at this stage, Mr Speaker, to thank everyone who was involved in the consultation process and helped inform and guide us with their different views and indeed valuable insight. It is important for us to strike the balance which provides equality and respecting individuals' beliefs.

Mr Speaker, this Bill will enable same sex couples to enter in a civil ceremony. That is, Mr Speaker, a civil ceremony in a registry office or other approved place, whilst protecting and promoting religious freedom. I wish to make that point very clear, Mr Speaker, that this is about civil marriage and not holy matrimony or any other religious marriage and I will explain certain religious safeguards, particularly those we introduced following our consultation process, in a moment.

We believe, Mr Speaker, that opening up marriage to all couples demonstrates society's respect for all individuals regardless of their sexuality, making our society fairer and more inclusive for all its members. This change strengthens the vital institution of marriage and ensures that it remains an essential building block of modern society.

Turning to the formalities of the Bill, Mr Speaker, the amendment to the Marriage Act introduces two new definitions, 'parties' and 'relevant marriage'. These are introduced in section 2 in order to give effect to the provisions allowing for same sex marriage. The term 'parties' had to be defined as there were numerous references within the Act and no clear definition was afforded to it. In order to avoid uncertainty or any ambiguity, given the extension of marriage to same sex couples, this had to be addressed and it now means opposite sex and same sex couples.

The other definition included in section 2 was the 'relevant marriage' meaning a marriage of a same sex couple.

Two further amendments are made after section 6 and section 40 respectively, with the introduction of new sections 6A, 6B and 40A.

Section 6A, Mr Speaker: the existing section 6 subsection (a), which deals with marriages solemnised or contracted in a place of worship, is slightly amended so that it is now subject to the provisions contained under the new section 6A.

Section 6A relates to marriage of same sex couples in a place of worship and it reads as follows, Mr Speaker:

Marriage of same sex couples in a place of worship.

6A.(1) A minister in a place of worship may not be compelled by any means (including the enforcement of a contract or a statutory or other legal requirement) to—

(a) conduct a relevant marriage;

(b) be present at, carry out, or otherwise participate in, a relevant marriage; or

(c) consent to a relevant marriage being conducted,

where the reason for the minister not doing so is that the relevant marriage concerns a same sex couple.

(2) A religious organisation may not be compelled by any means to allow the use of premises owned or controlled by it for the purposes of a relevant marriage where the reason for not doing so is that the relevant marriage concerns a same sex couple.

75 By not compelling ministers to carry out a relevant marriage of a same sex couple in a place of worship, the above amendments impose no obligation on ministers and protects those who do not wish to conduct, be present, carry out or otherwise participate or consent to a relevant marriage.

The section makes it clear that attempts to use the enforcement of a contract, statute or other legal requirement to compel a minister to carry out a relevant marriage shall not be upheld. It respects and protects religious freedoms.

80 To this extent, Government has not changed the definition of marriage as determined by any religion. The definition of holy matrimony, a sacrament of the Catholic Church or the respective rights of marriage in the Jewish, Islamic or Hindu religions remain entirely unaffected. Furthermore, any religious organisation is also protected in that it may not be compelled to allow the use of any premises owned or controlled by them for the purposes of a relevant marriage of a same sex couple.

85 Section 6B, Mr Speaker, provides a provision to opt out by a Deputy Registrar. This section grants a Deputy Registrar who does not wish to conduct a relevant marriage of a same sex couple, a provision to opt out. This stance is akin to the position taken in relation to ministers under section 6A, insofar as the Deputy Registrars may not be compelled by any means to conduct a relevant marriage of the same sex couple.

In such cases, an alternative Deputy Registrar shall be assigned for the purposes of the relevant marriage. Again, this protects and respects religious freedoms of a Deputy Registrar and at the same time, allows for marriage of same sex couples to take effect by appointing an alternate in his stead.

95 Section 40A, Mr Speaker, allows for the conversion of civil partnerships into marriage of those couples who may wish to do so. The only requirement is that they must have formed a civil partnership pursuant to the Civil Partnership Act 2014. This section provides the power for the Minister with responsibility for personal status to make rules establishing the procedure for conversion of civil partnerships and such rules shall make provision for the technical arrangements, Mr Speaker.

If a couple decide to convert their civil partnership into a marriage, once the conversion process is completed, the civil partnership automatically ends and the couple are treated as having been married since the date the civil partnership was entered into.

105 There are also amendments to the Matrimonial Causes Act, Mr Speaker. The Matrimonial Causes Act governs matrimonial causes and makes provision for matters incidental thereto, or connected therewith. Consequently, amendments are required to the Matrimonial Causes Act following the changes made to the Marriage Act for the purposes of this Bill.

110 The most important of the consequential amendments to the Matrimonial Causes Act is that marriage shall not be void on the grounds that the parties are not respectively male and female under section 25(1)(c) and that a marriage shall not be voidable under section 25A(a) and (b) when it applies to the marriage of a same sex couple.

The Bill, Mr Speaker, also allows the Government to amend any Act or subsidiary legislation by way of regulations in order to make further provision and such consequential, transitional and savings provisions deemed necessary for the marriage of same sex couples.

115 Mr Speaker, I wish to single out Joyleen Gomez-Bruzon and Nadia Sisarello-Parody from the Government's Law Drafting Office for their hard work in this process in such a short period of time and also for their invaluable advice on the subject. A Bill such as this one requires a lot of work as it has wide-reaching consequential amendments to many other pieces of legislation.

120 Finally, Mr Speaker, this Bill will place all couples on the same footing as other couples already married at the Registry Office, as the proposed amendments to the Marriage Act will provide the same option for all.

This, Mr Speaker, is another historic step and a reflection of a progressive and inclusive society and a further testament of our commitment to equality. (**A Member:** Quite right.) There is no such thing as 'gay marriage', Mr Speaker; it will just be marriage for all.

125 Mr Speaker, I commend this Bill to the House. (*Banging on desks*)

A Member: Hear, hear.

130 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. Elliott Phillips.

Hon. E J Phillips: Mr Speaker, today we are debating the amendment to the Marriage Act to bring about marriage between same sex couples.

135 I welcome the speech of the hon. Member for Equality and commend the Government on the manner in which it has brought the Bill.

Mr Speaker, I will support the Bill, subject to one reservation, because it provides this House the chance to support couples, loving couples of the same sex who desire to be married. It is my hope that everyone in this House will support the Government Bill because it will give the opportunity to those in our community to have their relationships celebrated, valued and recognised by the State in the same way as everyone else is.

140 Mr Speaker, to those people inside and outside of this place who oppose the Bill, and argue that those couples already have a statutory framework for civil partnership, I say this. The introduction of civil partnership was a step in the right direction, in my view, and I am proud that this has past the legislation when it did.

However, we need to take the next evolutionary step forward. I understand that there are those that strongly oppose the Bill and I respect their right to hold those views, but I do not agree with them. Mr Speaker, this is not just about the ceremony of marriage and everything else that it entails. It is about the promotion and recognition of long and stable relationships.

150 Why would we as a society want to prevent a same sex couple from getting married just because they are gay? Marriage represents a meaningful commitment and why should that not include those of the same sex? If we as a Parliament fail to pass the Bill, Mr Speaker, we are saying to those who fall in love with someone else of the same sex that they are worth less than opposite sex couples.

155 Mr Speaker, there are a number of key objections to the amendments to the Marriage Act and I feel duty bound to ventilate those objections so that this House can properly reflect on them, even though I form the view that these objections do not hold up to detailed scrutiny.

160 Mr Speaker, those who oppose the Bill fear that religious organisations in our society which oppose same sex marriage will be expected to perform marriage between gay men and women. This argument is, with the greatest of respect, wrong and misconceived. The amendment provides safeguards in the form of section 6A of the Bill that the hon. Member talked about.

165 Mr Speaker, everyone in this House I believe respects the views of our religious leaders and the safeguards provided in the Bill demonstrate that we as a community recognise the right of our religious institutions to refuse to solemnise same sex marriages which do not accord with their belief systems.

Marriage in my view is not the preserve of religious organisations and whilst respecting their religious freedom and their right not to conduct religious marriages between same sex couples, we cannot and must not allow the exemptions or opt-outs contained in section 6B to extend to Registrars who conduct civil marriages on behalf of the State.

170 I want to pause at that point and explain my reservation about section 6B. In my view, those charged by the State for conducting civil marriages cannot simply refuse to perform their public duty because of their beliefs. The Marriage Registrar and the Deputy Registrar are public officials and as such, they must conduct marriages that are permitted by our laws.

175 On the superficial level, section 6B provides for a mechanism whereby in a specific case of a Deputy Registrar refusing to conduct a marriage on the basis that it is a same sex marriage, can appoint a replacement Registrar or an alternate, as the hon. Member discussed before. In my view, although we have created the architecture which purports not to offend basic fundamental rights, I believe it is a wrong starting point to take.

180 Secondly, Mr Speaker, I have heard it been said by those who oppose same sex marriage that the word 'marriage' by definition means marriage between a man and a woman and that definition has been in place for hundreds, if not thousands of years. The religious view is that marriage is between a man and a woman and therefore the amendment to the Marriage Act compromises their faith. I have said that the Bill protects their faith, but in my view it should not prevent this House from changing the law. Not amending the law simply reflects discrimination,
185 plain and simple.

The law, until relatively recently, provided that legal sex was between a man and a woman. For many years, women in marriage were treated by their husbands as property in which fathers handed their daughters to a suitor and denied rights of their own. Years ago, the rape of a husband of his wife was not even illegal. In common law countries, civil marriages were
190 introduced over 170 years ago and at the time I understand it was a radical move. In summary, Mr Speaker, marriage has evolved over time and why should it not evolve further?

195 Thirdly, Mr Speaker, I have heard it being advanced that marriage is about the procreation of children, and I think this is a mischaracterisation. Civil marriage does not, for instance, by definition include reference to the bringing into the world of children. Society does not prohibit the marriage of loving couples based on their ability to have children. There are many couples who cannot have children, couples who marry years after child-bearing years.

I accept that the process of marriage is the first step to the starting of a family in the significant majority of marriages. However, gay couples bring up children too. The lifelong commitment of marriage is much more than the bringing up of children.

200 And at this point and with Mr Speaker's leave, I make reference to a former Shadow Home Affairs Minister who said this in the Westminster Parliament, which I thought was important to air here. She said:

Most MPs will know the sadness but also the inspiration they have drawn from visiting a long-married couple where, for example, the wife is struggling to cope, struggling to remember the world around her and struggling to recognise even the husband with whom she has shared decades of her life, yet he carries on: cooking for her, washing for her, getting her up, putting her to bed, talking to her even as she becomes a stranger in front of him. That is marriage. But I have also visited a gay man, who died some years ago after a long illness during which he was cared for every day at home, in hospital and eventually in a hospice, by his long-term partner. I do not see why that cannot be marriage too. The idea that the biology of procreation should deny same-sex couples the respect that comes with marriage is to ignore the full richness—the happiness but also the tragedies—of modern family life. For better, for worse, for richer, for poorer, in sickness and in health: that is marriage.

205 Fourth, it is argued that same sex marriage will undermine the institution of marriage. I disagree fundamentally with that proposition. Marriage has evolved over many generations. Britain, Spain, France, Denmark, Belgium and others, celebrate same sex marriage and their institutions have not collapsed. Our views in our community on homosexuality have changed and evolved over time and we must now accept that. We must as a Parliament embrace this evolution and support the Bill.

210 The Bill before the House is about giving couples who wish to marry the same rights as anyone else. The Bill also protects the religious organisations who do not agree with same sex marriage. I am of the view that the Bill does not dilute the meaning of marriage but rather evolves and strengthens the institution of marriage and the promotion of long and stable relationships, which can only be of benefit to our society.

215 I have expressed my reservations about section 6B, but I cannot in all conscience vote down the Bill that represents a fundamental step in the right direction. I would commend the Bill to the House. (*Banging on desks*)

Mr Speaker: The Hon. Ms Marlene Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Mr Speaker, in 1969 when Franco infamously closed our frontier with Spain, some of the worse affected in our community were those whose partners lived on the other side. The pain suffered by all Gibraltarians was felt hundredfold by these individuals, as joyous relationships were suddenly strained with distance, separation and needless uncertainty.

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Theirs is a mostly untold story of yearful heartache and wasted years that time could not fully repair. Thankfully those times are now long behind us but it is immensely saddening that so many years later where progress has been made in other areas, there are still legal barriers hindering the affairs of the heart.

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The heart, Mr Speaker, knows nothing about frontiers. It also knows not about gender, it knows not about doctrine, it knows not about what society expects. It knows only about love. This love is blind, but it is a powerful force that motivates many of our actions and pushes us to overcome the obstacles that are placed in our way. Indeed, while its course never runs smoothly, it can never understand why those obstacles are there in the first place and can never forgive those who put them there.

235

This Bill is not just about rights, Mr Speaker; it is also about doing what is right, and what is not right is that we continue to allow the law to hang an anachronism over members of our community. Like love, the law must also be blind and a law that claims to be secular must be allowed to neither discriminate nor privilege. It must not pass judgement on a love that has no impact whatsoever on the lives of others and no longer must it impede the pursuit of happiness. To prevent two people who love each other from living their lives and realising their dreams, that is the true abomination and I commend the motivating principle behind this Bill in righting a grievous wrong.

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However, Mr Speaker, while I endorse this principle, I have to express serious reservations, as the Bill grants concessions to Government workers to refuse to discharge their professional responsibilities. I am saddened that a Bill that aims to end discrimination with one hand legitimises it with the other. I am worried about the precedence this sets, as well as the seeming recognition that some members of our community are entitled to less than others simply because of their sexual orientation.

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This attitude would not be accepted toward any other minority, so it is disappointing to see it applied to our gay community with a religious objection being permitted to override a professional duty and blunting the purpose of this Bill.

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As a result, I am sorry to say that we fall short of legislating in favour of the inclusive and progressive society we all desire to live in and it is in this spirit of addressing this that I will be tabling an amendment to clause 2(4) of the Bill, which I shall present at Committee Stage.

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Thank you.

Mr Speaker: Is there any other contributor to the debate on the Second Reading?
The Hon. Dr Joseph Garcia.

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Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker. I too welcome the opportunity to say a few words on the Government Bill before the House today.

265 Before doing so, I wish to congratulate my hon. Friend the Minister for Equality, Samantha Sacramento, for her leadership over this issue and for introducing the Bill. I say this, because the proposed legislation before us has potentially created more controversy outside this Parliament than it has created inside this Chamber. This is in itself, a rare occurrence. Indeed, in 17 years in this House it seems to me that this has been one of the most commented, talked about and written about draft laws that we have debated.

270 Controversy, Mr Speaker, is not a bad thing. It serves to generate interest in the proceedings of the House and in the work that we do here on behalf of the people who elected us. It also exposes Members to a whole range of detailed and strongly held views on both sides of the divide.

275 My own view is that this Bill is precisely about equality. It is our duty to ensure that the same avenues and procedures available for mixed gender couples are also made available to same sex couples as well. That is the bottom line. Equality between the citizens is the first duty of the State.

280 Mr Speaker, in 1999 the then administration, with our support, set up a Select Committee of this House in order to consider a reform of the 1969 Constitution. I was one of the five Members who sat on that Committee. My colleague Joe Bossano is the only other Member who is still in this House. The process involved looking at the then Constitution line by line and making amendments to the text as it then existed.

285 I recall that in the very first meeting of that Committee in December 1999, the Human Rights section was discussed and in particular, the non-discrimination categories that it contains. This is now section 14 of the Constitution, which prohibits discrimination on a number of grounds. The list of categories includes sex, race, language, creed and political opinion, among others. In that very first meeting, both Joe Bossano and I flagged the possible inclusion of sexual orientation as one of those non-discrimination categories.

290 Mr Speaker, this happened at the time when the GGR, now the ERG, did not even exist and when there was no external pressure in this regard. I remember that the view from the then Government Members was that the term 'sex' covered sexual orientation and that therefore it was not necessary to include the specific reference as one of the categories on the list.

295 Mr Speaker, I say that because I am therefore proud to sit here as a Member of a progressive team that has shown itself willing to consult, to listen, to discuss and to take a view on the issue. Many times in life and also in politics the easiest option is to do nothing or to follow the line of least resistance. That is not the way we operate. When we take a view, we lead from the front.

300 The House knows that a Command Paper was published in December 2015 and the views were taken until the end of January 2016. In March, an Inter-Ministerial Committee was established and meetings were held with interested parties. I was not involved in that process but I know that it was intensive and meticulous; 3,490 responses to the consultation were made. This was the highest ever for any consultation on any proposed legislation.

305 There have been voices accusing the Government of having moved too slowly. The reality, Mr Speaker, is that the more consultation there is, the slower that a process becomes. Indeed, at the other end of the spectrum the Government has also been accused of moving too fast. The fact is that this Government introduced civil partnerships in 2014 and is set to legislate on civil marriage only two years later.

310 Mr Speaker, the Civil Partnership Act was a landmark piece of legislation which provided, for the first time in Gibraltar, for recognition by the State of a union between two people of the same sex. That recognition was also extended to opposite sex couples who did not want to get married.

In a practical sense, this meant that the rights, the benefits and the entitlements as citizens which were enjoyed by heterosexual married couples have now come to be enjoyed by same sex couples as well.

315 However, a couple made up of a man and a woman is also able to take advantage of civil marriage in order to have their union recognised by the State. This means that there are two routes for recognition by the State of unions made up of two people of opposite sexes. They can either enter into a civil partnership or they can enter into a civil marriage, whereas same sex couples only have one route for this recognition by the State, and that is the route of civil partnership.

320 This is why, in my view the issue is one of equality of citizens in the eyes of the State. The inequality lies not in the rights, benefits or entitlements that either route will bestow on the couple; it lies on the availability of one or two avenues to get there, depending on the sexual orientation of the people involved.

325 Mr Speaker, the discussions and debates that we have had in Gibraltar over this matter are no different to those that have arisen in other parts of Europe. As of June 2016, 13 European countries legally recognise and perform same sex marriages. These are Belgium, Denmark, Finland, France, Iceland, Ireland, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden and the United Kingdom. On 22nd December 2015, Jersey approved the principle that same sex couples be allowed to marry. The relevant legislation is due to come into force in January 2017. In Guernsey, a year later almost to the day, on 21st September this year, the States of Guernsey approved a Bill to legalise same sex marriage by a vote of 33 to 5.

330 It is true to say that there are also many countries that do not recognise civil partnerships or civil marriage between two persons of the same sex.

335 Mr Speaker, there is no right and wrong in this debate. The Government has gone to great lengths to explain that this Bill will have no impact on the different religions, the way in which they choose to define marriage or choose to practise their beliefs. Indeed, the reverse is true. The freedom of religious denominations to continue as they always have done is explicitly protected in the Bill, following the representations that have been received.

340 The Bill in my view is not about religion at all. It is not about religious marriage; it is about civil marriage. At the heart of the Bill is the cold principle that every citizen should be equal in the eyes of the State. The central issue is that the different procedures and processes offered by the State for recognition of a union between two people should be open to everyone. (**A Member:** Absolutely.)

345 There are two such processes, as I said earlier. These are civil partnership and civil marriage. Therefore, in the same way that civil partnership is open to all couples regardless of their sexual orientation, civil marriage cannot be open to heterosexual couples alone. That is not equality.

Mr Speaker, I will be supporting the Bill. (*Banging on desks*)

Mr Speaker: Any other contributor? The Hon. Neil Costa.

350 **Minister for Business & Employment (Hon. N F Costa):** Mr Speaker, whereas it would not surprise anyone inside and outside of this House to hear me say that the Government should have legislated to enable civil marriages for same sex couples from the outset, there is no doubt in my mind that civil partnerships were a hugely important and progressive step forward, and I am extremely proud to have been a Member of the Government who introduced civil partnerships in 2014. Although civil partnerships provide legal recognition for same sex relationships, it is absolutely right to now take the additional step for equality by introducing equal marriage in Gibraltar and allowing same sex couples the chance to marry if they choose to do so.

360 To those who argue that civil partnerships contain in all material respects similar rights to marriage and that therefore this Bill is in effect unnecessary, I would say that a legal partnership cannot logically be the same as civil marriage, because if it were, why have two legal schemes regulating unions?

In other words, Mr Speaker, by having a regime that enables same sex couples to register their partnership but another legal system to which they are not allowed to enter, we

365 necessarily as a society are making a conscious distinction against same sex couples. There is no
skirting around the issue that we are saying that a civil partnership is not quite the same as a civil
marriage. We are saying that same sex couples are prohibited from entering into civil marriages
while opposite sex couples may also enter into a civil partnership – in my view, plain
discrimination.

370 Mr Speaker, imagine our collective disgust and dismay as our community if we substituted
'same sex couples' for 'black couples', for 'Jewish couples', for 'couples with disabilities'. We
would rightly call it racism, anti-Semitism and bigotry, and indeed, Mr Speaker, this distinction
that still exists today is clearly one that some in our society seek to maintain precisely because it
is an important difference in the minds of some members of our community. Otherwise, why
375 seek and fight to keep this legal distinction?

It is clearly the case in the light of this wonderful debate, Mr Speaker, that we can enjoy in
Gibraltar without fear of prejudice, that society views marriage and civil partnerships as being
different. Same sex couples therefore, rightly in my view, feel their relationship is not valued by
society in the same way as civil marriage. All couples who enter into a lifelong commitment
380 should be able to call it marriage.

If same sex couples wish to exchange promises of love, of responsibility, of commitment in
marriage, who am I, Mr Speaker, to stop them? If a same sex couple wishes to bring up children
in love, in affection, in protection and in family, why would I seek to prevent such a beautiful and
meaningful thing to come to pass?

385 Mr Speaker, there is significant evidence that shows that opposite sex couples do not have –
to put it mildly – the best track record in bringing up children, and one only has to read the
newspapers to hear of some terrible tragedies that afflict vulnerable children. On the other
hand, Mr Speaker, I am not aware of any studies that indicate that children raised in same sex
relationships fare any worse or suffer any more harm than a child who is brought up by same sex
390 couples.

And, Mr Speaker, if the House would allow me to be personal for just a moment, as the child
of parents who separated when I was around ten, I can tell this House without a moment's
hesitation that it would not have made the slightest jot of difference to me if my parents were of
the same sex and had they not gone through the suffering of their separation.

395 And so, Mr Speaker, who are we in Parliament, in Government, in the State, to tell any
person whom they can love and how they can live their lives? I abhor such a thought and cannot
countenance any actions that may create laws that patently say that someone is slightly less
than somebody else.

Imagine, Mr Speaker, the child at school who feels marginalised, different and perhaps
400 inferior from his class mates because he is attracted to a member of his own sex. Imagine, if you
would, the father who would not fight, Mr Speaker, for his child's right to enter into a civil
marriage and to ensure that his child is treated in all respects exactly like everybody else.

Mr Speaker, in my opinion, we either believe that we are all equally worthy of the law's
protection or we do not, and it does beg the question, are we not all flesh and blood? Are we
405 not all sentient human beings wishing, all of us, in our way to be happy? Of course we are, Mr
Speaker, and I sincerely believe that we are all deserving of the same rights, privileges and legal
protections. And it would be for me, Mr Speaker, a frightening dereliction of my responsibilities
not to support this Bill, because society considers our laws, rightly, as representing our values.
And our values surely must be that we all love each other and that we are all equal as human
410 beings.

Mr Speaker, I do of course recognise that members of our community worry about the way
that our world is changing. There are those who argue that the definition of marriage has for
hundreds ... indeed, for millennia, been between a man and a woman and should remain so.
Others oppose same sex unions because they believe that marriage is about the procreation of
415 children. For some community members, it is their faith that matters and therefore argue that it
will weaken the institution of religious marriage.

My own view, Mr Speaker, is that in fact allowing more couples to enter into marriage will actually strengthen the institution of civil marriage, not weaken it. There are countries in Europe as the Hon. the Deputy Chief Minister has said, who have introduced same sex marriage and it has not shown a weakness or an undermining of religious marriage in those countries. These countries have managed to introduce same sex marriage, while at the same time protecting religious freedom.

And in that respect, Mr Speaker, the Bill before the House does protect the right of those who do not agree with same sex marriage. For those who are concerned that equal civil marriage threatens freedom of religion, they can rest assured the Bill contains guarantees that neither a religious organisation nor a Minister in a place of worship will be forced by law to marry same sex couples.

And Mr Speaker, I can assure religious members of our community, many of whom I have the great privilege of calling friends, that I will equally fight with the same ardour as I stand here today to fight for the cause of one civil marriage for all, for the right to freedom of worship and in not ever allowing the situation where the State obliges a person of faith to act against their conscience.

Let me also say, Mr Speaker, that whereas I am no religious scholar, I have read the New Testament and for me, what strikes me above all other things, is the commandment to love each other and to love God.

Mr Speaker, I wish to thank the hon. and learned Lady, my learned friend Samantha Sacramento who has shown, I think, great leadership in this House (**Hon. Chief Minister:** Hear, hear.) (*Banging on desks*) in bringing forward the Civil Partnership Act and now this civil marriage for all and I will urge her, in fact, to continue to be as progressive and, if I may, perhaps even more radical as the Parliament progresses.

Mr Speaker, I conclude by saying that equality is indivisible. One cannot be partially equal. Either one is equal or one is not, and therefore the Bill before the House tells the world that it values everybody equally in Gibraltar and for this reason, I have no hesitation whatsoever to commend the Bill to the House. (*Banging on desks*)

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, I am mindful that the first section of the Constitution deals precisely with the protection of fundamental rights and freedoms. Section 15 talks about the right to marry and found a family. Section 15 reads quite simply:

Men and women of marriageable age have the right to marry and to found a family as prescribed by any law governing the exercise of this right.

I note it is silent as to who they may marry, but just that they may marry.

I personally identify with the comments of my hon. colleagues in this House so far this morning. I believe it is a measure that is perhaps long overdue and if I may paraphrase the famous Shylock speech in *The Merchant of Venice*, 'Has the gay couple not eyes? Has the gay couple hands, organs, dimensions, senses, affections and passions? Fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer, as a heterosexual couple? If you prick us, do we not bleed?' And so, Mr Speaker, I think and agree with my colleagues in this House that it is about equality and not about discrimination.

I must say that on the whole I am satisfied with the intention of the Bill to eliminate what is an unjust discrimination. However, I would welcome clarification from the Members opposite, as to how on the one hand, as my hon. Lady has said, they remove the discrimination, and yet on the other hand seem to legalise an objection to it. If you were to change a few words in paragraph 6B, you would find it extremely obnoxious, if you were to allow this kind of

465 exemption in any other form of legislation in Gibraltar. So, Mr Speaker, I would welcome clarification from Members opposite as to how on the one hand they feel that this eliminates discrimination and yet on the other hand allows for it.

That, Mr Speaker, is I think important and I note that the hon. Lady to my left is proposing to delete this clause. I would welcome the views of the Members opposite as to whether or not
470 they would consider that proposal.

Thank you, Mr Speaker.

Mr Speaker: The Hon. Edwin Reyes.

475 **Hon. E J Reyes:** Thank you Mr Speaker.

I wish to make a small contribution because I believe I am the only person in this House who has ever actually conducted the ceremony of marriage, so I can talk from a different perspective and so on!

Yes, Mr Speaker, it is a Bill that obviously I feel is relatively easy to support. There are a couple of minor things that have been aired now by my hon. colleagues here on this side.
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I must start by saying that I like the words the hon. Lady, as the mover of the Bill said, that marriage was a meaningful commitment between two people and starting from that point, irrespective of whether the two are male or the two are female or they happen to be male and female, there should be total unity in everyone in supporting that marriage is a meaningful
485 commitment.

The small differences seem to be arising in that we all wish to protect the religious institutions and their laws. For example we take the Roman Catholic Church, the canon law and so on and I do not think anyone has any problems in supporting the principle that we have to respect their laws.

490 However, having been on that side of the marriage ceremony where from my point of view it was canon law that was dictating whether I could or could not conduct that marriage, because canon law is far more stricter in who can enter into a marriage or not. And it was the State that was allowing people like myself who at the time were ministers of religion to actually conduct the marriage.

495 Very different to, for example, from a marriage ceremony that I attended in my days when I lived in Rome as a student, when one of my friends was getting married and he actually had to go through two marriage ceremonies. He had to go and have a state wedding at a particular state building and then he had to go and have a church wedding at the church of his choosing because the state was not recognising the religious minister as an authorised person or registrar
500 or deputy registrar to conduct a civil marriage because the claim was that their laws were completely different.

I know colleagues on this side of the House are rightly saying that we are not entirely 100% yet convinced and we want to hear what the Government has to say about on the one hand trying to protect those who want to opt out of not conducting same sex marriages but I just
505 want to warn both sides of the House, do we really want to end up with a situation where church marriages will not at the same time simultaneously be recognised as civil marriages? It would mean that those getting married would have to necessarily go one day to the civil registry and have their marriage there and then most couples, like my daughter in a couple of weeks' time, choose to get married at a weekend because it is easier for guests to attend and then the church wedding is something different. All I can say is, that as the father of the bride, it does cut
510 a lot of expenses if you have both things happening on the same day. Believe me, it costs quite a pretty penny to get married nowadays!

But, Mr Speaker, having said that like I think Members on both sides of the House, we have heard what constituents have to say. We have taken their views on board and so on and I have
515 listened to everyone with equal respect and so on. Yet there is one young lady, in fact I do not

think she is quite of voting age yet because I believe she is still a sixth-former, gave me these words, with which, with your leave, Mr Speaker, I want to end my contribution today.

520 This young beautiful lady said, 'Heterosexual marriage is a tradition. However, may I remind you that human ritual sacrifice, public executions and curing illnesses with spells and magic were all considered a tradition once. Let us go back to the days where we could watch people being beheaded in the town square, shall we?'

With that, Mr Speaker, I declare my intention to support this Bill. (*Banging on desks*)

Mr Speaker: The Hon. John Cortes.

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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, one of the essential points that has been made in this debate, particularly outside this House, is that the Government governs for all the people and not just for those who hold a particular view, whether or not it is the view of the majority.

530 Having said that, it is clear that one of the main arguments used against the Bill outside this Chamber is a religious one. As a Catholic who tries his best to practise his Christian faith, this is important to me and I have given the matter a great deal of thought.

535 There is much in society today, Mr Speaker, that differs from some of the teachings of my church and of other denominations, Christian or otherwise – some of which have also expressed a view on the subject, divorce, marriage between divorcees, extra marital sex, even what we do with the ashes of our deceased loved ones are examples, and all are allowed by civil society. Some may argue that these undermine the fabric of society, but society continues nevertheless and the relationship between church, all denominations, and state continues to be excellent.

540 There will be those who are religious who choose not to divorce or choose to do so; it is their choice and their decision. Few would question that now and I have not heard that point emerge in the public debate surrounding this Bill. Nor is it for me nor for this Parliament to cast judgement – judge not on the way that couples faced with such situations express their free will, another important tenet of the faith with which I grew up.

545 I would argue that the same applies to civil marriage. Indeed, civil marriage between a man and a woman exists and has existed in Gibraltar for decades and is not a church wedding but a civil occasion which clearly in concept is identical to what this Bill wishes to introduce. It does not impose a duty for same sex couples to marry nor force anyone who believes it to be wrong to do so. Nor will the lack of such provision prevent persons of the same sex who love each other from entering into a relationship.

550 What it does is give a right to all persons regardless of sexual orientation to be treated equally in civil terms in the eyes of the law, not of the church. Only the church can determine who marries under the church, but civil marriage is not the sacrament of holy matrimony, nor the equivalent in other denominations. And so I see no conflict.

555 Mr Speaker, as a practising Christian with total respect for those who disagree, with love for all of my fellow citizens and with a clean conscience, I will be supporting the Bill. (*Banging on desks*)

Mr Speaker: Is there any other contributor? (*Interjections*)

560 **Hon. D A Feetham:** If the Hon. the Chief Minister wants me to go first, then I will happily oblige him.

565 Mr Speaker, I will be personally supporting this Bill. I have a history of supporting these kinds of issues and I am a fervent supporter and believer in equality. I have stood in this House, Mr Speaker in a minority of four, with everybody else except for four colleagues including myself, voting for issues of this nature, including it has to be said, my hon. Friend, Mr Reyes and I see no reason why I should change my mind and indeed, I am a firm believer in this particular issue of gay marriage.

570 What I intend to do, Mr Speaker, is outline the policy of the GSD in relation to this. I will then very briefly go through my reasons as to why I will be supporting this Bill. I will then address the question of the amendment by the hon. Lady, and also, very briefly touch upon some further amendments that I believe are necessary in order to deal with blatant inequalities that may arise from this Bill. I am not asking the Government to do it in the context of this Bill, but to bear it in mind that further amendments will be necessary in the context in particular of the Immigration, Asylum and Refugee Act, and it is something I have touched upon in this House in the past.

575 Mr Speaker, the policy of the GSD is that it will not impose either on its MPs or on its Members, any view on a matter of conscience. It is up to an individual GSD Member, an individual Member of Parliament, to make up his or her own mind as to the way that he or she wants to support or not support, or vote in favour or vote against these types of issues.

580 And I believe it is right that on these types of issues that impact on matters of conscience and people feel very strongly about, they should have the right to express their own views in favour or against these kinds of issues. Indeed, the hon. Lady described the Civil Partnership Act as the first landmark moment in these types of issues. I disagree with her. Indeed, the first landmark moment was in 1991 because these issues are issues that developed over time and the first landmark moment was 1991, when the Hon. the Father of the House, as Chief Minister of this community, brought a Bill to this House to decriminalise homosexuality. On that occasion the GSD too allowed a free vote and no-one on our side of the political equation at the time, voted against the decriminalisation of homosexuality.

The next major step –

590 **Mr Speaker:** In 1991 I was the Leader of the Opposition; the GSD were not in Opposition.

Hon. D A Feetham: I beg your pardon, it was 1992. I beg your pardon, it was 1992. Quite right, it was Sir Peter Caruana – or Peter Caruana as he then was – who was the Leader of the Opposition. In 1992 on the decriminalisation of homosexuality, the GSD allowed a free vote and indeed nobody opposed the decriminalisation of homosexuality.

595 The next major step was in 2010 when I brought to this House a Private Member's Bill in order to equalise the age of consent and bring down the age of consent for homosexuals from 18 as it then was to 16. The context in which that arose, Mr Speaker, was because at the time I was amending all the criminal legislation in Gibraltar in the Crimes Act, and I took a position, supported by Mr Reyes, supported by Mr Montiel and supported by Mr Netto, that we would not come to this House with a Bill modernising all our criminal legislation and leave what was to us a blatant inequality in our legislation, which we believed was unconstitutional and in any event, infringed on our conscience because of that inequality.

600 The way that was resolved within the Government of the day was that we were, or I was, supported in the bringing of a Private Member's Motion where that Private Member's Motion was supported by four Members of the GSD Government at the time and everybody in this House, including the then Opposition, voted against.

605 In 2010, as a consequence of that, the matter was then placed before the Supreme Court. The Supreme Court then came back and agreed with the view expressed by myself, expressed by Mr Reyes, by Mr Montiel and Mr Netto, that in fact the inequality was unconstitutional and as a consequence of that, we then brought the Crimes Bill, which was supported by every single Member of the GSD Government at the time, which equalised the age of consent at 16.

610 It is then right that the hon. Lady then brought to this Parliament the Civil Partnership Act, which was and is rightly described as a landmark moment in the advancement of civil rights and in the advancement of these types of issues. And indeed, at the time, everybody on this side of the House also supported this particular Bill and everybody on this side of the House, despite the fact that it is a matter on which they are voting their consciences and there is no three-line or four-line whip operating on this side of the House, everybody on this side of the House is going to be supporting this Bill today.

620 Mr Speaker, from my own point of view and the reason why I support it is not only because I support equality and I have a track record of supporting equality, I believe that equality has to be advanced at every single opportunity. One of the reasons why I have made the point that I have made about the hon. Lady's comment about the first landmark moment is because society has to remain vigilant. Society has to remain vigilant and we cannot see that Bill or this Bill as a final moment in the advancement of civil rights and in the advancement of equality. As society develops, there will no doubt be further landmark moments and I hope to be in this House, Mr Speaker, in order to support them.

630 But, Mr Speaker, more than anything else I support this Bill for this reason. I am a firm believer, Mr Speaker, in the institution of marriage. My parents were also, like the parents of Mr Costa, divorced when I was ten in fact, the same as Mr Costa. But I believe that marriage offers a cementing and stable environment in which families are brought up, in which children in my view are brought up. I believe that having allowed gay couples, as indeed the hon. Gentleman – and I left this out in the history of landmark moments – allowed for the case to be brought to court in relation to gay adoption which has now been allowed as a consequence of a decision of the Supreme Court, I think it was in 2013, which I believe was also a landmark moment.

635 But having taken the decision, by law or otherwise, that gay couples can adopt, I think it is wholly illogical to then say that gay couples cannot have access to that institution of marriage that has those benefits for those couples. In my view, it is completely and utterly illogical. If gay couples want to marry or if straight couples want to marry, they should have the right to marry and gay couples should have the right to marry. I believe that marriage provides that stable, cementing environment in which families are brought up and therefore it should be accessible, in my view, to gay couples.

640 Mr Speaker, in relation to the amendment, this is where I am in a minority on this side of the House. I believe that the clause allowing an opt-out on religious grounds for Registrars, is justifiable and I will be supporting that particular clause in the Bill and I will be voting against the amendment.

650 Mr Speaker, Gibraltar is a very small community. It is a tolerant community. In Gibraltar we have learned to live with each other, different religions in a melting pot that is Gibraltar. Indeed, the Gibraltarian people have grown out of this melting pot and the stability that we have in our society comes from tolerance. I believe that, if we are to be that tolerant society that has been so successful in living with each other and tolerating our different religious beliefs and our different beliefs in other spheres too, that we have to allow people who have a religious conviction and therefore cannot for a religious conviction perform a civil marriage to have the opt-out and for that not to be forced on them, Mr Speaker.

655 And let me also say this: that although I am a believer and a firm believer in equality, one of the things that I lament most, in the way that the United Kingdom and other jurisdictions have developed as a consequence of some of the legislation that has been introduced from the equality perspective in some of those jurisdictions, has been the forcing on Christian minorities, on Muslim minorities or religious minorities, to do things that they would not otherwise have done because of their conscience. Let me give the House some examples of that.

660 Mr Speaker, it is absolutely ridiculous in my view – absolutely ridiculous – that a bakery in Ireland ought to be forced to bake a cake for a gay marriage and be found liable in a court of law for not doing so, simply because we are talking about Christian bakers, Catholic bakers, who took the view that on religious grounds, they were not prepared to bake that cake. There ought to be a sense of sensibleness in my respectful view in relation to this. We should not be forcing people to do things that go against their religious convictions.

665 In the United Kingdom, one of the largest adoption organisations in the United Kingdom was the Catholic Church, one of the largest adoption centres and indeed other Christian churches. As a consequence of some of the equality legislation that was introduced in the United Kingdom, it has forced these adoption centres to close, who were placing children in worthwhile families.

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They have had to close because their own religious convictions would not allow them to obviously adopt to gay couples.

675 Now, I may disagree with that and I may say a gay couple is just as capable of adopting and bringing up a child in the context of a loving, safe and secure relationship as anybody else. But I think that we have to be sensible in society and that we have got to recognise that there are people with different views, that there are people like those Christian organisations in the United Kingdom that offer a worthwhile service to society and we should not be forcing those people to do things that go against their own conscience.

680 And I think it is right in that context for the Government to introduce into this Bill, a clause that does not ... that will allow Registrars to opt out of gay marriage, civil marriage on religious grounds. And for those reasons, Mr Speaker, I will be opposing the amendment that is proposed by my hon. lady Friend, Marlene Nahon Hassan.

685 Finally, Mr Speaker, in relation to further amendments, I would also invite the Government to bear in mind that not only does the Matrimonial Causes Act need to be amended, but also the Immigration, Asylum and Refugee Act and I brought this matter to the House in the past but I think it is an important matter.

690 At the moment what we have is a blatant discrimination against men who are married to foreign women, their wives are not entitled to the same residency rights as a situation where a Gibraltar woman is married to a foreign man or indeed, Mr Speaker, because they amended this particular Act upon the introduction of the Civil Partnership Act, or indeed a gay couple that has entered into a civil partnership. I think that is wrong.

695 There is also a discrimination against the children of a Gibraltar man married to a foreign woman, which again are discriminated against in relation to those in a civil partnership and also gay people in a civil partnership and also a Gibraltar woman married to a foreign man. I think that, in the context of that Act that is now going to have to be amended, of course, in order to also recognise that there is a civil partnership, that we should end that discrimination across the board, and I invite the Government to do so.

700 But for those reasons, Mr Speaker, I will be supporting this Bill and I will also be voting against the amendment proposed by the hon. Lady. (*Banging on desks*)

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, I do think today is a landmark day for this community and for this Parliament.

705 I want to start with section 15 of the Constitution which the hon. Member referred to, which is the section which relates to the right to marry and found a family. Mr Speaker, that section, what it has been interpreted to mean in the case law of the European Court of Human Rights and what it says on the *face* of it, in my view, is *central* to a determination of how this Parliament deals with this matter.

710 I know it has been central also to the course of the debate in this community, because many have said that there is no *right* to marry, in the course of contributions that I have read in the past year. But in fact, Mr Speaker, section 15 of the Constitution – our principle and overriding enactment – actually says this:

Men and women of marriageable age have the right to marry and to found a family as prescribed by any law governing the exercise of this right.

715 So it is a right, and that right is exercised in keeping with laws, and this Parliament makes laws. But anyone who has approached this debate from the point of view that there is no *right to marry* has failed to read section 15 of the Constitution, or at least has failed to understand it.

Because I have also read some comments to suggest, well, it is a right for men and women. Well, Mr Speaker, we may describe our sexual orientations in different ways. I have learnt from

720 Samantha Sacramento that it is now LGBTTT, lesbian, gay, bisexual, transsexual and transgender, but we do not describe each other physically as anything other than men and women. So this is a right that applies to everyone in our community regardless of their sexual orientation and that is already preserved in our Constitution.

725 And it does not say, Mr Speaker, in this section that this is a right for men and women to marry each other. That would have been an important addition to this section if that is what was meant by it. 'Men and women of marriageable age have the right to marry' – full stop. It then goes on to talk about founding a family. Well, Mr Speaker, therefore I think that it is essential that this clause of our Constitution is central in our minds as we have the debate that we are having today.

730 Mr Speaker, I did not imagine on 9th December 2011 that I would be Chief Minister of Gibraltar, to see a Bill moved for equal marriage whilst I was in the Government that I was leading. I did not imagine that that would be the case in 2011 when we were framing our manifesto, when we had the internal debate of what we would do to deal with this issue of discrimination, that same sex couples were not able to enter into a partnership.

735 I sincerely believed that we were not just trail blazing; we were doing the right thing in the right way when we brought the legislation on civil partnerships. We did it, Mr Speaker, in a way that had not been done for example, in the United Kingdom, where civil partnerships were available *only* to couples who were of the same sex orientation but not to heterosexual couples, creating thereby a new discrimination which has just been undone in the UK but which we were careful not to create in Gibraltar when we made our Civil Partnerships Act.

740 Mr Speaker, I told the House in March 2012, in answer to Question 318/2012 that I believed we had satisfied the concerns of the LGBTTT community in the creation of the Civil Partnerships Act. In fact I specifically said this, Mr Speaker ... and it is not good to go around quoting oneself, Mr Speaker. Lord Denning used to do it by laying down bits of law that he would come back to quote of himself in order to lay down new bits of law. But I think that it is important, that when
745 we have said things and we have changed our minds, we face up to it and understand why that has happened.

I said specifically this:

My own view is that we should not have gay marriage in Gibraltar, that we should have civil partnerships.

750 That was in March 2012. Mr Speaker, for me it has been a road of long consideration and of very careful thought, which I can only describe as very deep soul searching, to come to the conclusion that in the context of the following General Election, the one in 2015, the position of the party that I lead and of the executive of one of the parties in the alliance that is this Government, should be to propose a consultation in the context of our manifesto to do exactly the opposite of what I believed in 2012 should not happen.

755 Mr Speaker, what was it that changed *my* mind in that respect? Well, the dates here are actually very, very important. But most of my thinking has actually developed in discussions and deep considerations of this issue with my own wife. You see, Mr Speaker, in March 2012 I was the husband of a very pregnant wife but I was not a father. I became a father in April 2012. And, Mr Speaker, I do not think there is anything that changes your outlook like having a child and understanding the importance of what that child means to you and how that child looks to you
760 for protection in his early life.

And Mr Speaker, my discussions at home have been very, very concerning from the point of view of where I was in March 2012. Because, Mr Speaker, put yourself in the position of a husband who is asked this: 'now that you have a little boy, how would you feel in 30 years' time if your son has that sexual orientation and he is not able to do something that everybody else who is of a different sexual orientation is able to do?' In terms of the civic – not in terms of the physical or in terms of something else; in terms of the civic. And if he were able to turn around
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to you then, in 30 years' time and say, 'I cannot marry, Dad, because when you had the power you did not change the law.'

770 Well, Mr Speaker, this is not a place of power exercised in that way. This is not a place where I am going to say to the ten people who sit on my side, nine of whom are in Gibraltar today, 'You must vote in one particular way or you must not vote in a particular way.' That is not the way to exercise power. But to search your soul, to understand what you may have done that led you to a conclusion that may have been wrong and to then seek to understand with your community, whether you should make those changes that might lead to a different conversation 30 years
775 thence, I think was the right thing to do.

And that is why we included in our manifesto, after a long discussion in our Executive Committee where there were different views, after a detailed discussion with our coalition partners in the Liberal Party, that we would do a consultation in the whole of our community.

780 Well, Mr Speaker, I am not in bad company in changing my mind on this subject. President Obama was against equal marriage in 2008. He said that he believed that the United States should pursue civil unions and not civil marriages for those of the same sex. And yet by 2013 in his second inaugural address, he said this:

If we are truly created equal, then surely the love we commit to one another must be equal as well.

And in 2015, I think the whole world will remember the words which resonated from him when he welcomed the decision of the United States Supreme Court to make equal marriage
785 legal in the United States, through a judicial decision, not through a legislative change.

So, Mr Speaker, our approach has been to go to the community with this issue. Our manifesto, Mr Speaker, our Strongest Foundations manifesto of 2015, at pages 95 and 96, deals with the issue of equality. It sets out the work that we had done by November last year and the work that we were seeking a mandate to continue to do. In the section which is in great
790 measure down to the drafting of the hon. Lady and the detailed policy discussions of the Executive Committee, it says this on page 96 – 'civil partnerships':

We trail blazed with the landmark commitment, which we have already delivered, to introduce into law the Civil Partnership Act. This recognises the rights of people to have their same sex relationships reflected in legislation and all rights that accrue from this because we did not consider it was right for the State to discriminate between people on the grounds of their sexual orientation. This regime is now also open to opposite sex couples so that there is full equality across all the sexual orientations. We will now publish a Command Paper in order to take the views of the public on how best to deal with the request by some for civil marriage to be extended to same sex couples. We are totally committed both to ensuring that religious denominations are not forced to change their practices, beliefs or sacraments in any way and to the principle that the State must not discriminate between individuals based on grounds of sexual orientation. The results of the responses to the Command Paper will be published by June next year.

This manifesto, Mr Speaker, garnered wholesale support during the course of the last General Election in Gibraltar and that commitment was part of the manifesto before the people at the General Election. Mr Speaker, in fact I am very pleased that we introduced also, the
795 concept of the Command Paper because the Command Paper was not known to this Parliament and to our laws, until 2011 when we became the Government.

We were therefore able to put in the context of that Command Paper, which is a paper published by Command of Her Majesty through the Government, and I will come to that later because this is a Government Bill, an important issue to highlight which both the hon. Lady and
800 the Deputy Chief Minister have highlighted. But this is a Command Paper published by Command of Her Majesty for people to consider what their views are and to come back with the views that they wish to express in the context of that consultation.

So, Mr Speaker, I think we were able to publish the Command Paper in time and I think we have slipped by about 60 days in the context of publishing the responses to that, because we
805 were committed to a date in June this year. But a small matter of a Referendum dealing with

some international partnerships of the United Kingdom has really dominated the first part of this year, but we otherwise complied with our undertaking to the letter.

810 Before I move on to deal with that part of what we did, Mr Speaker, dealing with civil marriages, I want to just reflect for a moment on civil partnerships. Because in the same way as civil partnerships in the United Kingdom excluded heterosexuals and we did not and they have had to change it, it is also true, Mr Speaker, that civil partnerships have found a life beyond their original *raison d'être*. I mean the original reason for civil partnerships was to provide a route for people of the same sex to have the ability to enter into stable relationships, recognised by the State, without knocking on the door of marriage.

815 But of course, as we allowed them here for heterosexual couples also and they were allowed eventually in the UK also for heterosexual couples, civil partnerships have found a different sort of life for themselves. And this very morning, Mr Speaker, perhaps providentially and in time for my speech, I read in one of my favourite columns in *The Times*, the Matthew Parris This Week column, the following excellent reference. And Matthew Parris writes this of himself – the title is
820 'Not the Marrying Kind': he says that new data offers an interesting peek into gay relationships. The number of civil partnerships formed last year is almost half the number in 2014 when gay marriage was introduced. So far, so unsurprising. If marriage is available, less people are likely to be going for the civil partnerships which were introduced to avoid those marriages.

825 But within that figure, he tells us, there is a more striking one. Nearly half of new civil partnerships are between over 50s compared with only a fifth in 2013, the year before marriage became an option. And his conclusion, Mr Speaker, I think is as amusing as it is informative: 'That many older gays who get hitched are still resisting marriage suggests that opposition to the reform was not always routed in moral disapproval, but sometimes in reluctance to change the meaning of long familiar words. Kind friends sometimes call my partner and me "husbands".
830 Though I have tried, I just cannot get comfortable with that word, but then again, I am 67', he tells us.

Well, Mr Speaker, it may be that it is important to highlight that simply because the option is on the table, it does not mean that we are going to require anybody or force anybody to do it.

835 Mr Speaker, the consultation which we undertook was probably the widest consultation exercise undertaken in this community, certainly in my political lifetime. I do not know whether something has gone deeper than the consultation on this Command Paper but it is certainly not something I remember.

840 The Select Committee on the Constitution which the Hon. the Father of the House and the Deputy Chief Minister formed part of, opened itself out to contributions from the community. There were lots of people who were politically involved who wanted to contribute to that, but the depth and breadth of the support for this Command Paper in the responses to it, is something I have never come across before in my political life.

845 And if I may say so, Mr Speaker, it ranged across the board of the whole of the community. We engaged with so many people, Mr Speaker, people I had never met before, people I thought I knew and had views that I was not able to associate with, and of course some who I knew and who had views I knew I could associate with, Mr Speaker.

850 And if I may say so, with thanks, the representations made also included representations made very thoughtfully and carefully and sensitively by His Lordship, the Bishop Zammit and His Lordship, the former Bishop Heskett, and I will come to some of those contributions in a moment.

855 The first part that I want to come to, Mr Speaker, is in the opinion that His Lordship the Bishop provided on 8th September 2016 and which was published in the *Gibraltar Chronicle* on the eve of his ordination in Malta, where he said that as Bishop of many in Gibraltar, he was writing his letter to express concerns about the issue of equal marriage and to share some considerations. I thought that there was a part that the House should be referred to. Two parts in particular, and the first is this.

In paragraph 11, His Lordship says this:

Whatever the decision of Parliament regarding this matter, the Church will hold fast to its authentic understanding of marriage, which has been written in the human heart, consolidated in history and confirmed by the Word of God. Any civil law allowing same sex marriage has no bearing on the teaching of the Church regarding the sacrament of marriage.

That is absolutely right, Mr Speaker. Whether one shares His Lordship's view in respect of the first part of his sentence or not, the second part of this paragraph is of course, absolutely true.
860 Nothing that we are doing here today in any way affects the teachings of the Church regarding the sacrament of marriage, or any other religious teaching in relation to the many incarnations of marriage.

And as the Bishop I think said in some of his other public interventions, but he said directly to us in the inter-ministerial committee meeting that we had with him and other members of the Church, the Church proposes but does not impose. I think the Church has been, through His Lordship the Bishop, exquisite in observing that approach, in providing us with information, in providing us with guidance on what their views are, but has not for one moment suggested to us that we should or should not do any particular thing in the context of the consultation and, indeed, is not purporting to say to the community that it must or must not do any particular thing.
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Those views of His Lordship, Mr Speaker, the views of every Member in this House as expressed and the views of everybody who contributed to the consultation and those who did not, all of them are protected and preserved by section 9(1) of our Constitution, which says this – “Protection of Freedom of Conscience:

Except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience, and for the purposes of this section the said freedom includes freedom of thought and of religion, freedom to change his religion or belief, and freedom, either alone or in community with others and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

875 The first phrase of that paragraph is the most important, Mr Speaker, because it says, ‘except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience’. Everything else is mechanics.

So we live, Mr Speaker, in a free society, where one is free to worship or not worship the god or gods that one wishes to worship or not worship, and in a society which in the other section I have read to you, establishes the right of men and women to marry.
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And, Mr Speaker, it was not just His Lordship and the Church that provided us with useful and careful and sensitive guidance on aspects of this proposed amendment. It was also the Evangelical Alliance who represent a lot of other denominations and who spent a lot of time with us – very convivial time, even though we might have different views, but a very convivial time understanding each other and understanding the issues that we were wrestling with and wanting to deal with in the best possible way for this community.
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And the Equality Rights Group, Mr Speaker, who have led on this issue for those seeking marriage equality, with whom we had a very positive engagement. Not just in respect of the protection of the fundamental rights of all those who wish to marry regardless of their sexual orientation, but also if I may say so, the protection of people to practice their own religion in their own way and how those rights must also be preserved. Something which the Equality Rights Group were very keen to ensure we understood they were as signed up to as they might have been signed up to the cause of equal marriage.
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We met, Mr Speaker, with a group of lawyers, young and not so young, who of course through our profession I knew well and in fact, all members of the Inter-Ministerial Committee happened to be lawyers so we all knew each other and have always got on relatively well, and had a good legal ding-dong on the subject of marriage and rights and not rights. Their thinking was also helpful in informing us in how we framed some of the exceptions that we had been asked to consider by the Church and which some of these members of our profession at the Bar
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900 were able to help us shape in some way. We disagreed with most, but not with all, Mr Speaker, who came to see us in that context.

Mr Speaker, this was a process of consultation which resulted in the most careful consideration, most in-depth analysis of what was put to us in the context of this Command Paper and the responses to it. And if I may say so, Mr Speaker, I think I speak for all of the
905 Members of the Inter-Ministerial Committee when I say that I think this was a *hugely* enriching process.

This was not just dealing with the law; this was dealing with who we are in a values-based system like Gibraltar. Where is our morality today? Is this law a law that affects our morality in some way? It was a hugely stimulating and enriching process, Mr Speaker.

910 I chaired that Inter-Ministerial Committee with Samantha Sacramento, Neil Costa, Gilbert Licudi and Albert Isola as members of it. Albert Isola is, as Members will know, in China today on Government business. Mr Licudi and Mr Costa are here and they will agree with me that Samantha Sacramento's work in relation to equality is absolutely trail blazing and landmark in many ways, Mr Speaker.

915 Attitude is probably the first way that marks her out for distinction in this field, because Samantha Sacramento does not need to be told that laws need to be changed to provide for a more equal society; she feels it instinctively and understands it instinctively. And she is not in a position where she has to come with a Private Member's Bill to this House, Mr Speaker, to seek to rely on Opposition votes to change things; this is a woman who is able to count on
920 Government support, because she persuades those who might need persuading – not that we take long to be persuaded – when she raises an issue of equality that it must be dealt with in that particular way.

And she is a young talent, Mr Speaker, who I think those advocates for equality outside of this Parliament – which you might call the equality lobby – have long recognised as a
925 magnificent advocate for equality. She is the one, Mr Speaker, who taught me that it is not gay marriage. We sometimes go round using the terms like 'gay marriage' as shorthand in the context of this debate.

It is not gay marriage; it is about *equal* marriage. And terminology matters. Political correctness is not something that people should have much time for, but the importance of
930 terminology and how different terminology can hurt others, is something that we should all have regard to and she has consistently kept us on the straight and narrow in that respect when we have fallen into shorthand.

Mr Speaker, if I can just deal briefly with the usual discordant note that the current Leader of the Opposition has struck in respect of the debate and which I feel I must reply to, especially
935 given the fact that he has given us a draft of his retirement or resignation letter already during the course of a recent television programme, at the same time as he told us that he felt he was not paid enough for the job that he does.

Putting those things to one side, Mr Speaker, and ready to deal with them in the context of another debate, look, we agree that in relation to homosexuality, the first landmark moment
940 was the decriminalisation of that by the first GSLP Government during the course of its second administration, not its first administration.

If I may say so, Mr Speaker, when it comes to criminal laws, I do not think that Governments come to Parliament for people to vote their consciences, although I always expect my party to vote its conscience. They do not need to be given a free vote to vote their consciences; I actually
945 expect them to vote their consciences every time we come here. If they disagree with me, they disagree with me. I intend to vote my conscience and so should they.

That is what they are paid for because they are Members of Parliament and that is part of the allowance that they are paid, the one that the hon. Gentleman said to *GBC* he thought was too low, to come here and vote their consciences. But to have to be given a free vote on whether or
950 not to *decriminalise* here, Mr Speaker, is really quite something. But the hon. Gentleman is wrong about so much, Mr Speaker, that even when he refers to facts which are so objectively

determinable as to how people voted, he gets it wrong. (*Interjection by Hon. D A Feetham*) Mr Corby voted against –

955 **Hon. D A Feetham:** No, he abstained.

Hon. Chief Minister: Well he voted against decriminalisation then. (*Interjection by Hon. D A Feetham*) ‘My conscience does not allow me to vote in favour of the amendments’: Mr Speaker, that is quite something. (**Hon. D A Feetham:** He abstained.) That is quite something. It really is quite incredible that the hon. Gentleman tries to use that as a badge of honour in the context of what his party stands for in terms of equality – really quite something.

960 And then he talks about his record of standing for these things. Well, Mr Speaker, look he came here with a Private Member’s Bill on equalising the age of consent, where he wanted to rely on Opposition votes to get it through. When in exactly the same way as we were dealing with the issue of this decriminalisation in 1992, our view was that it was an absolute scandal that the equalisation of the age of consent, which was a *legal requirement*, should come to this Parliament by the hand of a Minister for Justice’s Private Member’s Bill. (*Interjection by Hon. D A Feetham*) It was absolutely disgraceful, Mr Speaker. It should have come as a Government Bill, Mr Speaker. (*Interjection by Hon. D A Feetham*) It should have come as a Government Bill, Mr Speaker, not as a Private Member’s Bill.

970 So look, Mr Speaker, the hon. Gentleman wants to clothe himself in the cloak of being the most equal person here. But look, if it were true that he is, he will be fulsome and genuine in his support for the work that the hon. Lady has done and for the work that the hon. the former Minister for Health, Mr Cortes has done. Because if there is one thing we can be absolutely proud of, it is our record in respect of equality. The hon. Gentleman has recently ensured that IVF is available for same sex couples in the same way that it is available for heterosexual couples, something that we introduced ourselves in any event, Mr Speaker.

975 The hon. Lady’s work in respect of equality does not need to be spelt out for people to understand how magnificent it has been. But, Mr Speaker, to try and denigrate that in the context of this debate and to bring the partisan into it I think really demonstrates that the hon. Gentleman is only interested in putting on such cloak as he thinks might garner him some element of support at any particular time.

980 And I think it is unfortunate that this otherwise convivial debate on which we have been able to hear contributions from Members Opposite where I think we have all agreed has had to be tarnished by that attempt to bring in the partisan. And if he is *such* a champion of equality, Mr Speaker, where was this in the pamphlet?

985 Because, Mr Speaker, let us be clear, we had a soul searching debate in our Executive. I had a soul searching debate at home with my wife, thinking about the future of my children. We put it in our manifesto and we have acted in keeping with our manifesto. Where is it in his?

990 Look, Mr Speaker, we did the same thing in relation to smoking in public places, another important issue of a different type. The hon. Member’s manifesto in 2011 was six of one and half a dozen of another in respect of smoking in public places. You could read, you could sense in the manifesto, this was a tightrope-walking exercise of trying to appease those who were in favour of stopping smoking in public places and not annoy the smokers.

995 And, Mr Speaker, for the hon. Gentleman to now say that he is the champion of equality and that he has a record of standing for these things when he was the person responsible for – I cannot call it a manifesto; I do not know what to call it – the *pamphlet* that was put out at the last General Election, which was silent on the subject despite a letter from the Equality Rights Group dealing with the issue and asking parties to state their positions on it, is really to ask people to believe anything.

1000 I think the hon. Gentleman was honest when he says that he thinks he is underpaid. He has such a high opinion of himself I do believe he thinks he is underpaid. And I am very grateful that

he went on television to say that he thinks he should be remunerated better than he is. But everything else, Mr Speaker, just does not ring true. It does not ring true.

1005 So anyway, the champion of equality who did not put anything about equal marriage in his pamphlet, I think has added very little to the debate but I do welcome the contributions from other Members, Mr Speaker. If I may say so, though he is not here to hear me, Mr Speaker, Mr Reyes made a very interesting and poignant contribution because he has been a man of the cloth, as he reminded us. He has actually married people. And it is also important for us to
1010 recognise and appreciate the journey that he has made and the contribution that he has made today in this Parliament, and I sincerely, sincerely value it, Mr Speaker.

Mr Speaker, the consultation also included debates organised in other fora. *The Panorama* and *The Chronicle* carried contributions from one and another. Gibraltar Broadcasting, the public broadcaster organised a debate on the subject, which I think was held at one of the cinemas. Joe
1015 Garcia contributed – not this one, another one – Eric Ellul, both of whom I think also contributed lengthy pieces in the local press on the subject of their objection to changes in the legislation. Eddy Wood, Charles Gomez – and Charles I think, is one of the people who came to see us in the context of the later more detailed consultation and he has also written extensively in the local media and social media. I think he contributed from the floor in the context of that debate.

1020 And finally, Mr Speaker, Ivan Hernandez, who was on that *Viewpoint* programme and who wrote for me the most touching opinion on this subject. He wrote an absolutely excellent contribution that told us not just about why he thought the rules should change from an objective point of view, from the international point of view, from the rules and mores point of view; he talked to us about himself and the discrimination he had suffered overtly and not
1025 overtly.

Because you see sometimes, Mr Speaker, we think that simply because we do not call somebody an awful name, we are not discriminating against them. And I have heard it said before, 'Well, in Gibraltar we have never discriminated against gays, we have never given them a problem.' Well look, Mr Speaker, we do not have to be Zimbabwe beating up people who love
1030 people of the same sex, or Russia who do the same thing, to discriminate against people and to make them feel excluded.

And this man's opinion explained to us that he had not felt able to return to Gibraltar to live with his parents and his extended family, his brothers etc. because of the way Gibraltar was structured in society. Sometimes the most learned, the most intelligent understand the
1035 structures of state discrimination better and therefore find them so anathema that they cannot form part of that state, and that is what Ivan told us in that piece. He said, 'I couldn't come back to be with my family because the place in which I wished to live institutionalised a discrimination against what I was.' And that was a subjective contribution that I think was amongst the most powerful things I have read in a long time in any newspaper, local, national or international and I
1040 thank him for having shared that level of his yearning for equality with the rest of the community. It was not wasted at all.

Mr Speaker, there were 2,336 contributions in the consultation – 2,336 contributions to a Command Paper is an extraordinary number. It is literally 10% of the electorate; it is almost a fifth of our vote and almost half of theirs. That is. That is an extraordinary number, Mr Speaker:
1045 1,368 comments were in favour – and the community may want to have these numbers – 1,368 comments were in favour, 955 comments were against same sex marriage and 13 were in favour of a referendum to decide the matter.

Well, Mr Speaker, every single person who wrote a contribution or who simply signed the contribution with which they agreed which had been prepared by others, deserves the thanks of
1050 the Government for having become engaged in this process with us and for their respective contributions. If I may say so, Mr Speaker, instead of each of us putting on a cloak of how we are a champion of this or of that, what we need to do and what we need to reflect as representatives of our community is how proud Gibraltar should be of itself, of the debate that we have had, of the way in which we have had it, of the amount of contributions filed and

1055 frankly, Mr Speaker, of the magnificent and peaceful way in which we do not just tolerate but we respect each other's views and we understand each other's feelings.

Mr Speaker, it is also absolutely true that the figurehead of this push for equal marriage has undoubtedly been Felix Alvarez, who has really pushed for this change in the law, along with others. But he is always the person who is prepared to put his head above the parapet and, if necessary, become unpopular in order to pursue an issue in which he believes and it is right that we should recognise the work that he has done in addressing this issue, usually with Charles Trico in tow who comes to see us.

And if I may share an intimate reference, Mr Speaker, one of the meetings that we had in the Inter-Ministerial Committee with Felix and with Charles and when we were saying to them, I was sharing my views and the views of others, I made my own views public as to why I thought this should proceed, Charles Trico said to me, 'Well, Felix and I have probably done the easy part, which is to persuade you. The difficult thing now is to find ourselves a husband!' (*Laughter*) I suggested, Mr Speaker, that perhaps they should talk to each other, but Felix and Charles said there was absolutely no question of that. They both deserve to be singled out, Mr Speaker, for particular mention and for the thanks of this community for having led from the unpopular front, Mr Speaker.

The contributions that we have had have really been reflections of very deeply held beliefs and of the things that define each of us as individuals and therefore as a collective define us as a people and as a community. And I think this is really the best and deepest debate that we have had as a nation for many generations.

I do not know how our laws on divorce came to be on our Statute Book, I do not know how our laws in other controversial areas came to be on our Statute Books. In those days there was less consultation, there was no Command Paper, there might have been the British Government putting pressure, it is true to say, Mr Speaker, that in some of the other overseas territories, the British Government has had to put pressure simply not just to decriminalise homosexual activity but to also to get rid of the death penalty which was still on the Statute Books of some of the other overseas territories, that may have come about in that way.

This is a change in our law that we as a community are bringing ourselves after the deepest soul searching, because it is clear that people have really, really dug deep to understand who they were, what they wanted to say to us in the context of the contributions that they were making, where we come from, where we are going to, what is it that we feel our journey should be in the future, and how this law fits into that.

Mr Speaker, it may be that we do not have debates about morality and about equality often enough these days, the hon. Lady always tells us that we must not take equality for granted and that is absolutely right. Perhaps we should be having more of these debates. Perhaps we have too many debates about finances and foreign policy and we do not pause often enough to debate who we are, where we are going and how our laws should reflect that.

I happen to think, Mr Speaker, that one of the reasons that does not happen is because the big moral questions have been settled, because the left has won all of the arguments. Before, people were not entitled to universal education; they are now because the left won the argument. People were not entitled to universal health care because the left won the argument. Dare I say it, Mr Speaker, there was no universal suffrage until the left won the argument. Some might have been pleased if there was not, Mr Speaker; they might have got a larger share of the vote just of landowners than they did of the general population.

But those moral questions, Mr Speaker, have been settled because the left won the argument, but the left must never forget that it is important to keep winning the arguments.

Mr Speaker, Gibraltar has confronted this debate with maturity and I want to congratulate not just my colleagues in Government but everybody that has dealt with us in the consultation for that maturity and for the courage and conviction that it takes to put yourself out there and to give a view that on one side or the other you know will be unpopular with the other side.

It is also true, Mr Speaker, that the debate has been had overwhelmingly in a spirit of respect. Not just of tolerance but of deep respect and I think that was most in evidence at that *Viewpoint* programme that I have referred to already.

1110 Some people have talked about their religion, some people have talked about their morality, some people have talked about their consciences and some people have talked about themselves. But where we have done so, we have been able to do so largely – and I think with only two exceptions that I will come to – without causing each other any pain, without calling each other any names or without judging each other. And that for me has really been the highlight of this consultation process.

1115 And so, Mr Speaker, two discordant notes really did stand out to me in the context of the debate, which I thought were an aberration in an otherwise robust but very constructive process of debate. Because I think, Mr Speaker, that there is absolutely no room in Gibraltar whatsoever for us to consider that any person is ill or disabled because of a sexual orientation, as one contributor to a *GBC Newswatch* programme said.

1120 Similarly, Mr Speaker, I do not believe that it is acceptable that there is any room in Gibraltar for somebody to refer to the religions of others in the context of this debate as a Bronze Age religion, as one correspondent said in the letters page of *Panorama*.

1125 Mr Speaker, we are a community that is defined by its respect – not just tolerance; its respect – for the views of each other and in fact, that is exactly what section 9(1) provides, that no person shall be hindered in the enjoyment of his freedom of conscience.

And, Mr Speaker, there is freedom of speech: you can say whatever you like about somebody else's religion and about somebody else's beliefs. Of course you can. But discretion is sometimes the better part of valour, when it comes to those issues.

1130 Mr Speaker, one man's food is another man's poison and I do not think that has ever been truer in respect of a debate on a law than it is in relation to this matter. That is why, Mr Speaker, on this issue I want it to be explicit that everybody on this side of the House will be voting their consciences.

1135 I say 'explicit' because all hon. Members must remember that it is implicit in every single vote. Whether it is a matter relating to financial services or it is a matter relating to morality, on this side of the House everybody always votes their consciences; but in this instance, I think it is important that we be explicit in saying that.

1140 Mr Speaker, one of the determining factors of the debate has been how this law interplays with the law on civil partnerships. I have heard time and again, statements to the effect that 'what does the gay community' – as some have referred to it – 'want, given that they have everything that they need now in the context of civil partnerships?' Well, Mr Speaker, it is true that civil partnerships were akin to marriage in just about every way possible and that the Government did not offer a defence in the context of a case on same sex adoption in the Supreme Court. Therefore, with civil partnerships and with that decision, the architecture of same sex relationships and the architecture of opposite sex relationships was in effect identical other than in nomenclature. That is one of the things that was consistently put to us, 'but why do *they*' – disclosing the 'them and us' aspect in some people's mentality – 'want more? They have everything already in civil partnerships – it is just a word.'

1145 Well, Mr Speaker, therein lies the rub. Because you see it is a mighty double edged sword that argument, for those who say that we should not change this law in this way, because if everything in substance has happened – if we take an attitude of substance over form – if everything in substance has happened in relation to same sex relationships that has to happen for them to be equal to heterosexual relationships, other than the nomenclature applied to the description available, then it is clear to me that those who are against this Bill have lost the argument. Because they cannot argue that moral hell and brimstone will befall this community because of the nature of the relationships. Because as part of their argument to stop this Bill, 1155 some have said, 'Look, they have got everything! They have that in the context of a civil partnership.' That demonstrates that this debate has become just about a word.

1160 And look, short of going into the etymology of the word 'marriage', which this community has enjoyed better scholars than me giving it chapter and verse on for both sides, the fact is that we are just talking now about the word 'marriage'. That is the reality, Mr Speaker.

So if you are in a debate which is about form and not about substance, solve it quickly because you are not going to need to be going on for very long because the horse has bolted, Mr Speaker. We had nowhere near the level of antipathy to the Civil Partnerships Act when it passed, that we found from some quarters in respect of this matter.

1165 Mr Speaker, is it not incredible, though, to reflect on how far we have come in less than five years since we became the Government? It is not yet 9th December 2016. We have not yet been in Government for five years. We have already legislated for civil partnerships and we are now, I trust, about to see on the Second Reading what I hope will be unanimous support for this Bill. Well, Mr Speaker, those are five short years of very, very exciting changes.

1170 Mr Speaker, that does not mean that the many years before them were not long and arduous for those who suffered those discriminations.

And it is less, Mr Speaker, than one year since we received the overwhelming mandate of the people of Gibraltar for our strongest foundations manifesto. Less than a year since then, we are implementing the manifesto commitment bringing the Bill to the House for debate on a second reading.

1175 Mr Speaker, as I have said, everybody on this side will be voting their consciences and therefore, Mr Speaker, I will ask the Clerk for a division of votes during the course of The Second Reading, Mr Speaker. There are no whips on this side, Mr Speaker, neither three-line nor four-line. There never are, but it is important that people see how we vote our consciences.

1180 Mr Speaker, just before I deal with my concluding remarks, I want to deal with the issue of clause 6B. It is important in a community which is structured like ours is structured, where 955 people are against this measure and 1,368 are in favour, according to the responses to the consultation, that what we do is structured to ensure that we do not create new hostages to fortune.

1185 I have read hon. Members section 9(1) of the Constitution. Section 9(1) of the Constitution, in the view of the Government, avails a public servant of a constitutional right not to be required to do something which is contrary to his conscience. What we are doing, therefore, is ensuring that we provide not just for the right of equality of those who are same sex couples, but also of the freedom of conscience of the public servant who may not wish to be involved in the – I will use the word loosely – officiation of that particular union.

1190 Now, Mr Speaker, the Government comes to this as the main architect of the *Corpus Juris* of Gibraltar but also as the employer in the context of public servants. And in that sense, as a responsible employer, our role must be to ensure that we provide the service to the public – i.e. in this context the same or opposite sex couples who wish to enter marriage at a civil level – and provide the protection for our employees who wish the freedom of conscience, which the Constitution provides them, not to be involved in that whilst still being able to accede to the relevant post of Deputy Registrar or Registrar. This strikes that balance, Mr Speaker.

1195 This does not create a new discrimination because you see, Mr Speaker, in the goods and services cases, the bakers were denying the cake. We are not going to do that. We are going to ensure that the Deputy Registrar or the Registrar is there to marry those of same sex who wish to enter into those marriages.

1200 The Government is the organisation; the third parties are those who wish to enter the state of civil marriage. They come to the Government and they say, 'Can I please have a cake?' and the Government says, 'After this change in the law, you will have the cake.' But we cannot be told that inside the Government the cake must be baked by Joe or by Jerry, by Diane or by Dorian. It is a matter entirely for the Government.

1205 The Chief Secretary, the Head of Human Resources, the Head of Department, can move a civil servant who is a clerical grade, overnight from one post to another. That is the way it has always

1210 been in the Civil Service. It has always been handled in that way. It is an established practice of the Civil Service.

Now, if there is a person who does not want to officiate same sex marriages, they can simply be moved; but they might be quite happy to officiate other marriages. So the Government as employer is preserving the right of its employees who do not wish to do this, to have access to the grade of Deputy Registrar, to be able to do the other marriages which they wish to do and yet respect their 9(1) right not to do other things.

1215 And this happens across the board, by the way. There are many other examples of things that people are not required to do in the service because of their beliefs. There are people who do not work on particular days because of their beliefs. There are people who do not count votes because they do not wish to do so. Nobody is compelled to do so. Mr Speaker, there are many examples in the service of that and what the Government believes is, that it is absolutely right and proper that the Equality Rights Group, that those who are members of the 1,368 who responded saying that there should be equal marriage, should insist that Gibraltar should provide equal marriage and that we should do it in the same way as we do same sex marriage.

1220 But nobody is entitled to be married in opposite sex marriage by Joe or by Jerry or by Dorian or by Dennis. Nobody is. A Registrar turns up on that day and it will be the one with the black hair, the one with the ginger hair, the one with the blonde hair, whoever is available on that day is the person who officiates at that civil ceremony. And that is what the Government is going to ensure that we do. We are going to provide the service in the context of the goods and services cases, we are going to provide the cake.

1230 You can go into the baking shop and you can say, 'I want a cake from this shop' and you buy the cake from that shop because the goods and services legislation provides for that. But you cannot say to the baker, 'And it must be baked by Joe, or by Jerry or by Dorian or by Denise.' You are not allowed to do that, you are just allowed to have a cake. They can outsource the provision of the cake; they can get Miriam to prepare the cake. That is the reality.

1235 I see the hon. Lady shaking her head but that is the reality of the legislation, and that is what the courts have provided for, that nobody should be denied service. There cannot be a denial of service, but in the context of a public service, which is 4,000 people – the Civil Service which is half of that – there cannot be a law that says the same person must do the same thing for everybody else.

1240 Look otherwise, the hon. Lady needs to understand, people are just going to *reportarse de malo*, which is colloquially known as reporting in sick on that particular day if they do not want to officiate at a particular thing, or they are going to fall back on their own right under 9(1).

1245 So this strikes the right balance because we will provide absolutely the service that is required in order to provide equality to those who **must** have equal marriage, but we will not force it down anybody's throat that they **must** also officiate those marriages when – I do not understand why, but – they may have an objection to it. The hon. Lady needs to understand that we do that as an employer, an employer not just as a Government moving a Bill to bring equality, because there must also be an equal right to freedom of conscience.

1250 And if I may just round up on this point in this way, Mr Speaker, if it is right for hon. Members opposite to be able to vote their conscience and it is right for us on this side of the House to vote our consciences, and the hon. Lady has freedom of conscience and can vote against this Bill if she wanted to, why must it not also be right that a civil servant should be able to have the freedom of conscience not to do something which he is a conscientious objector to. It is a blade that cuts both ways, Mr Speaker. *(Interjection by Hon. Ms M D Hassan Nahon)*

1255 No, Mr Speaker, the hon. Lady is saying from a sedentary position that we are allowing them to discriminate under our umbrella. Look, Mr Speaker, what we are doing is ensuring that we respect our employees' freedom of conscience under 9(1) of the Constitution. Now, that we are required to do, by the way.

1260 We could do it in another way, we do not have to put it in the legislation. We could simply allow it administratively, but we believe it is right to do it in this way. I note, Mr Speaker – I do

note this – that she is leading the Opposition in respect of this amendment and that the hon. Member is a minority of I do not know whether one or two in respect of that, but she is leading the Opposition in respect of this. I think she has got three votes out of seven, I do not know whether she has got four, but I congratulate her for bringing an amendment which enjoys the support of other Members of the benches opposite according to what they have told us during the course of their speeches. I do not know whether they will be prevailed upon – i.e. whipped! – to vote in a different way or not when she puts the amendment. (*Interjection by Hon. Ms M D Hassan Nahon*)

Mr Speaker, I want to now deal with the final part of my address by saying something of what His Lordship said in the context of the opinion piece in *The Chronicle* of 8th September, which I referred to earlier. Mr Speaker, paragraphs 12, 13 and 14 of what His Lordship said bear reflection. And in large measure, where they are not dealing with his view of the substance of the issue but where they are dealing with his views on society and cohesion, I think they bear understanding.

His Lordship says this:

12. Issues of religious freedom and freedom of conscience may arise in the future if there are no clear safeguards in the law which would accept marriage as applicable also to same sex partnerships. It is hoped that the proposed law, if it goes through, would make sure that such issues will be clearly safeguarded, and such safeguards must apply not only to sacred places, church ministers and believers, but also to conscientious objectors and the use of property belonging to religious institutions or conscientious objectors.

– which I think deals also with the 6B point.

13. Much has been written and said about this issue and at times antagonistic language and behaviour were evident. There is no place for such attitudes in a civilised society and I am sure that Gibraltar is such a society, where all may express their opinions in freedom and there is reciprocal respect towards such opinions. Disagreement is not discrimination. People with different views of Marriage will hopefully be able to express their beliefs and convictions without fear of intimidation or hostility, and that religious freedom and liberty will be supported and defended. We do not force people to agree with us, but we ask to be granted the same freedom to hold our beliefs.

14. Gibraltar has always been looked upon as one big family with different religions and cultures living peacefully together. In spite of our different opinions and beliefs, it is my hope that all of us will continue to live together without hostile feelings alongside those whom we agree to disagree with, whatever the final outcome of this debate.

I think those words from Bishop Zammit are absolutely worth reflecting on, because they are entirely and absolutely correct as to the cohesion of this community of ours that we call Gibraltar.

Mr Speaker, in the final analysis, love is love and before anything else, that really must be what marriage is about. And if love is love, then who feels that love, who do they feel it for, what sex they are and what sex the person that they feel it for is, should not be a reason to deny today, a description to one couple's love that is applicable to another couple's love.

Today, as the Bishop himself has recognised, this Parliament is not interfering with any religion. We are not changing any sacrament or trying to alter the course of nature. Today we are changing a law that got in the way of love, and in doing so, Mr Speaker, we are doing the right thing.

So, Mr Speaker, I have been dying to say these words and I hope that with our votes, all of us – not just one of us; all of us – by the power vested in us by the people of Gibraltar, we are moving forward to deliver marriage equality. And when we pass this Bill, Mr Speaker, and it becomes an Act, then we will be able to say genuinely, we will be able to say honestly, we will be able to say truthfully that which section 15 of our Constitution has been proclaiming but which our laws have been denying.

And I will therefore end, Mr Speaker, exactly as I started, by quoting section 15, because I believe after we vote and if the vote is in the affirmative, then Gibraltar will be a place where

'men and women of marriageable age shall have the right to marry and to found a family' – but only then, Mr Speaker, at last. (*Banging on desks*)

Mr Speaker: Does any other hon. Member wish to contribute? I will call the mover to reply.

1300

Hon. Miss S J Sacramento: Mr Speaker, there is very little that I need to add now following the words, particularly of the Chief Minister that we have heard.

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The only issue between us really, Mr Speaker, has been the objection of those on the opposite benches to the proposed section 6B, other than by the Leader of the Opposition, Mr Speaker.

And I just want to make this very minor point. The consultation process, Mr Speaker, as we heard from the Hon. Chief Minister, was a long one, a serious one and one which we took in depth because it was important for us to understand what the strength of feeling was in the proposal that we were going to put to the Parliament.

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Because of course it is a fundamental matter of equality when we were looking at extending the principle of marriage to people of the same sex. And of course, Mr Speaker, when we are looking at something that is so fundamental, we are not in the same breath going to discriminate against anybody, because the point of this legislation, Mr Speaker, is to eradicate discrimination.

1315

And we are the architects of our own laws, Mr Speaker, and in this process we have had a very well thought out balancing act between the expression that we find which is enshrined in part 14 of the Constitution and the protection that we find in 9(1) which the Chief Minister has explained to us already.

1320

Hon. E J Phillips: Will the hon. Lady give way? I am grateful.

Mr Speaker, just before the hon. Lady develops her response in a particular way, I just wanted to ask the question and put forward a proposition in relation to *Ladele v. London Borough of Islington* – that was the leading authority in the European Court of Human Rights that dealt with this issue of discrimination.

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Now my understanding of the ruling by the European Court from 2 to 7 was that the majority of the European Court held that Mrs Ladele was not discriminated against by the London Borough of Islington on the basis that she refused to conduct a ceremony of marriage. So my view is that insofar as discrimination is concerned, our concern and I think that of the hon. Lady on this side of the House, there are real deep concerns about 6B in terms of potential discrimination.

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I was wondering whether the learned and hon. Lady had a view in relation to that, given the authority in *Ladele*.

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Hon. Miss S J Sacramento: Mr Speaker, just before I gave way I was referring to our Constitution, Mr Speaker, and it is our Constitution that provides the community with these fundamental rights and freedoms, Mr Speaker. And it is our view that people are entitled to protection under 9(1) of the Constitution, Mr Speaker.

1340

Furthermore, as the hon. Gentleman is I am sure aware, before a Bill is brought to Parliament, we require it to have a certificate that tells us that it complies with the Constitution. So I do not agree with ... Well, I am grateful for the point that he has made in relation to UK legislation, Mr Speaker. I am satisfied on the basis of the advice that we have, that this Bill does not infringe the Constitution.

1345

Hon. D A Feetham: Would the hon. Lady give way?

Mr Speaker: There are certain matters that can be revisited in Committee. I do not want this toing and froing when the mover is exercising her right to reply – otherwise the debate never finishes.

1350 **Hon. Ms S J Sacramento:** Because, Mr Speaker, the point that I am trying to make is that when we are deciding this legislation and undertaking this balancing act, (*Interjections*) others agree with us as well, Mr Speaker, that while of course the fundamental point that we are moving, Mr Speaker in the amendment to the marriage –

1355 **Mr Speaker:** I would be sincerely grateful if hon. Members were to stop talking across the floor of the House.

1360 **Hon. Miss S J Sacramento:** Mr Speaker, this is recognised by many, even by the Equality Rights Group, Mr Speaker, who have publicly said and acknowledged that the freedom of religious expression is important. But, Mr Speaker, as you said it may be something that maybe more appropriate for us if it is going to lead to a discussion or a debate, to discuss at Committee stage.

The only other point that I wanted to make, Mr Speaker, in perhaps cleaning up what has been said this morning, is the point made by the Hon. the Leader of the Opposition referring to a couple of pieces of legislation, Mr Speaker.

1365 It is very clear from the Bill, Mr Speaker, that there are a lot of amendments, consequential amendments that need to be made to the legislation which is why we have the power that we have in section 4, because not only do we have to make the consequential amendments to the legislation that he referred to; in fact we have to make amendments to 33 pieces of legislation to ensure that all our legislation complies with this Act should it go through.

1370 Mr Speaker, that is why I thought and I felt it important to single out the sterling work made by our lawyers in the Legal Drafting Office, because while what we see here in terms of the Act is just proposed amendments to the Marriage Act and to the Matrimonial Causes Act, Mr Speaker, there are amendments to 33 other pieces of legislation that need to be undertaken. I know that has been a tremendous piece of work that they have undertaken in a very short period of time.

1375 I have nothing further to add, Mr Speaker. (*Banging on desks*)

Mr Speaker: Since the Chief Minister made reference to the fact that he was going to ask for a division, I think it ought to be made clear and I am going to do so, that it is going to be recorded that two Members are absent and that nothing should be read into that. It is in this Parliament, Members, when they have to stick their necks out to vote, do not follow the practice of some other Parliaments, where some Members of Parliament who do not wish to vote in a particular way, just absent themselves from Parliament. That is not the practice here.

1380 The two Members, one from the Government and one from the Opposition, who are not present in the Chamber today are unavoidably absent and in fact they did not know that this Bill was going to come up this morning. It was not until earlier this morning that the Chief Minister gave me notice of the fact that the Bill was going to be taken today and we informed Members of the Opposition.

1385 I think the position of Members who are away, who are absent, has to be safeguarded. We do not want people sometime in the future to be reading into their absence something which is totally out of order.

1390 I now put the question, which is that a Bill for an Act to make provision for the marriage of same sex couples, and for connected purposes, be read a second time. And a division has been called for.

1395 *Voting resulted as follows:*

FOR

Hon. P J Balban
Hon. J J Bossano
Hon. R M Clinton
Hon. Dr J E Cortes
Hon. N F Costa
Hon. D A Feetham
Hon. Dr J J Garcia
Hon. Ms M D Hassan Nahon
Hon. G H Licudi
Hon. S E Linares
Hon. L F Llamas
Hon. E J Phillips
Hon. F R Picardo
Hon. E J Reyes
Hon. Miss S J Sacramento

AGAINST

None

ABSENT

Hon. T N Hammond
Hon. A J Isola

Mr Speaker: 15 votes have been cast in favour, and there are two Members absent. Therefore the Bill is carried. (*Banging on desks*)

1400

Clerk: The Civil Marriage Amendment Act 2016.

COMMITTEE STAGE AND THIRD READING

**Civil Marriage Amendment Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1405

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

1410

Mr Speaker: Does the Chief Minister wish to move to recess now?

Chief Minister (Hon. F R Picardo): No Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause – that is to say, the Civil Marriage Amendment Bill 2016.

In Committee of the whole Parliament

**Civil Marriage Amendment Bill 2016 –
Clauses considered and approved**

1415

Clerk: A Bill for an Act to make provisions for the marriage of same sex couples and for connected purposes.
Clause 1.

1420

Mr Chairman: Stands part of the Bill.

Clerk: Clause 2.

1425 **Mr Chairman:** A notice has been circulated of an amendment which the Hon. Marlene Hassan Nahon now wishes to move.

Reference has been made during the course of the Second Reading and the matter has been debated, but there is no reason why now in Committee, the matter cannot be revisited and the hon. Lady if she so wishes can now speak again in support of the amendment.

1430 **Hon. Ms M D Hassan Nahon:** Mr Chairman, I never in my wildest dreams, as a traditional Jewess that I am, thought I would ever find myself quoting the New Testament. But today I thought this quote was especially pertinent, from Galatians 3:28 –

There is neither Jew nor Gentile, neither slave nor free, nor is there male and female for you are all one in Jesus Christ.

1435 Mr Chairman, in my earlier response, I stated that the principle behind this Bill aims to right a grievous wrong. This amendment has the same intention. Members of this House should not be comfortable with the fact that a Bill with these aims should effectively grant a licence to discriminate. What does it say to our community about the commitment and conviction behind this Bill, that the access to equal rights that motivates this legislation is in itself denied by it? Is it not saying, Mr Chairman, that as a House we are so insecure about the principle of same sex marriage that we are willing to grant the Government's own employees the right to not observe one of our own laws?

1440 Does this not devalue the Bill? Does this not raise doubts about our commitment to end discrimination? Does this paradox sit easily with Members, some of whom have flown the flag for an equality that we are now calling into question? Is there actually such a thing as 'a little bit' of equality?

1445 Mr Chairman, I ask the House, could this not be seen by the people of Gibraltar as more of a cop out than an opt out?

1450 Such a question, Mr Chairman seems justified especially in the light of the Equalities and Human Rights Commission's recommendation to UK MPs that a clause like the one that is being proposed would represent a breach of human rights. As a result, governments in England, Wales and Scotland decided not to exempt registrars. In their view, religious views do not override other freedoms, including the right to equal marriage. Italy adopted a similar approach and while there was naturally some resistance, these nations persevered with the conviction that this was the right thing to do.

1455 This may only apply to jurisdictions outside Gibraltar, but should human rights not be a universal constant unrestricted by frontiers? What is more sacred, Mr Chairman, than our rights as human beings. Even in Northern Ireland where equal marriage is not yet even legal, the rights of gay individuals are still respected and protected, as was the case only a few days ago when an appeal court in Belfast ruled that a bakery had discriminated against a gay customer by refusing to bake a cake featuring a slogan that endorsed the very act of equal marriage that we are making legal today. Their ruling stated that the principles of equality should not be changed to suit religious arguments and yet we are making that particular allowance today. Should Gibraltar be playing catch-up, Mr Chairman, on an issue as important as fundamental human rights?

1460 And where do we go from here, Mr Chairman? Are we for example going to allow Registrars to refuse to marry divorced individuals, given that this is allowed by law but clashes with some religious doctrine? Can a Jewish Registrar deny conducting a civil marriage where a Jew is marrying outside the faith because his religion forbids this? This may be allowed by law and by the Constitution but it does not happen because it is wrong. We should not be drawing arbitrary lines on issues of equality, Mr Chairman.

1470 I am a person of faith, Mr Chairman, but I am also a person of compassion, and I do not believe that my religious views, which might not be shared by others, should dictate how they should live their lives where it has no impact on how I live mine. I also believe, as I think all proponents of modern democracy should, that Church and State are two separate entities and the agendas of the former should not always be the same as the latter.

1475 Later on in this parliamentary session, we will be discussing the issue of co-education. How ironic that the decision to separate boys and girls at secondary school, a decision that was partly influenced by the Church, is over 40 years later being contested on the same session that we are allowing similar influences to shape another decision. Let us not make the same mistake again.

1480 The law should never be allowed to discriminate, Mr Chairman. After all, according to the Treaty of Utrecht I should not even be here and neither should all of Jewish or Muslim faith. And yet, 300 years later this Bill as it currently stands seems to recognise that one section of our community is not entitled to the same treatment as others. Instead, the law should embrace one common to all belief systems, be it in one God, many Gods or no God at all, and that is the law of tolerance, and it is in this spirit that I lend the full weight of my conscience and humanity towards supporting this amendment and I urge all my parliamentary colleagues to do likewise.

1485 And if this amendment does not go through, Mr Chairman, I shall be sad about the message that this Bill will be sending: that it is acceptable for a person to discriminate against another by denying them a service they are employed to provide.

1490 I shall be dejected about the fact that we will be communicating to our gay community that they will not be entitled to the fair treatment that this Bill aims to ensure; that it is fine to see them as lesser class citizens against the very principles of our Constitution. I would be concerned about the precedent that this could set and I would be disturbed by what it suggests about us as parliamentarians and human beings.

Mr Chairman, surely moral backbones should not be allowed to buckle that easily.

1495 And lastly, Mr Chairman, I would like to say that irrespective of my amendment being passed or not, on the balance of the predicament currently facing gay members of our community, I wholeheartedly support this Bill in recognition of the fact that it represents a significant step forward in our maturity as a nation. While a decision not to delete this clause would fail to fully address some of the injustices in our society, I hope and pray that with time, perseverance and especially tolerance, we will eventually arrive at a Gibraltar that is truly for all.

1500 Thank you.

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, the Government was not minded to accept the amendment when the hon. Lady put it initially. If we had to be persuaded to definitely not support it, she has just managed to do that completely.

1505 Because for her to suggest that we are somehow, by not accepting her amendment to our law to create equal marriage, creating a lesser class of citizenship amongst our gay community and that somehow we are communicating that is, if I may say so with respect to her, creating an embarrassment for Gibraltar. Gibraltar is not going to create a lesser class of citizen or in some way communicate to gay members of our community that that is what they are.

1510 What we are going to do is we are going to ensure that the Government of Gibraltar, which is what this side of the House represents, stops discriminating against people when it comes to entering into equal marriage. And we are going to provide that service using any one of the 2,200 civil servants employed by the Government to do so.

1515 Now, it may be, Mr Speaker, that the Chief Secretary could carry out these marriages or it may be, Mr Speaker, that a junior member could carry out these marriages, but who is Deputy Registrar at the point when the marriage comes to be celebrated is a matter entirely for the Chief Secretary.

1520 Mr Speaker, to say that by trying to walk the tightrope of these very difficult issues, we are incurring in any of the things that the hon. Lady has just read us out that we are incurring in, is to pretend that she lives in a world where section 9(1) of the Constitution does not apply. Now, the

preservation of the right of freedom of consciousness is not the preservation of the right to inequality. Everybody must be treated in the same way – of course they must.

1525 But the hon. Lady needs to understand, we are employers as well as being Government. As a Government we bring here as the executive, a law to pass in order to allow equal marriage. We are the first Government in the history of Gibraltar to do that in the context of a Government Bill.

1530 We are the trail blazers, the leaders, the deliverers of equality and to hear that because we want to also protect our employees' freedom of consciousness, we somehow are the ones who are making gay members of our community, who have never been availed of any assistance or support in the context of this issue until we have been elected, making them somehow lesser citizens really lets the hon. Lady down.

1535 Look, I know that in the chair in which she sits, she needs to look for relevance and needs to look for arguments that raise her above the parapet. She has certainly done that today because she seems to have the support of some Members on the benches opposite, where the Leader of the Opposition does not take the same view as they do.

That is all very good in terms of politics but this is about much more than just politics. This is about whether we deny Government employees the operation of section 9(1) of the Constitution.

1540 Now, we have to deliver to those who are arguing for equal rights those equal rights. This Bill at last does so. This Government has delivered where no other Government has delivered. Our manifesto promised to do that where the one that she defended at the General Election did not even mention it. But you have to do it in the context of the constitutional architecture in which you operate which provides for that freedom of conscience also to be protected in respect of your employees.

1545 You could take a different attitude: you could say look, if you are not prepared to do this, I do not allow you to accede to the grade of Deputy Registrar. Well look, Mr Chairman, that would be to deny somebody advancement simply because of their own conscience. Look, I do not defend that view; I do not think it is fair, proper or in any way defensible to have the view that you do not allow yourself to be used to officiate those marriages. I think it is nonsense but if somebody has them, I also think many other views that people have are nonsense, but they are free to have them. The Constitution provides for that.

1550 Now let me turn it round for the hon. Lady. Is she saying with her amendment, that Government employees will be lesser employees because they will not be entitled like every other Gibraltarian to the protection of section 9(1) or that they have to leave Government employment in order to do so? Mr Chairman, when you subject the argument to logical scrutiny, it is embarrassing!

1560 Because look, there is one thing that she has to accept and that is the Constitution. She can like my arguments, she cannot like my arguments, whatever – we usually quite like each other's arguments – but in the context of this that she is putting now, she has to understand the ground rules. She cannot undo with her rhetoric, section 9(1) of the Constitution because that is what would lead to inequality and to some people being lesser than others, if you take away the right of freedom of conscience from people.

1565 Now, you respect that right and you respect their employment and you say, 'Okay, you will not have to do this.' But I am definitely going to do it; my Government is definitely going to deliver that equal marriage. In the context of what she said about cakes, we are going to deliver the cake. We are a bakery that will deliver a cake to whoever arrives asking for a cake, whatever makeup of orientations together they may be. I am committed to that, this Government is committed to that, we have all voted that we are committed to that.

1570 But what they cannot do, Mr Chairman, from benches opposite, and I note that the Hon. the Leader of the Opposition has said – well, I do not know whether he has changed his mind, you never know – has said during the course of the Second Reading that he agrees with us, perhaps for different reasons, that it should not be done, is that we can be told who has to officiate the

marriage. It has to be one of those people who have been Deputy Registrar and they can be forced to do so.

1575 It is the most logical way of doing so, Mr Speaker, to have an exception, as we have here, that simply allows people who because of their conscience do not want to do this not to have to do it. Although we think they would be wrong to have those pangs of conscience and that they would be failing to see that equality is best delivered in a way that is seeing through the sexual orientations of people who turn up to marriage.

1580 But some of the things that the hon. Lady has said she has to make herself accountable for, for goodness' sake: Gibraltar survives on the basis that human rights are international and apply across the board everywhere. We rely on our right to self-determination, our international human rights. To simply respect one of our employees own fundamental rights under section 9(1) of the Constitution, whilst accepting our obligation to deliver the service, is not to somehow
1585 create a chasm in respect of human rights.

Now, if hon. Members are just doing this for politics, they are doing Gibraltar a huge disservice if they are just doing this for politics. If they are doing it for any other reason, I implore them to better understand section 9(1) of the Constitution and what it is that it says and what it is that it sets up and to think of themselves as employers in the context of this debate, as
1590 employers under section 9(1) who have the obligation to respect that right for the people who are employed for them.

And as probably the best employer in town, the Government is going to respect the section 9(1) rights of its employees, and therefore we will not accept the amendment.

1595 **Hon. R M Clinton:** Mr Chairman, I have heard a lot about the Constitution this morning. In fact I did read it myself in my own contribution to the debate. And we are hearing a lot about section 9(1) and the Government's duty of care it would appear to its employees, not to infringe on their consciences. But unless the Government intends to legislate across the board for all its employees in any capacity whether they be cleaners, doctors, lawyers, or any other person
1600 employed by them, for them to exercise their freedom of conscience ... and reading section 9(1) all it says is:

'Except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience ...'

Now, I will obviously defer to my learned colleague to my right, the Hon. Elliott Phillips, where he quotes the *Ladele* case which went to the European Court, and he will correct my memory, but my memory was that the ruling was the individual was not being hindered in his
1605 enjoyment of their freedom of conscience.

And again, the Chief Minister refers constantly to section 9(1) but ignores section 9(5). section 9(5) says:

Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (1) or (3) to the extent that the law in question makes provision –
(a) in the interests of defence, public safety, public order, public morality or public health; or
(b) for the purpose of protecting the rights and freedoms of other persons, including the right to observe and practise any religion or belief without the unsolicited intervention of persons professing any other religion or belief, except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

And I would like to pause on section 9(5)(b): 'nothing done in the authority of any law that should be held to be inconsistent in the contravention of subsection (1)' and clause (b) 'for the
1610 purpose of protecting the rights and freedoms of other persons'. So how does he reconcile inserting clause 6B with subsection (5)(b) of the Constitution? Otherwise any individual in the employment of the Government could rightly turn round to their supervisor and say, 'No, I am sorry I am not going to serve this divorcee because it is against my conscience.' That cannot be right.

1615 As a former employer, how could I in the bank allow an employee to say, 'No, I do not want to deal with that person because it is against my religious belief'?

By inserting this clause – and to this extent, I agree with the hon. Lady – is you are more or less condoning a form of discrimination. You are not protecting somebody's conscience; you are actually enshrining legislation the right to discriminate, and this is what I do not understand.

1620 And no, this is not politics; this is just that I do not understand why the Government feels they need to insert this clause. It cannot be to protect employees, because if that was the case, they would be doing it across the board on all legislation, not just this one.

So again, I will be supporting the hon. Lady's amendment because I do not see how it is abhorrent to not have this clause, in terms of section 9(1) of the Constitution. Section 9(5) of the
1625 Constitution applies exactly for the protection of rights and freedoms of other persons. If you insert section 9B you are doing the exact opposite.

And so, Mr Chairman, I will be voting in favour of the lady's amendment.

Hon. Chief Minister: Well, Mr Chairman, I think that a lot of what the hon. Gentleman has
1630 said is just complete nonsense in the context of 9(1) and 9(5). Look, the debate that we are having is on the subject of this Bill. The only thing before the Parliament is this Bill. There is not before the Parliament, a law about who collects whose rubbish. There is not a law before the Parliament a law about any other aspect of what the Government does as a municipality or as a Government, just this issue of equal marriage. That is why we are only doing it in relation to
1635 marriage, because if it came up in some other area we might agree to protect our employees also in that way.

Now the hon. Gentleman said, why are you doing it only in relation to this? Well, I would have thought that was blindingly obvious: because that is what we are dealing with today.

And he says he does not understand what it is that is the hindrance that people might suffer.
1640 Well, it is very simple, Mr Chairman. The hindrance is that they may not be able to access that job with that grade with that salary unless they are prepared to forgo their freedom of conscience and officiate marriages which they are not prepared to officiate. I would have thought that much was obvious. Section 9(5) is there to protect against a clash of freedoms and that is exactly what we are doing with 6B. In other words, if one wants to express one's freedom
1645 of speech by going out and insulting people, the hon. Gentleman knows that there are laws which restrict that if you incur in libel or in slander. So there are laws that protect against clashes of freedoms.

Now, does the hon. Gentleman want to set up a society where you say, 'Right, you are free to do this and you are no longer free to say that you will not be a party to it'? I want to set up a
1650 society which is truly free where both, an individual is entitled to all of the same rights that anybody else is entitled and other individuals who are involved in the provision of that, so long as the service continues to be provided, cannot be singled out to be the ones that must provide it.

And that is what we are doing: we are walking that tightrope to both ensure a landmark
1655 change in our law which delivers the service to members of our same sex community of marriage to them, which they have long been denied, which I was initially against and I am now in favour of as a result of all the things I told hon. Members, for all of the reasons that has been delayed in Gibraltar, at last there is a Government that is going to deliver that full equality. And at the same time, we are not going to force some of our employees to be the officiators of that because we respect their section 9(1) rights.
1660

Mr Chairman, I do not know that the hon. Gentleman has said anything about 9(1) and 9(5) that requires any other response. I would have thought it was blindingly obvious from reading the two sections that, particularly in the context of being an employer, one has to protect the
1665 9(1) right, especially if you can deliver the service that we have all agreed has to be delivered under section 15.

I give the hon. Gentleman the same example I gave the hon. Lady, because I think they are not getting it, so I explain it in terms of the case involving the cake. You walk into the bakery, whatever sexual orientation you are, you are entitled to bake the cake. You are not entitled to tell the baker, 'I want the cake that has been baked by the fifth cook from the back, six from the left.' There is a cake on show, it is available, you can have the cake. I think it is wrong not to sell people cakes because of their sexual orientation.

But there are people who also have the right to be protected in the way that they exercise their freedom of conscience, however much we may completely disagree with them. And not just in the context of structuring the community as a Government, but as an employer and that is the difference that the hon. Gentleman has to appreciate: as an employer, as a public sector employer that provides services to the general public. If you are working in a bank you provide services to who you like; you do not have to provide them to everyone. We *must* provide the same service to absolutely everyone in this community and no-one, heterosexual or homosexual, same sex or opposite sex, is able to go into a registry and say, 'I want to be married by Dorian the blonde.' You just put your name down to be married and somebody turns up and marries you. And what the hon. Gentleman and Lady is saying is that we must force a particular individual to marry those who are of the same sex and that, Mr Chairman, is entirely wrong and unacceptable.

Mr Chairman: I hope that in the contribution that hon. Members make, even if it is in Committee, they will not just repeat the same argument again and again and again. Because otherwise we are not getting anywhere. I do not hear any fresh arguments either on one side or on the other. I do not want to curtail debate but let us not repeat ourselves.

Hon. E J Phillips: Mr Chairman, just on that point, I indicated in my speech that I took the view that 6B was offensive and therefore I believe that I have every right to mention this issue again and speak on the amendment that my hon. friend has mentioned.

But I would just say one thing, we do not dispute – of course I do not dispute – that the Government is an employer, but an employer has to take tough decisions. And quite frankly, where you have a civil registrar, a marriage registrar who is effectively conducting an entirely secular role, I think it is wrong for a civil Registrar or Registrar in Gibraltar to say that, 'I will not marry that individual' and for the Government to create by way of legislation a mechanism for them for the appointment of another Deputy Registrar.

How would a gay person, going into the Registrar saying, 'Please marry me' – 'Oh, I am sorry, I cannot marry you, but we will get someone appointed for the purposes of the law to marry you because I feel that my freedom of conscience is being engaged' ...? Frankly I do not agree, I think 6B is offensive and I think that it should be removed. I would agree with the hon. Lady that her amendment should be approved by this House.

Hon. Chief Minister: Well, Mr Chairman, I do not know which 9(1) the hon. Gentleman read. Was it the 9(1) that says people shall only have the freedom of conscience when dealing with issues of morality or religion? I have not read in 9(1) anything that says people shall have freedom of conscience except when they are dealing with issues which are secular. That is an invention of the hon. Gentleman. Everything is secular, even the moral and the religious you are dealing with the today, you are dealing with decisions that are being made today.

People's protection is there for everything that they do. Now if you take a job, look, I would expect that people who now take a job as Deputy Registrar will know that they are likely to be asked in some instances to officiate at same sex marriages. So if they take the job in future, you might even argue that they are volent if they seek the job, but at the moment there are people there. Some of them may or may not agree with it. I have not had a discussion, I do not want to make a judgement about whether people there are or are not prepared as a matter of

conscience to officiate these marriages. But for the hon. Gentleman to say that because the matter is secular then 9(1) does not apply, look, it is it absolute and utter nonsense.

1720 And the idea that gay people he says, are going to turn up and are going to be told by the Registrar they are not going to be married by them, look that also, with respect to the hon. Gentleman, is a cartoon version of what happens.

1725 Look, what happens is that people who wish to enter a civil marriage fill in a form. They submit it and they are told when the form is verified and the fee is paid, 'Okay, we have a slot tomorrow at three or we have a slot this afternoon at six.' It is about slots, and they turn up and the person who will be there will be a person who is prepared to officiate that marriage.

So no gay person, no lesbian person, no bisexual person, no transgender person, no transsexual person – I think have got them all – is going to turn up and be told they are not going to be married – far from it – or that 'this person' is not going to marry them. They are creating an edifice of potential discrimination which is just not there.

1730 What we are doing is ensuring as an employer that when the form comes in, we do not say, 'Ah Mr X, you do not want to do same sex marriages because you are always against them for whatever issue of religion or conscience or whatever - you *must* do it. And as I do not like you and I am your boss, you must do it. And when you say you will not, you will be subject to discrimination because you will be demoted or there will be a black mark on your file.'

1735 We as an employer are ensuring that does not happen. But not in a way that is going to create for a person of the LGBTT community any rejection or anything like that. Because we would never allow that and if that is what were happening, we would have championed the cause that they are pretending to champion now.

1740 But that is not going to happen. We are going to ensure that every LGBTT person who turns up to enter into a same sex marriage, has the service of that same sex marriage officiated for them and we are the first Government in the history of Gibraltar to lead on that and deliver on that. But, at the same time, we are going to protect our employees' freedom of conscience.

Hon. D A Feetham: Mr Chairman, may I?

1745

Mr Chairman: Yes.

Hon. D A Feetham: Mr Chairman, let us be clear about my own position which the Hon. the Chief Minister has made every attempt in order to confuse. I am going to be voting against the amendment. I do not vote against the amendment for the reasons that the Hon. the Chief Minister puts forward, which is that by not including this amendment, the human rights contained in 9(1) of the Constitution of public servants might be infringed by not allowing them to basically opt out of a ceremony.

1750 And the reasons why I do not even go there is because the matter has already been determined by the European Court of Human Rights, which contains exactly the same provisions as in our Constitution. Because what happened in *Ladele* was that this lady refused to perform a civil marriage to gay people and she was sacked. She sued for unfair dismissal, her claim was dismissed and then she went to the European Court of Human Rights saying, 'My human rights have been infringed because I refused to perform this marriage on the grounds of my religion.'

1760 And the European Court of Human Rights said, 'Well no, there is a balance here. There are also somebody else's human rights and you cannot refuse to perform the marriage.'

1765 So I do not oppose the amendment on the grounds that the Government opposes the amendment. I oppose the amendment because I think it is wrong to force on public servants to perform gay marriage in circumstances, Mr Chairman, let us not forget, where *Ladele* was actually sacked for refusing to perform a gay marriage.

Are we saying in this House that a public servant that refuses to perform a gay marriage ought to be sacked? Because there is no way in a million years that I would sign up to any such

law, Mr Chairman. (**A Member:** Hear, hear.) No way, Mr Chairman, that I would sign up to that law.

1770 And that is the reason why I am opposing this amendment. Because in a tolerant, in a respectful in the kind of society that we live in in Gibraltar, where we are respectful of each other, we should not be forcing upon people who have their own religious beliefs and their own rights of conscience, to perform a gay marriage in circumstances where, as the Chief Minister has quite rightly pointed out, somebody else is going to be performing it and therefore no one is going to be deprived of the right to marry.

1775 And let me just end with this point. The hon. Lady has mentioned the Irish bakery case, as indeed I did during the course of my contribution. I read with interest, Mr Chairman, a contribution by Peter Tatchell in *The Daily Telegraph* who for many people was actually the main activist in favour of gay marriage in the United Kingdom, actually saying that in cases like the Irish bakery cases, that it is wrong and that he regrets the fact that the law has actually been pushed that far into a situation where those who bake a cake in a small bakery can be sued for refusing to provide a cake for a gay wedding ceremony on the grounds of religion.

1780 I mean come on, Mr Chairman! What kind of a society would we live in today if those kinds of claims were allowed in our Gibraltar, Mr Chairman? Well certainly, I am not signing up to any amendment that could possibly lead to that kind of situation. Because in Gibraltar we pride ourselves in our openness and we pride ourselves in the fact that we live together and respect each other.

1785 Therefore I agree entirely with the Government that this clause is apposite and this clause ought to be included.

1790

Hon. Chief Minister: Well, Mr Chairman, I really do not know who the hon. Gentleman has agreed with but I think I should thank him for saying that he agreed with us, although he started saying that he did not.

1795 Because you see, Mr Chairman, his interpretation of *Ladele* is not one that we share, for the reasons that he came on to when he said that he supported the text of 6B, because Ladele was fired. And *this* amendment ensures that nobody *would* be fired. (*Interjection*)

But exactly the ... Exactly, when in fact the servant in question of an entity, public or otherwise in that case, had to go through a legal case of unfair dismissal in order to protect the position (*Interjections*) that she should have been entitled to.

1800 And, Mr Chairman, our view is that there has to be clear protection in our law for employees in that respect, whilst at the same time delivering the service. And where I do not think we agree, Mr Chairman, is in relation to the cake, because we take the view that the cake *should* be delivered. The cake should be delivered. It is just that you cannot require the baker's shop to have that particular baker bake it for you.

1805 So perhaps unusually, Mr Chairman, I will be grateful for the support although I entirely disagree with the reasoning. Usually it is both, but in this instance at least it is only the support that I welcome, but not the reasoning.

1810 **Hon. L F Llamas:** Mr Chairman, I just have one question to ask which I cannot actually understand and it is to do with providing that service.

If a heterosexual couple attends a counter and files the form and they get offered certain slots, perhaps on the following day, but then a homosexual couple a gay couple goes and fills in the same form but perhaps does not get offered the next day because there is not a Deputy Registrar available on the next day, what would happen on this occasion? Well, it is hypothetical but perhaps ...

Hon. Chief Minister: Mr Chairman, I am grateful for the hon. Gentleman's practical question. Notifications are usually up for 21 days for a marriage so we have time to plan. We have six Registrars. We anticipate that we will be able to fill every slot six times over every day if we had

1820 enough chapels. I do not know whether we are allowed to call them that – enough ‘rooms’ in which to officiate civil marriages, rather than ‘chapels’, in which to do them. So at a practical level nobody is going to be even delayed because there may or may not be a Registrar who wishes or does not wish to do this.

1825 Can I just say for the purposes of the record, no Deputy Registrar has evinced to us any suggestion that they do not want to do these same sex marriages at a civil level, so nobody should think that there is a person at the Civil Registration Office who does not want to do them. This is a matter of legal theory to protect potential putative employees, not actual complaints of concerns from anybody who is not prepared to bake the cake.

1830 **Hon. Ms M D Hassan Nahon:** If a Registrar refused to marry a couple because the couple is black or his religion forbids them to, are there provisions in the law for such or is this law just for sexual orientation?

1835 **Hon. Chief Minister:** There is specific provision in our law in that respect, because the Constitution provides a protection against discrimination on the grounds of race and there would be an action against the Government as the employer of the individual for that discrimination.

1840 As the Hon. the Deputy Chief Minister indicated in the earlier intervention that he made, there is no specific protection in our law on the grounds of sexual orientation. There is a law that suggests that the word ‘sex’ in the Constitution means sexual orientation in some instances, but the words ‘sexual orientation’ do not appear in our Constitution as a grounds for actionable discrimination, because the Hon. Mr Bossano and the Hon. Mr Garcia were not able to prevail upon those who were in the Select Committee at the time, none of whom are now here, to include that word, which I am quite happy to tell the hon. Lady we shall be seeking, in the context of the new Constitution, should be included.

1845 Then there would be an inbuilt actionable discrimination on sexual orientation grounds, without needing to rely on external jurisprudence. There is not at the moment but there is on the grounds of race and on the grounds of religion, etc.

1850 **Hon. Ms M D Hassan Nahon:** So is this something you will be looking at in the constitutional reform?

1855 **Hon. Chief Minister:** Well, unless the hon. Lady is turning me down, I have suggested that we should look at it together in the context of the Select Committee that she is going to be invited to form a part of. And what I am doing, I am giving notice that one of the things I will certainly be doing, is I believe, as my colleagues the Hon. Dr Garcia and the Hon. Mr Bossano believed at the time of the 1999 Select Committee, that this is an issue that must be in the body of the Constitution itself explicitly as sexual orientation.

1860 **Hon. Ms M D Hassan Nahon:** I appreciate that, Mr Chairman, Chief Minister, because I cannot, I do not find myself able to wade in on the legal argument. There are enough lawyers here and I am not one of them.

1865 But for me this is a matter of morality and it was not in order to find a form of relevance from my lonely chair. It was more about principle and at least to know that the Chief Minister considers it a point that could be used as a discussion and perhaps hopefully to move in Constitutional Reform Committee decisions, would be a great thing for us, I think.

Hon. R M Clinton: Mr Chairman, coming back to the Constitution and the protection against discrimination on grounds of race orientation etc. Section 14(2) says:

Subject to subsections (6), (7) and (8), no person shall be treated in a discriminatory manner by any person acting in the performance of any public function conferred by any law or otherwise in the performance of the functions of any public office or any public authority.

1870 Subsection (3) goes on:

In this section, the expression “discriminatory” means affording different treatment to different persons ...

I will not bore the House by reading the rest, but obviously it includes sexual orientation.

How does the Chief Minister reconcile this to his purported concern to protect people’s freedom of conscience when everything in our Constitution is saying ‘Don’t discriminate against minorities’?

1875

Hon. Chief Minister: I think it is so obvious but I suppose that he has not asked rhetorically to demonstrate what little understanding he has of the Constitution; he must have asked in wanting me to give him an explanation.

1880 What I am going to do, Mr Chairman, is ensure that you do not put a public sector employee in front of people who are looking for a service from the Government who is not able in all conscience to discharge that function in order not to incur in the area which that section deals with.

1885 In other words, we are not going to have a public sector employer, a civil servant, put in a situation where he feels because of his conscience that he has to discriminate and say to them, ‘I will not marry you, whatever the law provides.’ (*Interjection*) That is the position and we are not going to discriminate against those who tell us that they would be put in that position.

1890 Now, the hon. Member’s various emanations of quizzical faces that I have been treated to since he was elected in November last year continues to entertain us. But it is very simple, that is what the section provides. You cannot, if you are a public servant, discriminate against somebody in the context of the discharge of your public office. So, we are not going to put a public servant in that position. We are going to allow them not to be put in that position and another public servant will be put in that position who will not incur in that discrimination.

1895 Although I must tell him that it is not the Constitution that gave rise to equal marriage; it is the actions of this Government with our manifesto which demonstrates that we are the ones who really cared about this subject, with our consultation and with our Government Bill. That is what is going to end the discrimination, not any operation of the Constitution in that respect because the bit he has read is about the person who stands in front of the same sex couple who now have the right to accede to that marriage.

1900 And in the context of 9(1) what we are doing is allowing through 6B that the person who stands in front of that couple does not incur in that discrimination.

1905 **Hon. R M Clinton:** So, Mr Chairman, if I follow his logic, if he decided to pass in law an amendment where somebody decided that they did not like people’s colour, language, creed or something else, then he would remove them from that position so he did not have to effectively breach this section of the Constitution. Is that not what he is saying?

1910 **Hon. Chief Minister:** Mr Chairman, I have explained it so many times, over and over again, that my answer to the hon. Gentleman is to go back and read the *Hansard* over and over again as many times as he likes and to put down his beige friend for a while and enjoy re-reading this debate over and over again, because I have already provided the answer over and over again.

Hon. R M Clinton: Mr Chairman, I am here in a constructive frame of mind, trying to make sure we pass the best possible legislation for the people of Gibraltar. (*Interjection*) All I get from the Chief Minister are comical remarks and nothing constructive.

1915 Now he has the benefit of having an Oxford degree in Law which I do not have, so I as most people in Gibraltar, have to read the Constitution as a lay person, because frankly that is all I am when it comes to the Constitution.

1920 But it seems obvious to me, although it is not obvious to him, what he is doing is that the Government is effectively condoning discrimination. It is as simple as that and, Mr Chairman, seeing as my contributions are not valued by the Chief Minister or anybody else on that side of this House, I will end my contributions there.

Hon. Chief Minister: Mr Chairman, I do not think I have ever heard such an attempt to make a person a victim in this House as I have in the course of the hon. Gentleman's intervention.

1925

Mr Chairman: Could I ask hon. Members, today has been a day when overall the standard of debating has been excellent and all the parliamentary proprieties as required by the Rules have been observed. Could I please ask them to stick to that standard?

1930 **Hon. Chief Minister:** Thank you, Mr Chairman.

And as I was saying, the hon. Gentleman has attempted to make a victim of himself simply because he apparently wants me to explain over and over again what certain parts of the Constitution mean.

1935 Well look, Mr Chairman, there are a number of lawyers on his side of the House, he has heard on a number of occasions what their views are in relation to 9(1). I would have thought he would have more regard for their views than he has for mine, he can go back and read them all in the *Hansard*, but he is not paid by the public in Gibraltar, to just keep asking us the same question all over again, every five minutes and make the same rhetoric.

1940 We take a different view: we are not creating a discrimination; we are at last from this side of the House undoing a historic discrimination. We are trail blazing and we are the first movers in this. Otherwise I might ask him, why did he not prevail upon people on the other side to put in their pamphlet at the last General Election anything to do with same sex marriage?

1945 Because if they come here and talk about wanting to protect against discriminations being created, etc. what he should have done is done that in his executive committee and put something in his manifesto like we put in ours. That is what they would have done if they really cared – not pretend here to be caring now about an issue which is a non-issue and which actually imperils civil servants.

1950 And I am very pleased actually that the Leader of the Opposition takes a completely different view to him and a number of others. To see what number of others and assuming that this is the last contribution in respect of this section, I would call for a division in respect of the vote in respect of the amendment.

1955 **Hon. D A Feetham:** And, Mr Chairman, I emphasise that for me what is important here is that we should not be placing public servants in a position where public servants can potentially be sacked simply because their conscience as Christians, Muslims or whatever, prevents them from performing this kind of service. I think that in a small community like Gibraltar that would be wrong and that is the reason why I am voting against the amendment.

1960 **Mr Chairman:** May, I, the Leader of the Opposition have spoken about people being sacked. There is a post of Registrar, isn't there? Not just of Deputy Registrar; there is a post of Registrar, and therefore people would be applying for promotion to that post and therefore there is a danger. I am saying this because of my knowledge as 13 years Chairman of the PSC, where the Government always tries to be a good employer, that people should not be inhibited from being able to apply for promotion. Not just the fear of being sacked but applying for promotion as well.

1965

Okay, I think we will put the hon. Lady's amendment to the vote and I think a division has been requested.

Voting resulted as follows:

FOR

Hon. R M Clinton
Hon. Ms M D Hassan Nahon
Hon. L F Llamas
Hon. E J Phillips

AGAINST

Hon. P J Balban
Hon. J J Bossano
Hon. Dr J E Cortes
Hon. N F Costa
Hon. D A Feetham
Hon. Dr J J Garcia
Hon. G H Licudi
Hon. S E Linares
Hon. F R Picardo
Hon. E J Reyes
Hon. Miss S J Sacramento

ABSENT

Hon. T N Hammond
Hon. A J Isola

Mr Chairman: The amendment is defeated by 11 votes to 4.
Therefore clause 2 stands part of the Bill. (*Interjections*)

1970

Clerk: Clause 3.

Mr Chairman: Stands part of the Bill.

1975

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 4. (*Interjections*)

1980

Mr Chairman: Clause 3 stands part of the Bill. Clause 4 stands part of the Bill. The long title stands part of the Bill.

**Civil Marriage Amendment Bill 2016 –
Third Reading approved: Bill passed**

Chief Minister (Hon. F R Picardo): Mr Speaker, now I know why it is called a 'division'!

1985

Mr Speaker, I have the honour to report that the Civil Marriage Amendment Bill 2016 has been considered in Committee and agreed to without amendments.

I now move that it be read a third time and passed.

Mr Speaker: I now put the question, which is that the Civil Marriage Amendment Bill 2016 be read a third time and passed.

1990

Those in favour? (**Members:** Aye.) Those against? Carried. (*Banging on desks*)

Hon. Chief Minister: Mr Speaker, it is a happy day for Gibraltar. Equal marriage now applies to all in our community and, with an entreaty to hon. Members not to celebrate too heartily, I move that the House do now adjourn until 3.30 this afternoon.

1995

Mr Speaker: The House will now recess until 3.30 this afternoon.

2000

The House recessed at 2.05 p.m. and resumed its sitting at 3.30 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 5.19 p.m.

Gibraltar, Wednesday, 26th October 2016

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The Gibraltar Parliament

The Parliament met at 3.30 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

TOURISM, HOUSING, EQUALITY AND SOCIAL SERVICES

Q589/2016

**Approved care providers –
Progress**

Clerk: We continue with answers to questions.

We commence with Question 589, the Hon. L F Llamas.

5 **Hon. L F Llamas:** Can the Government provide a list of approved care providers?

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

10 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):**
Mr Speaker, there is no list of approved care providers.

15 **Hon. L F Llamas:** Mr Speaker, I bring this question to the House because in the last Parliament session, I referred to a Government Press Release this summer, earlier this year, where the former Minister for Employment had made a suggestion that a number of recruits were being recruited from an approved care provider, and I asked for a list at that point, but because it was not actually connected to the original question, I was not able to obtain the list.

Would the Minister be able to explain why there is a mention of this in a Press Release, but I am not able to get the actual list?

20 **Hon. Miss S J Sacramento:** Mr Speaker, I am not aware of the Press Release that the hon. Gentleman is referring to; it is a Press Release that was issued by the former Minister for Employment. While I am, obviously I read all Press Releases, but if it was issued months ago, I cannot be absolutely sure of the exact words that are referred to in a Press Release or not.

25 The situation is that, unlike in the construction industry, for example – and I am wearing my Minister for Housing hat – there is a list of approved contractors that the Government uses to undertake works. In order to be on the approved list of contractors, people have to meet a specific criteria.

30 We do not have an equivalent of that list or that system in Care. That does not mean that we do not use care providers, or that they are not approved, or that we do not monitor, as I have explained in previous sessions of Parliament, Mr Speaker, but technically it is not an approved

list of care providers in the same manner that we have other approved contractors in the Government.

Q590-591/2016
Floating attractions in beaches –
Cost

Clerk: Question 590, the Hon. L F Llamas.

35 **Hon. L F Llamas:** Mr Speaker, can the Government confirm the full cost of purchasing and installing the floating attractions installed in our beaches?

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

40 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 591.

Clerk: Question 591, the Hon. L F Llamas.

45 **Hon. L F Llamas:** Mr Speaker, can the Government explain how many floating attractions are in usable condition and why the decision to discontinue the use?

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

50 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the total cost to date, since the first attraction was purchased by the Gibraltar Tourist Board, in the financial year 2013-14, is a £182,795.

Mr Speaker, as the summer season has ended, no floating devices are currently in use.

55 **Hon. L F Llamas:** Mr Speaker, obviously I would not expect for the floating attractions to be in use when it is not summer season, but I believe they have not been used throughout this particular summer season. I know that some of them are undergoing repair perhaps, due to weather, but nevertheless there is obviously a substantial investment by the Government, and I think Government should explain why they have not been used in this particular summer
60 season.

Hon. Miss S J Sacramento: Mr Speaker, the hon. Gentleman is wrong and they have; and precisely because it was this Government that made this investment, in order to provide access to the beach by users with disabilities.

65 Mr Speaker, we came into Government in December 2011; our first summer was the summer of 2012. There existed a system for bathing at the beach, which was a pergola at Eastern Beach, which of course is laudable that this existed as providing something for people with disabilities. I did not have the time in the first year to be able to improve it, but it gave me a year to lead up to the summer of 2013-14, where I worked very closely with my colleague, the then Minister for
70 Tourism, the Hon. Mr Costa, and what we did was, in that summer, Mr Speaker, we invested very heavily, in most of Gibraltar's beaches, so that they could be completely accessible to people with physical disabilities for the first time in the history of Gibraltar, Mr Speaker.

Now, to make those beaches accessible for people, Mr Speaker, we invested in infrastructure. You will recall Mr Speaker, that we have new ramps at Catalan Bay, we have
75 Mobi-Mats that take you to the sea shore, we invested in all new equipment and very

importantly, Mr Speaker, we have changing stations, which we call 'Changing Places', which allow people, adults with physical disabilities, who require a lot of assistance. We have track hoists in this place, Mr Speaker, in Changing Places, so we have completely revolutionised the way that people with disabilities and elderly people with mobility issues can bathe in Gibraltar.

80 Mr Speaker, the hon. Gentleman thinks that he can rewrite history, because one day this summer, on National Day, one of the flotation devices that we use, which is particularly used by people who are in wheelchairs to swim in the beach, suffered a puncture.

Mr Speaker, it was National Day, but that puncture was fixed within half an hour. But of course, the Opposition, who did not really do much by way of assisting people with disabilities, particularly going to the beach, want to make a big song and dance, because at the end of a summer season, because of wear and tear, one of the facilities had a puncture.

85 Bur Mr Speaker, what this Government has done and this Government's track record for people with disabilities is unprecedented, to the extent that we have physically changed the landscape of Gibraltar, particularly the beaches. Mr Speaker, on a particular day, one piece of equipment had a puncture and it was remedied very, very shortly after.

90 So, Mr Speaker, that is the state of affairs at the beach this summer.

Hon. L F Llamas: Mr Speaker, unfortunately I believe the Minister has gone on the defensive and misinterpreted my question. My question is about the floating attractions – the ones that you jump on; not the floating devices to assist people with disabilities.

95

Hon. Miss S J Sacramento: Mr Speaker, unfortunately and regrettably, those were all vandalised, Mr Speaker.

100 It is actually quite *shocking*, Mr Speaker, that the Government goes and invests in these devices and every couple of weeks during the summer, we have to get people – life guards and sometimes divers – to patch these up. Mr Speaker, it is disgusting; and this summer, when we went to get them, they had all been absolutely destroyed, Mr Speaker.

105 So this massive investment – and I apologise, because the answer is in relation to what was interpreted as a different question – I do not know how much they cost, or how much the investment was initially, but certainly Mr Speaker, it is a combination actually of vandalism, and in some of the beaches that are not protected, then it is because of the exposure to the elements that it is not sustainable, and it costs a lot of money to repair and maintain continuously. While some of the damage is as a result of the weather, the majority of the damage, Mr Speaker, is literally when we see it, is that they become slashed. People go in the middle of night with, I do not know, pen knives or whatever, and slash, Mr Speaker. It is very sad and very regrettable that there are people with malice to that extent, and Mr Speaker, it was not feasible to continue.

110

Hon. L F Llamas: Mr Speaker, I was completely unaware that that was the situation and that is the reason why the Government has discontinued their use. Obviously, on this side of the House we condemn any sort of vandalism imposed on these attractions, which obviously were enjoyed by so many members of our community, especially the younger ones.

115

Q592/2016
Visitors to Upper Rock –
Methods of public transport

Clerk: Question 592, the Hon. L F Llamas.

120

Hon. L F Llamas: Mr Speaker, further to Written Question 47/2016, can the Government provide an updated schedule, together with a definition for the term 'other' contained in the previous schedules?

125

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the term 'other' refers to visitors made up of those accessing the Upper Rock through the cable car and those visiting the 100 Ton Gun exhibition.

130

The updated schedule requested is public information and is available online.

135

Hon. L F Llamas: Mr Speaker, at the time of presenting this question to this Parliament, the information was neither in the same format as the schedules I have been provided by Parliament, nor was it updated, so that is the reason why I brought this question to Parliament, otherwise I would not be wasting her time and mine.

140

Hon. Miss S J Sacramento: Mr Speaker, I specifically checked, obviously, before answering, preparing the written answer. When it was answered it was prepared in this manner and I was told that the information was uploaded online a week before the question was asked.

145

Clerk: Question 593, the Hon. L F Llamas.

150

Hon. L F Llamas: Can I just come back to that question? I have just managed to log in.

The information provided on the actual website is not the one that I have been getting through Parliament; it is actually consolidated, per month and per year.

155

The one I am always asking for in Parliament, since the new Policy on the Upper Rock came into place, was a breakdown per public service vehicles, walking tourists and any other tourists going up the Nature Reserve. That is the difference between the schedule I get in Parliament and the schedule that is on the Government website, so the information is not in the public domain.

160

Hon. Miss S J Sacramento: Mr Speaker, I have the schedule that is in the public domain. If he wishes to have a further breakdown, then I am happy to provide him with a further breakdown, but, Mr Speaker, the answer that the hon. Gentleman seeks is not obvious and apparent from the question. But if that is what he is seeking, Mr Speaker, then that is not an issue. It is information that has been provided in the past, information that I am happy to provide if he were to request it clearly, which I am sure that he is doing it now, and it is information that I can provide.

165

Hon. L F Llamas: Mr Speaker, I have asked for the schedule twice, since we started the summer policy and I am actually referring to the written question for December 2016, where the schedule is ... I am asking for an update as one on that schedule, so if I need to actually spell out what is in the schedule, then I will have to, but if I think I am referring to a previous question on a schedule, then I do not think I have to spell it out each and every time.

170

But that is my position.

Q593/2016

**Foreign licensed vehicles visiting Upper Rock –
Number turned away**

165 **Clerk:** Question 593, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide statistics of how many foreign licensed vehicles have been turned away at the entrances to the Upper Rock Nature Reserve?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): No Mr Speaker, the Government, does not keep a record of this.

175 **Hon. L F Llamas:** Mr Speaker, I would like to know how this Government actually analyse its sustainable tourism policy, if it is not monitoring the results and the consequences of this policy.

Sustainable tourism is composed of three important factors: it is the economic, the environmental and it is also the social. I think Government would have been wise to actually monitor the situation at the point of entry and understood whether the policy that is being implemented is being well received by the tourists.

180 For example, if we take into account – which is quite astonishing – an increase in reviews on a forum such as Trip Advisor, which has 70 reviews on Gibraltar rating it as terrible, 35 of which are from the last six months, I think Government would do wise in monitoring what the situation and the consequences of this policy, because obviously, I think the social aspect and what people are saying on these public forums should be monitored at inception, rather than wait for people to drive up, to be told they cannot go up the Rock and then plaster it all over the internet.

190 **Hon. Miss S J Sacramento:** Mr Speaker, the way –

Chief Minister (Hon. F R Picardo): Where is the question?

Hon. Miss S J Sacramento: There was one at the very beginning, before the ramble.

195 **Hon. L F Llamas:** How would the Government analyse the sustainable tourism policy (*Interjection*) if it is not monitoring the results of the policy? (*Interjection by the Hon. Chief Minister*)

200 **Mr Speaker:** Perhaps I should remind hon. Members, the purpose of questions is not just to seek information; it is also to urge the Government to adopt a certain course of action on a certain policy. Perhaps what the hon. Member is after is precisely that.

The hon. Lady has said, 'No, we do not keep such a record'. You are making the point that it is relevant to do so. In that instance, I would suggest that a proper supplementary would be to urge the Minister to pursue the line of policy that you would like her to.

205 **Hon. Miss S J Sacramento:** Thank you, Mr Speaker.

I will explain to him how the Government monitors how successful our tourism strategy is. This, Mr Speaker, is as a result of an unprecedented investment in our tourism product and in particular, in the Nature Reserve and in the Upper Rock.

210 Mr Speaker, I have the schedule that I was referring to before – the one that I said is available publicly online – and these figures show that for the last few months, our average number of

visitors to the Upper Rock ... not our average number; our *total* number, to the Upper Rock are on average, month on month, 10,000 visitors up from the same month last year.

215 So that is how we quantify it, Mr Speaker: hard facts, hard figures, our tourist numbers are up. Our visitor numbers to the Nature Reserve are up.

Hon. L F Llamas: Mr Speaker, the numbers may be up, but if you take, for example, a review of somebody – and I will quote this one – a driver in Gibraltar in a Spanish-plated car, gets told 220 50% up the Rock, that the entrance is only available to locals, and you have to go find an alternative route. ‘Bearing in mind that I have a British passport, we had to walk 50 minutes to find loads of cars parked around and we were left with no alternative but to pay 12 euros to be able to walk up. The only positive out of my trip to Gibraltar was the cheap fuel’. So, even though I appreciate that Government looks at its statistics, and statistics speak for themselves, but I do believe and I would urge Government to see beyond the figures and analyse what 225 people are taking back with them.

Will the Government change its view and actually analyse what people are taking back with them home to spread to their friends and families?

Hon. Miss S J Sacramento: Mr Speaker, I do not know what the hon. Gentleman is reading. I 230 do not know where it is from, I do not know who reads it, I do not know what date it is.

Certainly, of course, there has been a change in policy and there are people who visit Gibraltar and may be getting used to the new policy. Certainly the Tourist Board makes every effort to be able to communicate that policy. On occasions there may be people who may not read the policy, who may not learn the policy and find themselves up the Rock.

235 But Mr Speaker, Gibraltar’s not the largest country in the world – all they need to do is drive down and park and they would be able to find other means of accessing the Upper Rock, Mr Speaker –

A Member: In the 1,000 car parks. *(Interjections)*

240

Hon. Miss S J Sacramento: Mr Speaker, the important thing here is that this Government had a very clear vision and a very clear strategy in relation to tourism in Gibraltar and the figures; particularly in the Upper Rock, speak volumes.

245 And Mr Speaker, I just want to add to that one final point that wherever you go, there will always be good reviews, positive reviews, negative reviews. I am sure, Mr Speaker, if one were to go to Disneyland and then look on the various websites where people are given the opportunity to comment, I am sure that among the lots of positive ones – as indeed, we do receive a lot of positive ones about Gibraltar – there will be negative ones. That’s life, Mr Speaker. The world is not perfect and you cannot please everybody all of the time.

250 But of course, if criticisms are brought to our attention, we will always look at them and we will always strive to improve, Mr Speaker, but the figures and the facts show that we are improving, and that we are improving significantly.

Hon. D A Feetham: Mr Speaker, on that point the hon. Lady has said the figures prove that 255 we are improving significantly and indeed she also said that the figures are on the up and up.

Mr Speaker, can I draw the hon. Lady’s attention to the Tourist Survey Report 2015, and in particular page 5, which is Tourist Expenditure in Gibraltar, from 2005 all the way to 2015, and if she looks at the amount of money spent by tourists in 2011, it was £279.79 million. Today, it stands at £199 million, it is actually gone up from the 2014, where it dipped at a £168 million.

260 Therefore the figures *do not* show an up, certainly not in tourist expenditure, and can the hon. Lady confirm that some of the decisions that the Government has made in relation to the Upper Rock are not seeping into these figures that we see here, or are they attributable to something else?

265 **Hon. Miss S J Sacramento:** No, Mr Speaker – and that question is somewhat far removed from the original question, which relates to visitor numbers in the Upper Rock, and whether we monitor people who are turned away. Because if we were, from that, were to follow through to a logical supplementary, Mr Speaker, it would be whether people are spending less money on the Upper Rock and, Mr Speaker, what we are looking at is the figures.

270 I am perfectly aware of the survey. I am perfectly aware that obviously what we need to do is make sure that ... Our primary objective has to be to ensure that we have more visitors to Gibraltar. When visitors come to Gibraltar, we need to ensure that they spend as much money in Gibraltar as possible, but Mr Speaker, one thing is the report and the content of the report – but I would not, Mr Speaker, relate that to the policy in relation to the Upper Rock whatsoever. In fact, I do not know what report the hon. Gentleman is referring to and what the date of that report is, but I doubt that that has any connection with the policy, given that the policy that we are referring to was introduced recently and I think that that report ... I am not sure which one it is, but it may be that it predates the policy. *(Interjection)* Therefore Mr Speaker, it predates the policy.

Q594/2016
Signage around Gibraltar –
Plans to update

280 **Mr Speaker:** Question 594, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, does the Government have any plans to update and renovate the signs in Gibraltar, in particular tourist sites, parking areas and last but not least, the Royal Anglian Way Suspension Bridge?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, signs in Gibraltar are updated and renovated as needed.

290 In respect of the Windsor Bridge at Royal Anglian Way, a new sign is being produced and should be in place in the next few weeks.

295 **Hon. L F Llamas:** Mr Speaker, I do not know how well they are renovated because some of them are quite appalling – due to vandalism, because they are outdated, for whatever reason – but they simply do not seem to be maintained. Actually, they seem to disappear when they get too bad and they do not seem to actually be replaced. I have seen that happen on one occasion.

But referring to what I was saying before, when tourists go up the Rock and they get turned away and they say, ‘Well, Gibraltar is a very small place, they just need to turn back and find parking’, one particular place, which is the 1,000 parking space area built in the Midtown, does not actually have a parking sign to direct you to it.

300 If you come from the frontier, unless it has happened within the last couple of days, but if you come from the frontier, you get directed to Ocean Village parking and then eventually you get directed to Alameda Estate parking area, but there is no sign in between to tell you to turn left at King’s Bastion and park in that public parking area. So will they actually be updating these signs any time soon; or are people expected to carry on second-guessing and hoping that they have an updated TomTom?

305

Hon. Miss S J Sacramento: Mr Speaker, as I said originally, signs are updated and renovated as needed. Clearly one was needed for the new car park and I understand from the Minister for Transport that it is now up – it is already up. *(Interjection)* It is about to be put up.

310 Mr Speaker, the thing is that when we need signs, it is not like one can go to a supermarket and buy a sign. Signs need to go before the planning authorities and they need to be procured and it is the whole system that needs to be in place, Mr Speaker, but I understand that it will be in place very soon.

315 **Hon. L F Llamas:** Mr Speaker, of course they need to go to planning and through the planning process, but one would think that if you are building a bridge, you go through the planning process and you include a sign; and if you are building a multi-storey car park, you go to the planning commission and say, 'By the way, I want a sign', and you implement everything at the same time – *(Interjections and banging on desks)*

320 So, can we have a date, by when these signs will be up?

Hon. Miss S J Sacramento: Mr Speaker, it is in the process. I understand that it will be ready very soon.

325 But Mr Speaker, it is actually quite funny, because I was in touch with someone who was asking me, particularly for a traffic sign, who told me that he had been chasing the Government for a traffic sign for in excess of ten years. So while the hon. Gentleman may wish to pontificate as much as he does in relation to traffic signs, it is something, Mr Speaker, that seems to be something that historically has not been as straightforward, but certainly Mr Speaker, I can assure everybody, that in terms of, particularly in terms of signs that will impact and assist
330 tourism, that these are being reviewed, as I said initially Mr Speaker, to make sure that we have as fluid a system as possible.

Hon. D A Feetham: Mr Speaker, with your leave, I have a supplementary. It is on signage and it does relate to the Upper Rock, but it relates more to the previous question, but I think that
335 there is relevance as well, when we are talking about signage to the Upper Rock in general.

Mr Speaker, I obviously live in the Upper Rock. I drive up to the Upper Rock and through the Upper Rock every single day and I can tell the Hon. Minister that at times it is absolute pandemonium at the entrance to the Upper Rock, because of the fact that mainly Spanish registered vehicles get to the Upper Rock, get to the barrier at the Upper Rock and then they are
340 forced to turn back. If there were proper signage – either at the bottom, at the actual Mount Alvernia entrance, or elsewhere, that foreign registered vehicles cannot drive into the Upper Rock, then it would prevent that kind of pandemonium from occurring. Certainly it would prevent irate tourists as well, whose opinion may be seeping in and are being expressed in Trip Advisor, as the hon. Gentleman alluded to earlier, because of course it is very frustrating to drive
345 all the way up there and then, at the barrier, be told that you have got to turn back. A simple signage would deal with that and I would commend that to the Hon. Minister.

Does she not agree with me?

Hon. Miss S J Sacramento: Of course I agree that we can always look to see to facilitate
350 processes, Mr Speaker.

Hon. T N Hammond: Mr Speaker, if I may, as signage can always be a frustration when you are in a strange town and do not know quite where you are going, often it has happened to me in Spain, so I can imagine it is similar for tourists in Gibraltar, despite the small area.

355 Can I just ask if the Minister, or if the Government would consider actually conducting a review of the signage in general, just to ensure that it is providing tourists with the necessary information and probably at the same time alleviating traffic, to some extent, by not having them stopping in the middle of the road and causing disruption?

360 **Hon. Miss S J Sacramento:** Yes, that is already happening. In fact I requested one a couple of months ago and I expect it shortly, but now I expect it to be handed to my colleague, the new Minister for Tourism. But I did request that a while ago, because what I want to see is a more holistic approach to the system.

365 When it was highlighted to me by this gentleman who had been asking for this sign in excess of ten years, that is when the penny dropped.

370 **Hon. D A Feetham:** Mr Speaker, just returning to my supplementary – we are not, on this side, actually on this, politicising this particular issue; what we are trying to do is to make constructive suggestions for the improvement of the service – the hon. Lady has said yes, we can strive to improve, but the question that I have asked related to the signage for tourists to be told at an early juncture that they cannot drive into the Upper Rock, and is that within the plans of the Government to include such signage, either at the bottom of Sunset Close, or alternatively ... well, actually *and* on the other side, which is the Mount Alvernia side, in order to prevent those kind of scenes that I have alluded to?

375 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, the question of signage, as I have just said, is part of a wholesale review that I requested.

380 But having said that, Mr Speaker, the Tourist Board, at the outset, when the change of policy was introduced, *did* employ people to give out leaflets, not only at the entry points to the Upper Rock, but also at the frontier, and have people actually be down the hill in the area where the hon. Gentleman is referring to, in order to direct tourists to the change of policy, initially when the policy was changed.

But in terms of the signs, as I said, I commissioned a report to look at a more seamless way at having signage in Gibraltar.

Q595/2016
Tourism policies –
Publication

385 **Clerk:** Question 595, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government explain what tourism policies are currently in place, and whether these will be clearly set out when appropriate on its website, brochures, etc.?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Government's tourism policy is very clear: to attract tourists to Gibraltar.

395 We achieve this by: investment in Gibraltar as a destination, which we have at unprecedented levels; by marketing the destination; working with, and continuously developing relationships within the industry; and with events-led tourism, on which we co-operate with other Departments and in particular, the Ministry of Culture.

Our strategy is working extremely well and the figures speak for themselves.

400 I will forgive the hon. Gentleman, as his clear lack of experience in these matters is obvious, but it is not normal or customary for such policies to be on a tourist board website or brochure.

Hon. L F Llamas: Mr Speaker, obviously the basic policies that one would expect should not be ... I have actually put there 'when appropriate'. You would not expect what the Minister has just said to actually be on a website. That would make common sense to just implement them.

405 I am referring to policies such as the Upper Rock ban, that for example when you go to the visit Gibraltar website, you are greeted with, and I quote, and this is live:

No unauthorised private vehicles are permitted in the Nature Reserve, however a number of walking, taxi or bus tours are available.

410 So, this website omits to tell you that you can go walking without having to go on an actual tour, because it is implying that you can go on a walking tour, and it is also omitting the fact that if you are in any way disabled, and either have a blue badge or a doctor's letter – I do not know exactly what the policy is – that you will be exempt from this policy and you will be able to go in your own vehicle to the Upper Rock.

415 So, it is this type of policy and any other one which may be implemented, but we do not know, because obviously we got to find out about this policy through sheer hit-and-miss and rumours going round town that this policy had come into place. It was nowhere on the website and it was nowhere to be seen.

So I am asking whether these types of policies will be updated and will be made clearer on websites. And I appreciate her thinking that I am being foolish in asking this question, but I am looking at this from the point of a tourist who goes into the official website and gets this policy to read and does not get the full length of the policy.

420 Will she be updating this any time soon?

Hon. Miss S J Sacramento: Mr Speaker, I think I just heard the hon. Gentleman say that he was reading live from the Tourist Board website. It means therefore, Mr Speaker, that the policy is live on the Tourist Board website. The Tourist Board website says that no unauthorised vehicles are allowed in the Upper Rock.

425 Clearly, I think it is pretty clear that a tourist will not assume that they are authorised to go into the Upper Rock. The message is on the website, Mr Speaker, it is very clear. I honestly do not understand: the website is live, so a tourist who wanted to go into the Visit Gibraltar website this afternoon because he wants to go to Gibraltar tomorrow will have a notification on the website that says that unauthorised vehicles are not allowed in the Upper Rock.

Hon. L F Llamas: So, can the Hon. Minister then explain how somebody who wants to go hiking up the Upper Rock is supposed to derive that they can go hiking up the Upper Rock, without having to go on a tour, through the website, because it is not clear; and how somebody who suffers from disabilities, or is disabled in any way, can be exempt from this policy? That is not either clear on the website.

Hon. Miss S J Sacramento: I do not understand the first supplementary, Mr Speaker, because what the website has is a prohibitive notice relating to vehicles. It does not say that you are not allowed to walk. I do not understand the first supplementary.

440 And insofar the second supplementary, Mr Speaker, there is always an ideal level of information that one wants on a website, but the website also has a space that invites you to contact the Tourist Board if you want any particular details, or an email can be sent and the details are on the website.

445 If somebody, on the website, were to reach a particular site on the website and wants further information, then that information could be sought and that information would be available. But having said that, that the website can have a little bit more information: I will look at the website again and see what else we can do to update it, because that is the beauty of a website, Mr Speaker, it can be updated very quickly if there is any need for improvement.

450 **Hon. L F Llamas:** Yes and obviously this is only one form of or one way of communicating with tourists abroad. There are people who may not have access to online and will come as they have come in the past and find out, but obviously we cannot pre-empt every occasion.

But what I am trying to get at is the wording – it is not making a song and dance on the website of what the policy is. It is the actual wording which says:

... however a number of walking, taxi or bus tours are available.

455 So there is nothing in that wording that allows you to interpret that if you want to go walking by yourself, you can still do so; and obviously I think the disabled exemption should also be on there.

460 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I know that we are using our old portfolios during this session in Parliament, but clearly it is a matter I have an interest in as the new Minister for Tourism. It just seems to me that the interpretation that the hon. Member is giving to that is plainly wrong. It talks of walking; it talks of taxi – it does not necessarily have to be a taxi tour; it can be a taxi ride; and then it talks of bus tours. So the reference to ‘tours’ is bus tours. So you can go by walking, you can go
465 by taxi, or you can take a bus tour. It is simple – plain language!

Mr Speaker: I just wonder what one can do, when one does not have any access to websites, like myself! (*Laughter*) I do not seem to be able to do anything these days! (*Interjections*)

470 **Hon. D A Feetham:** Mr Speaker, the question has been asked in good faith. I now have it in front of me:

No unauthorised private vehicles are permitted in the Nature Reserve, however a number of walking, taxi or bus tours are available.

I think it is ambiguous. Can the hon. Lady take it from us that if we find it ambiguous, somebody who does not understand the English language, or the English language being a second language or a third language, is also going to find it ambiguous?

475 All we are trying to do, from this side of the House, is to be helpful in relation to this. We are not trying to catch the hon. Lady out and therefore to ask a question, otherwise I am in breach of the rules, will she at the very least look at this, consider it and then come to a conclusion, based on what she has heard today, about whether this is or is not ambiguous? (*Interjections*)

480 **Hon. Miss S J Sacramento:** Mr Speaker, I said before that things would be looked at, but in relation to his question, well no, because I will not be looking at it. I will leave that to the hon. Gentleman to look at in future!

But of course, I will, of course – (*Interjection*) This hon. Gentleman, who is now responsible for the Nature Reserve and for the sites, Mr Speaker.

Q596/2016
visitgibraltar.gi website–
Plans to make multi-lingual

485 **Clerk:** Question 596, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, what plans does Government have to make the visitgibraltar.gi website multi-lingual?

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

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Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the website and its content are being reviewed.

495

Hon. L F Llamas: Mr Speaker, what plans does Government have, in terms of when the review will take place – well, it is under review, but – when it will actually go live? Is it in talks with service providers to provide the new platform? How far in the process is Government actually involved with updating the actual site?

500

Hon. Miss S J Sacramento: Mr Speaker, I was looking at alternative proposals for the website. I cannot give more information than that, because it has not been developed that far yet.

Q589/2016

Approved care providers – Further supplementary questions

Hon. L F Llamas: Mr Speaker, am I able to come back to Question 589, the list of approved care providers?

505

Mr Speaker, the original question I asked back in September was Question 484, and I asked whether Press Release 371/2006 could be elaborated a bit further in giving us further details of what Government had done in order to create these 50 new care worker vacancies. With the answer from the Hon. Mr Costa, a Government-approved care services provider, Grand Home Care, had been engaged in providing, at that point in time, 20 of the vacancies. So as a result, I asked a supplementary of: who were the Government's approved care service providers? And obviously, the Minister, at that point, did not have the information – *(Interjection by Hon. Miss S J Sacramento)*

510

I said that the Minister Costa, in his reply to my original question, mentioned Government-approved care services providers, so knowing that there should be – deducing from that answer, that there is – an approved care service providers list or schedule, if the Minister, if she has not got the information today, will forward it within the next couple of days, after this session is over?

515

Hon. Miss S J Sacramento: No, Mr Speaker, because my answer does not actually change, because that answer given by Minister Costa is not necessarily incompatible with the answer that I have given, for the same reason that I gave when I answered and for the same reason that I have given the Parliament in the past.

520

In terms of the mechanics, it is not like there is a list of endless providers as we have in the construction world, or we may have a list of a variety of people. We know, from previous answers we have given in the Parliament before, there are only a couple of service providers who provide care, and what I think is meant by that, is that it is approved in terms of the care that is provided, for the reasons that I have given in the Parliament in the past, as opposed to having a list of contractors.

525

A care provider, when it provides care to the Government, has an arrangement with the Government and the Government has to be satisfied with the level of care that they are providing, and that is what makes them approved. If something were to not satisfy the Government in the care, then they would not be approved. And that is the difference, I think, of what is intended, as opposed to having a list of care providers.

530

When I said that there is not a list of care providers, there is not a list of care providers. Because there is a word or that wording appears in a press release does not change the answer

535 that I have given. It is not that there is a list that exists that I am not aware of or I am not familiar
with; there is not a list as such.

Hon. L F Llamas: So would I be right in saying, in this case, that all care services providers are
Government approved, and that there are none which are not approved? (*Interjections*)

540

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr
Speaker, I think, part of the reason for the confusion in the point that the hon. Member is
making, is that he may be aware that originally, the approved contractor list was limited to
certain activities and that earlier this year, we extended it effectively to anybody selling, or
545 supplying, or doing work for the Government. That is not approved by the Department that uses
the contractor; that is approved by the Department that had the original list, which originally
consisted of construction companies, cleaning companies and security companies. I think at one
stage, I gave the Leader of the Opposition the list and I said to him it was being added to, not
because there were more of the same activities, but because there are new activities that are
550 being added to it, in the sense that the logic is, look, given that the original list, which was
started by the previous administration, included a condition, for example, that people have to
be up to date with their social insurance, up to date with their tax, have to give first
opportunities in vacancies to people who are registered unemployed, it makes sense to extend it
to as many activities as we can, because it is clearly a useful thing to have, to monitor whether
555 the people that are being paid by the Government are actually paying their due things.

But I think that is where the approved list concept comes from.

Hon. L F Llamas: Mr Speaker, given that the Minister has said that they get approved in the
sense of the level of care that they provide and there is only a number of care service providers,
560 I think it would be beneficial for the community, given that there is nobody who regulates them,
other than Government, when they use them, that the names be listed of who has been
approved as a Government care service provider, for the sake of those in the community who
may think that all of them are approved, and there may be one which is not being used by
Government because the standard of care falls below the level expected.

565 I would urge the Minister to provide us with a list of Government-approved care services
providers, in order to reassure the community that the care provider that they are using is also
approved by the Government, given that there is no regulatory authority in Gibraltar to regulate
these companies.

570 **Hon. Miss S J Sacramento:** There was no question –

Hon. L F Llamas: Will the Minister look into this and provide Parliament with a schedule of
the Government-approved care services providers?

575 **Hon. Miss S J Sacramento:** Mr Speaker, there is no such schedule.

Q597/2016
Wifi hotspots –
Tourism expenditure 2016-17

Clerk: Question 597, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government explain what the expenditure of 'Wifi
Hotspots' contained within the Government estimates 2016-17 under Tourism is in relation to?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, this relates to Wifi hotspots provided at various locations in Gibraltar where visitors and residents can access certain websites for free.

585

Hon. L F Llamas: Does the Minister have a list of where these hotspots are?

Hon. Miss S J Sacramento: Mr Speaker, these were covered in the recent sitting of this House, but again, the locations are: the Apes' Den; Cable Car Top Station; Camp Bay; Casemates; Catalan Bay; Coach Terminus; Cruise Terminal; Eastern Beach; Europa Point; The Frontier; Garrison Library; Gibraltar Museum; the Great Siege Tunnels; John Mackintosh Square, Little Bay; Moorish Castle; 100 Ton Gun; Ocean Village, Queensway Quay; Sandy Bay; and St Michael's Cave.

590

And the websites that can be accessed are: Visitgibraltar.gi; Gibraltar Airport; Government of Gibraltar; Gibraltar Bus Company; and Gibraltar Port Authority.

595

Q598/2016

Persons with disabilities – Accessibility signs and maps

Clerk: Question 598, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, does the Government have any plans to update signs and provide accessibility maps for persons with disabilities on how to move around in Gibraltar?

600

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Department of Equality is already working on a holistic programme with the Gibraltar Tourist Board and the Technical Services Department.

605

Hon. L F Llamas: Does the Minister have any idea whether the plans will be implemented before Christmas, after Christmas, in 2017 – is there an actual timeline?

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Hon. Miss S J Sacramento: Mr Speaker, it is part of a bigger accessibility project, so it is unlikely to happen before Christmas, but it will happen as soon as it can possibly happen.

Q599/2016

Shop Mobility Contract – Expenditure under Tourism

Clerk: Question 599, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government explain what the expenditure of 'Shop Mobility Contract' contained within the Government estimates for 2016-17 under Tourism is relation to?

615

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

620 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):**
Mr Speaker, this relates to a maintenance contract for the provision of what was previously provided at the Shop Mobility Centre.

625

Q600/2016
Mons Calpe Mews and Beach View Terraces purchasers –
Allocation of returned rental housing

Clerk: Question 600, the Hon. E J Reyes;

630 **Hon. E J Reyes:** Mr Speaker, sir, 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 by purchasers of both Mons Calpe Mews and Beach View Terraces?

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

635 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):**
Mr Speaker, 16 flats have already been allocated or assigned by Government from the stock returned by purchasers of both Mons Calpe Mews and Beach View Terraces.

The room composition is as follows: six 2rkbs; eight 3rkbs; and two 4rkbs.

640 **Hon. E J Reyes:** Mr Speaker, is the Minister aware if there are still any other Government rental homes to be returned, because the purchasers are still in the process of doing that; and if that is the case, does she have at least an approximate estimate whether it is going to be just a small handful or in the 20s?

645 **Hon. Miss S J Sacramento:** There are more than 16 that are returning; it is just that because the question was in relation to those allocated or assigned. More have been returned, but they are in the process of being cleaned and refurbished.

650 Now, off the top of my head, I do not think that there are ... I think most people have completed and if maybe there are a couple who have not completed, I do not think that those will be returning more to the housing stock. This is a different question.

There are more coming into the housing stock, but not because of completion: because they are still in the pipeline, they are being refurbished and they are being cleaned.

Q601/2016
Tenants –
Urgent decanting since April 2016

Clerk: Question 601, the Hon. E J Reyes;

655 **Hon. E J Reyes:** Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes since 1st April 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 Tourism, Housing, Equality and Social Services.

660

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, since 1st April, six tenants have required urgent decanting from their homes: one in June, two in July, one in September and two in October, five as a result of flooding and one as a result of a fire.

665 One tenant returned to their flat in June, two returned in July and one in September. There are two tenants currently in hotel accommodation.

Hon. E J Reyes: And may I ask, arising from that, Mr Speaker, the decision that the flats, or the homes, that required to be decanted on an urgent basis, who certifies or who decides when the said home is ready to return?

670 There seems to be ... I am not trying to attack Government; I am trying to come to an understanding with them that there seems at times to be tenants, who say, 'Government has said the temporary accommodation is going to cease to be available for me as of Friday, they want me to move back', but yet, they claim that the housing official or whatever has still not been able to sign the papers certifying that the house is now suitable, re-habitable and some are claiming that their electricity supply is not available and so on.

675 Is there someone or a system whereby certain certificates of re-fitness for habitation is available? Does the Minister have some information in that respect available?

Hon. Miss S J Sacramento: Mr Speaker, the situation that the hon. Gentleman is alluding to is very unusual because what we do is, in the normal course of things – because we are talking about repairs – regardless of the reason for the repairs, whether there is decanting or not, so repairs will be sent to be repaired, whether it is by the Housing Works Agency, or by a sub-contractor, depending on the works that are required. Once the works are completed, they will then be certified by the Inspector and Housing Department, then the person will be asked to move back in.

680 It is the Housing Department that decants the person and provides for the alternative accommodation. If the Housing Department has now remedied any defects in the flat or in the premises, then the person will be asked to move in. You do not do one without the other, you cannot – if you have decanted the person, you cannot force the person back in, unless the premises are fit for them to return, but clearly, at the same token, if the premises are fit, then the person needs to return. But then, that is an internal process that will be dealt with by the Inspector and then by the Housing Manager, but I have never heard of any gap in between.

Hon. E J Reyes: No, the gaps that I have heard, Mr Speaker... We are talking about urgent decanting, yes? So, I think the Minister gave me the good examples before: flooding or fires, things that are unexpected, it happens. We react on humanitarian grounds, we decant the family, we carry out the repair works.

695 There are claims, and I ask the question, Mr Speaker, because over the course of the last few months, there have been more than one that says, 'I've been told that I can go back, but my house still doesn't have electricity supply because no one has certified that the electrical circuit is now available for use', and so on, and I am trying to determine, so that in many ways I can work alongside the hon. Lady for when these constituents come up and say, is there someone who ultimately has to sign some certification? When there are new constructions – and Minister Bossano can certainly guide on this one – someone has to sign and say, 'Right, it is certified that they've now met the conditions, and so on. We accept it and therefore the houses can be issued.'

700 I am trying to apply a similar sort of situation in these cases, where unfortunately, urgency has required them to be decanted, and some tenants are claiming, 'I've been pushed back, because they say that the accommodation is only temporary, that has to be returned to the

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stock and so on' – all that is acceptable, but ultimately, whose responsibility is it for signing on the given dotted line, saying 'this house is now in a condition where you can move back in'?

715 **Hon. Miss S J Sacramento:** Mr Speaker, any works are verified, certified by or on behalf of the Housing Works Agency. I certainly have never been called because of a situation like that, but if something odd like that were to arise, then I would ask the hon. Gentleman to call me and I am sure we can find a solution, but certainly nothing of that nature has been brought to my attention.

720 Maybe that sometimes, Departments may have slipped, somewhere along the line, but that is certainly not the policy and not the practice as far as I am aware. There may be an exception, it may have happened to somebody who went to see the hon. Gentleman instead of going to the Department, who would have reported it, but surely, as the hon. Gentleman says, I am happy to work together if this were to happen.

725 **Hon. E J Reyes:** Mr Speaker, the Hon. Minister has said, should I come across a situation, I can then approach her, so I think that should settle the matter for today and we will continue working jointly for the benefit of tenants.

Q602/2016
Eviction of squatters –
Legal costs since April 2016

Clerk: Question 602, the Hon. E J Reyes.

730 **Hon. E J Reyes:** Can the Minister for Housing say how much expenditure has been incurred in respect of legal costs relating to the eviction of squatters from Government rental homes since 1st April 2016; providing a breakdown showing the number of homes involved and to whom payments were made?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, since 1st April 2016, a total of £2,585 has been paid to Triay & Triay in respect of five eviction proceedings.

Q603/2016
Repairs to rental homes –
Details of pending works

740 **Clerk:** Question 603, the Hon. E J Reyes.

745 **Hon. E J Reyes:** Can the Minister for Housing provide details in respect of pending repairs to rental homes, indicating the dates when there reports were made by tenants and stating how many will be repaired by (a) the Housing Works Agency, (b) sub-contractors, and (c) the assigned tenants themselves?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):

750 Mr Speaker, there are currently 273 pending repairs to rental homes. The date in which these were reported were as follows: there were 28 in May; 42 in June; 35 in July; 40 in August; 47 in September; and 81 in October

Twenty-seven of these will be repaired by the Housing Works Agency; 246 will be repaired by sub-contractors; and one is on a self-repair basis.

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Hon. E J Reyes: Mr Speaker, from the answer the Hon. Minister has given to me, the dates given by ... If I heard correctly, so that the one that is longest outstanding dates back to 28th May. Can the Minister reconfirm that there is no reports prior to 28th May still pending to be carried out?

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Hon. Miss S J Sacramento: That is what I am told, Mr Speaker.

Hon. E J Reyes: Mr Speaker, can the hon. Lady come to some sort of agreement with me? If I can produce to her, on behalf of a tenant that claims to have reported matters that require repairs, dating way back to February and there were matters that arose as a result of refurbishment works or being carried out at Laguna Estate and therefore problems that did not exist before, have now come in; water seepage and so on and this constituent even showed me photographic evidence and so on, claiming that the reports were made way back in February and as a concerned tenant, the summer months have helped to dry it a little bit, but as soon as the first rainfalls come, they are expecting a really pretty bad winter. How can we ensure that the Hon. Minister has the total and correct updated information? Unless I am being misled by constituents, but certainly the reports seem to have been – or the repairs seem to have been requested way before May of this year.

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Hon. Miss S J Sacramento: Mr Speaker, it may be that there is a case that has slipped. It may be that there is a mistake in the system, but certainly if there is someone who has an outstanding report, then I am happy for the hon. Gentleman to give me the details and I will look into it.

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It would not be in the case like that, of structural damage or anything significant like damp, but the hon. Gentleman needs to be mindful as well, that as from the beginning of the year, non-urgent works, or non-fundamental structural works, are not happening if the tenant is in arrears. It would not be in the case where there is damage that would affect the integrity of the building, or may have an impact on a neighbour, but let's say that someone wants new tiles, because they have had those tiles for a long time, if those people are in arrears and there is no justification for the arrears, then people in arrears will not have non-urgent works undertaken for them, until they pay the arrears, until they settle the arrears – unless they are, of courses, themselves, having genuine reasons for being in arrears. (*Interjection*)

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The hon. Gentleman may recall, I mentioned this at my budget speech and I have mentioned it before, when we have discussed the arrears and there was agreement across the floor of the House, that we would have support – and of course this relates to people who do not pay rent, because they do not want to pay rent, as opposed to people who cannot pay rent.

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Hon. E J Reyes: Yes Mr Speaker, I think the hon. Lady might recall that I have always supported her in respect that if a tenant wants the benefit of his rights as a tenant, he must also fulfil his commitments and pay the rent and so on.

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I may have got a bit confused before, when the Hon. Minister was trying to explain to me the type of work and whether it impinged or infringed upon a neighbour and so on. From what I saw, the photographic evidence, this seems to be because of refurbishment works being undertaken at Laguna, there is now water ingress through the roof and down the walls and so on, that was not there before, so that home has now for months ... that dampness keeps on

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increasing. I stress again, the biggest concern is the wet weather is soon approaching us. In Gibraltar, it does not rain; it pours and when it pours, that person really, really has a very serious and, in my opinion, genuine concern because of the amount of water coming in, the amount of buckets having to be put around the house, the amount of mops and cloths that one has to buy, to soak up this water.

I tried to explain to the hon. Lady before, there could be something that ... I don't know, maybe the system is such, that – the report was made as far back as February – they have started to work upon it by reporting it to the contractor, so therefore as far as the Housing Works Agency, it is ticked, action is being taken upon. But now, in the last days of October, certainly as far as the tenant is concerned, the repairs have not been undertaken.

Hon. Miss S J Sacramento: That is precisely what it is, Mr Speaker, because now that the hon. Gentleman has explained what the works are, and if they are attributable to the construction works, to the refurbishment, those repair works, the remedial work will not be undertaken by the Housing Works Agency, or the normal sub-contractors. It will be referred to the contractor that is undertaking the refurbishment works, and that is why it is not in *this* schedule.

Hon. E J Reyes: Yes, Mr Speaker, and just to make sure I do not give the lady the wrong impression, I am not only referring to or using the example of Laguna Estate. I can give her, perhaps later on, behind the Speaker's chair, even the name of the tenant, from Alameda Estate, who has been waiting for repairs since last November and it has not been started upon so it has not fitted into the category ...

I was giving the Minister the benefit of the doubt that work is ongoing, therefore it is no longer classified as outstanding to be done, so perhaps we need to find minutes over a cup of tea and a biscuit, and we can update ourselves for the benefit of tenants.

Q604/2016
Reallocation of empty homes –
Expenditure on repairs

Clerk: Question 604, the Hon. E J Reyes.

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

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, Avanti, £17,545 for two properties ; Property Repairs Ltd £10,858 for one property; Liberty General Construction, £18,458 for two properties; Base Maintenance, £9,243 for one property; Sarah Jane Construction, £8,896 for one property; Ernest Lopez & Sons Ltd, £12,031 for one property; Ace Plumbing, £13,320 for one property; Eulogio Cruz Construction, £11,396 for one property; JI Construction, £19,950 for one property.

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

Hon. E J Reyes: Mr Speaker, if I may, one of them – the £13,320, the name of the company was plumbing something. I automatically ... My brains – (*Interjection*) yes – Ace Plumbing. My brain automatically went into, ‘This must be some sort of plumbing repair’. I know plumbers, like most good craftsmen, are not cheap, but £13,320, for plumbing does, to me, sound a very, very big quantity.

850 Is it just the one residential home, or is it because there is a whole series ... they are refurbishing like a block or from source, or so on? Perhaps the Minister has a little bit more information in that respect.

Hon. Miss S J Sacramento: Mr Speaker, the name of the company is Ace Plumbing and (*Interjection*) these figures represent refurbishment of homes, not necessarily and it is not ... Just because the name of the company is Ace Plumbing, it does not mean that it exclusively undertakes plumbing work. It undertakes general repair works, so a figure such as this is our average for the repair and the refurbishment of a flat. It is not just for plumbing. It is for the whole refurbishment.

Hon. E J Reyes: Yes, I understand that. In fairness to her, Mr Speaker, my question did end saying, ‘indicating the type/nature of the repair work’ and the Hon. Minister has given it to me in a very collective term, saying this or the other. Perhaps for a future session, should I come up with this question? She knows that I like to pose it at least quarterly and so on. If it is possible, and she is providing the information saying from this expenditure, well, look more or less so much was in respect of plumbing and so much in respect of the other. It gives us a better picture to see, because I know roof repairs, for example can be extremely expensive. Just the mere fact that scaffolding has to go up immediately shoots the price sky high, so some sort of break down might help, not only the Opposition, but will help Government tenants to better understand how money is being used for the refurbishment of homes.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, when the properties are handed back, as the hon. Member may know, from having been in Government, they are handed back in a certain state of disrepair. There is a standard set down by the Housing Administration – which I imagine was there before, it is not one that has been changed – which lays down to what level it has to be restored before it can be allocated. These properties are properties that come to me – ‘to me’ meaning to the people that are employed in Town Range – to distribute it and as he can see from the list, the policy is to distribute it amongst the local companies that can handle that level of work, but nothing much bigger, because they employ half a dozen people, and irrespective of a title, Ace Plumbing is somebody that tends to have more plumbers than other things, but it does not mean they cannot do anything unless it is plumbing. So, if there is an all plumbing job, they are more likely to take it, but they can still take on a house that needs re-tiling and re-plastering and maybe doing something because they have taken the kitchen sink with them, or something else, because they have taken the toilet with them – other things have happened.

875 But the actual level of work that is required is assessed by the landlord, the Housing Administration and they determine the price, which, if it is above £2,000, which it normally is above £2,000 for a refurbishment, is then given to the people in Town Range who get three quotes, which have to be below the figure that has already been determined as acceptable by the landlord. Out of those three quotes, the standard rule is that we give it to the lowest quote, unless there is only a couple of hundred pounds’ difference between the lowest and the highest, in which case we then look at which company is running out of work, because there is a dual purpose to this. One is to get the houses done and re-rented and the other is to keep people in jobs, so that they do not get laid off.

885 So in a sense, the distribution of the list is a reflection of those two policy objectives. One is that we give it, so that we get value for money, to the one that gives the best quote below the

ceiling laid down by the Housing; and the second is, that when they are very close – which they often are, because really, there is not much that they can ... that one can be much cheaper than all the rest, but there will be some people there that have got it, even though they might be a couple of hundred pounds higher than somebody else, simply because they are running out of work and we seek to avoid that.

Hon. E J Reyes: Yes Mr Speaker, if I may, there was, in my subsection (c), under the assigned tenants themselves, there is one who is going to carry out that repair work – (*Interjection*) Sorry, I was referring to the subsection (c). The Minister said that one tenant is going to carry out that repair work themselves. How are the expenses towards that repair settled? Is it that the tenant buys the materials and gets given so much in compensation as well if he provides his own labour, or is there some other formula? Perhaps the Minister can enlighten me a little bit on how we estimate, or how we reach an acceptable estimate to both sides of the cost of that repair.

Hon. Miss S J Sacramento: Mr Speaker, this is a supplementary, not to this question, to another question, but generally when it is self-repair, the estimate at the Housing Works Agency will calculate the value of the works and its usually provided by vouchers, or the materials are provided.

Q605/2016
Rent relief –
Levels awarded

Clerk: Question 605, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is the Government satisfied with the level of rent relief they are awarding at present?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, yes.

Ms M D Hassan Nahon: Mr Speaker, there are many pensioners, and people living on the edge, shall we say, who consider that pennies off in rent relief – as I understand, in some cases, we are talking about 15 pence or 60 pence a month, 15 pence a week, something like that – really does not help in any significant way. So would the Minister be willing to revise the policy, or is the Housing Ministry undertaking ever a case by case process, to help those who feel that the rent relief awarded does not relieve much at all?

Hon. Miss S J Sacramento: Well no, Mr Speaker, because the hon. Lady starts from the wrong premise, in that we are assuming that rent relief is only 15 pence off the rent.

The way rent relief is calculated, actually, is based on the income of the person, so if we are going to talk about figures, then I am going to give the correct figures and put it into context, because it is not that people have 15p rent relief.

There is a formula to calculate and the factor that is taken into account is the whole of the household income and marital status and whether there are children living there or if the person has a disability, because every case is assessed on a case by case basis and the applicant is looked at individually.

945 So, for example, if a single person were on the minimum welfare payment, or minimum income guarantee, then they would not pay rent, so the level of rent is commensurate with the income of the individual and this is a policy that has been in place since 2007.

But let's give another example: let's say if there is a single pensioner, who is on an income of say, £400 a month, then their rent would be £11.40. So if we look at an average rent – say, a 3RKB in Glacis has a monthly rent of £64 – then we are talking about a rent relief of much more in excess of 15p.

950 It may be that the hon. Lady has been given information by one individual, but that one individual does not represent the assistance that Government provides by way of rent relief and we look at the income and we look at the scenario and we look at the household income.

Ms M D Hassan Nahon: Mr Speaker, I am grateful for that answer and I know that the hon. Lady does a lot to help the vulnerable and the needy, because I have spoken to her about these situations before, but can I just ask if a member of the public comes to me and tells me that they really are finding it hard to pay their rent and that the rent relief they have been awarded just does not make a difference to them, how would the hon. Lady suggest I help that individual or those people?

960 There are a few people, not just one, but various, who have come to me with this situation – with this issue that they have. Where could the hon. Lady tell me to direct them, in these cases?

Hon. Miss S J Sacramento: Well, Mr Speaker, my advice would be to look at the case as a whole, because maybe what needs to be looked at is the rest of the expenditure and not the rent relief, because the formula to assist the person by way of rent relief is already in place so the rent relief the person will get will be commensurate to their income. So if someone is in a very low income, then their rent relief would be a 100% because they do not have to pay any rent.

970 What I am trying to say is that there is a connection between the level of rent relief and the income that that person is receiving, so if the level of rent relief is low then it is commensurate to the income and it may be that that individual needs to look at other ways in which the income is distributed because the relief is commensurate to the level of the income, and if someone is on a very low income, then the rent relief is a 100% and rent due is zero.

Q606/2016
Children of separated parents –
Housing requirements

975 **Clerk:** Question 606, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is the Government policy on allowing parents who are separated and have agreed joint custody terms and conditions out of court in relation to housing requirements?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, 'joint custody' is not a legal term since the introduction of the Children Act in 2009. What used to be referred to as joint custody is in law now parental responsibility. On separation, joint parental responsibility has not, and never has been the test for determining entitlement to housing composition, as most parents will have this in any event.

In cases of separation, the Housing Department requires proof that both parents have joint residence of the child, in addition to joint parental responsibility and if joint residence is established, then both parents are entitled to the same housing requirements for the child.

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Hon. Ms M D Hassan Nahon: Mr Speaker, from what I understand in this area, it seems that the law discriminates men, in the sense that men actually need this shared residency order agreement which the hon. Lady has just mentioned, forcing them to have to go to lawyers and spend money to legally validate something that the mother gets naturally without having to provide this agreement. I have evidence of this, which I am happy to show her in private, because obviously it comes from different sources and different individuals who have suffered this.

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Would the Minister be prepared to accept that this policy needs changing and reviewing to make it more egalitarian?

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Hon. Miss S J Sacramento: No, Mr Speaker, because the policy is not as the hon. Lady understands it to be.

The policy applies to the child and it relates to the parent who has the residence of the child. If parents separate and one parent has the residence of the child, then the parent with the residence for the child will be given the room for the child, because the additional room is for the child and not for the parent.

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It has never been the case that when parents separate, the child is accommodated in both dwellings. There will be provision for the child to live with one parent or the other, but in exceptional cases, because it is in exceptional cases where both parents have joint residence – nothing to do with joint custody; joint custody is a different concept – but if both parents have joint residence, then a room for the child will be allocated with each parent. So the policy is actually very egalitarian. But it is based on the arrangement that is made for the child and I do not agree that lawyers need to become involved for evidence of that because there is no ... What I have said is that the policy is that the parties need to provide evidence. I have not said that the parties need to provide a court order, because in fact that was the position before, but because I do not believe that people should be spending money on lawyers and I think that – and in fact it goes against – (*Interjection*) in cases such as this – and particularly in cases such as this because the overriding objective of the Children Act is the ‘no order principle,’ it would be quite contradictory for the Housing Department to be asking people to go to court where the framework of the legislation does not want you to go to court.

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So what I did in the Housing Department to facilitate the process was to ask for evidence and evidence can be provided by way of a sworn statement; and a lawyer and therefore expenditure is not required.

So, Mr Speaker, in answer to the question, I think that the procedure, particularly the new procedure, is very fair.

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Hon. D A Feetham: Mr Speaker. May I? Because this is certainly a bugbear with me, and I don't mind my saying that it was a bugbear when I was Minister for Justice and this arose at Cabinet, because the hon. Lady is right: it does discriminate invariably against men.

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It does not discriminate objectively against men in this sense that of course a man or a woman can have residency in respect of the child and his or her spouse can then have contact. Effectively what the law does is that it affords either both parties joint residency, in which case there would be no problem, as the hon. Lady has rightly pointed out, because both of them would be entitled to the same Government housing; or the law provides for one of them to receive residency in respect of the child, with the other spouse or the other parent receiving contact.

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Now invariably, it is the mother that always ... well, not always, but the mother invariably obtains residency. It is the father that obtains contact, and in that kind of situation, you then

1040 have ... Government housing will go to the mother, so if a couple is living in a three-bedroom
flat, for example, the mother will take the Government flat, then the father has to look for
alternative accommodation. If the father cannot afford to obtain alternative accommodation,
1045 the state, the Government, will afford a Government property, but the Government affords a
one-bedroom flat or a studio flat for those fathers and that is where, does she not agree, that
the discrimination arises and the unfairness arises? If you have a large family in a 3 or 4RKB, it is
unfair to then award the father just simply – who cannot afford private accommodation, let's
not forget – a one-bedroom flat or a studio flat, where he is never going to be able to enjoy the
contact with his children, because his children are never going to be able to stay overnight, it is
impossible!

1050 That is the unfairness and that is what I would urge – and I have done so before to the hon.
Lady in this House – for the unfairness to be considered by the Government. I have to say that
these arguments are not new. I have already said that these arguments are what we had when
we were in Government and I was not able to prevail upon my colleagues that the policy ought
to be changed, but certainly I urge the hon. Lady to look upon this, because I certainly agree with
the hon. Lady that it is a discrimination, of men in particular.

1055 **Hon. Miss S J Sacramento:** Mr Speaker, when we are talking about Government rental stock,
of which there is a limited amount available, then there needs to be certain criteria set, to
ensure that there is an equitable distribution of rental stock to everybody.

1060 Now, if the housing stock is limited and a *child* – because the allocation really is made in
respect of the child and not the parent; it is just that the parent will take the consequence of the
room allocated to that child – if a child lives with one particular parent, for the majority of the
time and will have contact with the other parent from time to time, say one night, two nights a
week – then, in the context of the limited housing stock available, that is the rationale for this
policy. That is the base line, Mr Speaker.

1065 However, having said that, there are always exceptions and avenues, where individual cases,
which may be outside of the norm, are also considered, because we do have these social avenue
or the medical avenue, which are open to people who necessarily may need to make different
applications.

1070 The hon. Gentleman said that it is difficult for someone who is allocated a studio and then
has three or four children, for them to have contact. First of all, there are very few properties
which are studios, the majority of them will be ... Actually, there are more 2RKBs, which is
actually a one-bedroom than there are 1RKBs which is a studio, so it is very, very rare for people
to have a studio; we are talking about a 1RKB. And 1RKB, in terms of dimensions, is actually
quite big and does allow for partitions, but if there is a case, a situation, where there is
1075 significant contact and the parent has a lot of children and there can be justification, then in
cases like that, they will be considered by the committee and a view may be taken.

1080 But certainly, if someone has a child and that child lives with their mother five days a week, if
the Government were to be providing a bedroom for every child whose parents are separated,
then we would have to double the housing stock that we provide because we are providing
double for that child.

1085 The view that is taken, by the Housing Department and has historically been taken by the
Housing Department, as the hon. Gentleman says, is of course in the context of the limited stock
and but it is also consistent with the view that is taken by the courts when it is necessary for the
court to take a decision. It is generally that the child lives with one parent and it is the view of
the court, where the policy is then followed through by the Housing Department.

1090 **Hon. E J Phillips:** I just have one further question in relation to that, and I know that my
learned and hon. Friend has experience with, for example, parental alienation syndrome, which
is often the cause of separation and what happens when the children stay with their mother and
there has been refused access and it goes to court and there is a dispute. But I think it is right

that the hon. Member should have an eye of that, because the number of instances of that occurring now, and men coming up to me and speaking to me about the lack of access, the lack of opportunity to spend time with their children and the effects thereafter on those children that cannot re-engage with their father, I think it is a really, really important fact. I think we should be looking at ways in which we can alleviate that problem by increasing the opportunities available to men, in those situations, to have further contact with their children, and overnight access.

I know the hon. Member knows about this and I appreciate that it is a balancing exercise insofar as the housing stock is concerned, but we may be dealing in the future with a generation of young children without proper access to their fathers and serious issues of parental alienation syndrome, which I know the hon. Member is aware of, through her practice in the law.

Hon. Miss S J Sacramento: Yes Mr Speaker, and it is precisely because of my practice and my experience in a former life, that I have simplified the procedure to help cases where it is possible, but as I said, we have to live in the position where we have limited stock and if the stock is limited there is only so much that we can do. So it is all the constraints in relation to the housing stock.

It may be, Mr Speaker, that in the next few years and because everything is fluid, Mr Speaker, so in the next few years when we complete the new affordable housing that we will be constructing, because the housing stock availability changes, that the demands on the stock change and it may lead to a result ... it may result in a change in policy.

Of course, Mr Speaker, when I am looking at my Department, I deal with the immediate issues and I am looking at medium-term planning and at long-term planning because this issue precisely will probably only get worse, because that is a reflection of society going forward. They are things that I need to bear in mind in terms of my long term planning. Insofar as my immediate situation, I am constrained by the stock that is available to me.

Q607/2016
Drug addiction issues –
Migrating Government responsibilities

Clerk: Question 607, the Hon. Ms M D Hassan Nahon.

The Hon. Ms M D Hassan Nahon: Does the Government not think it is time to migrate drug addiction issues from the Social Services Ministry to the Health Ministry?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): No.

Hon. Ms M D Hassan Nahon: Mr Speaker, I noticed from a press release in today's *Chronicle*, an Inter-Ministerial Committee to take up work of studying possible changes to drugs policy in Gibraltar. Can I ask how often will this team be meeting?

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, I am going to be the chairman of that Committee and I wanted to meet with regularity. The hon. Lady knows I want to do much of this work myself, but as I said in the context of the statement I made to the House last week on the reshuffle, it is not going to be possible for me to take the portfolio, but I want to stay involved with those issues and the Committee will also have the Hon. Minister for Care on it as well.

1135 So we meet every Monday, but as a Committee, we will probably meet once a month, I imagine.

Hon. Ms M D Hassan Nahon: What major changes will be on the agenda and what is the timeline expected in the delivery of any changes?

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Hon. Chief Minister: Mr Speaker, I think it is a question the hon. Lady might wish to ask us after we have met for the first time. I could share ideas with her here etc., but I do not think that Question Time is for that sort of discussion.

1145 I am quite happy to also have a discussion with her on any ideas she may have and if she wants to come to the Committee on a particular day and give us her views of things that we might be prepared to consider with her, which may be relevant of course, we would be happy to do so, or to write to me with those ideas, I am quite happy to consider anything which could be of assistance to the community in this respect.

1150 **Hon. Ms M D Hassan Nahon:** If I can just track back to the original question, I just wanted to ask: the World Health Organisation talks about drug addiction issues being a health issue. It is considered a mental, psychosocial and physical illness and there is plenty of evidence from the WHO to suggest this.

1155 So when the hon. Lady said, no, is it something that will not be moved at all, or will they not consider this evidence from the WHO and perhaps think about the possibility of migrating such an issue to Health?

1160 **Hon. Chief Minister:** Mr Speaker, I know she is asking the hon. Lady but the distribution of portfolios is down to the Chief Minister and I have determined that it should not be included in the amalgamation. The initial amalgamation at least of areas related to Care, which is now the responsibility of Mr Costa, who is dealing with all of the areas of Care, but not with drugs, although he is going to be involved in the Inter-Ministerial Committee.

1165 I am persuaded that the Health Services have a role to play. That is why I have created the Inter-Ministerial Committee, and the Minister for Care will be part of that Inter-Ministerial Committee. I am not persuaded that there should not be a separate ministerial responsibility to deal with these aspects – or the many connected aspects of issues that are related to the abuse of drugs – and that, at the moment, is not going to be something that changes. Look, it could be that the result of the work that we do together; it appears that there is more work to be done in respect to the control of the abuse of drugs and its misuse and their misuse, from the Health point of view, than from the Justice point of view or the independent portfolio point of view, but
1170 at the moment, this is a determination made a week ago.

Q608/2016
Drugs detoxification –
Ocean Views and Bruce's Farm

Clerk: Question 608, the Hon. Ms M D Hassan Nahon.

1175 **Hon. Ms M D Hassan Nahon:** Would the Government agree that detoxification of drugs should be stopped being undertaken at Ocean Views and carried out in Bruce's Farm?

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

1180 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** No, Mr Speaker.

1185 **Hon. Ms M D Hassan Nahon:** Mr Speaker, from many of my conversations with many ex-drug addicts and their families, it normally takes weeks for a transfer between these two places and there is a lot of time lost in a system that at present is not cohesive and what is needed is a system that encourages the addict to get treated immediately, instead of wasting time in an environment which is not bespoke to the needs of the addict, only to have to face a new challenge weeks later, when they have lost much time.

1190 In light of this, is there anything that the Minister would consider in terms of changing the process?

1195 **Hon. Miss S J Sacramento:** Mr Speaker. There are different issues here. The issue of the question being asked is whether detoxification should take place at Bruce's Farm instead of at Ocean Views. Mr Speaker, detoxification from drugs, from someone who is a drug abuser, is a very serious matter and needs to be done and undertaken in a safe, clinical setting, such as Ocean Views. Bruce's Farm is not a clinical setting; it is a rehabilitation facility, which is more of a social therapeutic setting. What we cannot have is a structure that provides for one thing, providing a service which is complex and medical, and which is provided by the Government elsewhere, particularly given that Bruce's Farm is up the Rock.

1200 Imagine if someone is being detoxed, even if we had the structure and the staff – which of course in Bruce's Farm, the staffing there is related to the service that is provided ... It is not a clinical service, it is not a hospital, it is not a nursing facility. It is a rehabilitation centre – a *therapeutic* rehabilitation centre, because there are different types of rehabilitation centres.

1205 In fact, I have visited various rehabilitation centres and in none of those rehabilitation centres is the detox facility part of the rehabilitation facility. They have two separate functions.

1210 But let's imagine for the moment that we were to have the infrastructure, the nursing and the medical supervision that we have in Ocean Views, up at Bruce's Farm. Can you imagine, Mr Speaker, if we were to have an emergency at the Bruce's Farm, having to transfer that person to hospital in the middle of the night from the Upper Rock? We would have to get the ambulance up there and then the ambulance back down.

1215 The reason why it is not done, Mr Speaker, is because detox is complex, there can be people who have multiple addictions. They can be addicted to more than one substance: usually it is to drugs and to alcohol together which makes detox more complicated and it is therefore important that we have it in a setting that has the adequate clinical supervision to ensure that detoxification is undertaken safely for the person.

1220 **Hon. Ms M D Hassan Nahon:** In that case, is the Minister therefore satisfied, at least at present, Ocean Views is the apt place to cater for the detox process, or does she believe that more can be done at Bruce's Farm to provide a better and more bespoke environment for the detoxification process?

Hon. Miss S J Sacramento: Mr Speaker, I believe that detox needs to be kept separate and needs to be provided in a medical facility with clinical supervision, and Bruce's Farm is not that facility.

1225 **Hon. E J Phillips:** Mr Speaker, with your leave, I do have a question that straddles both 607 and 60 ... and with your leave ... very shortly. Thank you.

Chief Minister (Hon. F R Picardo): Mr Speaker, would the hon. Gentleman just give way for a moment?

1230 I am starting to run perilously late for a meeting. Can I therefore propose that the House now adjourn – and perhaps we take that supplementary tomorrow, if it is convenient for the hon. Gentleman – to 2 p.m. tomorrow afternoon?

Mr Speaker: The House will now adjourn to tomorrow afternoon at 2 p.m.

1235

The House adjourned at 5.19 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.09 p.m. – 6.03 p.m.

Gibraltar, Thursday, 27th October 2016

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The Gibraltar Parliament

The Parliament met at 3.09 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

TOURISM, HOUSING, EQUALITY AND SOCIAL SERVICES

Q607-608/2016

Drug addiction and rehabilitation – Further supplementary questions

Mr Speaker: There was a supplementary that was left pending yesterday evening.
The Hon. Elliott Phillips.

5 **Hon. E J Phillips:** I am grateful, Mr Speaker.

Yesterday, in response to Questions 607 and 608, there was some discussion about the Inter-Ministerial Committee that had been established, that I think the Chief Minister referred to a week ago in respect of drugs and that important issue.

10 One of my concerns about that response was that the Government had established on 26th June 2013 an Inter-Ministerial Committee in relation to drugs and rehabilitation; what I would like to know is what progress has been made in relation to that Committee? It has now been reconstituted with different Members – the former Minister for Justice is now out, as we know – but what were the terms of reference for that Committee in 2013 and how have they changed now, some three years later, and what progress has been made with that Committee?

15 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):**
Mr Speaker, the hon. Member is absolutely right, I did set up an Inter-Ministerial Committee in 2013 to review the matter of drugs in Gibraltar. If the hon. Gentleman, as I am sure, has read the press release relating to that, he will see that the result of the Inter-Ministerial Committee was to form a Drug Strategy Committee. In fact the members of the Strategy Committee are listed in that press release, and the result is that the Committee was born from the Inter-Ministerial Committee, and the Drug Strategy Committee is one that was working and working very well since 2013, and one that will continue.

20 Now that I am once again the Minister responsible for drugs, it may be that ... The new Inter-Ministerial Committee, I am sure will continue the work. It may be that the first Inter-Ministerial Committee will really continue as the new Inter-Ministerial Committee. It is the same Ministers wearing different hats.

25 Well, obviously the first one was not chaired by the Chief Minister, and it is important that the Chief Minister chairs the new Inter-Ministerial Committee. There were other Ministers in my original Inter-Ministerial Committee, but I am sure that they will be called upon when the
30

relevant issues to those portfolios arise. But it is about the work that flows from the Inter-Ministerial Committees because of course the Ministers at that level set the policy. The policy was that we develop a strategy, and it is the work of the Strategy Committee really that will give us the overall product that we want.

35

Hon. E J Phillips: I am grateful for the answer to that question.

I think that the hon. learned Member will understand what I am getting at and that this is a Government that has established a Committee to establish a sub-committee, effectively, that is dealing on the ground with it and then, once a reshuffle happens, develops another Committee to do something else.

40

Frankly, we would like to know what the results of the Drugs Strategy Committee are and what has been happening on the ground, because I think this side of the House and members of the Committee could care less really about the constant establishment of committees on committees, on committees, but really want to know what is happening in relation to the Government's policy in relation to drugs, and what efforts are being made and what conclusions are being drawn from that Committee.

45

I take the point that the Chief Minister clearly has an interest in drug rehabilitation and drugs and the strategy moving forward, and I commend him for that. I also commend him for suggesting that he does not have, really, the time to deal with it because he is dealing with bigger issues such as Brexit; but, look, we need to know in this House how this Drug Strategy Committee is moving forward, what decisions are being made, how they are tackling drugs in our streets, and crime relating to it. I would appreciate a little bit more information about how the Government intends to pursue its policies in relation to drugs moving forward.

50

55

Hon. Miss S J Sacramento: Well, Mr Speaker, I can say that I am absolutely delighted to be the Minister with the constitutional responsibility for drugs, as from last Thursday. I have been the Minister with responsibility for drugs for approximately two years and I cannot wait for next week where I have already convened a meeting of my new drugs team to make sure that we progress everything in relation to drugs as much as possible as much as we can.

60

Hon. Ms M D Hassan Nahon: Excuse me, we still have not had an answer on what has been achieved in the last ministerial committees and pre-committees until today. What can we see that is palpable? Can you give us any information on what actually has been achieved in these committees?

65

Hon. Miss S J Sacramento: Mr Speaker, a lot has been achieved by having a focus on drugs in the last five years. We have developed policies and what is the most important thing, particularly in relation to drugs, given that it straddles so many Departments and so many areas in life, is that I think the most important thing to come out of it is the fact that we are now working in an inter-departmental and inter-agency way as has never been seen before because we have the most relevant Departments working together, because we have the Police working with the Social Services, with the drugs rehabilitation facilities, with Education, with Justice and all the different spheres.

70

What we have achieved through the Committee is two things: one is that we are looking at each Department individually to see how each Department can improve the way that it deals with the drugs problem in Gibraltar and then what we have been doing is working together to see how, together, we can improve the way that we work together in relation to the drugs problem in Gibraltar. So what we look at is improving each individual Department, so each individual Department will see how it can restructure itself and do things better.

75

80

Speaking from my experience in the facilities that I have been responsible for up to date, which is of course Bruce's Farm, Drug Awareness and Drug Rehabilitation in the Community, looking for tangible pointers and evidence as to the improvement, we can see that our

85 occupancy levels at Bruce's Farm are up. I have said in this House before that Bruce's Farm
occupancy levels were at an all-time low in 2011, and they have now been extremely high – in
fact at the point where a couple of months ago I was called and I was told, 'Minister, we have a
problem. Bruce's Farm is full.' So I said, I am delighted to have this problem because it means
that the Strategy is working and that we are getting people with a drug problem into the rehab
facility where they ought to be.

90 Just because a rehabilitation facility is empty does not mean there is not a drug problem in
Gibraltar. A drug problem exists in Gibraltar as it exists everywhere in the world and what our
duty to do as a Government is of course to reduce the problem. But there are people who are
victims of addiction, because no addict wants to be an addict, so we have to make sure that we
are there to support the addict, try to help the addict from become free of the addiction and of
course be there to support their families as well, and do as much as possible in terms of
95 awareness to hopefully make sure that people do not fall into the problem of addiction –
whether it is through drugs, alcohol or other addictions – and by working together, of course our
aim is to tackle the drugs problem in Gibraltar. It is not a simple thing to do; it is not something
that we can do overnight and while we aspire to not having a drugs problem in Gibraltar, it is
something that we need to be constantly aware of and constantly working with all the relevant
100 sectors, to do as much as we can to prevent it and to support people who have the problem.

Hon. E J Phillips: Mr Speaker, just to follow up – (*Interjections by Hon. Miss S J Sacramento
and Hon. Chief Minister*)

105 I did not know the Chief Minister had a preference on who speaks first; I thought it was Mr
Speaker. I am on my feet. Mr Speaker, I am on my feet. (*Interjections*)

Mr Speaker: Order!

110 **Hon. Ms M D Hassan Nahon:** It was because it was my question.

Hon. E J Phillips: It is a supplementary on a supplementary on a supplementary.

Mr Speaker: Order. The Hon. Elliot Phillips.

115 **Hon. E J Phillips:** I am grateful.

I thank the Minister for her response but it seems to be a lot of air and not a lot of action in
respect to the policy on drugs. (*Banging on desks*) There is not one answer to the question.

120 My hon. Friend, Ms Hassan Nahon has asked the question: what specific areas and tangible
benefits have arisen out of the Drug Strategy Committee? There is nothing. There is clearly no
strategy by this Government in relation to drugs, apart from establishing committee upon
committee.

I am grateful the Chief Minister has the time to concentrate on this area and now say that he
actually cannot concentrate on it and therefore it has to go back to Miss Sacramento, the
Minister for drugs, but what action has been taken by this Government in the last five years?

125 People are entitled to know this information. We have a drugs problem on our streets and
this Government is failing to deal with it.

Mr Speaker: You have asked a supplementary: what action has been taken in the last five
years?

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Chief Minister (Hon. F R Picardo): Mr Speaker, I am surprised that the hon. Gentleman is not
going to be, in this House, somebody that we can regard as somebody who is going to allow, for
example, the hon. Lady to continue dealing with her supplementaries as she allowed him to

135 finish his line of supplementary questioning before she got up – because I think all that is going to happen is that it is all going to get very mixed up.

We have just had a Member for the GSD get up and follow up a question of the independent Member in respect of the information that has been provided to her. I do not think that is helpful, but if the hon. Gentleman simply wants to jump like a nervous jack-in-the-box to be the first one to answer or to ask a further supplementary, it is a matter entirely for him, but I commend to him a more measured way of pursuing questioning. He might not then find that he has to ask to once again put to a witness something that he should have put earlier – but anyway.

145 Mr Speaker, in terms of the question that the hon. Gentleman has now asked and the question that the hon. Lady asked, the Minister is giving the information. It is just that they do not like to hear it, Mr Speaker. Is having Bruce's Farm empty an indication that there is no drug problem in Gibraltar? Look, Mr Speaker, I think objectively anybody will accept that that is not the case. It is a question of rehabilitation having not had the support it should have, and that is why Bruce's Farm was empty.

150 Or is it that the hon. Gentleman is going to make the case that on 9th December 2011 Gibraltar did not have a drug problem?

He might, because there are two ways for governments to deal with the issue of drugs. The first, which is actually commended to governments around the world by public relations officers for governments, is to say, 'Well, look we do not recognise that we have much of a drug problem. Some people are caught with drugs but Gibraltar does not have a drug problem.' That is one way of dealing with the issue of drugs.

The other way to deal with it, which is harder but is in my view absolutely the right way to deal with it, is to say, 'Gibraltar, like every other state in the world' – and the hon. Lady has put it better than I can – 'has a drug problem and we are trying to deal with it.' The first way to do that is to acknowledge the existence of a problem.

160 The hon. Member should go back and try and find in *Hansard* a moment when the former administration got up and did that. They never did. Certainly not in the time that I was here. So step 1 in dealing with the problem: acknowledge that you have it. That is the first thing that we are doing in respect of this matter.

165 Step 2: deal with the obvious parts of the problem – i.e. those who have been convicted in respect of the possession or misuse of drugs and those who have got an addiction problem that they want to see dealt with. In relation to the second, the issue of Bruce's Farm is one on which Mr Corby led, and in relation to which Mr Joe Caruana, with Camp Emanuel, had been dealing before when the former administration was not prepared to assist. But look, the former administration dealt with it when it created Bruce's Farm.

170 When Mr Corby leaves Government, Bruce's Farm is ignored for many years. So what have we done, tangibly in respect of the issue of drugs? Once again ensured that Bruce's Farm is available to deal with those who have an addiction problem.

175 The best possible commendation of what this Government is doing, which is not 'air', Mr Speaker, is the work that Steven Linares and Samantha Sacramento have done in respect of ensuring that Bruce's Farm is available to be used, and people who go through the system say thank you for making Bruce's Farm available once again, because it was falling into disuse because the resources were not there before 9th December 2011, although it had been the creation of a GSD Minister.

180 The other issue, which is the issue of dealing with those who have offended: does the hon. Member not know that we put great emphasis in respect of the rehabilitation of offenders?

Mr Speaker, do you want to say something?

Mr Speaker: Yes. I would like you to bring your answer to a conclusion, because I have a comment to make.

185

Hon. Chief Minister: Mr Speaker, I am quite happy to –

Mr Speaker: I will allow you to ...

190 **Hon. Chief Minister:** So, dealing with the rehabilitation of offenders who have been
convicted of the misuse of drugs in a more effective way; dealing with those who are addicted in
a more effective way; creating an Inter-Ministerial Committee, which was something that was
already working before the reshuffle and the new Committee that I have created, where I will
continue to be involved in that way rather than the way that I wanted to be directly involved.
195 Well, Mr Speaker, if the hon. Gentleman wants to pretend that that is ‘air’, well look, he had
better explain to us what it is that he breathes. Because what we have done in respect of dealing
with people with a drug problem is *certainly not* air.

Mr Speaker: From a simple supplementary question, we are now, as is very often the case,
200 having a debate on the general drugs problem. And it all arises from two questions: 607, ‘does
the Government think it is time to migrate drug addiction issues from the Social Services
Ministry to the Health Ministry?’; 608, ‘would the Government agree that detoxification of drugs
should stop being undertaken at Ocean Views and carried out at Bruce’s Farm?’ Two fairly
specific questions, and now we begin to have a debate on the drugs problems generally.

205 A very important issue for Gibraltar, and I invite Members, if they so wish, to bring a motion
to Parliament and debate the drugs problem in a general sense, and then you have every right to
ask the Government to explain what they have been doing for the last five years.

Hon. E J Phillips: Mr Speaker, I am grateful for that intervention, because I think that is right.
210 Our supplementary question was in relation to the Inter-Ministerial Committee that was
established by the Government and what developed from that was: what tangible benefits have
been derived from that Committee, which I think is a natural logical conclusion to these
questions.

215 But I take the point that the Chief Minister’s response has now gone into swings and
roundabouts about their policy – but there we go.

Mr Speaker: What develops from that is a general debate and of course, the usual practice
that a supplementary becomes a pretext for a debate.

TRANSPORT, TRAFFIC AND TECHNICAL SERVICES

Q652/2016

Taxi fares –

Increase in unit rate

220 **Clerk:** We now move to Question 652, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can Government say on what basis the decision was made
to increase the unit rate for taxi fares from 20p to 30p for journeys under eight miles?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the
increase arose as a result of a request originating from the Gibraltar Taxi Association.

230 **Hon. T N Hammond:** Mr Speaker, I take it from that answer that the Government found an increase to the fare of 50% was a reasonable increase. Could the Minister tell me when the previous increase might have occurred, if he has that information available?

235 **Hon. P J Balban:** Mr Speaker, the previous increase occurred sometime in 2013, and it was felt reasonable, that an increase from 20p to 30p for these journeys, at the time that we decided to go ahead with it.

240 **Hon. T N Hammond:** Mr Speaker, bearing in mind the general rise in cost of living from 2013 to the present day is nothing like 50%, on what basis did the Minister consider that to be a reasonable increase in fares?

245 **Hon. P J Balban:** Mr Speaker, we did not feel that the actual percentage increase was relevant. It was just an increase of 10p. If we had gone up from, say, £1,000 to £1,500 then you would say, well, it is quite a significant difference in money; but when we are talking of 20p to 30p, we are talking about 10 pence. It did not come across at that moment in time as a huge increase.

250 **Hon. T N Hammond:** Mr Speaker, I have to disagree with the Minister in terms of it not being a significant increase, because it is a 50% increase, and well above inflation, and certainly pensioners for instance with their pensions, would love to receive a 50% increase, but certainly have not done so over the same period.

Was there any requirement in terms of service delivery imposed on the Gibraltar Taxi Association in order to implement this increase?

255 **Hon. P J Balban:** Mr Speaker, the service provided by the Taxi Association is a metered service, so they have to be actually there to be able to gain the benefit of that increase. That is the reply.

260 **Hon. T N Hammond:** Mr Speaker, what I am referring to: is there any requirement imposed in terms of the availability or improvements to the taxi service? We know the city service is frequently criticised. Was there any discussion between the GTA and the Government in terms of service delivery improvements, or any metrics in that regard for this increase?

265 **Hon. P J Balban:** Mr Speaker, the only way (*Interjection by Hon. Chief Minister*) that a taxi driver can actually gain the increase, as the hon. Gentleman has mentioned, is if they are there actually giving the service, so it is an incentive and so right for taxi drivers to be there, working, to be able to benefit from that 10p increase. If they are not there, they do not get the increase. So it is an incentive for them to work.

Q653-655/2016

Company enforcing parking regulations – Government arrangements

270 **Clerk:** Question 653, the Hon. T N Hammond.

275 **Hon. T N Hammond:** Mr Speaker, can Government say whether any Government or Government-owned company assets were transferred to the company now enforcing parking regulations and if so, whether there was any consideration paid for these assets?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 654 and 655.

280

Clerk: Question 654, the Hon. T N Hammond.

Hon. T N Hammond: Can Government say what arrangements are in place between themselves and the company now contracted to enforce parking regulations with respect of collection of fines imposed by that company?

285

Clerk: Question 655, the Hon. T N Hammond.

Hon. T N Hammond: Can Government say whether it has imposed any quotas with respect to parking fines on the company now responsible for enforcing parking regulations?

290

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, in answer to Question 653, Gibraltar Car Parks Ltd (GCPL) has provided the company with the equipment for the period of the term of the contract and on a loaned basis. On termination of the contract, the company has an obligation under the contract to return to GCPL all such non-consumable items of equipment.

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There was no consideration paid.

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During normal working counter hours for Government, members of the public who are fined pay at the offices of Gibraltar Car Parks Ltd.

Payments received by the PMOs are handed in to Gibraltar Car Parks Ltd the following working day and processed accordingly.

And finally, in answer to Question 655, no quotas are imposed on the company.

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Hon. T N Hammond: Just coming back to Question 653, Mr Speaker, I understand then that the equipment has been loaned to the company. Is the Minister aware of what the length of the contract to that company is?

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Hon. P J Balban: Mr Speaker, the length of the contract is five years, I believe.

Hon. T N Hammond: So presumably, Mr Speaker, there is effectively a cost to the Taxpayer in terms of the depreciation of the assets, because over five years, if it is a vehicle, for instance, clearly it will be five years older and worth less. Is it correct to say that there is certainly no contribution on the part of the company in terms of depreciation of the assets that they have been loaned for free?

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Hon. P J Balban: Mr Speaker, in answer to the question, yes, clearly the goods will depreciate, but no different rate than they would have, had they remained with the company. They are being used by the new company, so the depreciation is the same. The arrangements are exactly the same arrangements as that agreed by the previous administration with Master Services cleaning, so I do not see how there is any problem with the way things have been done.

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Hon. T N Hammond: Mr Speaker, just for the record, I have not said there is a problem. I am just trying to establish the process by which the arrangements have been made with that company. The Minister seems to have become somewhat defensive on that issue, but he has clarified the point and I am grateful for that.

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Mr Speaker: The Hon. Roy Clinton.

330 **Hon. R M Clinton:** Mr Speaker, as in any commercial contract, I imagine there will be some incentive involved for the company. Could the Minister advise the House if the company get any share or some kind of percentage of the fines raised?

335 **Hon. P J Balban:** Mr Speaker, that was exactly the question that was asked by the hon. Gentleman: whether there was any incentive to fine. The reply to that question was no.

They get agreed amounts of money for the contract and the services they provide, and that is their incentive: what they get paid.

Q656/2016
Clamping of vehicles –
Monthly figures since 2015

Clerk: Question 656, the Hon. T N Hammond.

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Hon. T N Hammond: Mr Speaker, can Government say how many clamps in order to disable vehicles have been placed, by month, since January 2015?

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

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Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Gentleman is as follows: January 2015, one; February 2015, zero; March 2015, one; April 2015, zero; May 2015, one ; June 2015, one; July 2015, five; August 2015, one; September and October 2015, both zero; November 2015, one; December 2015, all the way to August 2016, zero; September 2016, 341.

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Hon. T N Hammond: Mr Speaker, can the Minister explain why the sudden and very dramatic increase in clamping of vehicles has occurred and is this now Government policy to enforce parking through a clamping policy?

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Hon. P J Balban: Mr Speaker, the law provides for the clamping of vehicles. Remember one thing must be noted, that the clamping of vehicles is done strictly to vehicles who would otherwise get that fine from the windows, screw it up in a ball and throw it away in the bin and not come back into Gibraltar, for example.

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The reason why there are so many clamps, is the only way that we can ensure that an offending vehicle which is not locally registered can pay their dues like any other person. So it is actually a matter of equality.

Hon. T N Hammond: So the Minister is saying there has been a change of policy and the intention is now going forward.

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Presumably there has been a change of policy, because from January 2015 to August 2016, there were fewer than 10 vehicles clamped, and then in September there were 341 vehicles clamped. So I presume that the Government's policy on enforcing of parking or the enforcement of parking measures has changed and it is now the intention to impose and use clamps as a means to enforce illegal parking.

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Hon. P J Balban: Mr Speaker, it is not a new policy. It has always been there – the facilities have always been there. Cars can be clamped or towed away, depending on the circumstances. It is just that local cars are not clamped or towed away. There is an FPN, as we call it, a fixed penalty notice is affixed to their window. It is only the vehicles that cannot or we suspect do not have to come back to pay this fine: it is the only method that we have to be able to ensure that they pay. This is also the case in every other country.

Hon. T N Hammond: Just coming back on one thing that the Minister said, is it the case, then, that of those 341 vehicles not a single local vehicle has been clamped?

Hon. P J Balban: Mr Speaker, no, that is not correct. Well, yes ... as far as I am aware, and I would have to come back to him, because obviously that is a very specific question which I would need to ask you to give notice to, or I can provide an answer at another time. I am of the opinion that – it is my understanding that – the clamps have probably all been issued to vehicles that are not local.

Now, tow-aways are a different story, because there could be a vehicle which is causing obstruction, and regardless of where the origin of that vehicle is, then that vehicle needs to be removed.

Hon. T N Hammond: Mr Speaker, I can inform the Minister that local vehicles have certainly been clamped, because I have been approached by many people who have been clamped in this way, particularly in Grand Parade, as it happens, and are actually finding it quite difficult at the moment, if they live in, for instance, Alameda Estate, to find parking, because they are actually terrified of being slightly off the white line and parked. So I can inform the Minister that certainly, of that 341, at least a proportion – I cannot say how large a proportion – has been clamped.

Hon. P J Balban: I have not heard any question coming from that, it has just been a statement. But I will find out. I thank the hon. Gentleman for that information. Again, I am of the understanding that is not the case because we have fixed penalty notices, but again I will find out and revert if necessary.

Hon. R M Clinton: Mr Speaker, I would be grateful if the Minister could clarify for me, what is the difference in the fine level between a fixed penalty notice and a clamping fine? And, does the clamping fine accrue to the Government or Gibraltar Car Parks, or does that go to the company which is doing the clamping?

Hon. P J Balban: Mr Speaker, there is absolutely no difference in the fine between a clamp and a fixed penalty notice. It is just the mechanism that we have to ensure the fine is paid. So, if it is a fixed penalty notice we give the person adequate time to go and pay, and the clamp is just a method that we can ensure that same payment. But there is not an increase in payment in that respect.

And, no, the hon. Member is asking the same question but from a different angle and I have already said that there is no incentive to the company apart from what the agreed sum is per contract for them to clamp more vehicles, or tow away more vehicles or fine more vehicles. I think I have adequately answered that from every angle now.

Hon. L F Llamas: Mr Speaker, I have got a supplementary to do with looking at this from the tourist angle.

Obviously the majority of these vehicles are coming from abroad and it is right that they have to respect where they should be parking. However, recently, only two weeks ago I saw a foreign registered car being clamped in the residential area of Alameda Estate and the person who was

clamping was not even aware that there is no such thing as a residential scheme and in Humphreys are yet to be implemented, and obviously nobody has an updated disc because it has not been renewed in quite some time.

Is the Government aware that this is an issue which has to be raised with the company in order to ensure that people are not unfairly clamped?

Hon. P J Balban: Mr Speaker, the hon. Gentleman is stating ... well, I assume that he is clear on what he is saying. *(Interjections)* Well, I will inform the hon. Member that there is no such residential scheme in the Alameda Estate, so that is not the case.

Now, where there have been clamps is when there has been a cleaning operation that has taken place and I am not sure of the days, but one time it is the north side, then it is the south side and car owners who fail to recognise that are clamped. So, if someone has been clamped that does not sound right because there is no residential scheme – *(Interjections)*

Mr Speaker, the hon. Member mentions the word ‘fear’, the fear of people regarding being clamped. It depends on which side you are on. If you are looking for a parking space and you are trying to find – as has everyone who has tried to find a car-parking space – this scheme of street-cleaning, not only does it do what the word states, which is clean the area, but it also serves a very, very important secondary function, and that is to allow for the circulation of vehicles. As we all know people, unfortunately, leave vehicles parked for weeks on end, if not months on end if there is no such scheme in place and, in effect, what they are doing is just taking a parking away from other potential users.

So, really, I think it is just a question of respect and these cleaning campaigns help not only to clean places, but for drivers to be respectful of others who may also wish to use those parking spaces. When parking enforcement was lower, people were saying it is not fair because they are not being targeted enough; and now, when it is better, it is not fair because it is too much. Whichever side you look at it, you are damned if you do and damned if you don’t.

I think this is a fair system, it ensures that indiscriminate owners who park their vehicles illegally at the expense of others are reprimanded in that respect.

Hon. L F Llamas: Yes, but my question specifically deals with the fact of a car which was parked and it had nothing to do with the cleaning and, when explained to the company employee, he actually did remove the clamp. I am asking Government if they can please ensure that this does not occur because it gives rise to tourists –

A Member: Put some signs up!

Hon. L F Llamas: – being clamped unfairly when they should not have been. That is the question I want to ask.

Hon. P J Balban: Mr Speaker, the hon. Gentleman is speaking completely about one case in question. If that is the case, there are mechanisms where the person can appeal that.

Mr Speaker: There is no need for an appeal, it was removed.

Hon. P J Balban: Oh, it was removed? Ah, right. *(Interjections)*

Hon. L F Llamas: It was removed because I happened to be there and tell the company employee that he could not clamp it because there was no such scheme in Alameda; and, obviously, the tourist would be none the wiser to be able to appeal if he had found the clamp.

So what I am talking about is the mechanism from Government’s point of view needs to be addressed with the company to ensure that tourist cars are not unfairly clamped when they should not be, and they are only clamped when they should be.

475 **Chief Minister (Hon. F R Picardo):** Mr Speaker, look, the Government of course seeks that the
company should only enforce the laws of Gibraltar and, if an over-zealous member of the
company thought he was doing something which was beyond the laws of Gibraltar, if that is the
case – because we are taking the hon. Member at his word – we will check with the company to
see on what occasion a person had a conversation with the hon. Gentleman who has become
480 the advocate of foreign drivers in Gibraltar. I hope he gets many votes from them, Mr Speaker!
(*Laughter*) The advocate of foreign drivers in Gibraltar will see what it is that he was advocating
on that day!

But look, a company that has a Government contract to enforce parking laws cannot enforce
laws that do not exist. But we will follow up with the company to determine what it was that
485 was happening in that particular case.

Hon. T N Hammond: Just coming back on the answer that the Hon. the Minister has given in
terms of whether it is a change of policy or not: am I correct in my inference that what is
happening is that the Government is trying to educate drivers? In that case it would imply to me
490 that there has been a change of policy and that we see better behaviours around parking, with
people not taking a parking space up for several weeks; in which case, it would seem to me that
local vehicles are being clamped because, clearly in order to enforce that policy of education on
our roads for local drivers, you would have to clamp local vehicles.

495 **Hon. P J Balban:** Mr Speaker, persons can be educated by being taught how to read signs and
obeying them, or by the placing of a fixed-penalty notice, or via clamping, or by towing away.
This is a process whereby we have to address it, and I think everyone will agree the dire situation
that is to do with parking. So, either we address it or we do not address it; and this is what we
are doing. (*Interjection*)

500 It is a dire situation of illegal parking, yes, everywhere in Gibraltar. Things are much, much
better now, but that is the issue we are trying to address.

Q657/2016
Right-hand drive vehicles –
Importation numbers

Clerk: Question 657, the Hon. T N Hammond.

505 **Hon. T N Hammond:** Can Government say how many right-hand drive vehicles have been
imported by month since January 2014?

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

510 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, the
Department has never kept statistics on right-hand drive vehicles registered in Gibraltar.

Hon. T N Hammond: Mr Speaker, I could be wrong on this but does not the logbook of the
vehicle indicate whether it is a left-hand drive or a right-hand drive vehicle?

515 **Hon. P J Balban:** Not that I am aware of, Mr Speaker, no. As I said these statistics have never
been kept in Gibraltar.

Q658/2016
Paving stones in Main Street –
Filling in the gaps

Clerk: Question 658, the Hon. E J Phillips.

520 **Hon. E J Phillips:** Mr Speaker, I ask this question on behalf of all the ladies that wear high heels in our community.

Can the Government confirm the position as regards the Government's commitment to filling in paving stones in Main Street?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, this was actually placed in our Manifesto directly as a result of our concerns for ladies who do wear high-heeled shoes, who were informing us and complaining of injuries sustained because of the works carried out to Main Street by the previous administration, that did not cater for their needs.

530 During the 2015-16 Financial Year, the Government filled the gaps between the paving stones at the northern end of Main Street from its junction between Cooperage Lane up to the junction with Engineer Lane, a length of approximately 100 metres.

535 During the current financial year a similar phase of works will be carried out to tackle those areas where open joints are causing a problem. The areas are currently being identified and works are earmarked to commence before the end of this year.

Hon. E J Phillips: Mr Speaker, I find that quite surprising, given the statement made by the Government on 8th May 2016 in which they confirmed that the phase should take place within five weeks to complete, in respect of filling in paving stone joints; and it was with much fanfare that the Government announced they would complete this process. And yet five months on there is no end in sight in relation to filling-in of paving stones.

540 Can the Government confirm what the hold-up is in relation to this matter, given the clear health and safety risks that have been referred to by the Government in relation to ladies' tripping over these paving stones? It is clear that the blame game continues with the GSLP blaming the GSD administration in relation to not filling them in in the first place.

545 But the question I would like to put to him is: why is it taking, when the initial estimate was five weeks and now we are five months on, is there still no progress? We have done 100 metres of Main Street and there is no end in sight.

550 Can the Government explain the delay in relation to that?

Chief Minister (Hon. F R Picardo): Mr Speaker, this is not a blame game; this is a reality check. This is a reality check that hon. Members are responsible for the works that caused this problem. It is a reality check that the hon. Member is getting up and acknowledging that there is a problem with a project that, previously, was a fanfare project for the GSD. This is a reality check that this side of the House is dealing with the problem. A reality check that we have started to deal with it, and a reality check that the works are going to be done in the context of the timetable that the hon. Gentleman has disclosed. That is what is happening, Mr Speaker.

555 Now, look, as a husband who suffers the beration of a wife who wears high heels, for not having yet sorted out the huge problem that the GSD created, I acknowledge that we have to complete this project and we will. Because they created the problem, which they have now accepted in the line of questioning that the hon. Gentleman has pursued, and we will finish fixing it, Mr Speaker. It is that simple.

565 I am sorry if the hon. Gentleman has ‘tripped up’ over policy on this one, but he should have seen it coming!

Hon. E J Phillips: Mr Speaker, I have one supplementary and I will give way then to my hon. Friend.

570 It just strikes me that you have a situation where the Government commit to doing something in five weeks, and five months later there is still no progress. They like to... It clearly is the blame game, Mr Speaker. But in their statement, and Mr Balban in his press release, said the following: ‘It gives me great satisfaction to announce the commencement of a paving repair programme as part of the Government’s continued commitments following extensive trials over
575 the last two years.’

How long is it going to take for this Government to solve the health and safety risks that are presented in relation to paving stones? It is two years of trials – *extensive* trials by the Government’s own admission – to now, and January is when we start filling in the gaps.

Mr Speaker, there is just no explanation for it.

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Hon. Chief Minister: I am delighted, Mr Speaker, to be able to join the dots for the hon. Gentleman.

He has just said something really quite remarkable and, as a result, I think the Government will have to consider how it acts in what was a flagship GSD project is actually a health and safety risk. When he goes back and reads his *Hansard* he will realise that he has now put the
585 Government on notice that the GSD’s project to put those paving stones in Main Street which, as we have had to hear from the GSD before, was a flagship project, is a health and safety risk to ladies.

So we will take that under advisement and we will consider how we deal with this magnificent admission from the GSD through the mouth of Mr Phillips, that this is a health and
590 safety risk.

The Government is dealing with a problem that we identified from opposition, and which we are fixing, which is not an easy problem to fix. You cannot just cement, because you sometimes need to undo these stones, they are not made to be cemented in, it is complex and there have
595 been delays and there have been alternatives considered. But look, Mr Speaker, we are on the verge of being able to resolve it. The hon. Gentleman has said so.

But the admission that this is a health and safety risk created by the hon. Members opposite, is one that I am very grateful for. I am genuinely grateful for the candour that the hon. Gentleman has brought to this House about the *abysmal* record of the former administration,
600 and we shall pursue that carefully to understand what other health and safety risks this may create for our community in general.

Hon. E J Phillips: Mr Speaker, if it is a health and safety risk as the learned Chief Minister says, why has it not been done before? It is going to take three years to fill paving stones.

605 My understanding is that the real issue for the Government here is the cost and actually removing each one of these blocks and cementing round it. That is the real issue, it is costing them too much and they cannot afford it!

Hon. Chief Minister: Mr Speaker, that is another demonstration of the nonsense that comes
610 out of the hon. Gentleman’s mouth.

If he thinks that the Government of Gibraltar cannot afford that somebody remove a brick, clean it and put it in cement, he has got to persuade the Hon. the Leader of the Opposition that we are not actually in the good financial state we are in, because the Leader of the Opposition has already said that we are never going to go bankrupt – something that I was grateful he had
615 realised.

But it is not the Government that believes that this is a health and safety risk. The Government believes it is an inconvenience in particular for those who wear high heels. It is that the hon. Gentleman has got up and said today something really quite impossible to believe. He has got up and said that this is a health and safety risk!

620 Now, nobody has ever said that before; he is the first person to say it. So in the context of him saying it we are going to go away and consider how we deal with it. Everybody just thought it was a nuisance and an inconvenience until he got up and said that the flagship GSD project of the repaving of Main Street has created a health and safety risk. We will look at that.

625 Until then we are the practical ones; we are the ones dealing with the problem. We identified the problem which they did not say existed. We are dealing with that problem and look, Mr Speaker, when there is a Government project that is not in their manifesto for 2011 or in their manifesto for 2015 ... so it is not as if it is something they had not identified before, but when we identified it they supported it. We are dealing with it; we are the ones pragmatically dealing with the problem.

630 We are not going to accept hon. Members coming here and become the timers of when we are doing it. We are doing it. We will deliver the result before the next general election, of something that we said was a problem. They did not say it was a problem, they said it was something magnificent. So there is going to be a bit of a reality check here. This is not just ding-dong, GSD-GSLP. This is not just politics. This is us delivering a real result on the ground –

635 literally – for those who find this an inconvenience.

He is the one who has raised it to the level of a health and safety risk.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I may, I have to declare I have an interest here because I tried to wear high heels (*Laughter*) in town and it is very inconvenient! Yesterday, alone, I was literally stuck in a little pothole – I had to drop my bag and get myself out of it. It is something that plagues us women who like to wear heels.

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Mr Speaker: And men if you watch the television, the adverts, there are a lot of men wearing high heels these days! (*Interjections*)

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Hon. Ms M D Hassan Nahon: Whatever goes, Mr Speaker, but everyone should be entitled to wear heels.

I mean, yesterday we passed a very important piece of legislation on equality and anybody who wants to wear heels, man or woman, should be entitled to and should be feeling safe enough to do so in Main Street.

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The point here is that we do not. And I, personally, from this little side of the House do not care about GSD/GSLP, it is irrelevant to me. I am a woman, I wear heels, I cannot wear them in Main Street and I want to know how soon these streets are going to be able to be fit for us women and men, or whoever, to wear heels, please?

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Mr Speaker: Last supplementary that I am allowing on the issue of stiletto heels.

Hon. Chief Minister: Well, Mr Speaker, the hon. Lady has to acknowledge that she is in this House because she fought a general election with the GSD.

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The GSD did the works that created the problem. The GSD did not recognise that there was a problem. The GSLP Liberals said this has created a problem, and started the process of fixing it and are continuing the process of fixing it. So I will take from her statements today, *commendation* of the GSLP Liberals that we identified where she glibly did not at the last election, a problem; *commendation* that we are the ones fixing it and commendation that we should do so as soon as possible. So I will thank her for the backhanded compliment.

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But I will remind her, Mr Speaker, that section 15 of the Constitution availed us both of a very useful argument in respect of the right to equality to marry; but I have yet to find in the

Constitution, in respect of any particular aspect of attire, a right to wear anything. I think, unfortunately, there is a requirement that we wear *something* but not a right to wear anything.

670 But, having been the party that identified this nuisance, which we do not think is a health and safety risk, as the hon. Gentleman has in his usual hyperbole elevated the matter, we will continue to be the ones to deal with it timelessly. And I thank the hon. Lady for recognising that we were the first to realise this, we have been the ones to deal with it and we will be the ones to finish dealing with it, so that anybody can wear whatever they like in Main Street within the rules of public morality.

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Q659/2016

**Temporary mini-roundabout –
Permanent replacement**

Clerk: Question 659, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm how long the temporary roundabout at the junction between Glacis Road and Bayside Road has been in operation and when a permanent roundabout will be put in place?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the temporary mini roundabout at the junction of Glacis Road and Bayside Road was launched as a pilot scheme in April 2015. It will remain in place until the Ocean Spa Plaza development is completed, at which time a permanent roundabout will be constructed and the road resurfaced. The completion of the development is estimated to be around January 2018.

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Hon. E J Phillips: Mr Speaker, with respect to the Minister, that is an incredibly long time. Glacis Road is, as you know, an artery for incoming traffic, particularly tourist traffic and I think it is important that reflects it. Is there something can be done to beautify, effectively, or to make it look more pleasing to the eye for our tourists who spend their money in our jurisdiction, so that one of our arteries can be brightened up?

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It just looks terrible to have that rather odd plastic roundabout on which the markings are still unclear for incoming tourists and residents alike.

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Hon. P J Balban: Mr Speaker, the roundabout is working tremendously well and it does not make any sense whatsoever for us to resurface the road at great expense to the taxpayer and build a roundabout which is clearly going to be destroyed because of the work vehicles.

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The only reason why we have not completed it, is not because we do not want to complete it – yes, plastic bricks are not ideal – but it is because the damage sustained by the contractors would mean that we would spend a lot of money in repairing and making it good now, and then we would have to do the same works again in the future.

So it does not make sense. The roundabout is working well and our Highways Engineers are always constantly on top of it because the lorries themselves create potholes. Most of the damage that we see appearing at the roundabout is as a direct result of the HGV heavy goods vehicles that use the roundabout, many of which access the construction site.

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Hon. E J Phillips: Mr Speaker, we have HGV vehicles travelling all over Gibraltar, particularly in different areas where there are building sites. (*Interjection*) But, look, this is an artery to

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Gibraltar, it is the front of house for our jurisdiction, for tourists and for residents and it just looks appalling, with the greatest respect to the Minister.

715 Surely something can be done, without great expense, to improve the quality of that roundabout so that people do not see Gibraltar just as a built-up area where construction is going on all the time? I think we really need to look at the aesthetics of the problem here.

Hon. P J Balban: Mr Speaker, on this side of the House we do not agree with that way forward. Our way of looking at it is that it is a roundabout that works tremendously well; it has
720 proved it is no longer a pilot roundabout in that respect. It is something that will stay.

It is a roundabout that gives a driver many different options to be able to turn left and right, where before every vehicle was shunted towards Waterport roundabout, creating many more traffic problems. So our plan is when the time is right and when the building construction is over, we will fix a roundabout at once and it will be fixed and be there to enjoy by drivers for a long
725 time.

We are not going to spend money now and then have to spend it again. I do not think that is prudent use of taxpayers' money.

Hon. E J Phillips: I think, with respect, there should be a reassessment of that position
730 because there is no left turn now into Bayside Road – that is blocked by the hoardings for the Ocean Village development. So there is no movement down Bayside Road, so therefore it makes pointless the purpose of having the continued pilot roundabout.

I have seen no traffic and I travel up that street every day, in fact, because I am going to watch my son train at 7 p.m. every evening, although I will not be there tonight. (*Interjection*)
735 Well, some reconsideration of that then, because aesthetically it looks bad and I think there is no traffic – that is my understanding and I have been going up there every day, as I said.

Hon. P J Balban: Mr Speaker, it is a great thing that I was a taxi-driver and I have driven through Gibraltar's streets and I know, and I take an active interest in our roads in Gibraltar. And
740 on many days I actually go up there and look at things for myself, because that is what I really enjoy doing.

I disagree with the proposal by the hon. Member that we might as well remove the roundabout until 2018, by which time we can replace it again; that would be totally wrong in my opinion. He is right in terms that you cannot go into Bayside Road, but lots of taxi drivers especially will use that to access Ocean Village gym, the Ocean Village Sunborn and the Ocean
745 Village complex to pick up clients. If they could not do that they would have to go all the way to Sundial Roundabout and come through Bayside Road to access the Sunborn and to access the gym. Many people, especially after bingo nights at 11 o'clock at night, I still recall, are picked up at that point and without that roundabout they could not do that.

750 Now, the other thing they have to take into consideration is that when you exit Bayside Road, before you had to go straight on to the Waterport Roundabout even if you were going to Four Corners or even if you were going to the East Side, you would turn left there as it avoids having to get into that traffic jam.

755 So I do not agree with the hon. Gentleman and what he has said. I think that it serves a very good purpose at the moment and so we will not remove the roundabout, and we will stick to our grounds and fix it once and for all in 2018.

Q660/2016
Gibraltar Taxi Association –
Service Agreement

Clerk: Question 660, the Hon. Ms N D Hassan Nahon.

760 **Hon. Ms M D Hassan Nahon:** Is the Government happy with the city service provided by the Gibraltar Taxi Association following the agreement signed in 2013?

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

765 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** No, Mr Speaker.

Hon. Ms M D Hassan Nahon: Would the Government concur with the Chamber of Commerce that it is, quote, 'giving a very damaging image of Gibraltar to visiting business people and tourists alike'?

770 **Hon. P J Balban:** Mr Speaker, objectively I think we would all agree that the taxi service is not perfect. Now, whether that it is causing a damaging effect to Gibraltar that is, I suppose, a matter of opinion and one that has been expressed by the Chamber of Commerce, and which they have a right to express.

775 I would be foolish to stand up and say the taxi service is perfect in Gibraltar because that is not correct. There are a lot of things that can be done to improve it and they, themselves, are the best advocates, and they are self-critical of their efforts and they are the ones who often propose solutions themselves as to how things can be improved.

780 That they are a long way from achieving that, perhaps so; but that they are damaging to Gibraltar, I do not agree.

Hon. Ms M D Hassan Nahon: Would the Government agree with the Chamber's suggestion then, that without competition the service will never improve? Or is the Government looking into the possibility of issuing new licences as a means of improving the service?

785 **Hon. P J Balban:** Mr Speaker, it is not the intention of this Government to offer new licences. I recall the Chamber of Commerce meeting before elections where the GSD in fact said that if they won the next election they would consider granting 50 more licences. But we have no intention of doing so; in fact the number of taxi licences in Gibraltar is perfectly adequate in our opinion.

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A Member: Mr Speaker –

Hon. Ms M N D Hassan Nahon: Mr Speaker, can I please finish?

795 If the Government is saying now that they are not looking into new licences and we are not talking about competition either, what kind of mechanisms does the Government have in order to improve the service?

What is the Government thinking as a means to improve the service?

800 **Hon. P J Balban:** Mr Speaker, there are a number of issues that affect the taxi service in Gibraltar and none is more important than the traffic situation itself. And although everything cannot be blamed on the traffic but it is a considerable problem that taxi drivers face, and reasons why they cannot get from A to B in that respect.

805 So there are many, many factors which affect the quality of service in Gibraltar but the number ... and we expect that, once the tunnel under the airport is completed, then this will solve many of the issues.

Now, if what the hon. Lady is saying is it would be a great idea to offer more licences, then the moment that this traffic gets better, what do we do with these cars? There is absolutely no need for new licences. One hundred and twelve taxi licences in Gibraltar is adequate enough.

810 That cars cannot get to places quick enough, perhaps: that there are times of the year where there is a greater demand; we have days where cruise ships come in; we have a lot of influx of tourists across the border. Clearly, in any part of the world, in any city of the world, there will be times when it is not possible to get an adequate service, and that happens. I have spent time in Victoria Railway Station in London and other parts of the world where it is impossible to get a taxi within 45 minutes. Then there are other times, when you go to Casemates here or you go to
815 the Airport, and there are loads of taxis and not enough clients. Again, you cannot – just because there are no taxis in one given moment in time – you cannot just go and say, ‘Well, let us give out more licences’ and aggravate the situation when there are. That is it.

Hon. Ms M D Hassan Nahon: Mr Speaker, the only thing I have heard from the hon.
820 Gentleman are reasons like traffic and the tunnel not having been completed. For example, at two in the morning, I and friends, and people, and also, yes, you hear it on Facebook, there is a general complaint that taxis take sometimes 30 to 45 minutes to come. There is no traffic and it is absolutely tumble-weeds around Gibraltar. In that case, the traffic excuse, I just do not think is good enough.

825 The tunnel: who knows when that tunnel is going to be built? We cannot all keep our hopes up that the taxi service runs well the day that tunnel gets finished.

Furthermore, to say that you are not preparing any solutions like any more licences and the issue of creating a competitive environment just shows me that there is no solution coming forth from Government at the moment. Let us not get into the, ‘It started with the GSD’. I have also
830 lived through problems with the taxis as a child when more licences were issued, so I know about the sensitivities with the Taxi Association.

But I must say that Gibraltar is growing, thankfully. We have a very upper middle class population coming into Gibraltar all the time. We have business, trade and industry and we need to know if and when –
835

Mr Speaker: Try to ask your question.

Hon. Ms M D Hassan Nahon: – does the Government have a solution for the taxi service.

840 **Mr Speaker:** Try to ask a question, please.

Hon. Ms M D Hassan Nahon: We need a solution now and it rests on the Government to give us a solution, so please tell us what the Government is doing about it?

845 **Mr Speaker:** What is the Government doing about it?

Hon. P J Balban: Mr Speaker, traffic is not the only problem. I have said the traffic is not the only problem. The tunnel: you say that we do not know when the tunnel will be built, but if you read Government press releases we have categorically stated that in November 2018 the tunnel
850 will be built, so by that moment in time we will see an improvement.

It is not all about traffic – you are right. At three o’clock in the morning there is no traffic, but there is a big demand for taxis and we cannot oblige drivers to be out there all the time. There are not that many drivers working at three o’clock in the morning.

855 Again, as I have given the example of problems you face when you travel to other busy parts
of the world where there is an inevitable wait, unfortunately there is a wait for taxis at any one
given moment in time during the day. But, needless to say, the Government is very aware of all
issues. I, myself, am very aware of all the issues and we are working with the GTA to find
solutions, which I will assure the hon. Lady of. She has experience of this in the past. We have to
look carefully at how to make things better, but we have accepted and I have said clearly that
860 the Government is not happy and we are working to find solutions to make things better, but
those solutions will not come as a result of giving extra licences. That is one thing that this
Government is adamant will not happen.

Mr Speaker: I am very sorry but I have to tell Members that we have been an hour here and
865 nine questions are what we have dealt with! If we have 127 questions to deal with, that is – nine
into 120 – 14 hours! That is not good enough. I do not think a parliament of this size anywhere in
the world sits for 14 hours dealing with questions. (*Interjection*)

I want hon. Members on both sides to keep that in mind. The Opposition, they have a job to
do: to get information, to urge Government to take action and find out what the policies are.
870 You can do that by asking short, sharp questions with a point.

The Government: make your answers short; deal with the question that you have been asked
and do not express opinions and debate. I must urge Members to do that, unless they do not
mind being here for 14 or 15 hours.

I am in the fortunate position that I can be here 14 or 15 hours because I have nothing else to
875 do other than the fact that I am Mayor of Gibraltar, and my commitments here are beginning to
interfere with the work that I need to do as Mayor. Other than that, I have no family or
problems why I cannot be here, but if that is the position with all Members: Members in
Government, who are very busy at this time of the year and Members in the Opposition who,
when all is said and done, this is a part-time job and they have other responsibilities ... I have to
880 tell you that these are the realities. It is up to you. I can only try to implement the Standing
Orders, but I do have to draw your attention.

An hour for nine questions – nine simple questions, not terribly controversial; just you wait
until we get to the controversial ones – that is not good enough. It is up to you.

885 **Hon. R M Clinton:** Mr Speaker, if I may ask the Minister: he stated that the Government is
not entirely happy with the taxi service provided at the moment and he said he is looking at
solutions with the Taxi Association. Could the Minister advise if one of those solutions is actually
providing legislation to ensure that holders of licences actually do provide a service and, if they
do not provide that service, then the licence is removed?

890

Hon. P J Balban: Mr Speaker, no. The law actually states that a driver has to conform to
certain days of the week for city service. At any given day of the week, you will find around 18 to
19 vehicles on city service – that is imposed upon them. They do that for five days. Added to that
you have the licences which are radio taxis and those radio taxis provide the radio service. That
895 adds another 15 to 20 vehicles that are doing a radio service as well. But those do it because
they want to – that is their shift; they choose to do that.

Those 18 to 19 vehicles or drivers that I have already mentioned are the ones who have to
commit for a shift of five days and then the next shift comes into play. We actually give them
times, so they have to provide a service. I am speaking from memory so I apologise if I am not
900 entirely correct. But I think I is from eight or nine in the morning until, I think it is something like
eight o'clock in the evening that they have to be there, with one hour break for lunch, etc. At
weekends, I think they are allowed to start a little bit later, so I think on a Sunday they start at
10 o'clock if their five day shift encompasses or covers a Sunday.

So the law ... This is not, 'I will go down to work when I want to' or 'I feel like doing a bit of
905 city service today' or not. They cannot do Rock tours every day of the week. They have to

provide a service to the community. That is in legislation. If they do not comply with that, then the transport inspectors – of which there are seven – they will fine them, not only for those purposes but for purposes like not displaying taxi insignia on the cars, not displaying the licence numbers, not having a fare table visible to everyone. So there are many, many reasons why, and they are policed in that respect. We do ensure that taxi drivers – which is the most important point that you raise – are there doing their shift when it is their turn.

Mr Speaker: Next question.

**Q661/2016 –
MOT appointments –
Waiting time and online booking**

Clerk: Question 661, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Government explain to this House how long it is taking for car owners to obtain an MOT appointment and why it is no longer possible to obtain them online?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the next available appointment is for the 3rd January 2017.

The online MOT booking service is available and has been available throughout. However, some months ago one of the three lanes was closed due to staff shortage. As a result, the number of available bookings in the system has been reduced by a third. With fewer bookings available but the same number of MOT certificates expiring, the rate of bookings has not slowed down. This means that the waiting time for an appointment is constantly being pushed further and further into the future. This has had an impact on the online application. In order to keep performance of the Vehicle Road Worthiness Test booking system to an acceptable level, the calendar was originally only loaded with two months' worth of bookings.

When we were notified that no bookings were available during the two-month period, the window of appointments was increased to display three months, and later four months. The extra load created by checking four months' worth of bookings has resulted in the system being slowed down. However, while this may test the user's patience, the booking does get made if the user is willing to wait a few minutes and, of course, if there is an available slot within the four-month period.

Hon. Ms M D Hassan Nahon: I am sorry, Mr Speaker. I just want to say that at the time that I wrote this question, the online was not working, so if it is now I apologise for the question but at the time it was not working. That is all I wanted to say.

Hon. P J Balban: Mr Speaker, if the online booking system was down at that particular moment in time, obviously that may have been the case, but as far as I am informed, the reason is it has mainly been a slow-down more than it not working. As far as I am aware, it is working.

EDUCATION AND JUSTICE & INTERNATIONAL EXCHANGE OF INFORMATION

**Q662/2016 –
Gibraltar Fire and Rescue Service and LNG –
Training and additional equipment**

Clerk: Question 662, the Hon. T M Hammond.

Hon. T N Hammond: Can the Minister say what, if any, training or additional equipment has
950 been provided to the Gibraltar Fire and Rescue Service in order to deal with any incidents
involving LNG and, if none, whether any training or additional equipment has been programmed
or will be purchased?

Clerk: Answer, the Hon. the Minister for Education and Justice.

955

**Minister for Education and Justice & International Exchange of Information (Hon. G H
Licudi):** Mr Speaker, the Gibraltar Fire and Rescue Service has been proactively engaged in
ascertaining its operational training requirements since the initial stages of this project. Regular
consultation and conference meetings have been held with professional representations from
960 outside and local agencies to confirm the proper training and equipment needed for the GFRS to
deal with any incidents involving LNG.

Numerous training providers have been identified and contacted. These include the Fire
Service College in the UK and the Flack Fire Academy in Rotterdam. Last month three officers of
the GFRS attended the Emergency Services Show in Birmingham, UK, at which they met with
965 representatives from Emergency Services Training Institute in Texas, US. This organisation is
globally renowned for excellence in LNG training, offering these courses in mainland Europe.

Also, during the GFRS visit to the Emergency Services Show a meeting with Mr Chris Caswell
from the UK Fire Service National Operational Guidance Programme was arranged to obtain
970 advice for the GFRS on the proper manner in which to formulate the emergency action plans for
Gibraltar's LNG Plant. I am informed that Mr Caswell has formulated the original action plans for
incidents at the UK LNG Isle of Grain Terminal.

Furthermore, the GFRS Hazardous Material and Environmental Protection Officer, with the
Senior Officer of Operations and Training and the Chief Fire Officer, recently conducted a
familiarisation and fact-finding visit to the LNG Terminal itself in the Isle of Grain in the UK. The
975 interaction with experts here is intended to contribute in determining the GFRS action plans,
training and possible equipment needs. This visit was organised in partnership with Kent Fire
and Rescue Service who provided the GFRS with an insight into their method of operations at
the LNG Terminal. In this connection, the brigade has also been in contact with their Norwegian
counterparts to explore their approach to LNG incidents.

980 As the hon. Member will see from that response, there is already quite a lot of initial work
and contact that has been established to precisely plan out the training requirements and the
equipment requirements of GFRS in this matter.

**Q663-664/2016 –
HMGOG and the University of Gibraltar –
Funding arrangements and self-sufficiency**

Clerk: Question 663, the Hon. E J Phillips.

985 **Hon. E J. Phillips:** Can the Government confirm what funding arrangements are in place between Her Majesty's Government of Gibraltar and the University of Gibraltar?

Clerk: Answer, the Hon. the Minister for Education and Justice.

990 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I will answer with Question 664.

Clerk: Question 664, the Hon. E J Phillips.

995 **Hon. E J Phillips:** Can the Government confirm when the Government expect the University of Gibraltar to be self-sufficient/self-funded?

Clerk: Answer, the Hon. the Minister for Education and Justice.

1000 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, funding arrangements for the University of Gibraltar are a matter of public record. On 4th September 2014 a Bill to appropriate the sum of £10 million in order to fund the University of Gibraltar was published. That Bill was debated and passed by this House on 17th October 2014.

1005 As I have previously explained, Mr Speaker, the Government envisaged that the £10 million would fund the set-up costs to the tune of approximately £6 million, leaving around £2 million per year for the first two years of operation.

Section 35(2) of the University of Gibraltar Act provides that:

... the University shall use its best endeavours to become and remain self-financing.

1010 That is a statutory obligation on the University and the Government has every expectation that the University will comply with its obligations.

The University has been operational for just over a year. It is therefore too soon for the Government to say when it expects the University to be self-financing.

1015 **Hon. D A Feetham:** Mr Speaker, am I right in saying that the Government expects – and I think that the hon. Gentleman has mentioned this before, and if he has could he confirm that continues to be the present intention – that the University will break even at year three and will be self-financing by year four? That has been my understanding, but I will be corrected if I am wrong.

1020 **Hon. G H Licudi:** No, Mr Speaker. I do not believe I have ever said that. I have said that we have put together funding arrangements for the University up to year three, the first three years, as I have already explained. I do not believe and certainly I have no recollection of ever having said, after that the Government expects the University to be self-financing.

1025 As I have explained, the University has a statutory obligation to 'use its best endeavours' and the Government fully expects that statutory obligation to be complied with. That does not mean that it is going to be self-financing next year or six months thereafter. That means it has to use its best endeavours to comply with its statutory obligations, and we expect it to do so.

1030 **Hon. E J Phillips:** Mr Speaker, I have just one further supplementary, hopefully. Are there any other capital projects that are envisaged in relation to the University itself? I have in mind, of course, the accommodation block – particularly in relation to that. Could the Government clarify that?

1035 **Hon. G H Licudi:** Yes, Mr Speaker, that is indeed a capital project that is envisaged for the University, but it is not a Government project. That would be a University project. What we have done – and as I believe I have already said – we have made available the land to the University for the use of the accommodation block. It is for the University to now develop its plans and arrangements to actually build that accommodation block.

1040 **Hon. D A Feetham:** But, Mr Speaker, in any venture of this nature that is going to be costly – and of course we have already passed a Bill in this House for the initial funding for the University to the tune of £10 million; that is a cost to the taxpayer – there must be a business plan that must have been drawn up when the Government decided to create the University showing at what point the Government expected the University to be self-financing, bearing in mind that
1045 there is a statutory obligation as well on the University ‘using its best endeavours’ to become self-financing.

Is the hon. Gentleman telling me that really there is not a business plan showing to the Government when it expects it to be self-financing?

1050 **Hon. G H Licudi:** Certainly when the Government set up the University it did not carry out a projection as to when it would be self-financing. What I did say – and I have said many times: this is a University which was brand new; it was going to start in a small scale and it needed to develop and evolve over time. It was impossible to predict how the University was going to evolve and develop in any particular year to be able to say with any degree of accuracy or
1055 certainty, other than simply being speculative or hypothetical and say, ‘Well, I want it to be self-financing in five years or ten years.’ We could have plucked a figure out of the air. We have not done so and now it is for the University to develop its own business plans, having regard to the fact that it has been operational for a year and now knows its business and where it can obtain its funds from.

1060 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister. He stated that land had been made available to the University for the accommodation block. Could he advise the House whether that land has been legally transferred to the University and, if so, when?

1065 **Hon. G H Licudi:** Mr Speaker, no, the land has not been legally – as far as I am aware ... Certainly I have made no arrangements, nor do I believe my colleagues have, for the land to be legally transferred. The land has been identified and earmarked and essentially made available to the University but not in a legal sense because the legal document still needs to be provided, but we have identified and earmarked that particular piece of land for the accommodation block
1070 of the University.

Mr Speaker: Next question.

**Q665/2016 –
University of Gibraltar –
Cost and staffing of kitchen and canteen**

Clerk: Question 665, the Hon. E J Phillips.

1075 **Hon. E J Phillips:** Can the Government confirm the cost of the kitchen and canteen installed at the University and the number of catering staff permanently employed to operate the kitchen and canteen?

Clerk: Answer, the Hon. the Minister for Education and Justice.

1080

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the kitchen and canteen are part of the fabric of the University. There is a building cost which is part of the overall building costs, and certainly we do not have a building cost per room of the University. It was just a general project.

1085

But in terms of equipping and fitting – which is what, perhaps, the hon. Member is getting at – the cost of equipping and fitting the restaurant kitchen, the training kitchen and the canteen – because there are three elements: there is a restaurant kitchen; there is a training kitchen and there is a canteen at the University of Gibraltar. That cost was £256,042.55.

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The engagement of staff is a matter for the University of Gibraltar and not for the Government.

Mr Speaker: Next question.

**Q666/2016 –
University of Gibraltar –
Department of Education oversight or involvement**

Clerk: Question 666, the Hon. E J Phillips.

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Hon. E J Phillips: Can the Government confirm what oversight or involvement the Department of Education has in respect of the University of Gibraltar?

Clerk: Answer, the Hon. the Minister for Education and Justice.

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Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, section 19 of the University of Gibraltar Act sets out the composition of the Board of Governors. One of its members, by virtue of his post, is the Director of Education. That is the extent of the oversight and involvement of the Department of Education through its Director as a member of the Board of Governors of the University.

**Q667-670/2016 –
Five new schools –
Building stage, consultation, plans for Bayside School**

1105

Clerk: Question 667, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm the exact stage reached by the Government in relation to the building of each of the new five schools?

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Clerk: Answer, the Hon. the Minister for Education and Justice.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I will answer together with Questions 668 to 670.

1115

Clerk: Question 668, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm whether parents, students and teachers have been consulted in relation to the plans to rebuild the five new schools?

1120 **Clerk:** Question number 669, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm whether or not Bayside School will be rebuilt?

1125 **Clerk:** Question number 670, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government explain how it is envisaged that Bayside School will include, within the existing footprint of the school, playing fields for rugby, football and hockey?

1130 **Clerk:** Answer, the Hon. the Minister for Education and Justice.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the position remains as stated in answer to Question 474/2016. May I just say, Mr Speaker, that question was answered on 30th June 2016, so the position remains as stated in that answer.

1135 **Hon. E J Phillips:** As far as I recall from memory – and correct me if I am wrong, I am sure the Minister will – the position is that you are undergoing preparatory stages in relation to each of the schools. So insofar as the answer is concerned, you have not arrived at anything different as to the position? You are still in a preparation period for each of the new five schools? Is that correct?

1140 **Hon. G H Licudi:** That was the thrust of the answer given in June, so the preparatory work has commenced, consultation has commenced. A significant amount of preparatory work before bricks and mortar are actually laid is required, so that process is continuing. I am not saying that the process stopped in June because the answer is the same. The process of the preparatory work is continuing.

1145 **Hon. E J Phillips:** Mr Speaker, I am not too sure that 670 was answered in the last question in relation to the existing footprint and playing fields: rugby, football and hockey. There was some discussion in supplementary relating to that question but there is nothing more than that.

1150 I think the Chief Minister mentioned the playing fields, 'Why should not Gibraltar have the playing fields of public schools in the United Kingdom here?' I think that was referenced by him but there was no specific answer to that specific Question 671. I may be wrong. I know he may have it with him.

1155 **Hon. G H Licudi:** Mr Speaker, I do have *Hansard* with me. I do not know and I cannot recall whether that was specifically mentioned at the time but everything to do with the schools, Bayside and the others, and what will be contained in the footprint of those schools, are certainly part of the preparatory work that is being done at the moment.

1160 **Hon. E J Phillips:** One further supplementary in relation to that section of questions: it is right, then, that Bayside will be rebuilt? I just wanted to clarify that because it is not very clear from the answer that he is referring to and the one now whether it is going to be rebuilt. I just really need the answer to that very specific question.

1165 **Hon. G H Licudi:** Mr Speaker, part of the preparatory work involves precisely identifying how the project is going to be carried out and what the elements of the project will be. I did say at the time, I seem to recall, that it involves a very careful logistical exercise as to how it needs to

1170 be done. So those questions about rebuilding: which parts are rebuilt and which parts may not
be rebuilt; whether the whole thing is rebuilt are certainly questions that the preparatory work
will raise.

1175 **Hon. E J Phillips:** I think I will ask a very direct question, a very simple question. I know I am
taking much of Mr Speaker's time in relation to this point, but the question I am getting at is that
the Government's manifesto – the Strongest Foundations Manifesto – refers to – and most of
the glossy pictures demonstrate – an entire rebuild of five new schools in our community. What
people expect to know is, is this going to be a lick of paint refurbishment of Bayside School or is
it going to be rebuilt? That is the question I am asking and I would appreciate the answer.

1180 **Hon. G H Licudi:** Mr Speaker, what you get in manifestos are artist's impressions giving an
idea of what is envisaged. The hon. Members will recall that the final product may not be exactly
the same as that artist's impression; it may actually be better. The hon. Members will recall that
in 2011 we published a manifesto with a 700-berth marina, which has nothing to do – except for
the location which is very close – with the marina that we actually built. The marina that we built
1185 is much, much better than the artist's impression in 2011 would suggest. Therefore, the fact that
there is an artist's impression is simply for guidance. It does not tie down the Government to
what it needs to do and how it needs to do it. All these things need to be assessed and
determined and the Government will take its time and will deliver its commitments as set out in
the manifesto before the end of this term of office.

1190 **Hon. E J Phillips:** Mr Speaker, the answer to that question really demonstrates – and I put the
question very succinctly – a real lack of vision and lack of preparation in relation to this –

1195 **Mr Speaker:** Look – and I have to issue a word of warning to the hon. Member. He is not
going to be able, unless he is very careful, to ask further questions arising from these five next
month. He may have to wait six months before he does so, according to the Rules, because we
are talking of *progress*. That is what he is seeking, right? Therefore, having asked the question,
having been told that the position is exactly the same as it was last June, in a way he has pre-
empted himself from asking questions that he was perfectly entitled to in January, but now that
1200 we are in October, that has been moved to about April. I think I should issue a word of warning.

Now, carry on with the question on Bayside.

1205 **Hon. E J Phillips:** The reason why I say that is because clearly one of the questions that was
put in this House today was about the roundabout at Bayside junction. If we are going to have
heavy lorries moving down through Bayside Road where the new school is going to be rebuilt, it
clearly shows a lack of vision and lack of preparation between my learned and hon. Friend across
the floor and the Minister Balban in relation to that. Clearly, there is no planning here. A school
is going to be rebuilt from the ground up and they are not even thinking about the roundabout
on Bayside Road. This school is going to be complete, they say, in three years' time, so we are
1210 looking at 2019, 2020.

I put it to him that we would at least like some indication as to how he is going to rebuild the
school.

1215 **Hon. G H Licudi:** Mr Speaker, to say that I am flabbergasted by that supplementary is the
understatement of the year! To suggest that the Government has not got vision because it has
not discussed the issue of a roundabout in the area not even outside Bayside ... He is talking
about Bayside and rebuilding Bayside, and now he turns to a roundabout which is 500 metres
away and suggests there is a lack of vision, lack of foresight and lack of planning because I have
not consulted with Mr Balban as to what will happen to the roundabout. The hon. Member has
1220 been given a clear position on that roundabout: it will be ready and resurfaced when the

building adjoining the roundabout is complete. That has absolutely nothing to do with Bayside, and therefore what the hon. Member is raising is quite simply a red herring.

1225 **Hon. D A Feetham:** Mr Speaker, what I am interested in, quite apart from the answers to the question that my learned and hon. Friend, Mr Phillips has asked, is whether the Government intends to rebuild Bayside School or whether it is just going to be an internal refurbishment of Bayside School, because the impression that clearly the community had at the last election was that Bayside School was going to be rebuilt. That is what I am interested in, in the supplementary that I am asking.

1230

Hon. G H Licudi: Mr Speaker, the excellent plans for the new Bayside Schools will be announced when the Government is ready to do so.

1235 **Hon. D A Feetham:** Mr Speaker, that may be so. I am absolutely certain that they are going to be excellent plans, of course –

Mr Speaker: He said for the ‘new’ Bayside School.

1240 **Hon. D A Feetham:** Yes, Mr Speaker, but of course one can call something ‘new’ by just simply refurbishing it on the inside. The question is: is it going to be rebuilt, or is it going to be a refurbishment job? That is basically it. That is a really simple question that the hon. Gentleman ought to be, in his capacity as Minister for Education, able to answer.

1245 **Hon. G H Licudi:** The position is very simple, Mr Speaker. We have certain requirements and we have given certain commitments. The professionals are now going to be looking at how those commitments and those requirements of the different schools... because we are not just looking at Bayside, we are looking at other schools, so the preparatory work is in respect of the other schools, and whether it is a complete rebuild or almost a complete rebuild, or a major refurbishment plus rebuild, the outcome will be a new school for Bayside, as we do have already
1250 two new St Bernard’s schools on the site of an old building, with magnificent facilities. Have those been rebuilt? Are they refurbished? What are they? It does not matter what the label is. Labels do not matter. What matters is the outcome and the product, and the product will be just as good as the new schools we have already delivered in our last term of office.

1255 **Several Members:** Hear, hear. (*Banging on desks*)

Q671-672/2016

Bayside School –

Conversion of timeout and sixth-form common rooms

Clerk: Question 671. The Hon. E J Phillips.

1260 **Hon. E J Phillips:** Mr Speaker, can the Government confirm why the timeout room at Bayside School was converted into a classroom and why the new timeout room was incorporated into the study hall?

Clerk: Answer the Hon. the Minister for Education and Justice.

1265 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I will answer this question together with Question 672.

Clerk: Question 672. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm why Bayside School has removed the sixth-form common room and converted it into a classroom?

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Clerk: Answer the Hon. the Minister for Education and Justice.

Hon. G H Licudi: Mr Speaker, this was done in order to create additional classrooms required due to an increase in the number of students.

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Hon. E J Phillips: Doesn't the hon. Gentleman agree with me that the longstanding common room that many of us in this House have enjoyed over the time of our studies at Bayside should be maintained in some form? It gives the opportunity for students to clearly have timeout space – I am not referring to the time out, but time to study privately in the common room – and have a break from their studies, so removing the common room has had an effect on students and some of them have approached me with this issue.

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In relation to the timeout room, my understanding from people who have spoken to me is that it has been converted into a classroom and that the new timeout room has been incorporated into a study hall. The timeout room is specifically, to my knowledge, being used for the purposes of time out for certain students who have had some difficulties, and therefore it just seemed the wrong process by which to increase rooms. I understand the need to increase rooms, but the maintenance of a common room is also important in Bayside.

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Hon. G H Licudi: Mr Speaker, if the hon. Member believes that individual Ministers sit down and determine what each room in every Government building is used for, then he has got a different notion to being in Government than what we have experienced in the last five years. These are decisions for the professionals. They have got the building, they have got a fabric there, they have got to make the best use of an educational facility to provide the level of support, learning and teaching that is required. So, if they decide that the best use... 'best' use, because there may be choices to be made: do you leave it in this use, or do you use it in this other way? The hon. Member may disagree, but the professionals who know about these things are the ones who take these decisions and they have decided that this is the best use for these particular facilities. Therefore, I bow to the professionals and not to the hon. Member.

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Hon. E J Phillips: Mr Speaker, of course I understand the professionals are in situ and therefore they conduct what they believe is the best use of these rooms, but we also have to consider the significant number of students in sixth form that use the common room and have an interest in maintaining the common room. I understand that difficult decisions have to be made at that level, but I think we should also consider those students who require that facility. We have all used it – I have used it and I am sure all of us in this room who were at Bayside have used the common room.

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Hon. G H Licudi: Yes, Mr Speaker, and I am sure the professionals who took these decisions have considered those matters and have determined what the best use is, but in any event I am sure that all these matters will again be considered in the context of the new Bayside School, in the same way as we considered all of these matters in the context of the new, excellent and magnificent St Bernard's schools.

1310

Two Members: Hear, hear. (*Banging on desks*)

1315

Hon. E J Reyes: Mr Speaker, I do not think I have got to declare my interest that I do come from the teaching profession, but I will.

1320 I am grateful to hear the Minister saying that he has left the matter in the hands of professionals. I take it by that he can either mean the profession in general, or perhaps by representation through the Teachers' Association or with the senior management, the headteacher, his deputies and so on. And of course consultation is great and helps Ministers, whatever political party they come from, to carry out their duties in the best manner possible.

1325 Can the Minister now confirm whether there has been any consultation whatsoever as well with the sixth-form students, who are the parties directly involved?

1330 **Hon. G H Licudi:** Mr Speaker, I have no idea. It has not been a ministerial decision. I have not even been consulted on this. It is not a matter for the Government or for the Minister to interfere in these matters. It is a matter for the professionals, and by 'the professionals' I would expect the head of the school and the senior management of the school to discuss it with the Department of Education and come to a view as to the best use of the facilities they have for all the students and all the staff.

1335 **Hon. E J Reyes:** Mr Speaker, taking on board what the Minister has just said, is there any Government policy as to whether there should or should not be a sixth form in any of our secondary schools?

A Member: Common room.

1340 **Hon. G H Licudi:** Mr Speaker, this is not a matter of whether there is or there is not a policy. There was a sixth-form common room. Would we like to see one in the schools for the secondary? Yes, absolutely, the Government would certainly like to see common rooms for the sixth form in the secondary schools.

Q673-674/2016
Truancy rates –
Rates by school

Clerk: Question 673. The Hon. E J Phillips.

1345 **Hon. E J Phillips:** Can the Government confirm truancy rates at each school operating under the auspices of the Department of Education?

Clerk: Answer, the Hon. the Minister for Education and Justice.

1350 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I will answer this question together with Question 674.

Clerk: Question 674. The Hon. E J Phillips.

1355 **Hon. E J Phillips:** Can the Government confirm what measures or procedures are in place for reducing truancy?

Clerk: Answer, the Hon. the Minister for Education and Justice.

1360 **Hon. G H Licudi:** Mr Speaker, truancy rates at all schools, barring Bayside and Westside, stand at 0% of the school population. At Bayside the truancy rate stands at 2.2% of the school population; the figure at Westside is 1%.

1365 School registers are checked daily and weekly. The school then endeavours to engage with
parents when children playing truant are flagged. Meetings are set up in school with the parents
in order to try and ascertain why the child is absconding. Strategies are worked out: it may well
be that the child is placed on a daily report which needs to be countersigned by the parent at
the end of each day. The school's liaison officer is then invited to come in and speak with the
child and the parents. The Department's Advisory Service becomes involved at this stage, and
education advisers and psychologists also attend these meetings. The situation is periodically
1370 reviewed.

The matter is referred to the Care Agency if the parents do not co-operate and the truancy
continues. The school writes to the parents explaining that the child is still absconding or not
attending school, and this could lead to the Director sending a school attendance order to the
family if the issue is not resolved.

Q675/2016
Royal Gibraltar Police –
Manpower resource

1375 **Clerk:** Question 675. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm that they are satisfied that the
Royal Gibraltar Police are sufficiently resourced, particularly in relation to manpower?

1380 **Clerk:** Answer, the Hon. the Minister for Education.

**Minister for Education and Justice & International Exchange of Information (Hon. G H
Licudi):** Mr Speaker, yes.

Q676/2016
HM Court Service –
Drugs court

1385 **Clerk:** Question 676. The Hon. E J Phillips.

Hon. E J Phillips: Given the strong link between drugs and the commission of criminal
offences, has the Government given thought to the creation of a specific drugs court within the
existing resources available to HM Court Service?

1390 **Clerk:** Answer, the Hon. the Minister for Education and Justice.

**Minister for Education and Justice & International Exchange of Information (Hon. G H
Licudi):** Mr Speaker, the Government does not currently have any intentions of creating a
specific drugs court.

1395 **Clerk:** Question 677. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide the total gross debt –

1400 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I was just going to suggest this might be a convenient moment, given that we are between Ministers, to recuse the House for 15 minutes and then continue.

Mr Speaker: We will now have a short recess.

The House recessed at 3.50 p.m. and resumed its sitting at 4.10 p.m.

1405

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q677-680/2016

Public finance –

Public debt; liquid reserves; Sinking Fund

Clerk: Question 677. The Hon. R M Clinton.

1410 **Hon. R M Clinton:** Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for each of the following dates, being 1st August 2016 and 1st September 2016?

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

1415

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question together with Questions 678 to 680.

Clerk: Question 678. The Hon. R M Clinton.

1420

Hon. R M Clinton: Mr Speaker, can the Government please provide the total liquid reserves figure and its constituents, namely Consolidated Fund, Improvement and Development Fund, Government-owned companies, deposits, contingencies and other funds for each of the following dates, being 1st August 2016 and 1st September 2016?

1425

Clerk: Question 679. The Hon. R M Clinton.

1430 **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 each of the following dates, being 1st August 2016 and 1st September 2016?

Clerk: Question 680. The Hon. R M Clinton.

1435 **Hon. R M Clinton:** Mr Speaker, can the Government advise how much has been paid out of the Sinking Fund from inception to 31st March 2016 in respect of interest payments?

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

1440 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, the Government will be providing the information that has been provided previously, but not the further breakdowns requested by the hon. Member.

The gross debt and the Sinking Fund balance have not changed in July and August.

The cash reserves and the net debt for the dates requested were estimated at £45.2 million and £42.2 million, with the result of a net debt of £400.8 million and £403.8 million.

1445 Interest on the public debt from the Sinking Fund for the period requested has been £3,290,480 million.

Hon. R M Clinton: Mr Speaker, I am grateful to the Hon. Minister for providing at least the cash reserves and the net debt figures of which I am very grateful.

1450 Can he confirm just one simple question, that – I suppose I should work backwards – the gross debt figures unchanged are £447.7 million?

Hon. J J Bossano: Yes, Mr Speaker, that is correct, there has been no change in that.

1455 **Hon. R M Clinton:** Thank you, Mr Speaker.

In respect of the other information I was requesting, would the Minister be able to confirm to me, in terms of the components – although he may not give me the numbers – of total liquid reserves, when it comes to Government-owned companies would that include companies such as Gibraltar Investment Holdings Ltd?

1460

Hon. J J Bossano: Mr Speaker, as I have explained in the past, the system that existed prior to December 2011 and came into existence post May 1996, i.e. the period when the party that he represents in this Parliament was in Government... all the money in all the companies is pooled together and managed by the Treasury. That includes, in some cases, companies that have got a zero balance, companies that have got a plus and companies that have got a minus, and the net figure of company balance is the addition of the pluses and the minuses.

1465

Hon. R M Clinton: Thank you, Mr Speaker.

We recently had the Principal Auditor's Report for 31st March 2015, and I note that in terms of liquid reserves the number at 31st March 2014 – including the Government-owned companies, which was £201.68 million – the total number was £284.29 million compared to the position at 31st March 2015, which was £134.33 million, which represents a decrease of £159.96 million, or effectively £160 million decrease in liquid reserves in one year. I note that the bulk of this seems to be from Government-owned companies.

1470

My question is: if Credit Finance has a call deposit with Gibraltar Investment Holdings Ltd, is the Minister confident that Gibraltar Investment Holdings Ltd will have sufficient cash to repay that call deposit if total cash in Government-owned companies at 31st March 2015 was only £60 million?

1475

Hon. J J Bossano: Mr Speaker, as you well know, the Standing Order does not allow Members to ask in supplementaries for information that has nothing to do with what was in the original question, and therefore the answer to his question is yes, but I am not required to give him an answer.

1480

Hon. R M Clinton: I understand that 'yes' to mean that he is confident that Gibraltar Investment Holdings can repay the call deposit at call. I presume ... if I may ask him to share with us what it is his understanding of the word 'call' means.

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Hon. J J Bossano: Mr Speaker, he is not entitled to ask me that question because it is in breach of the rules, which say that you cannot introduce new material in supplementaries that do not arise from the original question. Because I have given him an answer which he is not entitled to have, he now wants me to give him an explanation for my answer. Well, he is not going to get one.

1490

Hon. R M Clinton: Thank you, Mr Speaker.

1495 Again, I thank the hon. Member. Coming back to the question about the net debt and the gross debt figures, is it now the intention of the Government to place these numbers on the Government website on a monthly basis?

1500 **Hon. J J Bossano:** I do not put information on the Government web page at all – I do not believe in web pages – but it may well be that it gets put on the web page.

Hon. R M Clinton: Mr Speaker, I thank the hon. Member for that answer.

1505 In terms of the Sinking Fund, I am now in possession, finally, of at least some movements in the Sinking Fund for the year 31st March 2015, and I note in his answer to my question the hon. Member says that the total interest paid out of the Sinking Fund was £3.294 million – if that is correct.

Hon. J J Bossano: I will repeat the answer, Mr Speaker: it is £3,290,480.

1510 **Hon. R M Clinton:** So, Mr Speaker, if I understand correctly, effectively £3.2 million between us, yes? Okay.

Mr Speaker, I would be grateful if the hon. Member could explain to me what is the discrepancy, as it would appear to me, between £3.2 million of interest and the payment showing in the Principal Auditor's Report for the Sinking Fund movement, which says:

Redemption returns paid on issue of capital bonds of £8,342,391.

1515 **Hon. J J Bossano:** Mr Speaker, perhaps I need to point out to the hon. Member that what he is doing now is asking in supplementaries for explanations of things that are in the Principal Auditor's Report, which was tabled at the last House.

1520 The explanation for that is the explanation that there is in the book: that that payment was for the repayment of capital bonds and not for the payment of interest. He has put a question of the payment of interest – I have given him the answer to the question that he has put and now he wants to know what is the explanation for what is reported by the auditor in the audited accounts that were tabled at the last meeting of the House. That explanation is that they are capital bonds that were repaid in that period and that was the amount that was repaid, but that amount did not constitute interest – which is what he has asked me now.

1525

Hon. R M Clinton: Mr Speaker, I really do here run the risk of having a supplemental disallowed. If I understand the Member correctly, is he telling me that the capital bonds were issued at a discount and redeemed at par, or they were redeemed at a premium?

1530 **Mr Speaker:** No matter how generous the Minister is in providing information, I find it very difficult as Speaker, given the five questions originally on the Order Paper, to take the view that that supplementary automatically arises from any of those five. I do not think it can be construed.

1535 There are questions which invariably the hon. Member is going to make which require separate notice. He has to give separate notice of questions.

Hon. R M Clinton: Mr Speaker, I accept your ruling entirely.

1540 If I may deal precisely with the £3.2 million paid out of the Sinking Fund, which – and the Minister may correct me – I presume must have been paid from 31st March 2015 and 31st March 2016, it must be for that year ...?

Hon. J J Bossano: Mr Speaker, I have answered the question that he asked, and he did not ask that question in respect of one financial year, he asked the question paid out from the inception of the fund, so the answer is that is the figure from the inception of the fund.

1545

Hon. R M Clinton: Mr Speaker, coming to the Public Finance (Borrowing Powers) Act, may I ask the Minister whether, in the calculation of the annual debt service ratio, any interest paid out of the Sinking Fund is taken into account?

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Hon. J J Bossano: (a) I am not a lawyer, and (b) I am not here to give him legal advice, Mr Speaker. Nevertheless, my interpretation – having been here for 44 years – of that particular piece of legislation is that the debt servicing ratio, which has to beat the percentage of the revenue, is independent of how it is repaid when it is repaid. The amount is calculated on the basis that if to service a public debt in a given year you have to pay £20 million in interest, then that is the figure that is used in the formula. The fact that it is paid from the Consolidated Fund or paid from the Sinking Fund or paid from anybody else has no relevance, because there is nothing in the law that makes any mention of where it has to be paid from. It is just a formula to give an indication of what it costs as recurrent expenditure to carry that volume of debt.

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Hon. R M Clinton: Mr Speaker, would the Hon. Minister accept that without the movements on the Sinking Fund in terms of interest, and given that, as he says, again, I am no lawyer either, the interest payment is made out of the Sinking Fund, that it would be pretty nigh impossible to work out the debt service ratio without the information on interest paid out of the Sinking Fund, because obviously when we look at the charges on the Consolidated Fund it has a LIBOR Bank interest and Government debenture interest, but obviously the interest paid out of the Sinking Fund would not appear?

1565

Hon. J J Bossano: No, Mr Speaker, I do not agree at all with what he says. I think it is completely irrelevant and complete nonsense. I have just explained to him.

1570

Look, if he is lending me money and I have to pay him interest, the amount of interest that I have to pay him is what is then used in the formula in the Public Loans Act, which then says that that is cut at a certain percentage. Whether I pay him from the Consolidated Fund or from the Sinking Fund, and whether I pay all of it from the Consolidated Fund or all of it from the Sinking Fund has no effect on what that figure is, because it is a figure that is determined by the amount that is payable, not by who pays it. So the answer is it does not matter. We can pay it all from one place or all from another, but it neither increases nor decreases the payable amount.

1575

Hon. R M Clinton: Mr Speaker, I think we both agree with each other. I understand exactly what the Hon. Minister is saying. But that is not my question. My question is: how is it possible to determine from the annual Estimates Book, which has a charge in here for bank interest and interest payment on Government debt, which is, as we all know, cash based, and then you have a one-line number £10 million into the Sinking Fund ... how is one able to determine what the debt service ratio from this side of the House is without having sight of what interest is paid through the Sinking Fund?

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1585

Hon. J J Bossano: I am not sure that I am really supposed to give him lessons on how he should do it, which I did when I was there. Mr Speaker, he is asking me how is he, from the Opposition, going to figure out ... Well, look, he is looking at the wrong place in the book – that is the answer. What he should be looking at is the information he has already got on what is the interest on the debt, which is not something that is reflected anywhere in that, which is all estimates of what we think is going to be spent in respect of certain things during the course of the financial year.

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1595 At the end of the year an exercise is done, which is done retrospectively. You take the
previous year's revenue and the previous year's income and the previous year's expenditure,
and in that global numbers game there is a figure for the interest for the year which, for
example, at the beginning of the year you may not be able to predict. At the beginning of the
year we have an estimate of the amount of borrowing we have got. That does not mean that
there is a prohibition to increase the level of debt during the year, because what we have done
is an estimate, and the prohibition is the maximum of 40% of the GDP. If we wanted or we
1600 needed to increase the debt during the year, that debt would increase. If that debt increased,
the estimated interest during the year would naturally increase. It would increase more if we did
it in April and it would increase very little if we did it in February 2017. So it is not a figure that
you can calculate on the basis of the estimates for this year, because the estimates for this year
are not set in tablets of stone.

1605 At the end of the year what is required is that we should not have breached the percentages
laid down in the law, and I can tell him that interest rates would have to be very high for those
percentages to be breached with the volume of debt that we have got. So what he is looking at
is are we within the limit, and the answer is we are within the limit, but of course one of the
things with that particular limit, which is defective in a way, is that should the pound collapse
1610 totally tomorrow and we did not have fixed interest rates and we had floating rates, we could
suddenly find ourselves with the interest rates being more than we anticipated and the
possibility of having a problem that we might be reaching the maximum that is permissible
under the law. At present that is not something that is likely to happen.

1615 **Hon. R M Clinton:** Mr Speaker, finally, I would just like to record my thanks to the Minister
for actually now giving us the gross and net debt figures. Thank you, Mr Speaker.

Q681/2016

**Maritime Cadet Training Scheme –
Gibraltar students**

Clerk: Question 681. The Hon. E J Reyes.

1620 **Hon. E J Reyes:** Mr Speaker, can Government provide details in respect of any Gibraltar
students currently undertaking the Maritime Cadet Training Scheme, indicating at what stage
they are in their training and estimated completion date, together with qualifications aimed to
be attained?

1625 **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, at present there are none undertaking the Maritime Cadet Training Scheme.
However, there is one person funded by a discretionary grant from the Department of Education
who has been doing a comparable course of study since 2015.

1630 **Hon. E J Reyes:** Mr Speaker, I am really glad to hear that there is a student enjoying a
discretionary grant and so on. Would the Minister happen to know what is the qualification that
should be attained upon successful completion of this course?

1635 **Hon. J J Bossano:** Yes, Mr Speaker, I thought he might want to know. The position is that this
student has been in the Warsash Maritime Academy, which is where we used to send the ones
under the scheme previously, as a cadet officer. He has been working on ... The first ship was

1640 called *Mare Transporter* from Germany. He has been back to Gibraltar and he has been out on several other ships. He is expected to finish his studies in 2018 and he would then be qualified as an Officer of the Watch. He has to accrue a minimum of 12 months on board a ship during the three-year period; and it is a sandwich course, which means he is part of the time in the college and part of the time at sea, and he has been on different ships.

1645 **Hon. E J Reyes:** Thank you, Mr Speaker. It is great to hear that and I hope the Minister does agree with me that these sort of courses, ones where it is a combination of practical and theory, do end up producing really – in my opinion, and I hope the Minister’s opinion as well – better quality professionals because they have done a lot of the training on the ground.

1650 May I add, Mr Speaker, if I posed it as a question, would the Minister agree with me that perhaps he could ask – especially the new Minister for Education who is going to take over that portfolio – should ask that we encourage, in a nice way, the professionals within the schools to ensure that the students there are informed about the availability of joining the Maritime Cadet Training Scheme. I am sure the Minister, like myself ... I am always extremely proud to see reports in newspapers, like in *Today*, of young Gibraltarians attaining qualifications and so on. Above all what makes us proudest is to see a Gibraltarian being the Captain of the Port, and
1655 perhaps when the day comes that the hon. Member and myself both decide to call it a day in this House and meet in the lower Chamber downstairs enjoying a coffee, then we will be satisfied that we have planted the seeds for a new Captain of the Port to be a Gibraltarian wherever possible.

1660 **Hon. J J Bossano:** Well, this is not a run-of-the-mill course, Mr Speaker, because it does mean spending at least half the time at sea on merchant vessels, and that is not everybody’s cup of tea. I spent myself four years, but not at such exalted heights – I was a mere deckhand! But certainly I think it is important that people should be aware that that is an opportunity that exists, and if there are people attracted then fine.

1665 I have always believed that in providing education – it is something that surfaced earlier in another question, no – really we should not push people in a direction that is not their natural inclination, because people are more likely to perform better and produce better results if what they set out to learn is something that inspires them and they enjoy doing. That is why in our educational scholarships we do not require people to limit themselves to things that are useful
1670 for us in Gibraltar. The result of that is that we lose an awful lot of the people that we train, but as the hon. Member correctly says, it is important that those who do undertake training would at least at some later stage in life be able to come back and bring back their knowledge and their experience to serve in Gibraltar, as has been done in the case of the Port.

1675 So, I agree with his sentiments and I will certainly recommend his views to the Minister for Education.

Q682-685/2016

Construction Trades and Engineering Training Centres – Enrolled trainees; new intakes; level 1 NVQ

Clerk: Question 682. The Hon. E J Phillips.

1680 **Hon. E J Phillips:** Mr Speaker, can the Minister for Training provide updated details in respect of all trainees currently enrolled at the Construction Trades Training Centre, listing the specific discipline or course being followed, as well as indicating at what NVQ level they are enrolled together with their start date at the Training Centre?

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 will answer this question together with Questions 683 to 685.

Clerk: Question 683. The Hon. E J Phillips.

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Hon. E J Phillips: Can the Minister for Training provide updated details in respect of all trainees currently enrolled at the Engineering Trades Training Centre, listing the specific discipline or course being followed, as well as indicating at what NVQ level they are enrolled together with their start date at the Training Centre?

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Clerk: Question 684. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, please state the number of new intakes at the Construction Trades Training Centre and the Engineering Trades Training Centre in 2012, 2013, 2014, 2015 and 2016?

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Clerk: Question 685. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many people are currently undertaking Level 1 NVQ at the Construction Trades Training Centre and the Engineering Trades Training Centre?

1705

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 will include these issues in my contribution to the motion on the Order Paper dealing with training. *(Laughter)*

1710

Hon. D A Feetham: Mr Speaker, of course one thing is debating a motion, which Mr Speaker always has commended to this House since he took up the speakership, and indeed that we have lately been taking up, because we have been filing an intend to file motions very regularly; and the other is answering questions which are perfectly legitimate questions.

1715

Can the hon. Gentleman – because he has done this before – confirm that the information that we are seeking in these questions – certainly the information that I am seeking at 684 and the information that I am seeking at 685 – will be provided during the course of his intervention in the course of the motions? That is the question, but may I remind him that when we asked for questions on net debt and cash reserves prior to the Budget, the hon. Gentleman said that the information was going to be provided by the Chief Minister in the course of his intervention, and it never happened. So please could you confirm that that is going to be the case?

1720

Hon. J J Bossano: Yes, Mr Speaker. *(Interjection and laughter)*

1725

Q686-687/2016
Assistance re training and jobs –
Offenders; young people

Clerk: Question 686. The Hon. Ms M D Hassan Nahon.

1730 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I have to say that I am warmed for the first time to see another round of Hassan versus Bossano here in the House, and although at this time it is the Hassan side with less experience, I hope that even if we disagree we can deal in the same way that they did in the past with the same respect and dignity.

1735 The question is: is the Government satisfied with their level of assistance to rehabilitate and integrate offenders with jobs and a future after coming back into society following a prison sentence?

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

1740 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, I will answer this question together with Question 687 – and I will do my best to keep the same level of affection in the answers that there used to exist between her dad and me.

Clerk: Question 687. The Hon. Ms M D Hassan Nahon.

1745 **Hon. Ms M D Hassan Nahon:** Does Government intend to look at training for our youngsters via vocational training to possibly prepare for the possibility of restrictions in border flow with the advent of Brexit and the subsequent uncertainty of access to foreign workers?

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

1750 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, I have put quite a lot of detail because I am trying to give a full answer to the issues that have been raised by the hon. Member.

1755 As regards the retraining and rehabilitation and integration of offenders following a prison sentence, the answer is yes, but it is not an unqualified yes, as that would imply that nothing more or better can be done, and I believe that this view should never be taken. What I can say is that we are satisfied that more is being done now than was being done prior to December 2011.

1760 There is the indirect effect due to the improved market conditions. This is because the introduction of the Training for Employment Strategy has increased the level of employment and therefore considerably reduced the number of persons registered as seeking employment. So, on the one hand those disadvantaged by having served a custodial sentence face less competition from resident workers. At the same time, the economic programme since 2011 has increased the number of jobs in the labour market and a larger labour market means more demand for workers. This has gone up from 22,247 in 2011 to 26,144 in 2015. Thirdly, the joint campaign by my Department and the Department of Employment to remind approved Government contractors that they must give priority to local residents seeking employment applies equally to those entering the labour market after a custodial sentence.

1765 The introduction of the Training for Employment Strategy in 2012 was accompanied by making provision as part of the programme for financing a part-time counsellor, who was a person already undertaking work with Her Majesty's Prison on a voluntary basis and was therefore able to provide support for offenders on a more structured basis and as a result of the funding. This was developed both whilst a custodial sentence was being served and after release on a follow-up basis for a limited period, with the counselling then being delivered in premises provided within my Department.

1770 The opportunity to take up training in a placement where the employer has a job vacancy and is seeking to recruit from the unemployment list receives additional support to make it more attractive to employers to take on an offender after his release.

The Department has as well invested in providing additions to the facilities within Her Majesty's Prison for training in the construction trades. In the current programme from the

1780 European Union, the ESF funding can be used to provide training for persons still serving
custodial sentences, provided they have less than three years remaining prior to the date of
their release. This is part of the current programme making partial use of ESF funding, which was
originally intended to be a programme until 2020 but is currently expected to be available at a
1785 reduced level up to 2018. The need for initial local funding will be reviewed after this date,
depending on what arrangements apply as a result of the negotiations with the European Union.

As regards the training of resident workers, irrespective of age, in the event that border
restrictions following Brexit limits access to frontier workers, the position is that given the level
of unemployment and the number of frontier workers there would be limited impact from the
existing resident workforce in terms of redeploying them.

1790 The policy of the Government as stated in the 2011 manifesto is that there should be priority
given to resident workers for filling vacancies for which they are suitably qualified in the public
sector, and in the private sector where contractors provide a service to the public sector. The
training and apprenticeships provided since 2011 have been for the private sector in order to
encourage all private sector employers to give priority to resident workers by giving financial
1795 support in the provision of the training.

The most recent example has been the training and employment to qualify them for public
service vehicle drivers. This training has been funded by the Ministry for Economic
Development, working closely with the industry. It has been followed by a scheme that
guarantees a two-year employment contract in the private sector coach industry to service
1800 primarily the cruise liner visitors where there is an increasing number of visits creating a demand
which would have been at risk if it depended on the service relying on frontier workers. This has
now been successfully implemented with the support of the European Social Fund. The
allocations of this fund would have lasted, as I have said, until 2020 but for Brexit. It is likely that
the full allocation of the current programme will not be available to us, given the present
1805 intention of the UK to trigger the Article 50 notice in March 2017. This would lead to the
departure from the EU by March 2019, unless the EU agrees to defer the date. This deferment at
present seems unlikely and therefore my Department is working on the premise that it will not
happen.

1810 **Hon. Ms M D Hassan Nahon:** Mr Speaker, firstly, I am glad to hear of the hon. Member's
optimism regarding Brexit and where he said that there would be minimal impact – and I really
do hope that that will be the case, but of course only time will tell.

On the matter of ex-offenders, my concern was that I find that I speak to a lot of ex-offenders
and they feel a little lost as to who to go to – not just the counsellor, but is there anyone, any
1815 Department, where ex-offenders can go directly within Government to deal with the sensitivities
associated with getting back into the workplace?

Hon. J J Bossano: Well, yes, it is my Department. The person we are employing on a 20-hour
basis, on a part-time basis, has been dealing with something like 158 offenders over the period
1820 that he has been doing this job for us, since he started in 2013, and, as I have said, he is, in a
way, the conduit of the transition. The counselling is not limited to employment, but in the
context of the counselling, while the people are still serving the sentence he sees them regularly
in the prison, he encourages them to take on training and then he warns us, before they are due
to leave, when they are due to leave and we then alert the people who are responsible for
1825 providing potential trainees to the private sector on the basis that we tend to provide funding
for a longer period in order to make it more attractive for an employer to take somebody for
which, in effect, there will be a bigger amount of subvention so as to make it more likely that
they will be taken on. The counsellor then continues to make appointments to see them
regularly in a confidential context within my premises so as to give them support and follow-up
1830 advice once they have come out and they are already in the labour market.

1835 All this is a voluntary thing. Obviously the individuals have to want to take up this facility,
because there is no compulsion. We try to make it as attractive as we can. We all know that
sometimes it is difficult, for example, for persons in that context to attend regularly and so forth,
so there tends to be sometimes the problem of absenteeism at the start of the process. We tend
1840 to use, where we can, persons who are doing work for the Government and contracting work for
the Government, on the basis that we are in a better position to say to them if a guy misses one
day a week because he spends the money on the weekend and then he has got a problem
getting up on Monday, it is better to have him working four days than not to have him working
at all, and we, as the client, will not hold him responsible for any deficiencies in the delivery of
the work that you do for us. So we try to do it in a situation where we are the customer as well
in dealing with people who are providing services to the Government.

1845 But, as I said at the beginning when the hon. Lady asked me if I thought we were doing
enough, the answer is it is never going to be enough until you have got a perfect system and
everybody gets a job the day after they come out.

1850 **Hon. Ms M D Hassan Nahon:** If I may, one last supplementary. One of the setbacks that I
have found exists within ex-offenders is that they find it very hard to open bank accounts when
they come out and they get into the job market, and this is something obviously that holds them
back for obvious practical reasons. Is your Government willing to relax those laws or give some
kind of system or infrastructure for them to start having a bank account and getting back into
the day to day?

1855 **Hon. J J Bossano:** Well, I am not surprised because everybody seems to be having a problem
opening bank accounts nowadays in Gibraltar, so I can imagine it is even more difficult if you
have just been serving a custodial sentence.

1860 I do not think we can do much about it with commercial banks. I think if the Savings Bank
were at some point to extend the level of services, that may be an area where we could have
direct influence. But even in the Government-owned International Bank, from the beginning we
have treated it at arm's length. I do not know whether there is anything we can do, but I will
certainly try and find out if there is any way in which we can help.

1865 **Hon. E J Phillips:** Mr Speaker, just one question in relation to Question 687. Does the hon.
Member agree with me that in respect of training of skills, just in the context of the United
Kingdom when they are looking at Brexit, I know that the Minister for Training and Skills is
looking at increasing training opportunities for skills-based learning. It is a very important thing
in the United Kingdom to increase awareness in relation to skills and apprenticeships and
vocational training. Would the hon. Member agree with me that we need to do much more
about increasing those opportunities in the context of a Brexit situation?

1870 **Hon. J J Bossano:** I think we need to be conscious of the supply of potential trainees and the
numbers of frontier workers. You are talking about a couple of hundred people who are the
potential trainees, who are currently unemployed, and 7,000 frontier workers. If we lost 7,000
frontier workers they would have to be supermen if we were going to replace them with the 200
we have got out of work!

1875 What we have done, for example, in the case of the liner industry is a very good example,
because there you have a situation: we are talking about having trained about 50 people who
were previously unemployed, who had driving licences but they did not have PSV licences. We
first invested in their training and we got them qualified, and then we negotiated with the whole
industry a level of wage subsidy which would enable the industry to give regular work where
1880 previously we had two problems in that area which meant that they were dependant on frontier
workers. One problem was that there were people unemployed who did not have the right D-
licence and who could not afford to finance the training and pay to get the licence because they

1885 were unemployed – on the supply side of the equation. And on the demand side of the equation
the industry was not offering anything other than seasonal work. It was not offering permanent
work, and therefore it was not a sufficiently attractive proposition for local workers who were
unemployed, even though the rate of pay is quite good by the standards of the private sector,
because they preferred a lower paid job but continuity, whereas the industry tended to be ...
there was a demand which was very high at certain periods and less in other periods.

1890 By negotiation with the industry we have actually managed to reduce their labour costs by
providing financial help and that has enabled them to commit to guaranteed two-year contracts.
That means that, in effect, we have insulated that particular industry. It is a very small part of
the whole market, but we have actually succeeded in insulating that industry from any potential
risk, and in many respects the employers in that area want to be able to know that if they have
got a commitment with a liner company and the liner arrives at nine in the morning or eight in
1895 the morning, never mind the closure, there is not going to be a queue and they have got all the
coach drivers on the wrong side of the border. So that has been an example of something that
we have been able to do. The initiative came from the industry, to be fair, not from me, –
although they are giving me the credit for it. They came up with the idea and asked me to find a
way of finding the money to help them, and that is what I was able to contribute.

1900 But certainly it is something that I would be happy to look at in any other area where
something similar can be done. That is the answer.

Order of the Day

SUSPENSION OF STANDING ORDERS

Standing Order 7(1) suspended to proceed with Government Bills

1905 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move, under Standing Order 7(3), to
suspend Standing Order 7(1) in order to proceed with Government Bills.

Mr Speaker: I now put the question that Standing Orders be suspended in order to proceed
with Bills. Those in favour? (**Members:** Aye.) Carried.

BILLS

FIRST AND SECOND READING

Gibraltar Consultative Council Bill 2016 – First Reading approved

1910 **Clerk:** A Bill for an Act establishing the Gibraltar Consultative Council and governing its
functions and duties, and prescribing the terms of membership of the same.
The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move that a Bill for an Act for a
Gibraltar Consultative Council be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act establishing the Gibraltar Consultative Council and governing its functions and duties, and prescribing the terms of membership of the same be read a first time.

1915 Those in favour? (**Members:** Aye.) Those against. Carried.

Clerk: The Gibraltar Consultative Council Act 2016.

**Gibraltar Consultative Council Bill 2016 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to beg that the Bill now be read a second time.

1920 In my Budget speech of 2014 I indicated that I wanted to establish for Gibraltar a body akin, similar to that of the Privy Council in the United Kingdom.

During the course of that speech what I explained to the House was as follows: that when a nation such as ours finds that there are issues that affect the national interest, there needs to be a body above party politics that can provide an opportunity for consideration of those issues.

1925 The former Chief Minister, I reminded the House, had established a similar ad hoc consultative body when Gibraltar was facing the threat of joint sovereignty, but did not include the Opposition in it. I wanted to go further than that and change the way that we do politics on some issues which matter to the national interest, and as a keen supporter and defender of the Westminster adversarial system it is also right that we should at some stages, in the national
1930 interest, where the national interest is at stake, that we should be able to work together instead of adversarially, because Gibraltar's best brains can be brought to work in unison in some necessary instances, and not have to be condemned forever to be challenging each other. Therefore, I wanted to create this committee in order not to have to go down the alternative route, which is to simply throw out the baby with the bathwater of our adversarial system and
1935 have to, instead, for the committee system of government, which I would have thought was not a good thing for Gibraltar.

I indicated then, Mr Speaker, that such a body, in my view, had to be permanent and it should not be ad hoc, and I proposed that that body should be made up for their lifetimes of all individuals who had held the post of Chief Minister, for their lifetimes all individuals who have
1940 held the post of Deputy Chief Minister, for the period of their tenure in office the Leader of the Opposition and the Minister for Justice, and for such period as may be stipulated in the notice of appointment such other persons as the Chief Minister of the day may consider appropriate to appoint.

1945 Mr Speaker, I also made clear in 2014 that Members would be required to sign the Official Secrets Act and the information that might be shared with them in the context of that forum would be subject to strict rules of confidentiality, very much like the position in the Privy Council.

1950 Having such a Consultative Council, in my submission, would enable the Chief Minister of the day to meet with all or just some of the members of that Council as any Chief Minister may consider appropriate and exchange ideas or take advice on any particular matter or issue within the parameters of the strict confidence required of individuals who would make up that Gibraltar Consultative Council (GCC).

1955 I also said at the time that it was the view of the Government that individuals who became part of the Consultative Council should be able to use the prenominal letters of 'Right Honourable' or something similar, as is the case in respect of membership of the Privy Council in the United Kingdom. I also, I think, stressed at the time, Mr Speaker, that appointment to the Consultative Council should not be remunerated, because I thought it would be a huge honour

for a Gibraltarian to be called upon to serve by a Chief Minister of the day in respect of this advisory capacity. Neither do I think that this is a committee that will meet every day or every week.

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Mr Speaker, in 2014 therefore I gave instructions for a Bill to be drafted to implement that objective of the Government, and a Command Paper was published in April 2015 for a Gibraltar Consultative Council Act which would implement the decision to establish a body in Gibraltar similar to the Privy Council in the UK.

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When I first spoke of the matter I referred to the 'Chief Minister's Consultative Council', and speaking during the course of his response in the Budget debate the former Chief Minister, Sir Peter Caruana, suggested that perhaps it might be more appropriate that the Council should be named the Gibraltar Consultative Council rather than the Chief Minister's Consultative Council, something which I told him during the course of my response to the Budget addresses of hon. Members opposite that year, thought actually was a good idea and a better idea than calling it a Chief Minister's Consultative Council, so that it is clear that although it was designed to advise the Chief Minister, it was Gibraltar's Council and not in any way the Chief Minister's Council.

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Mr Speaker, as is stated in the Command Paper, when the Act comes into effect it is intended that there would be an inaugural meeting of the Gibraltar Consultative Council at which all members will take an oath of appointment. After that, the Chief Minister will convene a plenary meeting of the Council at least once every 12 months. A plenary meeting will be convened at least once within four months of the appointment of a new Chief Minister, who may at his discretion convene a meeting of the Gibraltar Consultative Council as he determines necessary. The note also explains that the Chief Minister may wish to consult individuals or groups or members of the GCC on any matters as and when he considers necessary.

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I think it is important to make that point, Mr Speaker, just to remind the House that it is not necessary that the whole committee meets every time that there is a need for the consultations to occur. It may be that there are people with particular expertise that a Chief Minister wants to consult in terms of the auspices of that committee. He may wish therefore to only contact two or three of the members of the GCC at any one time, or any other grouping.

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Mr Speaker, in the Command Paper it was also made clear that in our view this is a seminal piece of legislation, that it is important there should be a permanent forum created which allows what some might sometimes refer to as some of the best brains in Gibraltar to work together on issues that can affect all of our community regardless of the parties with which we might have a particular partisan allegiance. We thought, Mr Speaker, and repeated in the note to the Command Paper, that the UK Privy Council model is a good one for us to follow in establishing such a body and I was therefore looking forward to bringing the Bill to the House. I also thought that there would be widespread support for this Bill, and I am sure that it is likely that there will be – I think there have been indications that there would be – and the Bill, after consultation, was published I think before the last General Election and it fell away as a result of the dissolution this time last year.

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There was a republication of the Bill on 25th February this year and, of course, thereafter we had many months when we did not meet because of the Referendum campaign etc. The Bill therefore now before the House in effect gives effect to the commitment originally made in that Budget speech that I have referred to of 2014 and the Command Paper of last year, 2015.

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If hon. Members look at the Bill, Mr Speaker, they will see that section 1 makes clear that the commencement of the Act will be on a date to be appointed by me, and my intention is to commence the Bill with effect from the beginning of next month if the Bill is to become an Act today.

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Section 2 sets out the interpretation of certain phrases that pertain within the Act.

Section 3 establishes the Consultative Council to aid and advise in the government of Gibraltar and sets out that the persons who are members of the Council shall from time to time be summoned by the Chief Minister and sworn in as counsellors.

2010 I should give the House notice, Mr Speaker, and I think hon. Members will now have it, that
these sections and some others have amendments set out in the letter I have provided to you
now. In order to assist hon. Members, I have not just given a table setting out what those
amendments are, but actually provided a copy of the Bill with the amendments set out in detail
on it as tracked changes.

2015 The Consultative Council is to be chaired, under section 3, by the Chief Minister, to be
composed of the post-holder members, the life members and the ad hoc members, as described
in that section. The post-holder members, as I told the House a few moments ago, will be the
Chief Minister, the Deputy Chief Minister, the Minister for Justice from time to time and the
Leader of the Opposition from time to time. Life members are individuals who have held the
post of Chief Minister or Deputy Chief Minister. Ad hoc members are any person or persons not
2020 exceeding 10 as may be appointed by the Chief Minister.

Mr Speaker, as is made clear in section 3, there will be an inaugural meeting of the Gibraltar
Consultative Council, at which all members shall take the oath of appointment, which is set out
in schedule 1, and will be appointed as members of the Council. Oaths of appointment will be
administered by the Chief Justice or a judge of the Supreme Court that the Chief Justice may
2025 determine is an appropriate person to take those oaths.

Part 3 of the Act covers tenure and membership and, as is made clear under section 4, post-
holder members hold membership of the Council for such time as they hold their particular
posts only in respect of those posts. They may then pass on to become life members who will
hold those positions for their lifetime.

2030 Section 6 provides for the ad hoc membership, who are individuals appointed for such period
as may be specified in their notice of appointment, and those periods can actually be specific
periods of years – five years, ten years, two years, one year – or another sort of period. For
example, it could be ‘for the lifetime of this Parliament’ – it could be that somebody is appointed
by a Chief Minister to be there ‘but for the lifetime of this Parliament’ in order not to take up
2035 space on the committee after the lifetime of that parliament.

Under section 7 it is made clear that membership of the Council is not remunerated, as I said
before, and under section 8 that members may, for the period that they are members, use the
prenominal style of Right Honourable in keeping with the Bill, but I am going to propose that we
should use the terminology ‘The Honourable’ rather than ‘The Right Honourable’. The reason for
2040 doing that is that the post-holder members and the life members are likely to be people who
have the letters ‘Honourable’ before their name, but some of the ad hoc members are not likely
to be people who have the word ‘Honourable’ before their name because they may simply be
people who have never been in the Parliament or in the House of Assembly; they could literally
be people who have a different sort of expertise. So I am going to move an amendment simply
2045 to use the terminology of ‘Honourable’ rather than the terminology of ‘Right Honourable’. It
may be that in future we come back to amend that and to go back to everybody who is in that
Council being ‘Right Honourable’, but for now I think it is sufficient to simply have people
prenominated as ‘Honourable’ if they are members of that Council – and that may mean no
change for those who are post-holder members or life members, who are likely to have those
2050 prenominals in any event.

Section 9, Mr Speaker, provides that no person is qualified to serve as a member of the
Council in certain circumstances, including if they have pledged allegiance to a foreign power –
or at least if they have disclosed that they have pledged allegiance to a foreign power;
individuals who are bankrupt would not be eligible; members of the armed forces; those who
2055 have been certified insane – and one hopes that the post-holder members will not also suffer
the ignominy of being removed from the Council for that reason; or those who have been under
a sentence of imprisonment.

Membership of the Council would also be suspended if the member who is a life member
accepts a judicial post, because of course it will not be appropriate for judicial post-holders to be

2060 members of the Council, and those exceptions, Mr Speaker, are the common exceptions, which are elsewhere in our laws.

Under section 9(5) membership of any ad hoc member would cease if the ad hoc member becomes an elected member of the Parliament and is not otherwise qualified as a post-holder member or accepts a judicial post. Post-holder members vacate their membership of the Council on ceasing to hold a particular post, unless that person is qualified for membership by becoming a life member or an ad hoc member.

Life members or ad hoc members can be removed from membership if all post-holder members and two-thirds of other members so agree.

2070 Public officers are to be appointed as secretaries of the Gibraltar Consultative Council also, so that there is a record of the functioning of the Council.

Plenary meetings of the Council will be held at least every 12 months, as I have said, and this is provided for in section 11(1). The Chief Minister can, in his discretion, convene other plenary meetings with members as he determines the governance of Gibraltar or the public interest requires. He or she can also constitute the subcommittees or consult individual members as he or she considers necessary.

2075 The duties of the Consultative Council will be:

... to advise Her Majesty's Government of Gibraltar and specifically the Chief Minister on any issue on which advice is requested by him or her via the structures and mechanisms laid out in this Act in respect of—

(a) the governance of Gibraltar;

(b) the public interest of Gibraltar;

(c) the conduct of or performance of public policy;

(d) the international obligations of Gibraltar;

(e) any matter touching upon the public affairs, peace, order and good government of Gibraltar.

The quorum of the plenary is set at five and in the absence of the Chief Minister the Deputy Chief Minister is able to preside at meetings and ensure that minutes are kept by the secretary of the Council and provide a copy to the Chief Minister.

2080 Part 5 of the Act governs confidentiality, publication and disclosure of matters considered by the Council; and, consistent with the sensitivity and the importance of the matters being discussed, this part really makes clear that deliberations of the Council are confidential and that members will be required on appointment to agree to be bound by the Official Secrets Act.

2085 Members will be restricted, without the consent of the Chief Minister, not to publish or disclose to any unauthorised person the contents of any document, communication or information which has come into their knowledge in the course of their duties under the Act, and the Act provides a number of penalties in the event of a breach.

2090 Section 20 in particular restricts disclosure of material in any legal proceedings of communications between the Chief Minister and members of the Council and between members of the Council themselves, unless the Chief Secretary, after consultation with the Chief Minister, consents in writing.

Section 21, as Members will see, is a general rule-making power to carry out the purposes of the Act.

2095 Schedules 1, 2 and 3 set out the oaths of appointment for members, the secretary and the Chief Secretary.

2100 I want to thank the Attorney General, Michael Llamas, for his advice in respect of the preparation of this Bill, and Keith Azopardi QC – who I think himself has been a Deputy Chief Minister and a Member of this House – who drafted the initial Bill and has greatly assisted me in the preparation for today. My relationship with Mr Azopardi goes back in politics a very, very long way. He was there with us in 1991 when we took our first faltering steps as politicians. We then ended up on different sides of the House, but always good friends and able to get on despite our political differences as they emerged.

2105 Mr Speaker, I believe this is a very, very important Bill for Gibraltar. It is seminal to be able to create such a body. I think it is a step in the process of the maturity of our democracy, and of course also an indication of the sorts of threats that you start to face as you emerge into nationhood and you have to determine your own responses to a lot of these issues that you are facing.

2110 Hon. Members have the amendments which I intend to move in committee. Just to highlight that they are really about turning the Bill into the sort of shape it would have if it was more in keeping with the drafting that we usually do, so it is more about the section headings than it is about changing any of the general principles and merits of the Bill that I have just related to the House. There are 22 amendments set out in the letter that I have provided. That is why I have also provided the Bill with the amendments, so that hon. Members can see that they are principally just moving things about and changing the subject headings.

2115 I would invite you, Mr Speaker, in committee – unless hon. Members opposite have a particular objection in respect of any one of the amendments – to simply refer to the amendments in the letter, because many of them are just very typographical for the reasons set out – other than the deletion of the word ‘Right’, which I have taken the House to also in the context of my speech and in the styling section at section 8.

2120 Mr Speaker, for all of the reasons I have just set out, I commend the Bill to the House. *(Banging on desks)*

Mr Speaker: Before I invite hon. Members who may wish to speak on the general principles and merits of the Bill, there are two matters I want to raise.

2125 Having regard to what the Chief Minister has said, clause 8 in the enclosed table of amendments then instead of for “Right Honourable” substitute “The Right Honourable” and may be referred to as Councillors’, that should be ‘Honourable’ only. So that is a mistake – ‘Right’ should be cancelled.

2130 The other thing is the date: 2015 or 2016? Surely it is 2016. And therefore, again, clause 1, where it says ‘insert 2015’, that is wrong.

Hon. Chief Minister: It is, Mr Speaker, and that comes from the fact that these amendments were ready when the Bill was ready but it then fell away.

2135 **Mr Speaker:** So let me ask, then ... Well, in fact, what then happens is that clause 1 does not have to be amended. I do not think ‘replace heading in 1’ ... other than replace section heading title and amendment in section 1 and insert 2015. That does not have to be done.

And clause 8, we go back to that and it would read ‘substitute “the Honourable” and may be referred to as Councillors’.

2140 Does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. the Leader of the Opposition.

2145 **Hon. D A Feetham:** Mr Speaker, I am afraid that on this side of the House we cannot support this Bill. That is a decision that we have taken not easily or lightly, because it is within the makeup of the Opposition, as we have indeed demonstrated on a number of issues, to work with the Government where we can. But we feel, after internal and careful deliberation, that this particular Bill has the potential to stifle debate and therefore is a potentially retrograde step, from a democratic point of view, and I will attempt to make that out during the course of my intervention. But before I do so, I would like to place this particular Bill into its proper context.

2150 The Hon. the Chief Minister has said on a number of occasions that he is modelling the Council that is being created by this Bill on the UK Privy Council, and indeed at page 15 of their manifesto at the last election that is precisely what it says. It is a commitment to:

the creation of a Council that would be based on the principles that govern the UK Privy Council and allow members to be briefed confidentially on matters of national importance.

2155 A privy council is a body that advises the head of state, usually the monarch, in the context of
a constitutional monarchy. In the United Kingdom the Privy Council is a committee that advises
Her Majesty the Queen on a confidential basis on matters of state, but in particular how Her
Majesty exercises the Royal Prerogative – the most common example is issues such as state
honours – and members of the Committee then take the prenominal style ‘Right Honourable’.
2160 Their discussions are discussions that are undertaken in private, or secret, and indeed right up to
the late 1990s – it might have even been the beginning of the last decade – the oath of secrecy
in the Privy Council in the United Kingdom was actually itself in secret, and it was thought by
constitutional lawyers that revealing the nature of the oath was in fact treasonous until the Blair
government answered a question in Parliament and basically revealed the oath. But even in the
2165 United Kingdom, where the Privy Council is actually advising Her Majesty the Queen on very
narrow sets of circumstances or powers, the exercise of her prerogative powers, the Privy
Council has come under criticism from very reputable charities such as, for example, Justice,
who have described it, and I quote, as ‘bypassing Parliament and any prior accountability’. And
there we are talking about a Privy Council that is set up to advise Her Majesty the Queen, not a
politician, on very narrow powers that are exercisable by Her Majesty the Queen.

2170 Mr Speaker, of course the Chief Minister is not the monarch of Gibraltar, he is certainly not
exercising narrow prerogative powers, and the concerns of the Opposition are highlighted if we
go to the powers or the areas that this Consultative Council are going to be asked to advise the
Chief Minister of the day. They include the governance of Gibraltar, the public interest of
Gibraltar, the conduct of or performance of public policy, the international obligations of
2175 Gibraltar, any matter touching upon the public affairs, peace, order and good government of
Gibraltar. In other words, Mr Speaker, it includes everything under the political sun. That is the
reality.

If one looks at section 17 of this Bill, it says:

All deliberations of the Gibraltar Consultative Council and advice tendered by any member to the Chief Minister shall be tendered and received in absolute confidence.

Section 18:

Any member of the Gibraltar Consultative Council shall be required on appointment to signify on such form approved by the Chief Secretary for that purpose that he agrees to be bound by the Official Secrets Act ...

2180 And section 19:

(1) No member nor any other person shall without the consent in writing of the Chief Minister publish or disclose to any unauthorised person or otherwise than in the course of duties under this Act the contents or any part of the contents of any document, communication or information whatsoever which has come to his knowledge in the course of his duties under this Act and a person who knowingly acts in contravention of this sub-section is guilty of an offence and is liable on conviction on indictment to imprisonment for up to one year and to a fine not exceeding level 4 ...

2185 So, Mr Speaker, I can be asked to come into this Consultative Council as Leader of the
Opposition and the Chief Minister imparts to me information about the governance of Gibraltar
or the public affairs or peace and order or good governance of Gibraltar. I receive it, and if I
believe that it is in the public interest that I should bring that to the attention of the people of
Gibraltar, if and I do so, I am committing a criminal offence. I would be the most foolish Leader
of the Opposition in political history if I allow myself to basically go into a trap of this nature, and
whether this is a deliberate trap or it is not a deliberate trap – and I give him the benefit of the
doubt – the reality is that it places the Leader of the Opposition in an almost impossible position.

2190 But of course it also covers people such as former Chief Ministers and former Deputy Chief
Ministers. It is the kind of people who could be expected at any given moment in time in the
future to stand up and criticise a government of the day – let's put it in neutral terms: not the
Hon. the Chief Minister or his Government, but a government of the day – on something
concerning the good governance, the public affairs and the public interest of Gibraltar. And yet if
it concerns a matter that the Chief Minister imparts to them in this Consultative Council, then
2195 they will be committing a criminal offence if they refer to it.

I just believe, Mr Speaker, that in those circumstances this is potentially a dangerous
retrograde step and it is an anathema, in my respectful view, to my understanding of
democracy. We do not need more titles, we do not need more secrecy; what we need is more
openness and more transparency. For those reasons we will be voting against this Bill. (*Banging*
2200 *on desks*)

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits
of the Bill? The Hon. Roy Clinton.

2205 **Hon. R M Clinton:** Mr Speaker, I identify myself, obviously, with the remarks of my learned
colleague.

In reading this Bill, there is – apart from the obvious flaws that my hon. colleague has
mentioned, and I note there has been a wholesale copying of the Constitution, for example, on
disqualification for elected Members – nothing here about qualification for elected Members. In
2210 the Constitution, under section 27, it says that subject to section 28 – and section 28 is
effectively a paragraph that has been copied into this Bill about the disqualification under
section 9 – there is no qualification, and that qualification under section 27 in our Constitution
says:

... a person shall be qualified to be elected as an Elected Member of the Parliament if, and shall not be qualified to
be so elected ... [if] he is a British citizen or a British overseas territories citizen by virtue of a connection with
Gibraltar who has attained the age of eighteen years.

2215 There is nothing in here that says the hon. Member could not appoint a six-year-old to be a
Member of this Council, if he so pleased, as an ad hoc member.

So I feel there are some areas here that, if the Member is going to go ahead with it, even
though we oppose it, it is flawed.

2220 And in the context of appointing all previous Chief Ministers and Deputy Chief Ministers,
again there has to be, unfortunately, a disqualification for certain people in terms of the posts
that they may hold in future. And I note there is a disqualification section for an ad hoc member,
if he is elected as a Member of Parliament. However, what happens in the case of a life member
who has been the Chief Minister who is – I regret to say, Mr Speaker – the Speaker of this
Parliament? Is it right that the Speaker of the Parliament is forced, under these rules, to
2225 effectively swear ... I would not call it an oath of allegiance to the Chief Minister, but I dare say an
oath of secrecy, in that he has to swear to give good advice to the Chief Minister while he is
Speaker of this Parliament? I do not think that would be appropriate, Mr Speaker; but again the
drafting of this legislation, I think, needs further thought.

2230 Furthermore, Mr Speaker, I note this desire to create a privy council, and again this seems to
favour the lawyers amongst us, because I note that the Minister with responsibility for Justice is
a permanent member of this Council, but the Minister for Finance is not! Of course, at the
moment the Minister for Finance *is* the Chief Minister but if, for example, the Hon. Mr Bossano
was the Finance Minister he would be excluded from this Consultative Council. That cannot be
right.

2235 **Mr Speaker:** I thought he was a former Chief Minister?

Hon. R M Clinton: Well, sorry, indeed, I stand corrected!

2240 But if he was not, or if somebody else was the Finance Minister they would be excluded. And if this Consultative Council is truly meant to advise the Chief Minister on the range of subjects, as my learned colleague has mentioned, which is particularly lengthy and which will no doubt include financial aspects, should not the Minister for Finance also be included in this Consultative Council?

2245 And again I fear this is a wholesale attempted copying of the Privy Council in the UK which is, as in his manifesto commitment, exactly what it is. But if this is a consultative council and its general intention is to find the best possible advice for the Chief Minister, then I humbly submit that it should include other Members, including Finance, and not just the Minister for Justice.

Also, in some of the ad hoc members, I would like more clarity as to what qualifies somebody to be an ad hoc member; it seems to be entirely at the Chief Minister's discretion. Surely, there must be at least a minimum criteria for qualification for an ad hoc member?

2250 I come back to the point about qualification to even be an elected member. Could it be possible that the Chief Minister could appoint an American to form part of this Consultative Council? Or somebody else of any other nationality? What is missing, I think, in this Bill is qualification; there is a lot about disqualification but there is nothing much about qualification other than for the life members.

2255 And so, Mr Speaker, apart from the reasons that my learned colleague has given, I really cannot support this Bill as it stands.

Mr Speaker: Are there any other hon. Members who wish to speak?

The Hon. Marlene Hassan Nahon.

2260

Hon. Ms M D Hassan Nahon: Mr Speaker, in principle I always welcome any committee or body set up with the intention of brainstorming an advancement for the good of Gibraltar, so for my part in principle I would welcome the inception of this Council.

2265 The only question I have is why do we need to invoke the Official Secrets Act, because perhaps it is something that could chain us MPs? I would like to know more about that, please.

Mr Speaker: Does any other hon. Member wish to speak before I call on the Chief Minister to reply?

The Hon. the Chief Minister, then.

2270

Hon. Chief Minister: You can take a horse to water, Mr Speaker, but you cannot make him drink.

I am surprised that hon. Members feel they cannot support the Bill and that they have not said, 'Look, we would be able to support the Bill if it did this, or if it did that.'

2275 The speech from the Hon. Leader of the Opposition has been simply to say that they cannot support the Bill. The Bill was published in 2014 as a Command Paper, as I said to the House before; it was published as a Government Bill in 2015; the issue of the Bill was set out in the context of my party's manifesto at the last general election. And in respect of all three of those opportunities to write or to communicate to me that they had concerns about certain aspects of the Bill, but they would wish to support it nonetheless, there have been no communications with the Government – none whatsoever.

2280 When I spoke during the course of the Budget in 2014 and I gave these indications, the Hon. the Leader of the Opposition who was also Leader of the Opposition by then, thank God, did not for one moment say that he had a concern about the privy council structure, the Official Secrets Act, etc. Not at all. In fact I will have to go back and see whether he actually said that he might support it. But I doubt he did, because I reckon what he did was he got up and read his prepared speech. I stood here, Mr Speaker, and delivered the Budget for Gibraltar, and the hon.

Gentleman then got up and read the speech he had prepared, regardless of what it was that I might have said.

2290 Sir Peter Caruana, who he has described, as you will hear *ad nauseam* from us, as the greatest Gibraltarian of all time, said he was supportive of it but he thought the nomenclature should change.

I would have thought that in trying to create something constructive like the Gibraltar Consultative Council Act, that hon. Members, if they had these concerns, might have wanted to get in touch with the Government and say, 'These are the concerns that we have'; not simply highlight them in the context of their speech today. It is not as if this has been visited upon them; this is not a Bill brought in less than six weeks, certified as urgent and here we go. This is a Bill that has been doing the rounds for too long, in my view. So if I may say so, with respect to hon. Members opposite, I think that they are pretending constantly that they want to co-operate with the Government and that they want to be collegiate has just been demonstrated to be absolute bunkum!

They have just uncloaked the reality of what they are really like when they say they want to co-operate because, given the opportunity to do so, they have not even said, 'We want to be part of that Council but we have concerns about the confidentiality aspects.' All they have done is today say, 'We won't support the Bill because we have those concerns.' At least the hon. Lady has said, 'Can you deal with the issue for me and then I might be able to get comfortable with it?' That is not what we have heard from the Leader of the Opposition, he has not asked me to deal with something in my speech and respond to his concerns, he says he is *not* supporting it because of the issue of confidentiality.

2310 Well, Mr Speaker, if I may say so, the Hon. the Leader of the Opposition is once again, as he is wont to do in his interventions in this House and even in his interventions in the local media, he is making once again a mistake of historic proportions. Just like he made the mistake of historic proportions on Monday when he said he does not earn enough as Leader of the Opposition. And today, Mr Speaker, just over 96 hours later, in saying he is not going to support the establishment of a council for Gibraltarians to be able to provide advice to the Government in respect of all of the areas that have been set out.

He has then done an analysis of what the Privy Council is. Therefore, Mr Speaker, I think he must have understood, despite the Bill having been published for this long and despite everything I have said, that I am trying to create a privy council in Gibraltar. I am not creating a privy council in Gibraltar! I am creating a Consultative Council on the lines of the Privy Council for the United Kingdom, in Gibraltar. It is an advisory council, not to advise a monarch on titles, because we do not give titles here in Gibraltar in the way that they are given in the UK. We give titles in Gibraltar in this Parliament *together*, not in the way that it is done in the UK.

2320 Gibraltar advises the UK in relation to nominations from Gibraltar, through an Honours Board, but that is done in a different way. This has got nothing to do with that and to take the debate in relation to this to titles is to be so completely illucid in the analysis, that it is just incredible that the person who has delivered that speech is charged with the responsibility for leading Her Majesty's loyal Opposition in Gibraltar.

2330 We are talking about an opportunity to consider together things that matter to Gibraltar and the hon. Gentleman comes out with the fact that the Privy Council in the UK also advises in respect of state honours! It is absolutely an abdication, Mr Speaker, of the sort of responsibility that they could have taken by supporting the creation of this Council, that demonstrates why the hon. Gentleman is so ill-suited to public office.

2335 The hon. Gentleman himself went on to say that if he supported the creation of this Council, as if his failure to support it would in some way stop it from being created, he would be the most foolish Leader of the Opposition in history. Well, Mr Speaker, I think he may go down in the annals of Gibraltar's parliamentary history as the most foolish Leader of the Opposition in history, for not supporting the creation of a body that enables Gibraltarians to work together for the good of Gibraltar and to advise Government in that respect.

2340 He pretends to want to and he seems to have better ideas than anyone for any topical issue
that might arise. In fact the Hon. the Deputy Chief Minister and I were quite looking forward to
the meeting we were going to have with him on the issue of Brexit in July, because he was telling
us for months that he needed to meet us on the subject. When he met us, Mr Speaker, he
2345 nodded his head and told us that he thought we were doing a very good job indeed. And then
went off to carry on with his business.

So I really do not understand what it is that the hon. Gentleman thinks is going to happen in
the context of sharing information which is not otherwise publicly available, that might
somehow put him in strictures which he would not otherwise expect to be in. Or is it that he
expects to be brought into confidence, to be told things that are not otherwise publicly available
2350 bits of information – very sensitive, potentially, not publicly available bits of information – and to
simply be able to turn around and go outside and disclose that?

Well, Mr Speaker, the structure of this Bill is not because we have any particular piece of
information in our minds that we are going to share with him. It is because we have been
advised that is the best way to create such a body in the context of such an oath. But he has
2355 taken us down the road of titles, etc. in respect of the position of the Privy Council in the United
Kingdom. But you see he has foregone one of the most important aspects of what happens in
the United Kingdom today – for example, security briefings on Privy Council terms given to the
sorts of post-holders that we are talking about here. Or is he not aware, in his desire to pretend
that this is in the UK only about who becomes a knight and who becomes a peer, is he not
2360 aware, that members of the Opposition are given briefings on Privy Council terms on sensitive
defence issues and sensitive intelligence issues?

I have no desire to be involved more than I have to be, I suppose, in who becomes a knight or
who becomes a peer. In fact I do not think I have any influence whatsoever on who becomes a
peer; but we might have some influence on who takes some state honours by just reflecting the
2365 Gibraltar view when we are asked for it. But nothing could have been further from my mind.
Indeed I dare say, Mr Speaker, nothing was further from the Hon. the former Chief Minister's
mind when he replied to me in very positive terms about the creation of this Act, than who
becomes a knight or an OBE or an MBE, or takes another honour.

This was about creating a body that enabled Gibraltar to take a step in the direction of having
everyone work together in the context of things which have to happen *in camera*, because
advice is sought in respect of things which cannot be shared; and a structure had been proposed
by a person who was a former Deputy Chief Minister of the GSD! Keith Azopardi, who started
with us in 1991 and who I have spoken about in such convivial and friendly terms, went on to
become Deputy Chief Minister of the GSD, not of the GSLP Liberals. This is his draft and structure
2375 of how the thing should be done in order to ensure that there is the security of information
which is shared in that context.

This is a body created for the good of Gibraltar to ensure that we have the sort of advice that
another decision-maker, not a monarch but a prime minister, is also able to count on in the
context of the United Kingdom structure along the lines of the Privy Council. But we are not
2380 creating a privy council. I do not have a privy and, if I did, I would not need a council for it, Mr
Speaker.

So I really do not know how the hon. Gentleman's political paranoia has taken him to such a
level of concern that I might wish to have him imprisoned for disclosing something I have said,
that he cannot support the creation of a Council. He needs to understand, and I am going to
2385 make it explicit for him, nothing could be worse for me and for those that I represent on this
side of the House if, by becoming imprisoned, he disqualified himself from becoming the Leader
of the Opposition. We want him to stay forever as Leader of the Opposition; we do not want him
to go. We think that one of the best things that happens to us on this side of the House is that he
is on that side of the House. So he does not need to worry about us wanting to exploit anything
2390 that might lead to him becoming disqualified from being a Member of the House.

I do not want to see him in shackles, I do not want to see him anything other than actively leading the Gibraltar Social Democrats at the next, and every other, election. I was very disappointed when he said that he would leave the leadership of the party at the next election if he lost. I sincerely think that it is a bad thing for the GSLP and for the Liberal Party. Although I did notice, Mr Speaker, that he also said that he would stay on the GSD front bench, which is to have very little regard for what the next leader of the GSD after him might decide should be his role. He might decide that although he might offer himself he should not be a front bencher for the GSD – again, something which would cause huge disappointment on our side, Mr Speaker. But his intervention on Monday night will no doubt be one that endures in the context of the debates in this House.

So he should not be concerned to think that we have any reason for wanting to see him subject to any prosecution, but there is that provision in the Bill. It is true that there is that provision in the Bill. He has not said to me if I remove it he would support the Bill; he has not said that he is concerned about the post-holders who are in post at the time not being subject to it, he just said that it should not be the case. It is the case, as he has said, that in the UK Privy Council members are subject to confidentiality in respect of information that they receive in the context of that body which is not just, as I have shown, in relation to state honours. So I am very surprised that he has taken that attitude.

Mr Speaker, there are some areas where no modern society or state can have full transparency: areas of intelligence, areas of police investigations, areas of inter-state intelligence. Hon. Members need to realise that what we are trying to do in respect of this Bill is to share that information with them in the context of taking their advice and views on it as well. Now, because that sharing is structured in the way that this is structured in other nations and other states, that is why it is structured in this way. I am very surprised, therefore, at the attitude that they have taken.

Mr Speaker, no Government has been supportive of openness and transparency like this Government has been. We demonstrate that in the information that we volunteer, let alone the information that we give. And I know that it does not fit with the hon. Members' narrative of where we are because they want to pretend that we are not disclosing and not transparent; but that is all they are doing – pretending. And if there is one thing that the public is good at in Gibraltar, it is seeing through a ruse, spin, and whatever you like. But the public will see through you.

And if you pretend to be transparent and you are not, they will see through you. And if you pretend that somebody is not transparent when they are, they will also see through you. And the hon. Gentleman should know that because he ran a campaign during the general election last year that we were not transparent and that there was an issue with our public finances, and that there was an issue with LNG – and look where that got him. He was so seen-through that he was very transparent to the general public.

Moving on to the Hon. Mr Clinton, who is not here to hear my response to the points that he made, can I just say that when he gets up and says, 'Obviously I support the position of the Leader of the Opposition', I think he needs to realise that remark is no longer one that he can afford to make. Yesterday he took a different position to the Leader of the Opposition in respect of the amendment proposed by the hon. Lady – who I will come to in a minute. He took a completely different position, so in the context of 'obviously' there is nothing obvious about it!

The Hon. the Leader of the Opposition yesterday did not lead the Opposition when it came to the position in respect of the amendment. Yesterday, Mr Speaker, the Leader of the Opposition was the hon. independent Member. She proposed an amendment with which we did not agree and the majority of Members opposite voted with her, not with him. So whenever any Member opposite gets up, absent the hon. Lady, I suggest to them that they no longer fall into the trap of saying, 'Obviously I agree with the Leader of the Opposition', because we will all be on tenterhooks for the next three years to see on which way they fall and whether they are more

towards the rocket chair or more towards the centre of gravity there, for many years, we hope. For many years, the centre of gravity there.

2445 Then the Hon. Mr Clinton took us through what he sees as the failings of the Bill, which we see as some of the strengths. The ability to appoint a person to advise in the Consultative Council who might not fit the criteria of appointment to this House; I will give the hon. Member an example, a member of the clergy. A member of the clergy could be an important person from whom the Chief Minister may want to take advice in the context of understanding our community and our society.

2450 A member of the clergy cannot stand for Parliament, they are prohibited from being Members of Parliament if they are members of the clergy. And yet they may be an important part in a particular moment in our history because of who they are, perhaps less than because they wear a dog collar. They could be an important part of the advice that a Chief Minister may want to take.

2455 Restricting the pool of available talent to advise, to the pool of talent that is available to stand for Parliament, would mean that we would be stuck with *us* – or something that looks like you. Well, Mr Speaker, we think that there are many more things that are thought of in the philosophy of what the Gibraltarian is, and who we might want to take advice from; and that may include people who are not eligible to stand for election. So I think Mr Clinton has made a mistake going down that route.

2460 I could appoint an American, he says, in the context of his submission. Well I suppose I could, but there is a provision that says that I would not be able to appoint somebody who has sworn allegiance to a foreign power. So if I was to appoint an American, Mr Speaker, the passport is allegiance to a foreign power; it is not, in my view, contrary to that rule but it would be very particular.

2465 But if he or she who was Chief Minister at any particular time was to decide that they wanted to appoint an American, who would not otherwise be eligible to be a Member of this Parliament, there might be a very good reason for doing so. And why should we not have that talent available for a year or for six months? It would be an ad hoc appointment. I think it is absolutely right and proper that we should have that power.

2470 And then he says, but of course the Minister for Finance might not be available if he were not the Chief Minister and, if he were another Minister, we would not have the benefit of his advice. What a deep misunderstanding of the structure of Government! The Chief Minister, if he is not also the Minister for Finance, sees the Minister for Finance at Cabinet meetings every Monday; at least that is the way we do it because we run a cabinet government. And I know if there is one thing that they appear to have been briefed on it is that when they were in Government they did not have any cabinet meetings. So they might not see each other unless they bump into each other in the corridor. *(Interjection)* Well at least not with the regularity that we have them. *(Interjection by Mr Speaker)*

2480 I accept, Mr Speaker, that they sometimes had cabinet meetings, or meetings of the Gibraltar Council of Ministers once in a while, but not very often. We even had a Minister in the GSD get up in this House and say to us, 'Oh, that is not a decision for me, that is a decision for central Government.'

2485 Well, doesn't the hon. Gentleman forget that the Hon. Mr Britto referred to some decisions as being decisions not for him and his Ministry but for Central Government? Mr Speaker, central Government is now cabinet Government. We meet every Monday unless one or two of us are travelling, and we get together. And I would therefore have the benefit, if I was Chief Minister, of taking advice from the Minister for Public Finance – if that was not me, as it is – from Mr Bossano, who is the one that Mr Clinton has postulated would take the role in the context of a cabinet meeting or indeed in the context of a bilateral meeting, without having to have him in the Consultative Council, with all the oaths that we have already taken as Ministers.

So, Mr Speaker, I think the things said by Mr Clinton are really, again, another ruse not to support a very positive step forward in the development of our democracy. We do not share the concerns that Mr Clinton has set out.

2495 I detected from the hon. Lady, a more genuine approach to a concern which I hope I can deal with. She said, 'I am just a little concerned about this business of MPs being chained' – in her usual figurative language – 'with information that they cannot disclose'. The position is this and the reason for the structure is this: any MP or any member of the Consultative Council can say anything they like, publicly, they retain their right of freedom of expression in respect of any matter. The only potential liability, because this is the structure that has been proposed to us, is that if somebody disclosed something that they had only found out in the context of the Council, which had been shared with them, and which was sensitive – (*Interjections*)

2500 Mr Speaker, if the hon. Gentleman is going to go down the road of saying that everything that is said in the Council is subject to the Official Secrets Act, he needs to understand the structure of Official Secrets. In other words, if somebody is given a cup of Earl Grey tea from Brooke Bond, with a bourbon cream, that person can come out and say, 'I had an Earl Grey tea from Brooke Bond, and a bourbon cream'. In the old days the Official Secrets Act did not permit that and the explanation to civil servants was that they could not, in breach of the Official Secrets Act, even say what brand of tea they had had, because that was what the Official Secrets Act meant.

2510 This is a design to protect sensitive information, not to protect everything. (*Interjections*) So, Mr Speaker, what jeopardy would a person be putting themselves into if they were to take membership of this Council? Well, the jeopardy is an obvious one: if something is disclosed which is sensitive and information which that person has not received otherwise, then there is a potential prosecution. Good luck to the Chief Minister that presses that button in relation to something that is merely political; and whoever would be subject to prosecution would probably be the greatest martyr in the political history of Gibraltar.

2515 So this is not something intended, as the hon. Gentleman has suggested, to catch a member out when they have said something that might embarrass a Chief Minister, that is certainly not what we are talking about. We are talking about very, very potentially sensitive material that would in the context of a disclosure somehow require prosecution. (*Interjections*)

2520 Look, Mr Speaker, whether or not it says that, that is obviously the reality and if the hon. Member wants to look just at oaths he should look at some of the oaths that people have signed in the context of Official Secrets, and of course they are very, very strict oaths which leave very little wriggle room. But the number of prosecutions under the Official Secrets Act is very low and it relates only to the disclosure of sensitive information, not anything else.

2525 In the context of a political body like this, what I am saying in this House today would be relevant because it would be an issue of interpretation of that section under *Pepper v Hart*. It would not be an exposure to a criminal sanction to anyone, she can have the comfort, who disclosed anything other than sensitive information.

2530 Now, Mr Speaker, in that context I would hope that with what appears to be from her at least a genuine desire to work together in the common interest of Gibraltar, she would be able to support this Bill which sets out to create a body where we can do that joint work; where we can have those joint discussions, where we can share that sensitive information and where it may be that we might actually be able to, together, progress the cause of Gibraltar when we are dealing with very sensitive matters.

2535 In fact, Mr Speaker, when I referred to the creation of this body in 2014, Brexit was not even thought of. At that time we had not even had a reference to a referendum from David Cameron, and yet look at where we are today. Now there will be a select committee in respect of Brexit. The select committee will sit *in camera* but nobody needs to sign the Official Secrets Act in order to have information shared *in camera*, because we can tell you some of the things that we are doing in the context of confidentiality. Because we will trust that that confidentiality will not be

broken even though we might have a political disagreement because that is politics, and if it is broken the sanction would be political.

2545 If somebody says something which is said in confidence by a Chief Minister to a member of the select committee or a Deputy Chief Minister to a member of the select committee, the sanction is that we say, 'We cannot trust you anymore and Gibraltar has been let down by you'. But if it is in the context of more sensitive information and we think there might be such more sensitive information in the future which is beyond the political, that is when these Official
2550 Secrets Act issues might be relevant when they would not otherwise, in my view, be relevant.

So, Mr Speaker, I trust I have given her the comfort that this is not an attempt to chain anyone up or to muzzle anyone, or to somehow prevent someone from speaking their mind on an issue where they have had information which is political, but to move Gibraltar into a different level. And I sincerely believe that it is really quite concerning that the hon. Members
2555 opposite are now coming to a conclusion. They talk about wanting to work together and yet, when they have been given the opportunity to do so, it would appear that they are going to seek a spurious reason not to support the creation of the Council.

I do not think, Mr Speaker, that history will judge them lightly for doing so. Neither is it likely that they can do anything in the next few minutes which would prevent the creation of the
2560 Council, which will therefore have the opportunity of creating that body which I have shared with hon. Members we think should be shared. And which will, for the first time, allow Gibraltar to take a step in the direction of the establishment of a body that shares the level of information between Members that is necessary. I am conscious that this is an important Bill and that all
2565 hon. Members who are present in the House today will want to have the opportunity of voting in one direction or another, in order to determine what the position of each of the parties may be.

I think it is important, Mr Speaker, that we should have a chance to work together in the context of a Council like the one I am proposing. Even with the amendments that I am going to
2570 move I think the Council is going to work well. I think it is going to allow not just Members of this House, but Gibraltarians and others who might be appointed, to give something more to Gibraltar in the context of this maturing of our democracy, which I believe is heralded by this Council – and which hon. Members have had two years to share their concerns about with us, and which they have not shared to date.

Mr Speaker, I see that Mr Clinton has returned to the Chamber. I answered the points that he
2575 raised and maybe he was able to hear that over the modern equivalent of the tannoy that we have got, namely the transmission behind the Speaker's Chair.

I therefore, Mr Speaker, commend the Bill to the House. (*Banging on desks*)

Mr Speaker: I now put the question which is that a Bill for an Act establishing the Gibraltar
2580 Consultative Council and governing its functions and duties, and prescribing the terms of membership of the same, be read a second time. Those in favour? (**Members:** Aye.) Those against? (*Interjections by Hon. Ms M D Hassan Nahon.*)
Carried.

2585 **Clerk:** The Gibraltar Consultative Council Act 2016.

**Gibraltar Consultative Council Bill 2016 –
Committee Stage and Third Reading deferred**

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken later today, if all hon. Members agree.

2590 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Several Members:** Aye.) (**Several Members:** Nay.)
Then it will not be taken today, it will be deferred to another day. It can be taken tomorrow.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): In that case the Bill will be how we start tomorrow; and I move that the House do now adjourn to tomorrow morning at 11.30 a.m.

2595 **Mr Speaker:** Tomorrow morning at... ?

Hon. Chief Minister: That the House adjourn to tomorrow morning at 11.30 a.m.

2600 **Mr Speaker:** At 11.30 a.m.?
The House will now adjourn to tomorrow morning at 11.30 a.m.

The House adjourned at 6.03 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.34 a.m. – 12.45 p.m.

Gibraltar, Friday, 28th October 2016

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The Gibraltar Parliament

The Parliament met at 11.34 a.m.

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

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

Questions for Oral Answer

CHIEF MINISTER

Q690/2016

GJBS and its subcontractors– Work done on Ministers' private property

Clerk: We continue with Answers to Questions.

We are now doing questions to the Chief Minister and we commence with Question 690, the Hon. R M Clinton.

5

Hon. R M Clinton: Mr Speaker, can the Government please list all works undertaken by GJBS or its subcontractors on the private properties of Government Ministers over the last five years to date, describing the nature and monetary value of the works undertaken?

10

Clerk: Answer, the Hon. the Chief Minister.

15

Chief Minister (Hon. F R Picardo): Mr Speaker, the following works have been undertaken by the GJBS in the homes of Government Ministers and paid for by the Government. Before 1996, in the home of the Hon. Joe Bossano MP, security works carried out on the recommendation and advice of the Royal Gibraltar Police. The total: circa £15,000.

Between 1996 and 2011, at the home of Sir Peter Caruana QC, security works carried out on the recommendation and advice of the Royal Gibraltar Police, circa £30,000.

After 2012, at my own home, security works carried out on the recommendation and advice of the Royal Gibraltar Police, in the value of about £34,500.

20

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for that answer. I notice that his answer – it may be that that is the nature of the reply – in that it only seems to be in respect of Chief Ministers, but my question was wider, in respect of Government Ministers.

25

Was he saying that the only work undertaken by GJBS – and again, I am not asking just in terms of paid by the public purse but actually conducted by them – whether it is limited or this includes not just Chief Ministers but also all Government Ministers?

Hon. Chief Minister: Mr Speaker, these are the works paid for by the Government. The Government is answerable for the work paid for by the Government. GJBS does works for the

30 Government and for third parties. It has traditionally always done so. It is a company that operates in the private sector as much as it does in the public sector.

We are the shareholders of GJBS but, as we do in relation to other Government companies, we do not answer questions about the work of those Government companies, neither GibTelecom nor the Gibraltar International Bank, etc.

35 Mr Speaker, as far as the records show, the only work paid for by the Government – which is what I am answering for: work paid for by the Government – are these works which relate to these three Ministers who also happen to be the Chief Ministers of the particular period, who are the ones who have had security works done. No other work has been paid for by the Government in any other Minister's home that the records indicate.

Q691/2016

Bluewater Project, Coaling Island Project and Rooke Development – Updates

40 **Clerk:** Question 691, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide updates in respect of the Bluewater Project, the Coaling Island Project and the Rooke Development?

45 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the position remains as set out in answer to Question 435/2016, which I note is less than six months ago.

50 **Hon. R M Clinton:** Mr Speaker, I think, following parliamentary Rules, I was asking for an update which is not the same question as I asked six months ago.

From the Chief Minister's answer, if he can just confirm to me: basically, there is no progress from the last time he provided an update?

55 **Hon. Chief Minister:** Well, Mr Speaker, following parliamentary Rules, asking almost exactly the same question, whether it is for an update or not, is asking the same question within six months. Question 435 was:

Mr Speaker, can the Chief Minister please provide Parliament with an update in respect of the Bluewater Project, Coaling Island development and reclamation project, and the proposed Rooke development and any premiums received, due or contractually agreed?

And this one is:

Can the Government please provide updates in respect of the Bluewater Project, the Coaling Island Project and the Rooke Development?

60 So to me, Mr Speaker, it is asking exactly the same question within a period of six months. I have not said that there is no progress or development. I have said that we are in exactly the same stage as we were at the time that he asked Question 435.

Mr Speaker: Next question.

Q692/2016
Chief Secretary –
Links to Civil Service and Government pay scales

65 **Clerk:** Question number 692, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide a list of all pay grades in the Civil Service and Government authorities whose pay scale is in any way linked to that of the Chief Secretary?

70

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the grades of Financial Secretary, Attorney General, Members of Parliament, Leader of the Opposition, Speaker, Ministers and Chief Minister are linked to that of the Chief Secretary as a result of the motion of December 1998 carried by GSD majority.

75

Since then, the pay scale of the Principal Auditor has also been linked to the pay scale of the Chief Secretary.

80 **Hon. R M Clinton:** Mr Speaker, I am grateful for that response. Would the Chief Minister be able to tell us or tell the House what his analogue is to the Chief Secretary as a percentage?

Hon. Chief Minister: Mr Speaker, I do not think it is a question that arises from here. I would need notice. I think actually it is something that was provided for in the motion. I would have to read the motion to work it out or otherwise, but if he gives notice of the question I can, I am sure, provide it to him.

85

Mr Speaker: If the original question had said, 'and explain how these are linked, the manner in which they are linked to the salary of the Chief Secretary', then it would have been perfectly in order and no need for a separate question.

90

Hon. Chief Minister: Of course it is not a legitimate supplementary. How do you expect me to know every formula going? I will tell you, somebody who works it out will tell you, and it is what the GSD thought it should be.

95

Hon. R M Clinton: Mr Speaker, I will of course follow your advice.

Perhaps the Chief Minister might be able to answer this. Given the list of grades that are linked to the Chief Secretary, would I be correct in saying, that in some way, shape or form, they would get some kind of pay increase, as the Chief Secretary is getting, of 28% – I am still pending a response from him on that – in some shape or form?

100

Hon. Chief Minister: Mr Speaker, I believe that would be the ordinary meaning of what the word 'linked' means.

105

Mr Speaker: Next question.

Q693/2016

**Bob Peliza Mews and Hassan Centenary Terraces –
Updates**

Clerk: Question 693, the Hon. R M Clinton.

110 **Hon. R M Clinton:** Mr Speaker, can the Government please provide an update in respect of Bob Peliza Mews and Hassan Centenary Terraces?

Clerk: Answer, the Hon. the Chief Minister.

115 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the answer remains as set out in answer to Questions 534/2016 and 535/2016, which I note is just about a month ago, certainly within the six-month period.

120 **Hon. R M Clinton:** Mr Speaker, I notice the Government is not shy of issuing press releases – certainly one dated 26th August – saying that negotiations for both developments are now in an advanced stage and the Government continues to push to get the best possible deal for the Taxpayer. Can I ask the Chief Minister how he is progressing in getting the best possible deal for the Taxpayer?

125 **Hon. Chief Minister:** Very well, Mr Speaker.

Hon. R M Clinton: Mr Speaker, does he have any idea as to when ground might be broken in these developments as there are people waiting still to hear from the Government following the glossy brochures that were issued more than a year ago?

130 **Hon. Chief Minister:** Yes, Mr Speaker.

Hon. R M Clinton: Does he have a date, Mr Speaker?

135 **Hon. Chief Minister:** A likely date, Mr Speaker.

Hon. R M Clinton: Would that be in the lifetime of this Parliament, Mr Speaker?

Hon. Chief Minister: Certainly, Mr Speaker.

It is your turn again, as we are answering these sort of questions every month.

Q694-695/2016

**Gibraltar Capital Assets Ltd –
Mortgage use and Hassans' fees**

140 **Clerk:** Question 694, the Hon. R M Clinton.

145 **Hon. R M Clinton:** Mr Speaker, can the Government please advise to what use the £300 million loan raised in Gibraltar Capital Assets Ltd by way of mortgage over six housing estate buildings is to be put?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 695.

150 **Clerk:** Question 695, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government state how much in the way of fees Hassans has been or is due to be paid in respect of work undertaken in respect of the £300 million loan raised by Gibraltar Capital Assets Ltd?

155 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Tempting as it is to say to the hon. Gentleman that he should ask the fellow sitting next him, Mr Speaker, I will say this: as the Hon. R M Clinton is aware, we are due to have a meeting to discuss all of these points. I shall look forward to discussing all aspects of this matter with him then. A full list of fees paid to all advisers will be provided at the meeting.

160 The £300 million will be held by the Government-owned companies to provide flexibility to refinance existing borrowing and to fund further capital projects by these companies.

165 **Hon. R M Clinton:** Mr Speaker, I am grateful for that answer. As he is aware, I did write to him on 3rd October and I would be grateful if he would give me an indication as to when he would be able to have this meeting in respect of the £300 million loan?

170 **Hon. Chief Minister:** Mr Speaker, I hope it will be in the next 14 to 21 days, maximum.

Hon. R M Clinton: Mr Speaker, I am grateful for that and I look forward to the meeting in due course.

175 In respect of the use of the £300 million, could he explain to the House how he would intend to get the money from Gibraltar Capital Assets Ltd to the Government's own coffers in respect of refinancing?

Hon. Chief Minister: Well, Mr Speaker, I do not think I have to do that because I do not think I am required to explain to him how the company structure works, especially given it is one that was established by them, but I have said that there will be further capital projects by the companies. I have not said it will be by the Government.

Hon. R M Clinton: Mr Speaker, will the Chief Minister be able to explain, when he says 'capital projects', these would be Government capital projects?

185 **Hon. Chief Minister:** Mr Speaker, I have said, 'by the companies'.

Hon. R M Clinton: So, Mr Speaker, I presume these are Government-owned companies and therefore they will be Government projects, by definition?

190 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman knows that we have a disagreement about that, we have ventilated 100 times since the time he was elected to this House, that the Government projects are the Government projects set out in the Estimates Book in the I&D.

195 **Hon. R M Clinton:** So, Mr Speaker, this money will be used by Government-owned companies to finance capital projects which are not going through the Improvement & Development Fund? That effectively is what the Chief Minister is saying.

Hon. Chief Minister: Repeatedly, Mr Speaker.

Q696/2016
Devil's Tower Road Workers' Hostel site –
Details of sale

200 **Clerk:** Question 696, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the amounts raised from the sale of the site of the Devil's Tower Road Workers' Hostel; to whom, and for what period is the lease?

205

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Devil's Tower Road site has been leased to G&JB (Hotels) 2014 Ltd for a period of 150 years. The amount raised from the sale is £530,000.

210

Hon. R M Clinton: Mr Speaker, this may or may not be deemed to be a justifiable supplementary, but would the Chief Minister know the date of the sale agreement or the date of the lease, when it was granted?

215

Hon. Chief Minister: No, Mr Speaker, I do not know the date of the lease. If the hon. Gentleman gives me notice, I am sure I can provide it. That probably is also a question that refers to something that will be or is in the public domain because the leases are searchable. But if he gives me notice, I can give him the date.

220

Hon. R M Clinton: Mr Speaker, just for the Chief Minister's information – this is obviously not a question – I would have him know I have done a search at Land Property and there is no such lease registered, certainly within the last month.

225

Hon. D A Feetham: Mr Speaker, GJB Hotels: is that the company that owns the Caleta Palace Hotel?

230

Hon. Chief Minister: Mr Speaker, I gave the title as G&JB (Hotels) 2014 Ltd. The Caleta Palace Hotel was built, I think, in 1965 and as far as I know is not owned by this company, but I am not able to tell him whether it is or whether it is not. It may be that it has been moved into this company by the family that owns the Caleta Palace Hotel or not.

I do not think it is a question that arises anyway from the question that has been put.

235

Hon. R M Clinton: Mr Speaker, just to connect the dots, or he may correct me if I am wrong: this is the company that is going to develop the Holiday Inn Express, or the Holiday Inn?

240

Hon. Chief Minister: Mr Speaker, I think that is also public information, because the DPC considered an application from G&JB (Hotels) 2014 Ltd for the development of that hotel, so it is public information.

Of course, the DPC now sits in public and hon. Members can attend and see what is considered and the minutes are available and it is all online. This is public information.

Hon. R M Clinton: Mr Speaker, I am grateful for the Chief Minister's confirmation.

Q697/2016
Relocation of Moroccan Hostel –
Receipt of premium

Clerk: Question 697, the Hon. R M Clinton.

245

Hon. R M Clinton: Mr Speaker, can the Government advise, as per its press release 48/2014, if it received the premium of £2.7 million from the developer of Buena Vista for the relocation of the Moroccan Hostel from the Stone Block?

250

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, the Government received the £2.7 million premium in December 2014.

Q698-699/2016
GCP Investments and GAR Ltd –
Deed of Sale and stamp duty

Clerk: Question 698, the Hon. R M Clinton.

255

Hon. R M Clinton: Mr Speaker, can the Government advise the purpose of the Deed of Sale between GCP Investments – a Government-owned company – and GAR Ltd – another Government company – on 1st July 2014 for 14 properties with a combined value of £40,292,975.59; how was this valuation arrived at and where did GAR obtain the money from?

260

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer together with Question 699.

265

Clerk: Question 699, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, how much stamp duty was paid to Government on the sale of property from GCP Investments Ltd to GAR Ltd for £40,292,975.59?

270

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, these properties were valued in February 2013 by Land Property Services Ltd and were transferred by the Crown to GCP Investments Ltd. They were subsequently transferred to GAR Ltd as part of a rationalisation exercise.

275

The total stamp duty paid was £1.4 million.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his response. Could he explain the rationale for this reorganisation? What was the reason for it?

280

Hon. Chief Minister: Mr Speaker, rationalisation.

Hon. R M Clinton: Mr Speaker, rationalisation to what end, I would ask?

285 **Hon. Chief Minister:** Mr Speaker, what we considered to be a better way of holding the properties.

Hon. R M Clinton: Mr Speaker, I am sure the Chief Minister will appreciate that you do not do something for no reason, especially when you have to then pay yourself £1.4 million in stamp duty.

290 Again I ask, what was the reason for moving it from one Government-owned company to another Government-owned company?

Hon. Chief Minister: Mr Speaker, of course you do not move something from one company to another company, especially if you incur a charge, unless there is a good reason for it and rationalisation is a very good reason to do something like this. In other words, rationalisation means to better structure your holding of assets. That is why we have done it, because we think this is a better way of holding the assets.

300 **Hon. R M Clinton:** Mr Speaker, I am grateful for that.
In what way is it better?

Hon. Chief Minister: Mr Speaker, perhaps he should give notice of that question, because all he has asked me is about the transaction and he has not asked me for a detailed understanding of the rationalisation. He may find that the Government does not want to give more detail, or he may find that if he writes he may get a further answer, but what he cannot do is to say that this arises.

Hon. R M Clinton: Well, Mr Speaker, I will follow his advice and I will write in next time a question specifically asking for the Government's thinking on this.

310 **Hon. T N Hammond:** Mr Speaker, if I may just ask ... I may have missed the answer in the original question – and apologies if I did and the Chief Minister has to repeat himself – but where did GAR Ltd obtain the money from? I am sure the Chief Minister probably answered that but I did not hear.

315 **Hon. Chief Minister:** Mr Speaker, I do not have the detail of where GAR obtained the money from. The hon. Gentleman is right that that is one of the constituent elements of the question but I do not have the detail in the answer of where GAR obtained the money from. I assume it has either been dealt with by way of inter-company loans or it has been dealt with from own funds of GAR.

Hon. T N Hammond: Mr Speaker, in either of those cases, GAR being a Government-owned company, its own funds would effectively be money obtained through Government – or would it be through another income source?

325 **Hon. Chief Minister:** Mr Speaker, it would be from the pool of cash that the companies have, a pool of cash which was established for the companies by the GSD administration.

Q700-701/2016
Derivative contracts –
Details of policy, current contracts and valuation

Clerk: Question 700, the Hon. R M Clinton.

330 **Hon. R M Clinton:** Mr Speaker, what is the Government's policy in respect of the entering into and use of derivative contracts; who is authorised to enter into them and what exposure limits have been set and by whom?

Clerk: Answer, the Hon. the Chief Minister.

335 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 701.

Clerk: Question 701, the Hon. R M Clinton.

340 **Hon. R M Clinton:** Mr Speaker, can the Government please provide a list of all derivative contracts, excluding interest rate swaps, held by the Government, Government agencies or companies, together with the current valuation?

Clerk: Answer, the Hon. the Chief Minister.

345

Chief Minister (Hon. F R Picardo): Mr Speaker, derivative contracts are entered into with the approval of the Government in order to hedge interest rates on loans, fuel costs and currency risks.

350 In the case of fuel hedges, the authority of the GEA board is required as well as that of the Government. Hedging of currency risks are authorised by the Financial Secretary with the approval of the Government.

Excluding interest rate swaps, the only derivative contract currently held is the five-year Fuel Hedge entered into by the Gibraltar Electricity Authority which expires on 30th September 2017.

355 **Hon. R M Clinton:** Mr Speaker, can I ask who would be responsible, then, for monitoring these contracts?

Hon. Chief Minister: The Ministry of Finance.

Q702/2016

Government financing for commercial property development – Details

Clerk: Question 702, the Hon. R M Clinton.

360

Hon. R M Clinton: Mr Speaker, has the Government or any Government agency or company provided any financing for any commercial property development in Gibraltar?

Clerk: Answer, the Hon. the Chief Minister.

365

Chief Minister (Hon. F R Picardo): Mr Speaker, my Government stopped the financing of a commercial property development by third parties which the GSD was pursuing and for which they had taken a mortgage of £20 million secured over more than 20 Government properties to the value of £32,914,000.

370

Hon. R M Clinton: Mr Speaker, the Chief Minister can correct me if what I say now is wrong. He is effectively confirming that there is no current Government financing for any commercial property developments in Gibraltar.

Hon. Chief Minister: That is right, Mr Speaker.

375

Mr Speaker: Next question.

Q703-704/2016
Air Terminal –
Purchase, lease and stamp duty

Clerk: Question 703, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the purpose of the transaction executed between Gibraltar Air Terminal Ltd and Gibraltar Land Holdings Ltd and the Crown on 20th May 2013 whereby Gibraltar Air Terminal Ltd surrendered its lease to the Crown, Gibraltar Land Holdings Ltd purchased the Air Terminal for £90 million and then gave a lease to Gibraltar Air Terminal Ltd for 20 years at an annual rental of £5.4 million?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 704.

Clerk: Question 704, the Hon. R M Clinton.

390

Hon. R M Clinton: Mr Speaker, can the Government advise the amount of stamp duty paid on the £90 million by Gibraltar Land Holdings on the purchase of the Air Terminal; has the £90 million been paid to the Crown; and where did Gibraltar Land Holdings obtain £90 million from?

Clerk: Answer the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the purpose of this transaction was to reflect the Airport Terminal building in the balance sheet of the Government-owned companies at cost and to reflect the annual market rental value of this asset.

The total stamp duty paid was £3.3 million – and I think he could have worked that out for himself.

Hon. R M Clinton: Mr Speaker, I do not believe I heard an answer in respect of where did the £90 million comes from.

405

Hon. Chief Minister: He did not, Mr Speaker, but I assume it comes from the pool of cash which the GSD established for the companies, which is where the companies' monies lies.

Hon. R M Clinton: Mr Speaker, when I ask a question I would like the answer rather than the Chief Minister's assumption. Does he have any clarity on the question?

410

Mr Speaker: Repeat the question please.

Hon. R M Clinton: Mr Speaker, I asked, other than his own assumption, does he have any actual information as to where the £90 million came from?

415

Hon. Chief Minister: That is a question, Mr Speaker! Before there was not a question. Before, he got up and said what he would like, which is a matter for him. He can tell us what he likes, what he wishes and all the rest of it.

420 No, Mr Speaker, I do not have the information, but my assumptions are usually correct.

Hon. R M Clinton: Mr Speaker, with respect to the Chief Minister, I have asked a fairly simple question and he has responded with his personal assumption. I am asking the Government of Gibraltar do they know, do they not know, where the £90 million came from for this transaction?

Hon. Chief Minister: Mr Speaker, I have told him that it has very likely come from the pool of cash that the companies have available to them, which the GSD established, because that is where the companies get their money from.

430

Hon. R M Clinton: Well then, Mr Speaker, let me ask him this question: can he confirm that the £90 million was actually paid over in respect of this transaction?

Hon. Chief Minister: Mr Speaker, I would need notice of that question, but when a transaction occurs for an amount, it occurs for an amount.

435

Hon. R M Clinton: Mr Speaker, I believe I have given notice to this question in 704 where I said specifically, '... has the £90 million been paid to the Crown?'

Hon. Chief Minister: Well, Mr Speaker, the Crown has not entered into a transaction with its own companies for which it has not been paid, because I would have been notified of that.

440

Hon. R M Clinton: Mr Speaker, so can I assume by that remark that the Crown has been paid?

Hon. Chief Minister: Mr Speaker, as far as I heard the hon. Gentleman say, 'I will assume from that ...' – well, that is fine.

445

Hon. R M Clinton: Mr Speaker, I will ask again of the Chief Minister, has the Crown been paid the £90 million in respect of this transaction?

450

Hon. Chief Minister: Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

Hon. R M Clinton: Mr Speaker, as I do not have *Hansard* in front of me could he perhaps refresh my memory as to what he said a couple of minutes ago, because I did not hear him say the Crown was paid £90 million.

455

Hon. Chief Minister: No, Mr Speaker, he can go on *Hansard* and look at it when it comes out. I am not here to refresh anybody's memory about anything.

460

Hon. R M Clinton: Well, Mr Speaker, I guess then the Crown has not been paid the £90 million since he will not confirm it.

Hon. Chief Minister: Mr Speaker, I said something before which led him to assume the opposite and now he wants to guess the opposite. It is up to him. He is getting rather confused this morning.

465

Hon. R M Clinton: Well, Mr Speaker, let me ask him this: is the £90 million sale by the Crown reflected in the books of the Government as at the date of transaction?

470

Hon. Chief Minister: Mr Speaker, those parts of the books of the Government will already have been published and the hon. Gentleman can look at them himself.

I cannot imagine any reason why the Government would not want to reflect the transaction.

475

Hon. D A Feetham: Mr Speaker, when the Hon. the Chief Minister says that the money comes from, 'the pool of monies in Government-owned companies' he is referring to the pool of money that is held on call account by Gibraltar Investments Holdings, is he not?

Hon. Chief Minister: Yes, sir.

480

Hon. D A Feetham: Therefore, Mr Speaker, what he is referring to is the pool of money that is being paid to Gibraltar Investment Holdings by Credit Finance Company Ltd and indeed also the proceeds from the loan that was obtained in relation to the various estates that the Government has now mortgaged to the hilt.

485

Hon. Chief Minister: Mr Speaker, we have had a number of discussions about whether something is a mortgage or is not a mortgage. We have had a number of discussions about what is or is not in the pool of companies. The hon. Gentleman, therefore, has had extensive opportunities to try and determine what is and is not in that pool. They set it up, Mr Speaker, when they were in Government. They thought it was a good thing to have when they were in Government. We have continued the application of it and there are many things which make up that pool, Mr Speaker.

490

Hon. D A Feetham: Mr Speaker, perhaps I can simplify it and maybe he gives me a straight answer to this question: is the bulk of the money that is in Gibraltar Investment Holdings the proceeds from the £320 million paid over by Credit Finance Company Ltd – their creation – and the £300 million from the loan obtained as a consequence of the mortgage on the Government estates? When one talks about the 'pool of money', the bulk of that money is that money?

495

Hon. Chief Minister: The hon. Gentleman always wants straight answers to crooked questions.

500

Mr Speaker, that supplementary does not arise from this question.

Hon. R M Clinton: Mr Speaker, if I may return to Question 703, can I ask the Chief Minister if he would characterise the transaction as a sale and leaseback?

505

Hon. Chief Minister: Mr Speaker, an analysis of a sale-and-leaseback transaction requires much more than me just to get up and answer the hon. Gentleman's question as if we were having a conversation over a pint – so he is not going to get my analysis of that here.

510

I would be delighted to have a pint with him and do this and many other analyses, but not here.

Q705/2016
National football stadium –
Update

Clerk: Question 705, the Hon. E J Reyes.

515

Hon. E J Reyes: Mr Speaker, sir, given the apparent abandonment by the Gibraltar Football Association of their plans to construct a national football stadium at the Europa Playing Fields site, can Government provide updated information in respect of what other alternative site or sites are being considered for the provision of a UEFA Cat. 3 approved stadium?

520

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as stated in Press Release 634/2015, subject to DPC approval, the proposed move of the new football stadium is to Lathbury Barracks. But, Mr Speaker, this is not a Government project; it is a GFA project.

525

Hon. E J Reyes: Yes, Mr Speaker, I accept what the Chief Minister is saying – I am sorry my wording is wrong. I know it is a GFA project, that is why I started my question by saying that ‘the apparent abandonment’ was by Gibraltar Football Association of using the Europa grounds.

530

What I do try, as well, to ask in the question, especially the part after the comma: are any other alternative sites, other than the one referred to in press release 634 – which is the Windmill Hill – being considered? Because there is a lot of talk amongst people who frequent football games, either Victoria Stadium or Faro, in that other sites could be looked into.

535

I was asking the Chief Minister – not trying to catch him out but more out of concern for football lovers and above all those of us who have to put up with the inconvenience of travelling all the way to Faro – to see if there are any other sites being considered.

540

Hon. Chief Minister: Mr Speaker, I have a residual affection for the hon. Gentleman because we have been in this House together for so long, that when he asks me a question I do not think he is trying to trip me up, I genuinely think he is trying to get to the information.

545

He is right that Faro causes a number of inconveniences, in the Government certainly. Individually, as a collective, we would like to see our national football stadium happen and football coming home to Gibraltar.

550

In particular, Mr Speaker, I tell him, as somebody who is now permanently on a diet, going to Faro presents many, many temptations, usually of the fishy variety, and it is better to stay home and closer to the local and locale than it is to go to Faro.

555

Mr Speaker, there is wide sympathy in all parts of the Government for wanting football to be able to come back to Gibraltar. This is, again, a GFA project. The GFA are looking at Lathbury. I understand they have only recently finished their in-depth analysis of that location, which is the one that they have asked us to look at. If they want us to look at other locations, we will. As long as they are compatible with other land-use requirements of the Government and of this community, we will of course try to work with them if Lathbury does not work.

560

We are wishing to make this happen in Gibraltar. It is not easy to have another football stadium in Gibraltar. It has to be, as hon. Members know, a football stadium. It cannot be a multi-sport stadium. I know that the GFA are constantly trying to repatriate football, even if it is on an interim basis, just for some matches to Gibraltar, which might even be played in the existing facilities whilst they look for a new home. They have the full support of the Government in doing that, as hon. Gentlemen know. They have seen that we have refurbished part of the Victoria Stadium already in order to deal with non-national games. There is now a possibility of some national games coming, potentially, which I think we would all welcome.

This is a vexed issue for a territory that is two and a half miles by one mile at its widest point, Mr Speaker. But within the six km² we will find a way of doing business. We find a way of doing everything.

565 **Hon. Ms M D Hasson Nahon:** Mr Speaker, can I rise, can I ask?

The Chief Minister explained about Lathbury Barracks, but I just wanted to say, despite the fact that we know that there have been partisan disagreements on the location of the proposed GFA stadium, I would like to ask the Chief Minister, isn't it obvious that going for or recommending a place like Lathbury Barracks that is so aloof and so remote – when you think
570 that so many foreigners are going to be coming to Gibraltar – there are inevitably going to be transport issues, getting so far and coming back?

Isn't it obvious that it would be much better suited to recommend something in the Bayside area, especially when the schools are going to be taken down, rebuilt, or whatever, and there is scope to place it somewhere near the Frontier, near Spain, near a massive car park? Isn't it
575 obvious that logistically it would make a lot more sense to have it in the North District?

Hon. Chief Minister: Well, Mr Speaker, the hon. Lady may or may not know ... In fact, from what I know of her, she will understand that those of us who are Liverpool fans have to suffer the trek out of Liverpool City centre to Anfield, which is very far indeed, very difficult to get to,
580 etc. It does not stop Anfield from being full every time the Reds play at home. It does not mean that they always win, although I understand that this year we are not doing badly. There is one particular team just ahead of us. (**A Member:** No comment!)

Mr Speaker, look, this is about land use, and remodelling things is not easy and the UEFA requirements are not easy. I know this is not a Government issue, this is a GFA issue. The GFA
585 asked the Government for Europa; the GFA asked the Government for Lathbury. The Government have tried to help the GFA to identify other areas but we are trying to work with the GFA. The GFA have looked – for all the reasons the hon. Lady has talked about – to the North District. They have looked at Victoria repeatedly. The partisan disagreements about Victoria are not that we do not want to do it there, it is that UEFA have been insistent that it cannot be a
590 multiuse facility; we would potentially lose it for all other sports. There are all sorts of issues tied up here.

What would be the best area? The hon. Lady is probably right that it is easier and more convenient for those who are coming into Gibraltar if it could be further north. It is also true that, if you want to make more of those who are coming to Gibraltar, you want them to walk
595 through Gibraltar. In some respects, you also want to keep them away from some parts.

This is not an easy decision. The only thing a Government can do in this situation is work with the Association that has the responsibility to provide the facility and try and help them as much as possible. I am sure whoever might have been in Government, we would all be trying to work
600 with the Gibraltar Football Association to deliver this facility as soon as possible in the best possible place and in the best possible way so that football fans from Gibraltar and from the rest of the world can enjoy the GFA's matches in Gibraltar, and Champions and Europa League matches in Gibraltar, where our lads and ladies do us so proud.

It is particularly true that now the ladies' game is taking off in Gibraltar as a result of the efforts being made by the GFA. It is also true that in the men's game we have had some
605 extraordinary successes in the past six months. Lincoln Football Club beating Celtic in Gibraltar was really quite an incredible thing that people might not have imagined possible. All of those things, I think, contribute to the affection that there is for what is already one of the most popular sports in Gibraltar.

She can rest assured that the Government is doing everything possible in working for the GFA
610 to deliver the best possible facility for those sportsmen who play the game and those fans who want to go and watch the game being played in Gibraltar.

615 **Hon. D A Feetham:** Mr Speaker, what UEFA will not do is actually fund a national stadium, or provide a contribution in respect of funding of a national stadium, if it is used for other sports. It does not actually prevent national football games being played – and indeed there are examples elsewhere – in a multipurpose facility. UEFA will allow that.

620 My question is this: the question by my hon. Friend, Mr Reyes, talks about UEFA Cat. 3. The football stadium that is being planned by the GFA is a Cat. 4. UEFA rules provide that in the absence of a Cat. 4 – and there is no Cat. 4 here in Gibraltar at present – international football can be played at a Cat. 3. Victoria Stadium is very close to a Cat. 3. The Government has done a good job in relation to the upgrade of Victoria Stadium – it is very close.

625 Therefore, will the Government, just as a temporary measure ... Because we all know that the Government's policy is to facilitate the release of land to the GFA in order to build its own football-exclusive Cat. 4 stadium. Will the Government consider – and again I urge on them to consider – the upgrade of Victoria Stadium just that little bit more from that Cat. 2.8, as the hon. Gentleman described it, to a Cat. 3 which would enable the Victoria Stadium to be used – only on a temporary basis – for our home games? I am not sure what the position is on FIFA, but certainly on UEFA, that is the position.

630 **Hon. Chief Minister:** Mr Speaker, I do not accept anything that the hon. Gentleman says is or is not UEFA's position. The Government will continue to work with the GFA and consider the things that the GFA ask us to consider, not anything that he asks us to consider about what is, in effect, their responsibility, their obligations, and their membership of UEFA and their membership, now, of FIFA – something that we all welcome.

635

Mr Speaker: Next question, please.

Q706/2016

Write-offs of Government arrears – Number and Limitation Act

Clerk: Question 706, the Hon. D A Feetham.

640 **Hon. D A Feetham:** Mr Speaker, how many write-offs of Government arrears have taken place in each of the last five years and how many will the Government now pursue in the light of the recent changes to the Limitation Act?

Clerk: Answer, the Hon. the Chief Minister.

645 **Chief Minister (Hon. F R Picardo):** Mr Speaker, details of arrears written off are published in the Annual Audited Accounts. Details of the arrears asked about are previously provided in answer to Question 576/2016.

650 The amendment to the Limitation Act will no longer prevent the Government from following up arrears due which were previously statute barred or debts which are reaching six years from becoming statute barred.

Whenever possible, in future actions brought against a debtor in respect of Government arrears due, the full extent of the arrears due to the Crown may be pursued as appropriate, notwithstanding that none of this debt may have previously been written-off as a result of the Limitation Act.

655

Mr Speaker: Next question.

Q707/2016

**Allegation against GSD Minister made 7th October –
Information to substantiate**

Clerk: Question 707, the Hon. D A Feetham.

660 **Hon. D A Feetham:** Mr Speaker, will the Chief Minister place before this House the information he had on Friday 7th October 2016 to substantiate the allegation that in January 2003 the GSD Government had made a loan to a company in which a Government Minister apparently had an interest?

665 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government will make a further statement in due course to provide all relevant information at its disposal in respect of this matter.

670

Hon. D A Feetham: Mr Speaker, with respect, that is not a satisfactory answer. What information, Mr Speaker, did he have at his disposal on that Friday to basically say to this House that he thought or there was some kind of *prima facie* evidence that Inverigan Ltd had received a loan and that Inverigan Ltd was owned or that a GSD Minister had an interest in Inverigan Ltd?

675

Hon. Chief Minister: Mr Speaker, he may or may not be satisfied with my answer, but I have told him what I have told him: I will make a full statement in due course which will provide that and all the other information which I consider appropriate.

680

Hon. D A Feetham: Mr Speaker, has he, in a professional capacity, acted for any of the shareholders in Inverigan Ltd and was that the reason why, in his own mind, he made this link – I will ask him some further questions in relation to this – which is completely and utterly spurious as far as this inference that a Government Minister had an interest in this particular company in January 2003?

685

Hon. Chief Minister: Mr Speaker, I am not answerable in this House for the things I may or may not have done in my professional capacity.

690

Hon. D A Feetham: Mr Speaker, if he acted for one of the shareholders of Inverigan Ltd, does he not agree with me that he ought to have declared his interest when he made the statement that he made on Friday 7th October to this House?

Hon. Chief Minister: No, Mr Speaker, I do not agree. But I do not see how that is a question that arises from.... How is that a supplementary that arises from this question?

695

Hon. Gentlemen know that we spend hours here because they do not follow the Rules that they have to ask questions which arise. The hon. Gentleman wants to go on an exciting cross-examination of the Chief Minister to try and lead him to the place that he wants to try and catch him in the trap of. I have given the answer to this question: I will make a full statement and provide the full information when I am ready, Mr Speaker. I am not answerable in this House for things I did as a professional – which I am very proud of having done.

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Hon. D A Feetham: Mr Speaker, to use the phrase that he used in relation to us when he surprised us with this information, surprised the rest of Gibraltar – it appeared in the *Gibraltar Chronicle* the next day, front page – ‘The Opposition is wriggling on a hook.’ Well, it appears to me, Mr Speaker, that it is the Chief Minister who is now wriggling on a hook.

705

What information did he have to slur the reputations of eight GSD Government Ministers when he made the statement that he made on 7th October, two weeks ago, Mr Speaker?

710 **Hon. Chief Minister:** The hon. Gentleman can rest assured, Mr Speaker, that I am not wriggling and I am on no hook. But just asking the same question over and over again is not going to change how I am going to answer, nor is it going to change the statement I am going to make which will clarify everything for the whole of this community, especially given that it is something that has been contained in the auditors' accounts for many, many years.

715 The community will be very pleased to see what I have to say about that particular matter and will be very interested to hear what I have to say in relation to the matters that have been ventilated in this House. I very much look forward to making it, Mr Speaker. Perhaps the hon. Gentleman does not look forward to my making it and that is why he is trying to dissemble it and trying to suggest that I should be saying something now instead of when I am ready.

720 What we are doing, Mr Speaker, is having a debate on the subject rather than dealing with questions. I commend to the hon. Gentleman that he should watch the Westminster Parliament more often. He might learn how to ask questions in Parliament, because it is completely different to asking questions in court. He does not seem to be able to change the guise in which he asks the questions.

725 **Hon. D A Feetham:** Does he know, Mr Speaker – and he ought to have known, because I believe that he acted for the shareholders of this particular company – that a GSD Government Minister had a shareholding in this particular company and sold his shareholding in this particular company on 28th April 2000? Therefore, when the loan was granted in January 2003 there was absolutely no interest. Therefore, it was wholly improper of the Chief Minister to have made the assertions and the allegations that he made on 7th October, two weeks ago.

735 **Hon. Chief Minister:** Mr Speaker, I do not see how that arises from this question. This is a statement that the hon. Gentleman has obviously been itching to make. I remit him to the answer I gave a few moments ago. I will be making a full statement of what I knew and what else I know and why I said the things I said in due course. But he obviously wanted to get up and say those things. He might have just done it in his first supplementary and we could have avoided all of this uncomfortable dancing around each other that he insists on doing – although I must say he is one dancer that cannot be described as having two left feet anymore because he seems to have gone to the other side.

740 **Mr Speaker:** Perhaps it will be of assistance if I explain that, given that the Chief Minister has committed himself to make a ministerial statement on the matter arising from a question, the attitude that I will adopt will then be different as to when a normal ministerial statement is made –

745 **Hon. Chief Minister:** Mr Speaker, my answer has been that I will make a *further* statement. I have not said it is a ministerial statement and I have not necessarily said it will be in this House.

750 **Mr Speaker:** That further statement will arise from a question. Therefore, unlike a ministerial statement, when only questions on clarification are permitted, the questions that will be asked will be part of the normal process of question and answer.

755 **Hon. D A Feetham:** Mr Speaker, in order to assist the Hon. the Chief Minister – and bearing in mind that the Hon. the Chief Minister invites us constantly, rather than answer questions in this House, to do searches at Companies House and expects us to trawl through hundreds of companies – we have made our own enquiries in relation to this. I have a file with all the documents here to substantiate what I have put to the Chief Minister and, if he wants me to

send copies of this, I will be delighted to do so during the course of next week, if he wants me to send copies.

760

Hon. Chief Minister: I do not want copies of any documents he has, Mr Speaker.

Mr Speaker: We move on to the next question.

Q708-715/2016
Top 30 Government debtors –
Details

Clerk: Question 708, the Hon. D A Feetham.

765

Hon. D A Feetham: Mr Speaker, can the Government provide a list of the amounts owed by the top 30 debtors for PAYE tax arrears, without disclosing the names of those debtors?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 709 to 715.

Clerk: Question 709, the Hon. D A Feetham.

775

Hon. D A Feetham: Mr Speaker, can the Government provide a list of amounts owed by the top 30 debtors for Social Insurance arrears, without disclosing the names of those debtors?

Clerk: Question 710, the Hon. D A Feetham.

780

Hon. D A Feetham: Can the Government provide a list of amounts owed by the top 30 debtors for Personal Tax arrears, without disclosing the names of those debtors?

Clerk: Question 711, the Hon. D A Feetham.

785

Hon. D A Feetham: Can the Government provide a list of the amounts owed by the top 30 debtors for Corporate Tax arrears without disclosing the names of those debtors?

Clerk: Question 712, the Hon. D A Feetham.

790

Hon. D A Feetham: Can the Government state whether any individual or company listed in the lists of arrears provided for PAYE, Social Insurance, Rates, Corporate and Personal Tax appears in more than one list and how many do so?

795

Clerk: Question 713, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government please provide a list of the amounts owed by the top 30 debtors for Rates arrears, without disclosing the names of those debtors?

800

Clerk: Question 714, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government provide a list of the amounts owed by the top 30 debtors for electricity arrears without disclosing the names of those debtors?

805 **Clerk:** Question 715, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government please provide a list of the amounts owed by the top 30 debtors for rent arrears without disclosing the names of those debtors?

810 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the information requested is in a schedule I now hand over.

ANSWER TO QUESTION 708 Top 30 Amounts outstanding for PAYE
£582,402.73
£364,113.32
£352,613.02
£271,008.39
£256,717.72
£217,118.40
£176,527.52
£168,908.44
£154,446.93
£147,630.02
£144,411.90
£140,430.74
£132,866.71
£119,186.99
£115,695.64
£110,012.40
£107,557.71
£103,611.40
£100,040.99
£98,548.17
£90,680.00
£90,116.59
£82,860.18
£80,872.62
£75,425.23
£69,841.78
£67,394.77
£65,527.55
£60,003.31
£57,972.68

ANSWER TO QUESTION 709 Top 30 Amounts outstanding for SI
£316,998.09
£306,069.88
£252,406.96
£220,876.09
£155,370.69
£153,079.29
£139,414.29
£131,095.55
£128,389.24
£118,396.84
£60,000.00
£92,236.04
£91,514.17
£84,913.95
£84,188.98
£80,230.54
£73,608.33
£71,353.70
£70,119.03
£65,728.97
£64,019.25
£62,131.66
£54,317.07
£53,713.65
£52,458.91
£52,137.06
£51,364.54
£50,098.04
£49,764.10
£47,946.01

ANSWER TO QUESTION 710 Top 30 Amounts outstanding for Personal Tax
£320,978.48
£231,430.52
£208,962.65
£170,171.48
£129,760.63
£117,175.67
£116,961.29
£112,832.80
£108,886.78
£87,509.52
£86,448.04
£81,790.08
£77,160.50
£75,448.16
£73,409.65
£72,131.38
£71,650.00
£67,666.66
£66,571.68
£64,471.24
£63,878.00
£62,475.36
£59,129.00
£58,816.49
£58,367.09
£58,080.00
£57,660.66
£55,934.43
£55,488.77
£53,177.78

ANSWER TO QUESTION 711	
Top 30 outstanding for Corporate Tax	
£359,008.29	
£325,982.97	
£248,994.34	
£164,640.02	
£153,614.93	
£143,816.86	
£137,857.80	
£121,012.27	
£110,238.96	
£98,518.68	
£96,205.88	
£89,656.27	
£88,372.47	
£84,961.17	
£81,083.65	
£77,758.00	
£75,813.18	
£75,046.29	
£72,284.23	
£67,788.50	
£65,717.60	
£64,320.74	
£56,895.48	
£53,727.95	
£52,988.30	
£52,797.07	
£52,366.09	
£51,414.00	
£50,079.14	
£39,019.42	

ANSWER TO QUESTION 712

Companies/ Individuals appearing more than once on the various lists (with amounts on each list)

Companies					
PAYE	SI	PERSONAL TAX	CORPORATE	RATES	
£582,402.73	£306,069.88				
£364,113.32	£316,998.09				
£271,008.39	£131,095.55				£46,576.40
£147,630.02	£252,406.96				
£256,717.72	£118,396.84				
£140,430.74	£220,876.09				
£168,908.44	£155,370.69				
£154,446.93	£84,913.95				
£154,446.93	£84,913.95				
£60,003.31	£153,079.29				
£100,040.99	£92,236.04				
£107,557.71	£70,119.03				
£90,680.00	£80,230.54				
	£91,514.17		£52,797.07		
£57,972.68	£65,728.97				
£69,841.78	£50,098.04				
	£52,458.91				£28,100.41

Individuals					
PAYE	SI	PERSONAL	CORPORATE	RATES	
		£57,660.66			£77,195.60

ANSWER TO QUESTION 713	
Top 30 Rates Arrears with penalties	
RATES	PENALTIES
£590,127.48	£56,125.08
£115,211.12	£169,123.93
£14,766.80	£196,966.70
£39,155.15	£152,226.60
£34,528.39	£138,371.61
£35,693.91	£84,569.32
£60,254.51	£45,572.00
£83,852.93	£15,259.07
£46,576.40	£48,520.27
£22,491.81	£62,977.12
£49,301.82	£29,406.15
£7,562.97	£69,632.63
£27,091.13	£41,083.50
£15,779.21	£50,063.71
£45,587.72	£18,316.48
£25,835.34	£35,906.49
£43,879.69	£15,906.96
£12,813.40	£41,084.12
£28,100.41	£23,931.79
£41,169.59	£10,524.66
£14,365.77	£28,743.87
£22,695.90	£19,219.66
£8,906.97	£30,386.23
£8,130.64	£31,140.62
£17,857.28	£20,991.77
£4,741.22	£32,766.88
£22,774.76	£14,729.01
£6,376.07	£30,057.99
£18,639.20	£16,179.63
£5,710.11	£28,566.87

ANSWER TO QUESTION 714	
Top 30 Elec Arrears	
£19,691.00	
£18,474.68	
£17,899.35	
£17,641.56	
£16,179.62	
£15,497.52	
£15,394.82	
£15,000.00	
£14,721.10	
£13,887.77	
£13,704.40	
£12,983.44	
£12,761.82	
£12,420.81	
£12,397.13	
£12,307.70	
£12,241.31	
£11,777.38	
£11,768.52	
£11,765.07	
£11,437.48	
£11,417.47	
£11,297.85	
£11,137.65	
£10,661.73	
£10,495.72	
£10,128.53	
£10,041.28	
£9,891.15	
£9,824.78	

ANSWER TO QUESTION 715	
Amount owed by top 30 debtors	
£14,483.04	
£14,543.94	
£14,706.61	
£14,722.97	
£14,745.79	
£14,762.69	
£14,911.83	
£14,987.90	
£15,078.09	
£15,123.17	
£15,197.56	
£15,356.51	
£15,421.68	
£15,613.47	
£16,403.75	
£16,907.63	
£16,961.80	
£17,078.88	
£17,427.03	
£17,482.27	
£17,586.52	
£17,651.45	
£17,737.72	
£17,748.27	
£18,027.60	
£18,253.79	
£18,509.41	
£18,933.53	
£19,227.15	
£19,707.52	

Questions for Written Answer

815 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions numbers W56/2016 through to W59/2016.

Questions for Oral Answer

Q708-715/2016 Top 30 Government debtors – Supplementary questions

Mr Speaker: Are there any supplementaries arising from the schedule?

Hon. D A Feetham: Yes.

820 Mr Speaker, in relation to this schedule, there are quite a few staggering amounts. I do not say that in a way that I hope will be politically contentious, but if one looks at, for example, the answer in relation to PAYE, the highest one is £582,402. That same company – well, it must be a company – owes, as well, Social Insurance of £306,000. That is £800,000.

Mr Speaker: Do you know that it is the same company?

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Hon. D A Feetham: Yes, because it is provided. It is one of the questions that I asked. If you actually look at Question 712. Does Mr Speaker have it? (**Mr Speaker:** Yes.) Question 712: Mr Speaker, will see £582,000 and then for Social Insurance it has £306,000. Does Mr Speaker have it? Then underneath it, there is a £364,000 and Social Insurance £300,000. That is equal to

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£600,000. Then, underneath that, £271,000 and £131,000.
Mr Speaker, have any of these companies gone into liquidation or does the Government envisage that it will still be able to recover these amounts from these debtors? I am talking in particular, Mr Speaker, about the high amounts at the top of these various columns, say the first five, which are quite high in each sector?

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Chief Minister (Hon. F R Picardo): Mr Speaker, the Government's intention is that everybody should pay what is due and every corporate should pay what is due. If they are not in liquidation, then they are companies that are going to be or are being already very actively chased by the Government. In respect of some, Mr Speaker, we are dealing with companies that are in

840

liquidation. In respect of others, we may be dealing with different scenarios.
The position of this Government is that these arrears must be paid and they must be paid timeously – and there is a constant exercise now ongoing in respect of this matter. A lot of the debt is aged debt which comes from before our time and may not be recoverable, although there is, of course, a hesitation to write-off large amounts, in particular if there are directors

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who might be within the jurisdiction who have liability in respect of Social Insurance, etc. But nobody is going to be let off and there is already ongoing a process of recovery.

Hon. D A Feetham: Well, can he help me with ...? Does he know how many of these companies that owe these vast amounts of money are in liquidation? Does he have that

850

If he does not, I am going to ask another question on notice in relation to this anyway. I may ask it by way of a written question. But does he have that information, as to whether these companies are or are not in liquidation?

855 **Hon. Chief Minister:** I do not have it with me, Mr Speaker, but it is information that can be provided, I am sure, because we will have the information through the Official Receiver.

Hon. E J Reyes: May I, Mr Speaker ...? Just to clarify, from the list provided in answer to Question 715, it refers to debtors for rent arrears. I know they range from £19,707 to £14,483
860 for the top 30 debtors. Is the Chief Minister aware, are all these 30 arrears in respect of Government rental homes or could some of them be because Government does own, for example, properties where they are leased out on a commercial basis? I am thinking, for example, if one takes, let's say, Laguna Estate or Varyl Begg Estate, underneath the blocks there are some commercial premises, so someone could owe rent from there. It belongs in the
865 housing estate, but not necessarily for a rental home; in fact, it is a commercial enterprise rather than a family home.

I do not know whether, between the Ministers, they can work it out.

Mr Speaker: Are you saying that the question –
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Hon. E J Reyes: The question did not make a distinction between residential or commercial.

Mr Speaker: – did not make a distinction between residential or commercial?

875 **Hon. E J Reyes:** No, I am asking because ...
Yes. I know, Mr Speaker, but –

Mr Speaker: It could be both.

880 **Hon. E J Reyes:** The Minister for Housing and I talk a lot behind the Chair. She knows how supportive I am that those –

Mr Speaker: Does the hon. Lady or the Chief Minister have the information?

885 **Hon. Chief Minister:** Mr Speaker, the Chief Minister is not yet an hon. Lady, but I do hope in future that the GSLP ... *(Laughter) (Interjection by Mr Speaker)*

Mr Speaker: Does the hon. Lady or the Chief Minister. I look forward to the day when an hon. Lady becomes Chief Minister–
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Hon. Chief Minister: So do I, Mr Speaker, and I sincerely hope that she is a socialist lady that takes the post and leads by example.

Mr Speaker, I do not have the information, but the information has been sought from all the Departments that receive rents or that have properties that receive rents, and then the top
895 30 have been provided. I do not have a breakdown of what is commercial and what is residential.

Mr Speaker: Any other supplementaries?

900 **Hon. D A Feetham:** Yes, Mr Speaker.

Mr Speaker, is the Government going to pursue a policy of naming and shaming these various companies for the high levels of arrears that are owed to the Government?

905 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman must know the answer to that question. We have passed legislation in order to be able to do so – it was an initiative of this Government. We have found that very often, when we are about to publish, people pay, and if there is not yet a payment in respect of these amounts, it is very likely that a lot of this debt is aged debt which cannot be recovered, otherwise that instrument would also have been used alongside all the other instruments we use to recover debt.

910 I think it is important that people understand their liability to pay their dues in this community, whether it is in respect of residential property, commercial property; whether it is in respect of taxation or Social Insurance. It is one that must be complied with. Shaming people is, in my view, a better tool than winding them up, if you are able in that way to continue to see the company in operation and receive the monies. But, hon. Members must know, we are the ones who passed the law to do that so, of course, that is one of the things we are likely to be doing.

915 **Mr Speaker:** Perhaps there is no need to make it clear – or perhaps there is – that although the schedule will not be recorded in *Hansard*, the information provided is now in the public domain.

920 **Hon. D A Feetham:** It would be in the *Hansard*!

Mr Speaker: No, a schedule ... (*Interjection*) It would be? Okay, previously, it was not. I am glad to hear.

Anyhow, more so, it is in the public domain.

Order of the Day

COMMITTEE STAGE AND THIRD READING

Gibraltar Consultative Council Bill 2016 – Committee Stage and Third Reading

925 **Clerk:** Committee Stage and Third Reading.
The Hon. the Chief Minister.

930 **Chief Minister (Hon. F R Picardo):** Mr Speaker, dealing with the amendments that I tabled yesterday to the Bill for the Consultative Council Act, hon. Members have, I think, the letter that we submitted ... We have not gone to Committee yet. (*Interjection by Hon. J J Bossano*) Oh, sorry.

Mr Speaker, I move that the House should now resolve itself into Committee to consider the Gibraltar Consultative Council Bill clause by clause.

935 Dealing with the letter that I provided yesterday and with the updated, track-changed version of the Bill, Mr Speaker, with the two mistakes that you spotted in respect of '2015' being '2016' and just taking out the words, 'Right Honourable' in the eighth proposed change, I would ask, Mr Speaker, that you take as read those proposed changes which are really just adding titles in most places, taking out a 'G' for a 'g', etc.

In Committee of the whole Parliament

940

**Gibraltar Consultative Council Bill 2016 –
Clauses considered and approved**

Clerk: A Bill for an Act establishing the Gibraltar Consultative Council and governing its functions and duties and prescribing the terms of membership of the same.

Clause 1, as amended.

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Mr Chairman: Stands part of the Bill.

Clerk: Clause 2, as amended.

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Mr Chairman: A number of amendments which have been circulated – hon. Members have had them since yesterday. Unless there is any objection, clause 3, as amended, stands part of the Bill.

Chief Minister (Hon. F R Picardo): The Act was introduced in parts, Mr Chairman. Do you want to do it by part rather than by clause? It is up to you – just to accelerate the business of the House. *(Interjection by Mr Chairman)* Ah, there is that one as well, sorry, yes.

955

Clerk: Clause 5, as amended.

960

Mr Chairman: Stands part of the Bill.

Clerk: Clause 6, as amended.

Mr Chairman: Stands part of the Bill.

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Clerk: Clause 7, as amended.

Mr Chairman: Stands part of the Bill.

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Clerk: Clause 8, as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 9.

975

Mr Chairman: In respect of clause 9, there was a matter raised by the Hon. Edwin Reyes yesterday, and I have received a copy of an amendment that he is proposing to clause 9(2) which has been circulated. I do not know whether the Chief Minister is happy to accept the amendment.

980

Hon. Chief Minister: The hon. Gentleman discussed this with me yesterday and I understood the point that he was making. As I confessed to him, issues that relate to the hierarchy of the military confuse me completely, as it is not a thing that I understand. I know he understands them much better than I do. I think this is a useful way of clarifying, given what he explained to me, and I am happy to accept the amendment as proposed.

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Mr Chairman: Very well, then clause 9, as amended, including the amendment moved by the Hon. Edwin Reyes, stands part of the Bill.

Clerk: Clause 10, as amended.

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Mr Chairman: Stands part of the Bill.

Clerk: Clause 11, as amended.

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Mr Chairman: Stands part of the Bill.

Clerk: Clause 12, as amended.

Mr Chairman: Stands part of the Bill.

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Clerk: Clause 13, as amended.

Mr Chairman: Stands part of the Bill.

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Clerk: Clause 14, as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 15, as amended.

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Mr Chairman: Stands part of the Bill.

Clerk: Clause 16, as amended.

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Mr Chairman: Stands part of the Bill.

Clerk: Clause 17, as amended.

Mr Chairman: Stands part of the Bill.

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Clerk: Clause 18, as amended.

Mr Chairman: Stands part of the Bill.

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Clerk: Clause 19, as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 20, as amended.

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Mr Chairman: Stands part of the Bill.

Clerk: Clause 21, as amended.

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Mr Chairman: Stands part of the Bill.

Clerk: Schedules 1 to 3, as amended.

Mr Chairman: Stand part of the Bill.

1040

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Gibraltar Consultative Council Bill 2016 –
Third Reading approved: Bill passed**

1045 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Gibraltar Consultative Council Bill 2016 has been considered in Committee and agreed to with amendments and I now move that it be read a third time and passed.

Mr Speaker, I would call for a division in respect of this Bill.

1050 **Mr Speaker:** I now put the question which is that the Gibraltar Consultative Council Bill 2016 be read a third time and carried. A division will be called.

Voting resulted as follows:

FOR

Hon. P J Balban
Hon. J J Bossano
Hon. N F Costa
Hon. J J Garcia
Hon. Ms M D Hasson Nahon
Hon. S E Linares
Hon. F R Picardo
Hon. Miss S J Sacramento

AGAINST

Hon. R M Clinton
Hon. D A Feetham
Hon. T N Hammond
Hon. L F Llamas
Hon. E J Reyes

ABSENT

Hon. J E Cortes
Hon. A J Isola
Hon. G H Licudi
Hon. E J Phillips

Mr Speaker: Just checking my calculations, we have four Members are absent; there are eight Members in favour; and five Members against. Carried.

The Gibraltar Consultative Council Bill 2016 has been read a third time and passed.

ADJOURNMENT

1055 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House do now adjourn to Tuesday, 8th November at 10 a.m.

1060 **Mr Speaker:** I am sorry to have to tell the Chief Minister that I think that I have a long-standing dental appointment – indeed I do. I have a long-standing dental appointment at 10.30 a.m. I could meet later that morning. If the Chief Minister will care to move the adjournment to, say, 11.30 in the morning, I could manage. Because it is a long-standing appointment, I am not confident that I can get an alternative slot.

1065 **Hon. Chief Minister:** Mr Speaker, in order to accommodate you we will, of course, try and do the best we can. 11.30 a.m. you think will be convenient? (**Mr Speaker:** Yes.) 11.30 a.m.

Mr Speaker: So the House will now adjourn until Tuesday, 8th November at 11.30 a.m.

The House adjourned at 12.45 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.33 a.m. – 2.17 p.m.

Gibraltar, Tuesday, 8th November 2016

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The Gibraltar Parliament

The Parliament met at 11.33 a.m.

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

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

OATH OF OFFICE

Clerk: Meeting of Parliament, 8th November 2016.
Oath of Office of Minister for Justice, the Hon. Neil Costa.

- 5 **Hon. N F Costa:** I, Neil Francis Costa, do swear that in the Office of Minister with responsibility for justice I will respect the rule of law, defending dependents of the judiciary and discharge my duty to ensure the provision of resources for the efficient and effective support of the courts for which I am responsible, so help me God.

Order of the Day

PRIVATE MEMBERS' MOTIONS

Consultation on co-education

- 10 **Clerk:** Order of the Day: Private Members' motions.
The Hon. D A Feetham.

- 15 **Hon. D A Feetham:** Mr Speaker, before I move on with my motion, may I congratulate the Hon. Member Neil Costa for his appointment as Minister for Justice and on just taking the Oath. I have to say that it is with great pleasure that I see him doing so. Who would have believed in 2005, when we were both doing cases together at Hassans, that I would be swearing that same Oath and that he would also be swearing that same Oath a few years afterwards. So, on behalf of the Opposition I congratulate the hon. Member on his appointment.

Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

That this House notes that there are no overriding advantages for single-sex schools on educational grounds; acknowledges that there is a compelling case for the view that co-education provides a more realistic way of educating and training young people to take their places naturally in the wider community of men and women; acknowledges that education and ways to improve it must always remain at the top of the political agenda in this community and debate on these issues is important; and calls on the Government to generate

that debate by undertaking a consultation exercise with teachers, the unions, parents, students and other stakeholders to determine the views of the community on this issue.

20 Mr Speaker, at the outset of this debate I would like to say that I recognise that there are studies that expound the benefits of both co-education and single-sex education, even if the balance, in my view, is in favour of the former. I am also prepared to accept, for the purposes of this debate, that the interpretation of the results of studies in the private or public sectors in the United Kingdom and other countries has been hotly debated, resulting in varying policy
25 recommendations based often on the same evidence.

But I believe that there is a compelling case for co-education. It is not surprising that over the last 20 years the number of single-sex schools in the independent sector in the United Kingdom – in other words, what we term ‘public’ schools; private schools would be commonly called public schools – have actually halved in the last 20 years. The time has come for us as a society
30 to debate the issues and the time has come for us to examine whether the decisions taken with the introduction of the comprehensive system in the 1970s to have single-sex comprehensive schools continues to be the best solution for secondary education in Gibraltar.

I hope that this debate on this motion starts that process, because there is no better investment than the investment in the education of our children, and anything that can be done or can potentially be done to improve that education is important and should be at the top of our collective agendas in this House.
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My motion, Mr Speaker, does not seek to impose a view on this House, or anyone else for this matter. What it seeks to do is to generate and start what is a very important debate. But it is my view that there are excellent educational reasons for choosing co-education in a modern
40 Gibraltar. They include the capacity to offer a wide range of subjects equally to boys and girls at comprehensive that is not only beneficial purely from the perspective of offering greater choice and the same choice to students of both sexes, but also helps to break down gender stereotypes when girls and boys see each other studying the same subjects, particularly subjects which have traditionally been associated with girls or boys in the past.

I also believe that education is much more than just the study of maths or history or any other particular subject. It is also about educating and training young people to take their natural place in the wider community of men and women. Male and female students can learn from each other’s perspective and approaches, learn to collaborate, each bringing their styles and opinions to bear in working together. This in itself is an important learning opportunity, in
50 my opinion: it is about preparing young people for the realities of life, and the realities of life include men and women working together. It is not natural to segregate men and women and it is not natural, in our view, to segregate girls and boys during their education. Indeed, we do not segregate girls and boys at junior or middle school, and we do not segregate ourselves from members of the opposite sex after we leave comprehensive school. The views of men and
55 women and their different perspectives on life enrich society, and I believe that diversity would enrich secondary classrooms and better prepare students to move in the real world.

In many respects, Mr Speaker, the segregation of girls and boys at comprehensive school was a response to a very peculiar set of circumstances that existed in the 1970s that do not exist today, or at the very least need to be re-examined today, and I will make that out by referring to
60 the Collister report of July 1974, which is a report produced during the time that Mr Speaker was a member of the then AACR Government. To understand the Collister report – and I think it is important for the House to understand it – one has to start by placing it into context. The Collister report was a report that was commissioned as a consequence of recommendations and a visit by Mr Collister, an education adviser, in June 1973. This is what the report says about
65 Mr Collister’s visit to Gibraltar and what he had to say – and this is at page 2, for any of the Members who have a copy of the report:

Although Mr Collister's main purpose in visiting Gibraltar was to consider the proposed procedure for the implementation of the decision to develop a single comprehensive school on two different sites, he came to the conclusion that it was necessary to reassess the validity of the principle of co-education in the light not only of educational desirability and practicability, but also of the state of public opinion.

70 So, in other words, Mr Speaker, at the time, in 1973, the decision had been taken in principle to have two comprehensive schools in Gibraltar, but they were going to be co-educational schools, and Mr Collister came to Gibraltar in order to advise on whether that was the appropriate model going forward.

I read from the report, page three at the top:

Mr Collister went on to observe that as yet co-education did not appear to be fully acceptable to society. He formed the opinion that although the majority of the members of the Gibraltar's Teachers' Association were in favour of co-education, there was still great and natural apprehension on the part of parents whose traditional background was that of single-sex education. He therefore recommended the postponement of the proposed introduction of co-education in 1974.

75 So, presumably on the basis of his view, in 1973-74 I think was the first comprehensive intake, there was a boys' comprehensive and a girls' comprehensive, but what he recommended was that the matter be re-examined by a working group.

I am reading from the top of page 1 for anybody who wants to follow:

The terms of reference for the working party, as published in the official notice on 12th January 1974, were as follows: 'To make recommendation to Government as to whether secondary education would in future be organised on co-educational lines on a junior high/senior high school basis or continue on the present system of two single-sex separate schools. Any recommendation for change would not take effect until the session of 1976-77 at the earliest.'

The options that the Collister working group were considering are set out at page 6 of the report, at point 2, 'School Options'. It basically said:

We outline the following four options, stating that the working party considered options 1 and 4 as being the most suitable for Gibraltar.

80 Option 1 was one girls' school and one boys' school; option 2, one girls' school, one boys' school, one sixth-form co-ed; option 3, one co-ed school in the north, another in the south; option 4, one co-ed school split on two sites. Basically, those were the options being considered.

85 The first thing that the Collister group did was conduct a very extensive consultation exercise with the public, which I advocate ought to be the approach in the first instance of the Government and which I am inviting the House to agree in the form of my motion. At page 9 of the Collister report one can see the type of consultation exercise that was undertaken and also the results which I am about to set out for the benefit of this House. On page 9 at the top, 'For Public Opinion', the report says:

In our endeavour to inform public opinion about the main issues involved, we published four fact sheets and two opinion or information sheets, a case for co-education and a case for single-sex education. These were published in local newspapers and GBC Radio and Television, and copies were distributed to parents through the schools. Discussions on the subject were held on television. We believe that it may be safely stated that the matter was well and truly placed before the public. The public was then invited to make written or oral representations to the working party.

Mr Speaker, outside in the lobby, told me about the consultation exercise that his Government had undertaken – well, these are the results of the consultation exercise:

Teachers' opinion. The rate of response from teachers was 65%. There were 212 replies. Of the teachers who responded, 67.5% were in favour of a change to co-education, 32.5% in favour of single-sex education.

So the teachers were overwhelmingly supportive of co-education.

Parents' opinion. The rate of response from parents was between 40% and 45%.

90 In other words, Mr Speaker, less than 50% of parents responded to the consultation exercise, but there were still 2,560 replies – quite a lot of replies. Of those parents who responded, 37.7% were in favour of co-education, 60.8% were in favour of single-sex education, and 1.5% were undecided. So parents, although it was less than 50% that responded, were overwhelmingly in favour of single-sex education.

Pupils' opinion. The rate of response was 80% of the secondary school enrolments.

95 That is very high.

There were 1,171 replies. Of those pupils who responded, 54.3% were in favour of co-education

– the majority –

24.2% were in favour of single-sex education, and 21.5% were undecided.

Ex-students' opinion. Only 86 questionnaires were completed. Of these, 75.6% were in favour of co-education, 18.6% were in favour of single-sex education, and 5.8% were undecided.

100 So, Mr Speaker, it is safe to say that in the consultation exercise that was undertaken in 1974 the majority of those that were consulted were in favour of co-education, and those that were against ... really, the only body that was against was parents, of which 40% to 45% responded to the survey but those were the only group who were against co-education, in favour of single-sex education.

Indeed that is reflected as well in a resolution. First, there was a resolution that was passed by the Gibraltar Teachers' Association on 20th May 1974, which read as follows:

Having made an up-to-date study of educational research and practice in European countries, this Association continues to be committed to co-education as the better matrix from which the community of Gibraltar can develop.

105 My understanding – I will be corrected, if I am wrong, by my hon. Friend to my right – is a resolution that continues in fact to have effect and continues to be the position of the Gibraltar Teachers' Association to this day.

Then there was a rival resolution, which was a resolution by the Gibraltar Parents' Association on 25th April 1974, and it read as follows:

That single-sex education at secondary school level be retained.

And then there is a rider to that resolution and it says as follows:

It was generally agreed by the Association that we be prudent to allow for changes in the future when deciding on the type of buildings to be erected.

110 Mr Speaker, the recommendation of the Collister report, as we all know, was that at the time we continued with the recently introduced comprehensive system on a single-sex basis with two separate schools, and the reasons were as follows. I pick it up at page 14, under the title 'Comprehensive Education' – and it says this - and this is really one of the main reasons, if not the main reason, why the Collister report recommended that we continue with single-sex
115 education – it reads as follows:

It has been represented to us, and we accept this, that the change to a comprehensive system in Gibraltar, while desired by the majority in all sectors of opinion, was introduced too quickly and without adequate planning and preparation. This has led to a number of problems in the practical working of the system, in the words of Mr Collister a 'highly sophisticated and complex organism' which those concerned are doing their best to overcome. Apart from this aspect, however, we consider that the system, which is a relatively young one even in Britain,

should be given a chance to develop over the next few years to the point at which genuine comprehensive education is fully available in Gibraltar.

And it continued:

We therefore consider that it would be wrong to impose upon the educational structure as it is at present a further radical change which, even if there were not a substantial body of opinion against it, would be bound to present further difficulties and problems in administration, organisation, training and assimilation.

In other words, this is an education system that had just been introduced, the comprehensive system; it needed bedding down. But of course that which was the main reason in 1974 is no reason at all in 2016.

120 The second reason was this. It talked about the options and then it said:

We have, however, found considerable opposition to option 4.

I remind this House that option 4 was two comprehensive schools on co-educational principles on two different sites in Gibraltar.

Option 4 – one educational school split on two sites. The first major objection was to the creation of one school for as many as 2,000 pupils with all the problems of administration and organisation as well as the difficulties in establishing personal relationships and some feeling of belonging which would arise. Equally cogent was the argument that the physical division was likely to perpetuate a notion of a privileged class of pupils who would move on to the upper school and indeed that such division might dissuade some pupils from staying at school after reaching the age of 15.

125 In other words, it was felt to be divisive to have two schools on co-educational grounds on different sites in Gibraltar – that one could develop a reputation for being better than the other and that it would just simply lead to elitism. Again, it is not a reason, in my respectful view, that can possibly apply today.

And then it says:

And then, third, staff. We have referred above to the need for the full orientation of teachers if a true comprehensive system is to be established. While it would no doubt be possible to take at least some steps to remedy the need for training, etc. before 1977-78 we believe again that it would be unwise to attempt to do so whilst the difficult process of adaptation to the comprehensive system remains incomplete.

The fourth reason was that a majority of parents were against it in Gibraltar. That was the fourth reason that was provided.

130 The reasons are summarised at page 21 at the very top, when the working group reported as follows:

Co-education should not be introduced in Gibraltar at least until (a) present problems are overcome and a truly comprehensive system is fully established; (b) public opinion is in favour; (c) adequate specific and long-term preparation of teaching staff is possible; and (d) two separate co-educational schools are no longer regarded as potentially divisive in social or academic terms.

135 Mr Speaker, I believe that the time has come for this issue to be reopened. I believe that the time has come for a working group on the lines of the Collister working group to be set up today in order to look at this particular issue. And I believe that, above all, the time has come to have profound engagement with parents, with the union, with students and with all relevant stakeholders in order to see whether the public opinions that were expressed in 1974 and so informed the decision of the Collister group and working party at the time, are still public opinions that prevail today. I doubt it very much and I believe that public opinion in Gibraltar would be very much in favour of co-education.

140 I believe that the time has come to be progressive on this issue, the time has come to look forward on this issue and the time has come for us all to embrace a modern outlook to co-

education, and the starting point is the setting up of a working group and the starting point is engagement with the public in order to have a proper debate in relation to this issue.

Mr Speaker, I commend the motion to this House. (*Banging on desks*)

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Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. Mr Feetham. Does any hon. Member wish to speak on the motion?

The Hon. Gilbert Licudi.

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Hon. G H Licudi: Mr Speaker, I have listened attentively to the hon. Member. Essentially what he has done is recite a 1970s report (*Laughter*) and come to the conclusion that he does not agree with the conclusion of the 1970s report! But he has here set out his case based on that report, only to say that the report reached the wrong conclusion and that a different conclusion would be reached today. And he has ended by saying, 'Time to reopen the issue, time for a working group to be set up.'

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I do not know how long ago he prepared his speech, but several weeks ago I gave notice by letter to Mr Speaker of a proposed amendment to the motion, which I will come to in a moment when I move the amendment – at the moment I am just replying to the hon. Member, but I am referring to the text of the amended motion which was provided to the hon. Member – which sets out, and I will go into further detail later, that a working group has already been set up. For the hon. Member to come with a prepared speech and say 'You should be doing what you are already doing', when he knows we are already doing it, 'because the report that I have read out almost in its entirety from the 1970s was wrong' simply is to ignore the reality of what is going on today in education in Gibraltar.

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But, Mr Speaker, I want to start my contribution to this debate by setting out the Government's position and setting it out as clearly as I can. This was certainly my own personal position when I was Minister for Education and it is the Government's position as a whole. It is quite simply and quite clearly that we have an open mind. The Government does not currently have a firm view on whether secondary education in Gibraltar should continue to be offered in single-sex schools or in a co-educational environment, so we have an open mind. And in fact I have had that open mind and I have had these discussions with professionals at the Department of Education since December 2011 when we were first elected into Government and I took over the Education portfolio. So this is not a debate that is new; this is a debate that has been going on for some time – and yes, we do have that open mind. But having said that, Mr Speaker, one thing is absolutely clear, even though we have an open mind: we must not change for the sake of change. There must be good reasons. There must be sound educational arguments and educational reasons for co-education for a change such as this, to introduce co-education, to be made.

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It is worth noting I recall a few weeks ago a contributor to the letters column in the *Gibraltar Chronicle* who wrote specifically on this subject, having heard the hon. Member saying that he was going to propose a motion on co-education, and referring in that letter to the good results that we get from both Bayside and Westside., he simply said, 'If it ain't broke, don't fix it.' What we have, Mr Speaker, is a system that by and large works well. Of course the system can be improved, and we have made improvements to the system. We are constantly looking at ways in which to improve our children's education, and we have done so. We have removed inequalities which existed during all the time that the GSD was in office.

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Because the hon. Member in his contribution says there are excellent educational reasons for going co-ed, having premised his arguments by saying that he feels there is a compelling case for co-education, and he proclaims there are excellent educational reasons – and I sat patiently hoping to hear those excellent educational reasons. In fact, I thought we were going to get a list of those excellent educational reasons. We got one matter. One point was made, and that is all that was made, in respect of the excellent educational reasons for going co-educational – just

one in his entire contribution: greater choice of subjects. I have got it written down: greater choice of subjects.

195 And then he went on to talk of social reasons, like preparing young people for life in an environment where people are going to be mixing male and female and we should do that – but those are social reasons. But when he said ‘excellent co-educational reasons’ I really wanted to hear what they were, because it is important for the debate, not just because I wanted to have the benefit of hearing them.

200 Greater choice of subjects. The hon. Member will know that during his time in office there was less choice of subjects in our comprehensive schools. The hon. Member will know that they had a system in place whereby, for GCSEs, where students did not get the grades they wanted, there was one system for Westside and a different system for Bayside. Whereby Westside students were offered the opportunity of a repeat year. Of those who wanted to improve their grades at GCSE level, being able to stay on for that extra year at GCSE level and do repeats of
205 some of the subjects they wanted to improve in, plus a couple of additional subjects which were offered to be done in that particular year ... That existed for Westside and not for Bayside, and that existed during their time.

Now, I say what on earth has that got to do ...? That has to do with choice of subjects – of course it has to do with choice of subjects. It has to do with ability to opt for certain
210 improvement and have subject choice at schools. There was a choice to be made at Westside but no choice to be made at Bayside during their time. We corrected that and, as a matter of policy, I gave an instruction that that had to be corrected and a repeat-year facility had to be introduced in Bayside. We did it and it exists – it now co-exists in both schools. That choice of subjects, that opportunity is available in both schools because we did it, not because they did it.

215 But when the hon. Member talks of excellent educational reasons and choice of subjects, I have to ask myself – particularly on that example that I have given of some inequality that existed in Westside and Bayside – what on earth has that got to do with gender? What on earth has that got to do with whether the school is single sex or a mixed school? Or is it that somebody decided at some stage we are only going to do this for Westside because they are
220 girls? It has got nothing to do with the gender argument, it has got nothing to do with the mixed school argument, it has got nothing to do with the single school argument. All it has to do is that somebody at some point decided that in Westside they were going to introduce this facility – not because they were girls, but they were going to do it in Westside and not in Bayside.

225 The same could have happened if it had been co-educational. It would have happened in one school and not in the other and we introduced it in the other so that everybody across the board in Gibraltar – regardless of sex, regardless of gender, regardless of whether you were in a single school environment or a mixed school environment – had the same choice.

230 And we did the same again this year in particular having started working on it previously with A-level subjects, something which the hon. Members have been harping on about for some time and have been asking me for some time. And asking me in the knowledge that the inequality that existed in choice of subjects between Bayside and Westside existed during their time and they did precious little to correct it. It fell to us to put in a new system.

235 It fell to us to put in a new system, which I announced and which has now been fully implemented, whereby the whole list of options at secondary level which is available in Gibraltar is offered to everyone, regardless of whether you are a boy or a girl, regardless of whether you are in Bayside or Westside. And I explained the reasons why in some cases some subjects are offered in one school and not in the other.

240 And one of the reasons I explained was demand – numbers. If we had five students wanting to do a particular subject, a class of ten, does it make sense to have that subject replicated in two schools? Particularly where in a particular subject there may be issues with subject specialisation and availability of subject specialists whereby if they are used in both schools to teach that subject, they may not be released to teach other things or to do other things at different levels.

245 We introduced a system to create that greater choice across the board. But again, that has absolutely nothing to do with whether you are a boy or a girl or which school you attend to. It so happened that certain schools had certain demand and certain subject specialists and those subjects were offered in that particular school, whether it was Bayside or Westside. The same could have happened in a co-educational environment.

250 So this is quite simply a red herring – greater choice of subjects. Or does the hon. Member think that because you have got co-education in both schools, that necessarily has to mean that a subject on which there is little demand has to be offered in both schools the same, just because it is co-education and co-education fixes everything? Well, it does not. Quite simply, if there is co-education and you have got a subject in one particular school, whoever wants to do that subject goes to that school. It is not as if they have to travel from Penzance to the Isle of Wight to do that. They have to travel barely a kilometre more to go from one school to the other.

260 So whether you go to one school in Gibraltar or not is not really the issue and we have introduced a scheme whereby if you are a boy and you choose subjects which are offered in Westside, you go to Westside and that seems to be working well. So in effect we have introduced co-education not by policy or by design for the sake of co-education but through the element of subject choice which is the one sound, or the excellent the only excellent educational reason which the hon. Member is able to come up with in terms of the reason for his compelling case on co-education.

265 So, Mr Speaker, the bottom line is no change for the sake of change. We must be satisfied that there are, and the hon. Member is right on this, we must be satisfied as to the educational reasons that exist; that the educational arguments exist to make that change necessary or desirable. That must be, and that is, the Government's starting position.

270 Having said that, Mr Speaker, of course we acknowledge that there is a debate to be had. There is a debate going on not just in Gibraltar but elsewhere in relation to co-education. And because we acknowledge that there is a debate to be had is the reason why we have initiated the debate.

So the hon. Member, when he comes and says we bring this motion in order to initiate the debate, seems to ignore what we said in our last manifesto, precisely on this issue, whereby in the foreword on the section Education it says, and I quote:

Is co-education a good or bad idea for the Comprehensive schools ... ?'

275 We asked the question: is co-education a good or a bad idea? That is the start of the debate, a manifesto provision. And it goes on to say:

This must also be reviewed dispassionately and on a non-partisan basis by experts.

280 So we have initiated the debate and we do clearly acknowledge that it needs to be looked at by experts, there is obviously a consultation process to be carried out. But of course we also have to acknowledge that this is not a new debate. This is not something that is springing out of the air as if nothing has existed before. The hon. Member has referred to a 1970s report only to dismiss the conclusion, as I said.

285 It may be said that circumstances change, views change and what may have been looked at in the 1970s *may* not be entirely relevant today. But the hon. Member in referring to the report of 1974 said that in 1973 a decision had been made in principle to have two comprehensive schools which should be co-education, as I understood the hon. Member (*Interjection*) and he said that in fact what then happened was that we continued with single-sex education at comprehensive level.

In fact comprehensive schools on a single-sex basis had been introduced before that. It started in 1972. Mr Linares and myself were part of the first intake at Bayside, the very first

290 intake. (*Interjection*) September 1972 was the very first intake for the comprehensive schools and we were the first group in Bayside in that year.

But it was not anything new. Bayside took over a school which was already a secondary school: the Lourdes School was housed in that particular building and that as I recall, Mr Speaker will recall, was a boys' school. We also had the Grammar School which was a boys' school. We
295 also had St Jago's, which was a boys' school – all this pre-comprehensive system and then we had the Loreto system for the girls.

So it was not the comprehensive system that was brought in and it was decided that that should be the start of this division and the creation of single sex education in Gibraltar, that preceded that and what happened at the time was simply a continuation at a comprehensive
300 level, in a comprehensive environment, of single sex education at secondary level which already existed in Gibraltar.

And yes, it is true that a debate was had in the 1970s and yes, it is true that a debate has continued – not just now, it has continued throughout the years. The hon. Member, I do not know if he is aware, during the time of the GSD in office, a decision was actually made by the
305 GSD to go co-ed. I do not know if he is aware of that. The Government of which he was part – not sixth form as he is suggesting, a decision to go co-ed was made by the GSD administration.

And in the 1970s, the report that the hon. Member has referred to also talks of a working group. The GSD itself set up a committee to look at this but not to look at whether co-education should be introduced, but on the basis that a decision had been taken by the previous
310 administration to actually bring in co-education and the committee was simply set up to advise on implementation measures, how it was to be done.

And that happened in 1976, Mr Speaker. That committee produced an interim report. The interim report started by saying –

315 **A Member:** In 2006. You said 1976.

Hon. G H Licudi: Sorry, 2006. Did I say 1976? Not 1976; 2006. The GSD had not even been conceived at that time!

In 2006 there was an interim report headed, 'Co-education at Secondary Level'. Paragraph 1:

Following Government's commitment to introduce co-education at secondary level, a Steering Committee was set up to recommend to Government on the way of implementing such a move.

320 That was a decision that was taken at the time by the GSD administration – admittedly before the hon. Member was a member of the Government, but by 2007 he was a member of the Government. I am not sure why he was not pushing this agenda. He would have been pushing at an open door. A decision had already been made, a Steering Committee had already been set up and made recommendations to the Government. All that was needed was the Minister for
325 Education to be tasked with implementing that procedure. That would have happened at a time that the hon. Member was in office as a Minister of the Government.

Or did he not know what the rest of the Government was doing? Perhaps they did not have cabinet discussions as we do (*Laughter*) on a regular basis and no-one knew what the other was doing. That is certainly the impression that we get.

330 So this interim report actually lists advantages in keeping six single-sex schools at secondary level; and it lists disadvantages in keeping single-sex schools at secondary level. And even then, one of the items used, which for the reasons I espoused previously, I dispute as a reason as to whether to maintain single sex or go co-ed – one of the reasons is, the current system is inflexible in respect of subject choices offered to students. That is in the 2006 report.

335 So in 2006, the GSD itself was acknowledging it had an inflexible system in terms of subject choice and they seemed to think that the answer was co-education. They did not introduce co-education and did not fix the issue of subject choice. We did, without introducing co-education.

The report ends by saying:

These interim proposals are presented for consideration by the Minister in order (a) to encourage further discussion in a different direction or (b) accept present recommendations and request detailed proposals.

340 But the premise of this report was, as I have said, following Government's commitment to introduce co-education at a secondary level.

345 So it was his Government that made this decision and decided – for what reasons I really do not know, Mr Speaker – that it would not go ahead and implement co-education even though there was an interim report which already set that out. It seems that is where that ended, at least at that time, until more modern times. It appears that a decision was taken not to proceed even though a commitment had apparently already been given, or at any rate no decision to proceed was taken but the matter did not go ahead.

So the hon. Member comes to this House today with a motion seeking to generate a debate and he sets out his own views in seeking to generate that debate, and that includes his own view that there is a compelling case.

350 Mr Speaker, one of the main problems with the hon. Member's motion – and it seems to me that it is intrinsically contradictory – is that it starts:

THIS HOUSE NOTES that there are no overriding advantages for single-sex schools on co-educational grounds.

355 So the hon. Member is asking this House to generate a debate, but to answer the question before the debate is happening: to note that there are no overriding advantages to single-sex schools, to come to that conclusion today, that is what the hon. Member is seeking this House to do and then to generate a debate. It seems like putting the cart before the horse.

Because then in the second paragraph he says:

Acknowledges that there is a compelling case for the view that co-education provides a more realistic way of educating and training young people ...

360 So he asks the House to acknowledge that there is a compelling case. So if we note that there is no advantage to single-sex education and we acknowledge that there is a compelling case for co-education, why would we not do it? That would be the end of the debate, one would have thought. This House having resolved that this is a good idea, this is good for Gibraltar, this is good for young people in terms of their education and their training, and if we resolve that, then we simply have to talk about implementation, not about generating a debate, which is what the hon. Member is then asking in the motion that we should do. So it seems to us that it is inconsistent for Parliament to be asked to take a particular view and then simply to call for a debate.

365 And so, Mr Speaker, because we do not believe that the hon. Member's motion sets out a proper, a valid or realistic position for this House to take, we are and I am proposing in particular, an amendment to the motion.

370 Mr Speaker, I would draw your attention to a letter of 13th October which I sent to Mr Speaker, asking or indicating that I would be moving an amendment to this particular motion by removing the words after 'THIS HOUSE' and replacing them with the text which appears attached to the letter.

In the text of the amended motion, if passed, would read like this:

THIS HOUSE

Acknowledges that Education and ways to improve it must always remain at the top of the political agenda in this community.

Notes that there are educational arguments both in favour and against co-education for Gibraltar's comprehensive schools.

Notes that the GSLP/Liberal manifesto for the 2015 elections posed the question whether co-education is a good idea or a bad idea for the comprehensive schools and provided a commitment to review this dispassionately and on a non-partisan basis by experts.

Acknowledges that in keeping with this commitment, the Government has already set up a working group made up of teachers, officials at the Department of Education, Union officials and parents to report to the Government by March 2017 on co-education for the comprehensive schools, with the following terms of reference:

(1) To advise HM Government of Gibraltar on the advantages and disadvantages of the current and mixed co-education models for the comprehensive schools in Gibraltar.

(2) To make recommendations on whether secondary education at the comprehensive schools in Gibraltar is best delivered using a mixed or single gender model.

(3) To make recommendations on possible implementation scenarios.

(4) To make recommendations on an appropriate consultation model to ensure that the views of the relevant stakeholders are taken into account.

And notes that the working group's report will form the basis of a consultation by the Government with all relevant stakeholders before a decision is taken on whether co-education is to be introduced in the comprehensive schools and, if so in what form.

375 So you see, Mr Speaker, we are not just generating the debate, we are acting on our commitment. We are acting on our view that there is a valid question to be posed and that there is an analysis to be made not just on a rhetorical or philosophical question of single sex versus mixed schools, but whether it is good or bad for Gibraltar.

380 Because the hon. Member in his contribution also highlighted the fact, he stated it as a fact that in the UK most comprehensive schools are mixed, co-educational. (*Interjection*) Well it is a fact that in the public sector in the UK there are quite a number of mixed co-educational schools and where you have got one school serving a particular borough and that borough necessarily has boys and girls, you have to have a school that caters for the children in that borough, rather than two different schools in the same sector or the same region. The position has traditionally been different in Gibraltar.

385 But certainly there are things that need to be looked at, firstly is it a good or is it a bad idea for Gibraltar? Does it work and how is it going to work best? So we have to have a working group with a realistic timescale and what I consider to be a rather short timescale, we have asked the working group to report by the end of March 2017 so that then any consultation process can be looked at.

390 The working group will need to advise the Government on the type of consultation that will be carried out and one of the terms of reference is also to look at implementation models – if indeed co-education is recommended. That is because there are a number of practical and infrastructural issues to be considered. We will have to look at – if and when co-education is introduced – at what level? Is it introduced at sixth-form level and that is it? Is it introduced at sixth-form level initially and then working down?

395 There are issues of catchment areas. There are issues of the fact, as I indicated, when we moved into Bayside, as a first comprehensive intake, it was already a boys' school. I do not know whether it was originally designed as a boys' school but certainly it looked like a boys' school because there were not facilities for boys and for girls. Toilet facilities, shower facilities, these are practical issues that have to be looked at. You cannot just decide overnight, 'Let's go co-ed', and click your fingers and it happens.

400 The other practical issue is that whatever model is used or recommended, if indeed co-education is recommended, is that there are examination cycles and there will be boys and girls who will have already started on that cycle, usually a two-year cycle. What you cannot do is disrupt that cycle. So do you start from the top down at sixth-form? Do you start from the bottom up at eighth form? But what you certainly cannot do is change Years 10 and 11 where they are already involved in a cycle of education geared for certain exams.

405 So there are clearly matters to be considered, a multitude of issues to be considered, practical and infrastructural issues, catchment area issues, as well as the education issues which are what have to be at the core of the decision in the first place.

Now it is true and the hon. Member has alluded to this, that there are some educators, some professionals in the field who do feel that there is a compelling case for co-education, and others feel precisely the opposite and both cite arguments and both cite advantages and disadvantages in favour of their case. The debate has really been quite polarised one way or the other.

415 The reason why the Government has this open mind is precisely because it is not an open and shut case, and that is evident from all the studies that have been carried out. I have had the very useful advantage of being provided with a thesis dated April 2016, from this precise year, by Christopher Cortes, who happens to be a nephew of our current Minister for Education.

420 Mr Cortes was a teacher at Bayside and Head of Music was given a sabbatical in order to do a Master of Science in Education in the United States. The basis of that Master of Science was a Master's project culminating in a thesis. The title of the thesis was 'The Perceived Impact of Single Gender Instruction in Catholic Schools and the Ecclesiastical province of Cincinnati'. So although the title relates to Catholic Schools, it is about the impact of single gender education.

425 And essentially what this was, was a Master's thesis on the single sex versus mixed school debate. What Mr Cortes has done is drawn a multitude of studies, both in the US and internationally, precisely on this issue. One of the reasons why this is particularly useful is that it reflects current thinking. It reflects modern studies that have been carried out internationally and which looks at ... it does not clearly look at the position in Gibraltar, but it informs the debate as to educational thinking on this current debate of single sex versus mixed schools environment.

430 One of the things Mr Cortes does in his thesis is to ask the questions: 'Do teachers perceive single sex classrooms to be effective? Do they believe that gender separation can have a positive or negative impact on students' development? What are their opinions about gender based instruction? Do they consider single sex pedagogy useful when they are instructing students?'
435 Those are the basic questions that were asked as part of this study.

What he does and I am quoting from his report, is:

'provide an overview of multiple studies that have been designed to test whether single sex instruction has had an impact on student achievements, self-efficacy, behaviour or other important educational and social factors. The research contains an equal number of resources that support and reject single gender classes and schools'.

And just to give a flavour of the elements of the research that exists and which are quoted in this Master's thesis, Mr Cortes quotes a 2011 study, where they explicitly stated that research on the benefits of single gender pedagogy was inconclusive; a 2012 study where they stated that the differences found between single-sex and co-educational learning were insignificant – a
440 fairly recent study, 2012.

Another 2011 study where they concluded the differences in academic achievement in single-sex schools had more to do with student selection and peer quality than gender.

445 A 2009 study, where they concluded that single-sex pedagogy was beneficial to foreign languages courses, especially for males. In 2008, where they stated that although research regarding single sex was largely inconclusive, there was conclusive evidence to say that it was beneficial for girls and minorities.

450 A 2006 study where it was stated that single sex pedagogy was highly recommended; a 2008 study where they stated that multiple studies had shown that single-sex education was extremely useful in raising the achievement levels of students.

If there is one thing clear about all these studies, it is that the research is essentially inconclusive. If you want to argue one particular way and find a piece of research by professional educators, by people in the field who have carried out proper analysis, you will be able to find something that supports your point of view. You will equally be able to support something that
455 supports the other end of the spectrum and you will equally be able to support something that says everything is inconclusive.

So we have research that suggests that everything is inconclusive, to differences between single sex and co-educational models being insignificant, to single-sex education raising

achievement levels. Therefore what seems to me that this demonstrates is that there is no
460 compelling case one way or the other.

But the issue that really falls to be determined, the issue that we need to decide – yes, having
regard to all these international studies and what educators round the world have already done
and considered and are of the view – is this still a good idea for Gibraltar? Is this something that
is going to improve our present system? We have a system that delivers very good results,
465 excellent results.

We all came out in August congratulating our students, our teachers, the schools, the efforts,
the parents and the effort everybody makes in achieving the results that we achieve in Gibraltar.
We have a system that works. Should we change that? By all means we should change that if
there are good educational reasons for change.

470 So at the end of the day, Mr Speaker, we are talking of a debate which is quite simply a
perennial debate and it is charged. It is a debate that is charged with emotive arguments on
both sides. We have many head teachers and experts ultimately believing that there are more
important factors that influence the quality of education than in fact gender issues. There are
strong pros and cons for both single sex and for mixed schools. And the choice between co-
475 educational and single-sex schooling is certainly something that could have important
implications for young people in terms of their academic, their psychological and their social
development. That is something that we acknowledge.

And what we should not do is quite simply restrict the debate to simply academic
performance. That is something that we should not do. If we do that, it would appear to favour
480 girls in a single-sex environment. But that is not the end of the story because the reality is
certainly much more complex.

We have academic performance which is also linked not just to gender but the quality of the
school, the leadership in a particular school, the quality of the teaching and it is also inextricably
linked to the support that students receive at home. That is an important message that we also
485 have to drive through: children at all levels receiving good support at home.

There are in Gibraltar, and turning the argument to Gibraltar itself, a number of factors that
can be considered which are both pros, or advantages and disadvantages of single sex and co-
education. And when we look through a list of factors, it is difficult at this stage at least to come
to the conclusion that one is better than the other. It is possible to come to the conclusion that
490 neither is best, but we still have to find what the best model is for Gibraltar.

One of the factors to be considered at a Gibraltar level is that the Gibraltar College went co-
educational many years ago, and certainly there have been no detrimental effects on that. Now
we have, as I already explained, a sixth form that operates on the premise that it can work on a
mixed gender basis, because of the introduction of wider subject choice for everybody. So we
495 already have that.

And the issues as I have already alluded to, may well not be simply ‘do we do it?’ but ‘how do
we do it?’ There are infrastructural issues, practical issues, issues for example workshops which
are different in the two schools, kitchens are different in the two schools, toilet and showering
facilities which currently do not cater for both boys and girls.

500 Mr Speaker, we can go through a list of advantages and disadvantages and it does not lead us
to any particular conclusion. So what is necessary, and what we feel was the right way to
proceed, was to consider the issue for Gibraltar, to look at the system that exists in Gibraltar at
the moment; to put together a working group as we have done already, to report to the
Government by March 2017 on whether, as a matter of principle, we should proceed on a co-
505 educational basis or not and whether if we do so, or what if any changes should be made, either
at a school level, infrastructural level, Department of Education level, catchment areas level,
there is a plethora of issues to be considered.

But all that, Mr Speaker, is encapsulated in the amended motion which recognises that we
have already initiated that debate, which recognises that there are arguments both in favour
510 and against co-education, which recognises that we have already made inroads by setting up the

working group, which recognises that we have given terms of reference to that working group which are designed not to just come up with a question of if, but how. And also for the working group to advise on the consultation that is best to be carried out in Gibraltar.

515 Mr Speaker, for all those reasons, I commend the amended motion to this House. (*Banging on desks*)

Mr Speaker: Does any hon. Member wish to speak on the amendment proposed by the Hon. Mr Gilbert Licudi? I think all hon. Members have a copy of the amendment.

520 The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, this debate, although as the Hon. Minister has described it as perennial, has taken a long time as far as I am aware to actually be discussed openly in this House. And he is right, there are arguments for and against and this is precisely why we should be having this debate. I personally welcome the creation of a working group. However, I must admit I seem to have missed the Government Press Release announcing the date of the creation of this working group and who the members of this working group are.

525 I note that in his motion he said it is made up of teachers, officials of the Department of Education, union officials and parents, but which union and which parents from which schools? (*Interjection*) Only one union?

530 **Hon. G H Licudi:** Yes, the Teachers' Association.

Hon. R M Clinton: Okay, well, you could have actually said so.

535 As I was saying, Mr Speaker, this working group is obviously such an important group because it will determine the educational future of our children and we do not even know who the members of this group are. (*Interjection*) Well, I am about to. I am about to ask the Minister if he would at least publish the names of the members of this working group. (**A Member:** Why?)

540 Well, because, Mr Speaker, otherwise this, unfortunately if the public is not told when this group was set up and who its members are, we can only conclude that this group is meeting in secret and is a secret committee. (*Laughter*) Well, you may laugh. You may laugh, but we do not know the members of this group who are determining a very important educational decision. We can only conclude it is a secret group set up by the Minister.

And I hear sighs from the opposite side of this House.

545 **Hon. G H Licudi:** You hear laughs.

Hon. R M Clinton: Well fine, laughs, sighs, groans, whichever. But, Mr Speaker, the actual original working group, the Collister working group which published their report in 1974, everybody knew who the members of this working group were. People could talk to them, people could write in to them, they invited consultation.

550 Your working group is going to make recommendations on very important matters to the Government and the public do not even know who they are. So, Mr Speaker, my first premise would be, I think it would be only a courtesy to the community for the Minister to actually issue a press release to the public stating that he has set up a working group on whatever date it was – I certainly hope it predates the date of my learned colleague's motion – to look into these matters and when these terms of reference were actually issued.

560 And, Mr Speaker, I note looking at his amendment to the motion, and this is where I will take a view, not from the point of view of the educationalists, not from the point of view of the unions or the parents, or the Government or the Opposition, but the students themselves. My learned colleague in his motion at least had the courtesy to include the word 'students'. The Minister's working group does not include them. So obviously the very people that we are going to affect the most are not even part of this working group. (*Interjections*) Perhaps the Minister

565 can correct me if I am wrong, in that there are no students represented in this working group, which is a very important working group considering the future of education in Gibraltar and they are the most affected parties and they certainly have a real interest.

Mr Speaker, with your indulgence, I actually found an education handbook from the Gibraltar Teacher's Association from 1985-86, and to my surprise I found in there an address from the 1985 International Year of the Youth and there was an address by a sixth former, and I will quote and this is from 1985, so more than 30 years ago. I quote:

It is frustrating to see that we have not been given the opportunity to air our views on internal politics that will directly or indirectly affect our future. The apparently controversial topic of co-education we feel, should be resurrected and seriously discussed. The antiquated idea that dismissed co-education in favour of a segregated system are perfect examples of the older generation's views on youth in general. From an educational, social and economic point of view, there are numerous advantages to be found in the co-educational system as opposed to a segregated one. All that stands in the way of progress is a vote taken more than a decade ago by the adults at the time.

570 As we know that was 1974. And it goes on:

Come let us have a re-vote and let us ask the students to take that vote, for we will be and have been affected by such a vote. Remember it is we the youth who will take this world into the 21st century. Therefore let us be given more respect, understanding and attention, the negative ideas associated with youth be thrown out and be replaced with new sensible ones.'

Mr Speaker, to my surprise, I find I wrote that myself in 1985, in the year of the youth (*Laughter*) as a sixth former (*Banging on desks*) at the tender age of 18!

575 And so, Mr Speaker, this is not a view that I have just come to today. This is a view I held 30 years ago and it has taken 30 years – (*Interjection*) Well, thereabouts, plus or minus, at least a quarter of a century. It has taken at least a quarter of a century for it to come to this House and have a serious debate about it, and that I think should be welcomed. But I think that in terms of the student population, they should not be ignored, (**A Member:** Hear, hear.) whether it be sixth-form head boys and girls, whether by the Gibraltar Students' Association or some other representative body. They should be allowed to have their say and have their input in it. And it is not to say they may even think it is a good idea. They may prefer it stays as it is. In fact I took a straw poll of my stepchildren and they both said 'No, we actually like it as it is.' So, it is a real open question.

580 But let us not close our minds by educational reports or what was said more than 30 years ago in 1974. Let us have a genuine open debate, an open and frank discussion with all the stakeholders, not just a few select individuals who we do not know the names of as yet and I would urge the Government to include in the definition of stakeholders, certainly the students. Even the Collister report, 1974 at least had the courtesy to survey existing pupils and past pupils.

590 And so, Mr Speaker, what I would say in his motion if he is so minded, although obviously I have not given notice of an amendment, if he might want to include students in his working group, or at least perhaps consider in future to include students in his working group, purely as a matter of courtesy, especially on what is a subject which may be with us for the next 30 years, who knows? I think it is only right, fair and proper that the students in this community be allowed to make a contribution and an input to this working group which the Government has set up of its own accord.

595 Mr Speaker, a lot has been made of a report that was issued in 1974 and I think it is right and proper that the general public understand fully why it is that we have the system we have today and it is right and proper that the conclusions of this report, the reasoning as to how we have the system we have today came to be, is put in the public domain again.

600 Because this is... I will be perfectly honest, I found this report – and Members opposite will laugh – I found this report on e-bay! This is not something you can just walk into a Gibraltar book

shop and say, 'Can I have a copy of the Collister Report?' No it is well out of print – I will obviously make it available to anybody who wants a copy.

I think it is well and proper that the general public are made aware of what the strength of public feeling was at the time, the rationale at the time, how we came to be where we are today and they have to be properly informed, as does the working group and I am sure the working group will have had a copy of this report for its own use. Also, I think that the working group, when it comes to consider the consultation models, would do well to look at what the Collister group did.

They did a very extensive consultation process, they even have in their report, examples of the leaflets as they did in the time before social media, leaflets written in fact in both English and Spanish as to the whole consultation process. It is in fact quite a valuable document from, if not a historic point of view, certainly a social point of view in terms of our development as a people.

And so, Mr Speaker, what I would urge the Government is do not ignore the students themselves. We can have a big debate about the academics of it, about the educational value, but let us not forget the students. Let them have a voice as well in this debate.

Thank you, Mr Speaker. *(Banging on desks)*

Mr Speaker: The Hon. Dr John Cortes, the present Minister for Education.

Hon. Dr J E Cortes: Mr Speaker, I would like first of all to thank the hon. and learned Gilbert Licudi for contributing his wealth of knowledge which he has acquired over the past five years as the outgoing Minister for Education. *(Banging on desks)* **(Several Members:** Hear, hear.)

What a contrast, Mr Speaker, in presentation and research between what we have heard from the Leader of the Opposition quoting a report almost half a century old as the only substance which he did not agree with anyway, and the hon. Mr Clinton, a report 30 years old, with the wealth of information that we have heard and the analytical way in which my hon. Friend has presented his moving of the amendment.

Mr Speaker, I can confirm as the incoming Minister for Education that the Government position and my own, is as stated by the Hon. Mr Licudi. His team now passes on to me and we will seamlessly continue the process that he has already started. In order to reassure the hon. Member opposite, I was given a briefing over two weeks ago when I changed responsibilities and took over Education, which included the names of the people who were members of this working group. I do not recall them all now, but it is not going to be secret in any way.

And as a former Chairman of the then extremely progressive Gibraltar Union of Students, I will obviously make sure that the students view– not just school students, but also people who have recently been students in the comprehensive schools – have their views heard, absolutely.

So, Mr Speaker, I look forward to the work of the working group, to working with them, to their conclusions and to the broader consultation so that we can reach a decision based on current advice and not advice half a century old. *(Banging on desks)*

Mr Speaker: Is there any other? The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, they say history has a habit of repeating itself, a maxim that is very much at the forefront of my mind at this particular moment, because over 40 years ago, my father and many others around him, including yourself, Mr Speaker, took to this Chamber to discuss the contentious issue of co-education, as the comprehensive system started to peer over a distant horizon.

Many views were sought and powerful arguments made, both in favour and against, with co-education very much on the table. With hindsight, however, I think many of us feel that the decision to separate boys and girls in school as from the age of 12 was probably a mistake.

Today many decades later we are still feeling the effects of this error to the extent that to reverse it would require significant changes to both Bayside and Westside.

655 Perhaps the long awaited new building for Bayside, and ideally for Westside as well, will provide us with the opportunity to wipe away the past and guarantee a co-educational future for our students.

I am therefore pleased that this motion has been presented, asking the Government to conduct a detailed study into the possibility, and I was also pleased to note the Government's inception of a working group with this topic in mind. Although, Mr Speaker, I am sorry to hear 660 that the Minister for Education at the time of the last election promised GCSE and A-level students, shortly after a *Viewpoint* on the subject of co-education, to meet monthly – something which to date has not materialised and something I consider a wasted opportunity where the engagement of our youngsters who are the most affected are concerned.

And as important as it is to maintain links with students, teachers and parents on views about 665 co-education, the prospect of co-education must not be allowed to detract from matters which are even more important in the day-to-day management of schools and teaching of lessons. While less crowd pleasing and headline grabbing, these urgent issues are far more pressing within our educational system. They include buildings and maintenance of course but also resources and funding, teacher accountability, teacher morale and attendance, curriculum 670 provision, issues within human resources, parental support, staff training, extended service incentives and definitely a closer relationship between the Department of Education and a more proactive Social Services structure.

These issues more accurately represent the real challenges faced by teachers and students alike, and while I welcome the ideology behind this motion, I feel that a similar focus should be 675 given to these priorities. Otherwise a cosmetic change will only lead to another mistake, one which again may take generations to reverse.

Thank you.

680 **Mr Speaker:** Any other contribution to the debate?

Chief Minister (Hon. F R Picardo): On the amendment, Mr Speaker?

Mr Speaker: On the amendment. What is now before the House is the Hon. Gilbert Licudi's motion. Okay, any other contribution? If there is not, I will call upon the mover to reply.

685 Yes, the Hon. Steven Linares.

Hon. S E Linares: Mr Speaker, as a former President of the Gibraltar Teachers' Association, I feel compelled to go into this debate, because when I was the President of the GTA during the 690 time 1992-93, I remember bringing a motion to the floor of the GTA in order to say that co-education should be what we should have in our schools. That means, I was in favour of co-education.

Therefore, it was the floor that actually passed a motion and it was to do in reference to the 1975-76 report because they thought at the time – and we were talking about 1992-93 – they thought that report was a bit old and past and dated. Therefore the floor brought a motion 695 which was unanimously passed and therefore it was for the executive to negotiate with Government and pursue co-education.

What happened, Mr Speaker, was that I as the President started negotiations with the then Government about co-education and I went back to the Members, especially – then it was the boys' and girls' comprehensive, now Bayside and Westside – that the staff themselves were a bit 700 apprehensive about how co-education was going to affect their working conditions.

Therefore, I went back to each school and their staff and I said, 'Look, if you are not really convinced about trying to forward co-education, there is a motion which the executive has to

follow', and I wanted to follow, but it was the staff that were reluctant in me as the President to follow co-education.

705 One of the issues was, was it educationally sound to have co-education and therefore what we did on the committee at the time, we got a couple of us within the committee to research and find out whether there were sound educational motives why we should have co-education. Mr Speaker, as it has been said here, there are no educational advantages or disadvantages about having co-education so it is not that we should change just for the sake of changing. It is important that whatever we do – and I have declared that I am still an advocate of co-education
710 – it is no good just to change our system if it is working, just because I believe in co-education. It has to have an educational and the most important educational arguments and therefore it is not conclusive.

I welcome that we are going to have yet another committee which is going to look at it. I am sure that the conclusions will be along the lines of what we have been saying, that there is no conclusive educational reasons why we should have co-education, but for me, it is an issue that I have been trying to follow for years and years. And yet having children, and having in my case two girls that have gone through the education system and gone to Westside and now a boy who is obviously going to go to Bayside, I am convinced that as a parent what I want is that they
720 have a sound education. Whether they are united as girls and boys, for me is irrelevant.

I think what we need to look at is what the professionals are saying and in the case when I was then President in 1992-93 was that it was going to affect the challenges that boys and girls together were going to have and basically that then the girls were doing much better than the boys.

725 So are we going to risk those things? Anyway, all I wanted to say was that I look forward to the working committee to look into co-education because like I say, I am an advocate of co-education but I will not have it blindly. I will not go blindly for co-education if it is going to affect our society. Thank you. (*Banging on desks*)

730 **Mr Speaker:** The Hon. Lawrence Llamas.

Hon. L F Llamas: Mr Speaker, I believe that co-education is one of the components in modernising our children's secondary educational system. Additionally, we should be also taking the opportunity, whilst reforming our school buildings, to reform our educational system radically at the same time.
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If we look at the Finnish style of education, one of the leading educational countries in the world, they actually emphasise on respect of each child's individuality and the chance for each child to develop as a unique person. They also prioritise the need to grow socially and grow their interactive skills, to be aware of people's needs and to care about others. It is a very positive and relaxed approach to education when compared to the more rigid system we have here in Gibraltar. Instead of a controlled, competitive and stressful standardised method of testing, they enjoy a highly professionalised teacher-led encouragement and method of assessment.
740

I feel we place too much pressure on our young children and at a very young age, due to the approach that we currently have. The system does not place a need to study at university level. University entry is a far more rigid system and the opportunities in the economy arise through vocational and academic training achieved prior to a university entry age.
745

I believe that whilst we are looking at the possibility of introducing co-education in Gibraltar, we must also research whether single-sex schools are leading to gender oppression and to the creation of negative stereotypes. This is extremely important. The implications therefore, surpass the academic achievement to the impacts on the way boys and girls navigate their surroundings and establish social and sexual identities.
750

Cross-party support on co-education should be agreed on sooner rather than later. Referring to a recent interview given by Mr Peter Watts at the opening of Prior Park School in Gibraltar, I took note on one particular point he made which is the main advantage of having a co-

755 educational system: the fact that all children continue to learn how to respect each other in an
environment working together, and the same position will be carried on in their later life in the
real world, when we all have to work together.

Co-education is simply one of the cogs in the educational system, and I would urge this House
to shelve political agendas and to look towards a brighter future for our children. If we adopt, for
760 example, a Finnish model which seems to work very well, looking at the results that they actually
publish, infused with our glorious climate we have here, Mr Speaker, the sky is our limit.

Thank you. (*Banging on desks*)

Mr Speaker: The Hon. Joe Bossano.

765

Hon. J J Bossano: Mr Speaker, I am standing up to say that I support the amendment and I
certainly reject the arguments that have been put on the other side for not voting in favour. No
indication has been given whether they intend to vote in favour or against the amendment
because I think they have stood up and spoken to the original motion, rather than to the
770 amendment.

I certainly think that to suggest, as I think the last speaker has done, that we run the risk of
gender oppression if we go to single-sex schools, given that we have all been in single-sex
schools, presumably we are all now suffering from gender oppression! (*Laughter*) Well, I can say
I do not engage in gender oppression, but I can only speak for myself. I do not know what is
775 happening on the other side. I will ask after the House, whether my colleagues have been
contaminated by gender oppression through their experience of single-sex schools. I did not
have the advantage, of course, of going to a comprehensive. In my time the system was that of
the grammar school system and there were of course single-sex schools.

Change of course is one thing and progress is another. Therefore the easiest way to try and
780 discredit an opposing view is to say that you are not being progressive. Well, the present
government in the United Kingdom apparently thinks that going back to grammar schools is
progressive because that is the policy they have just announced: that the emphasis of the
government in the United Kingdom will be to go back to grammar schools on the grounds that it
is educationally better.

785 I think the essence of the education system is to provide education. In the process, clearly if
you can demonstrate that by having co-educational schools, the education does not suffer and
society gains, then there will be an argument and that is what the motion that is being amended
originally asked us to accept without any evidence.

That is to say nothing in the report of 1974 and nothing in the quote from 1985 from the
790 Hon. Mr Clinton, who was quoting himself – (*Laughter*) I do not know whether that means that
he was so visionary that he was already progressing at the age of 18, or so stuck in the mud that
he has not progressed since the age of 18! (*Laughter*) But I will not pass judgement. I will not
pass judgement on the hon. Member, but they are the only two possible conclusions.

I have to say that the idea that we can take our place naturally in the wider community of
795 men and women only if we go through co-education, again is something that is a compelling
case that the hon. Member is obviously a believer in. I do not know if all the colleagues that he
has on his side share it, or if the former Member of the opposite sex that is now as an
Independent occupying the seat that I long occupied in that corner, shares that view.

But it suggests that in the absence of co-education, which we have never had, we are
800 incapable of taking our place naturally in the wider community of men and women. This is a very
sick society if this is right, (*Laughter*) a very sick society. And certainly, if that is the view of the
Leader of the Opposition, then it worries me that having been in Government, he did nothing
about it and allowed the sickness to be perpetuated and having belonged to a party that was
there for 15 years, they allowed generation after generation of school leavers to go into the
805 wider community of men and women to take their place unnaturally, when it was possible to
make them take it naturally.

And for all those reasons of failure to convince me and absence of logic, I have to say I support the amendment. (*Banging on desks*)

810 **Mr Speaker:** If there is no other contribution, I will call on the Hon. Gilbert Licudi to reply. Sorry, the Hon. Edwin Reyes, before.

Hon. E J Reyes: Thank you, Mr Speaker, sir.

815 I think I ought to start with, as an educator, an overriding factor that I have always tried to implement in any educational matters and that is, what is in the best interests of the people? If politicians from either side of this House put that first and foremost and leave aside all these partisan views, then inevitably we will end up getting and providing our children with the best possible options for them for the future. That, Mr Speaker, is something that I must stress and repeat if necessary.

820 There are arguments for and against co-education. It has been said already by the Members. You can use figures, twist them round whichever way you like and so on for what is best. But, figures that are always based on just simple, pure academic results does that in itself, provide the best education for our children?

825 What is it that we want to give our children? Do we want to produce a set of youngsters that get three or four As or A*s at A-levels and then throw them out, like into the deep end of a swimming pool and say, 'Now off you go to further studies' or do we want to make sure that these students are prepared in the best way possible for their adult life, which in today's lifespan they are going to have at least another 60 years to go forward?

830 So everything is not just as simple as getting As and A*s, nice as they are, proud as we all are and so on. I have always ... I think, my fellow predecessor too— I have also held the post of President of Gibraltar Teachers' Association – we always had this little joke going around during coffee breaks and so on: if the academic results in a particular year were quite good or outstanding, it is because Gibraltar has very clever children, especially parents would say, 'Look how clever my son is or my daughter is'; however if the results dropped it was, 'Oh well, the teachers are not as good as the ones we used to have.' So we can play about and find excuses and reasons for whatever.

835 But a good valid point that I think we also have to bear in mind is, what is it that we are providing for our children? Are we just simply providing for them A-level certificates with As and A*s or are we providing them with the best possible preparation for their future adult life?

840 One of the things for which I have always declared my favouritism towards co-education is that in Gibraltar's history, slowly co-education was introduced first into what is now called middle schools. Once upon a time before they were called middle schools, they were actually called junior schools and they were single sex at one stage and for various reasons – and, Mr Speaker, I cannot obviously preach or try to give you any lessons, you were very much a very, very senior educationalist in the early 1970s, before you took the bold decision to have to resign your post to be able to become a Member of this Parliament or the House of Assembly as it was at the time.

845 But for reasons that we can spend hours and hours discussing, a decision was taken not to introduce co-education. There are some other reasons that people say, and not necessarily written in a report. But up to 1974 until the introduction of the then called Education Ordinance, now the Education Act. Prior to 1974 there was a very different setup in education: there was a board which was chaired by the Bishop and which non-Roman Catholic teachers had problems in getting teaching jobs in what were state schools and past Gibraltar Teacher's Association Presidents had to end up teaching in the Hebrew School because although they were Christian, they were not Roman Catholic.

855 But that is another chapter of the history which perhaps a future nephew of the present Minister for Education might want to do his Master's thesis on, will be very interested. I have known Christopher Cortes for some time, I value the thoroughness in which he carries out

860 things, so perhaps at one stage if your nephew consents, I could also have a look at the result of what he has written out in his thesis.

But not to deviate further, Mr Speaker, yes, it is valid to say in a letter through *The Chronicle* and so on, if we have a system that works, 'if it ain't broke, why fix it?' Does it work? Let us go back to that question: does it work? What yardstick are we using to say it works? Does it work why, because we have got x number of pupils with As and A*s? Or does it work because we have all spoken in favour and I do not think it crosses anyone's mind: we want to keep apparently to a comprehensive system.

870 A comprehensive system in its full sense, which is equal with everyone, must include in my opinion that equality of males and females especially in delivery of subjects. I am glad to hear the Minister reminding this House that it was them who managed to bring back and get rid of the problem that my predecessor in the Teachers' Association and myself had always been against: this inequality of opportunities for the girls being able to stay within the familiar surroundings of their school to repeat their A-levels and so on. But politics being politics, it must be said that it was actually the GSLP who introduced that inequality and took away the opportunity for Bayside students to remain in Bayside to repeat the sixth form. So they did 'fix what was broke' and at the end of the day what happened? It was the students who got the best deal possible. And that is what I want to keep on repeating we must all bear in mind in working towards the future.

880 Look, there is a price to everything. By having the students and the boys staying back in Bayside to repeat those GCSEs and so on, the price to pay is that there seems to be lack of rooms now to be able to have a sixth form common room. But the decision had to be taken: do we have a sixth form common room or do we have classroom opportunity for the children to learn? Therefore what is in the best interest of the pupil? The best interest of the pupil is that they are able to get adequate results that would allow them to go on into higher education and so on.

885 So something has to give way to something. What is best? Therefore, Mr Speaker, I want as well to repeat that in the amended motion in the paragraph that says, 'acknowledges that in keeping with its commitment the Government has already set up a working group made up of teachers, officials from the Department of Education, union officials and parents', I must repeat there that there is no mention of the word 'students'. So I think Dr Cortes as the current Minister already indicated that he will certainly pull his weight in that respect, and make sure that students are represented. But it is not reflected in this motion. (*Interjection*)

What I am saying, Dr Cortes, you alluded that you wanted to make sure that students were represented in the working group.

895 **Hon. Dr J E Cortes:** If the hon. Member will give way just for clarification.

My comment was that I do not need to pull my weight! It is just going to happen anyway. It is not that I am going to force anybody to involve students; it is something that is a logical thing to do.

900 **Hon. E J Reyes:** Okay, I am glad to hear that. Therefore an amendment has to be made to the wording here. (*Interjection*) Just so that for the record, Mr Speaker, I like things to be put down properly. The omission of the word 'students' could give the impression tomorrow or for future generations to say, 'Look, they were not even thinking about students because the word is not included here.'

905 So, Mr Speaker, whatever happens, can I wind up by repeating to all Members, please bear in mind and always think what is in the best interest of the pupil and how can it be best delivered and how can we ensure that not only are things working well but they can work even better to make Gibraltar an even better educationally sound state.

Thank you, Mr Speaker. (*Banging on desks*)

910

A Member: Hear, hear.

Mr Speaker: The Hon. Neil Costa.

915 **Hon. N F Costa:** Mr Speaker, just very quickly on a couple of matters that have been raised. In
the first place, speaking on the amendments by the Hon. Mr Licudi on the motion, the question
before the House is simply whether or not co-education should be introduced in Gibraltar. That
is what we are debating. And as the Hon. Mr Licudi has said, the evidence and the empirical
920 studies are in effect half and half as to whether it would be of benefit and whether it would
actually be to the detriment of one of the sexes.

The Hon. Mr Reyes asks the question whether we should consider fundamentally the reasons
why we educate our children. To be honest, Mr Speaker, if we were to ask that question
philosophically then I would suggest that we teach more Plato and Socrates and we read more
David Herbert Lawrence's *Women in Love* and that we teach children how to meditate, but that
925 is not the question before the House.

The question before the House is, is co-education more beneficial – yes or no? And on the
reasons that have been put forward by my learned and hon. Friend Mr Licudi, the answer is that
has to be the subject of empirical and knowledge-based study and no one here has the answer
to that question without being able to undergo that important consultation process.

930 And I have to just finish by saying that the Hon. Mr Clinton said that the only logical
conclusion on a debate on education that he could draw from the absence of a press notification
setting up the names of the persons on this committee *has to be* that we are keeping it secret. I
can think of 20,000 reasons why the Government did not announce by way of Press Release, the
names of the committee.

935 It may have decided not to do so because persons of the committee decided that they did
not want to do so at that stage, because the Hon. Minister had not yet got to that basis. It is
almost as if to suggest by a scientist that if a spider whose legs have been broken off, the only
logical conclusion is, rather than the legs having been broken off, that the spider is deaf. It is a
totally illogical conclusion and it is certainly not the only conclusion, Mr Speaker. (*Banging on*
940 *desks*)

Mr Speaker: The Hon. Gilbert Licudi. (*Interjection and laughter*)

Hon. G H Licudi: Mr Speaker, I am particularly grateful to the hon. and learned Neil Costa for
945 that contribution. (*Laughter*) (**A Member:** Hear, hear.) There has in fact been, Mr Speaker, very
little said across the floor of this House which merits or needs a response. There has been very
little said in substance in relation to the amended motion itself, which is what we are actually
debating now. Is there anything in the amended motion that they disagree with? Is there
anything that they agree with? It seems that we are none the wiser.

950 The only issue in relation to the amended motion that has been raised has been by Mr
Clinton and I would have hoped that, if he was going to talk about the amended motion and this
being a debate with a working group, looking at it in consultation and a possibility of
recommendations being made to Government, it would have been a little bit more positive.

955 But he started talking about the composition, no press release, secret meetings, as my
learned friend has alluded to. Talk, Mr Speaker, about trying to find issues where there are
none; trying to create polemic where this absolutely none! The amended motion talks of a
working group having been set up. There is no question of secrecy. We have said that there is a
working group that will report to Government and it talks about professionals of the
Department of Education, union officials and parents.

960 As the Hon. Dr Cortes has said, I have certainly been given a list of the people in the working
group, I do not have it with me but it is no secret to say that the Chairman of the working group
is the current Senior Education Advisor, Mr Darren Grech. He will be Chairing the working group.

Included in the working group as one would expect, are the head teachers of the comprehensive schools, their schools are the ones that are most affected by this, so they will be part of the working group. Included in the working group will be the representative of the Gibraltar Teachers' Association, whose President is currently Mr Stuart Borastero, and there are also parents from parents' associations included in the working group.

The suggestion is that students have been somehow through some Machiavellian plot excluded. They certainly have not been excluded. The fact that they do not form part of the working group itself does not mean that they are excluded at all. It does not mean at all that their views are not relevant. It does not mean that their views are not important. Of course their views are relevant and their views are important.

We mentioned relevant stakeholders in the amended motion in terms of consultation and of course very relevant stakeholders will be the students themselves. But for the working group, one of the terms of reference, if there is going to be a recommendation and a consultation process, is to make recommendations as to how that is to be conducted and who is to be included – students.

Do we include everybody in the secondary sector? Do we include those in the primary sector that are going to go into the secondary sector and have their views? (*Interjection*) Those are matters that have to be considered by the working group and what we have not done is create any cut-off point to say, 'These students are to be included and these are not.' That is a matter for the working group and I know, and it will not be necessary, as Dr Cortes has mentioned, for a Minister to say, 'You have to do this and you have to consult students and you have to get the views of students.' Of course that is going to happen. That is intrinsic in this approach.

Mr Clinton also says, Government should not close its mind to this. I opened my contribution by saying Government's position is that we have an open mind. (*Laughter*) Precisely the opposite of what the hon. Member has alluded to.

Ms Marlene Hassan Nahon suggested that single sex comprehensive was probably a mistake, a view that can be taken. It is probably pushing it and pulling it a bit too far as Mr Llamas has put it, which the Hon. Mr Bossano has already dealt with in terms that it has created gender stereotypes and it is gender oppressive.

As has been said, in fact most of us – (**A Member:** All.) well, most of us here are the product of the single sex comprehensive system which the hon. Lady suggests was probably a mistake. I look around and it seems that we have not turned out that badly after all – although that is a matter of opinion, (*Laughter*) I am sure! And I certainly, having gone through single sex comprehensive education, did not feel at the time that I was missing out on anything, on educational grounds. (*Laughter*)

Was it a mistake? It happened. We are all essentially products of that system by and large we have people in Gibraltar, generations that have been educated on that particular basis and Mr Reyes, and I welcome the contribution by Mr Reyes as an educator, as a professional in the field and as former President of the Gibraltar Teachers' Association. He does say that this is not just about academic results; students need to be prepared for adult life. That is precisely what we do in our schools: prepare children for adult life and not just give them an academic education.

But the question is whether they are better prepared or less prepared or is the implication that they would be better prepared for adult life in a mixed sex environment? That is something that the working group will need to look at and the hon. Member has indicated that what needs to be looked at is what the best solution for Gibraltar is. There is nothing in what I have heard from the hon. Members opposite in terms of any evidence, any suggestion as to which is best. Therefore having heard the debate across the both sides of the House, I am more convinced than ever that the terms of the motion that the hon. Member put are mistaken, that the right motion for this Parliament to pass is the terms of the amended motion which I have moved.

Therefore I have great pleasure in, once again, commending that amended motion to the House. (*Banging on desks*)

1015 **Hon. Chief Minister:** Mr Speaker, I call for the House to divide on its vote. *(Interjection by Hon. D A Feetham)* I call for the House to divide on its vote.

Mr Speaker: We are now going to put the amendment in the terms moved by the Hon. Gilbert Licudi to the vote. And you want a division, very well.

A division was called for and voting resulted as follows:

FOR

Hon. P J Balban
Hon. J J Bossano
Hon. Dr J E Cortes
Hon. N F Costa
Hon. Dr J J Garcia
Hon. Ms M D Hassan Nahon
Hon. A J Isola
Hon. G H Licudi
Hon. S E Linares
Hon. F R Picardo
Hon. Miss S J Sacramento.

AGAINST

Hon. R M Clinton
Hon. D A Feetham
Hon. L F Llamas
Hon. E J Phillips
Hon. E J Reyes

ABSENT

Hon. T N Hammond

1020 **Mr Speaker:** There is one Member absent, 11 votes in favour of the amendment, 5 votes against. The amendment is carried.

We now have the motion before the House as amended and the convention that I have seen in this House applied over the years by Speakers has been that where a motion and the amendment overlap in the manner in which these do, you either speak on one or you speak on the other.

1025 Therefore I will allow the Members who have not spoken at all this morning, namely the Hon. Elliott Phillips, the Hon. Samantha Sacramento, the Hon. Dr Joseph Garcia, the Hon. the Chief Minister, the Hon. Mr Paul Balban and the Hon. Albert Isola, they can all speak on the motion as amended.

1030 I will not allow any of the others because I do not think that they will ... well, they are going to be repeating themselves. And then, when all that is over and done with, the Hon. the Leader of the Opposition has a right to reply and he is the final speaker on the debate.

The Hon. the Chief Minister.

1035 **Hon. Chief Minister:** Mr Speaker, I confess that on this side of the House we have been rendered perplexed by the failure of hon. Members to support the amendment put by the Hon. Mr Licudi. It is an amendment which talks of the creation of the working group and that should, in our view, have been exactly what hon. Members must have wanted to see as a conclusion of this debate: the fact that the group has been established and how it is going to be dealing with these issues.

1040 Mr Speaker, therefore one is left with the feeling that we are dealing with a motion brought not because there was an underlying purpose that hon. Members opposite would want to see the Government move to, but that there was simply a desire to get up and say something, say anything that dealt with the issue of education.

1045 Mr Speaker, I am going to speak in respect of this motion both in relation to the work that the working group is doing, but I am going to start giving the House my personal views, because I think it is important that the House has heard the views of all Members and it should hear the personal views of Members.

1050 Mr Speaker, the reason this matter is with a working group of educators and professionals, is because this is not a matter for politicians to make their minds up on. This is not a matter where the Leader of the Opposition should bring a motion to the House to promote co-education

happening in one moment and not say, as the hon. the former Minister for Education, Mr Licudi has said, this must be dealt with by the educators.

1055 My personal opinion, Mr Speaker, is that a report that is 42 years old has absolutely no relevance today. I think it is absolutely irrelevant to go back to the decision-making process in 1974 to take a political position today.

1060 Mr Speaker, my personal opinion, not to interfere with the working group is very simply, that we do not live life in single-sex silos; that we live life in co-habitation with people of opposite sexes and of same sexes with different sexual orientations. I believe, Mr Speaker, that our children build strong relationships across the sexual divide in first and secondary schools and that we rip them apart when we send them to single sex comprehensives. I believe that those relationships do not recover from the at least initial four years of separation.

1065 But, Mr Speaker, I believe that as a past pupil, I believe that as a parent and I believe that of course as a politician – but I am no-one to decide whether that is the system that produces better academic results and potentially better rounded individuals or not. Because what I definitely know is that I do not know what the right answer is. I can tell you what I think and I can tell you what I feel, but I cannot tell you as an educator what the right answer is.

1070 Mr Speaker, that is why this is not an issue for cross-party agreement, as the Hon. Mr Llamas has said, one way or the other. What we should have had is cross party agreement to support a motion to establish a working group of professionals, supporting the fact that the Minister for Education had already done that when he was responsible for Education, when Mr Licudi was there.

1075 Mr Speaker, hearing Mr Reyes speak then one is left with the impression that we agree that this is an issue for professionals, but yet he has not supported the motion amending the motion put by his leader which reached conclusions – the same conclusions that we might personally reach, but which reached conclusions politically about things that none of us, except for him and Mr Linares, are professionals at. And that I think, Mr Speaker, is the thing we have to be very, very careful to fall into the trap of not doing.

1080 But I think this motion has been an excellent opportunity, Mr Speaker, for Mr Licudi to demonstrate the work that the Government has already done on this subject and why this must not be an issue for this House. In the time that he has been Minister for Education, Gilbert Licudi has done many things, Mr Speaker, most of which are well known to the general public. I mean he has not just built schools, the physical aspect of education and a university, also the physical aspect of education, a prize that was elusive to most in fact elusive to all other former Ministers for Education and which he delivered.

1085 But the curriculum has also changed in consultation with teachers, so that we now have the teaching of local history in our schools, something that goes to producing not just more rounded members of our community; to producing more rounded Gibraltarians who also understand our context.

1090 Now, Mr Speaker, we have to see where that working group takes us in relation to co-education. But to say that the working group should include the pupils is really, Mr Speaker, to stretch the concept of consultation in the context of decision-making at a professional level, to breaking point, as the Hon. Mr Clinton has done. Of course pupils and students must be involved in the process of consulting once the working group has reported, which is what the motion talks about.

1095 But to say that they should form part of the working group is something that only Members on this side of the House could say legitimately, because we talked about the possibility of people being able to vote at the age of 16 and they pooh-poohed it. So how is it that the hon. Member can get up and say they must form part of the working group in this context but they must not make decisions as to who governs?

1100 Mr Speaker, look the working group of course will have to take cognisance of the views of pupils and students. The consultation that the Government does as a result of the working group's report will of course be something which will be consulted on with students and with

1105 pupils. But, Mr Speaker, the working group is meeting during working hours. It is doing a job. If we had proposed that the working group should include pupils, hon. Gentlemen would be saying that we were trying to get the advice on the cheap and that we were pulling them away from their work.

1110 It really, Mr Speaker, makes little sense other than, perhaps, an attempt to ingratiate oneself with a particular demographic. If that is what it is, Mr Speaker, I think it is fairly cack-handed, especially to say, 'Don't ignore the students, this is about the students.' Well, Mr Speaker, for the reasons that Mr Licudi has given, of course it is and of course it will and Mr Cortes has now confirmed that it will, as it must.

1115 But who did their decision-making body consult in 2006 when they made the decision to go co-education? Would the hon. Gentleman care to tell me who was in the secret group that made the decision in 2006 to go to co-education? (*Laughter*) Or which students or pupils were consulted in 2006? Because if it was about the students and they should not have been ignored, they appear to have been blithely put aside in 2006 (*Interjection*) and ditto, they were not on the committee.

1120 A committee of which by the way, Mr Speaker, there was no press release (*Laughter*) as I understand it, (*Interjection*) because I must say to the hon. Gentlemen, I have found out about it today! I have found out today that there was a committee established by them in secret, because there was no press release that did not consult or include any pupils.

1125 So, Mr Speaker, it is really quite something. It is really quite something to see. (*Interjection*) This is not a pendulum swinging; this is a pendulum *spinning* (*Laughter*) on the other side, Mr Speaker. This is just, Mr Speaker, another example of the politics of what sounds right to them. And we must be very careful in Gibraltar, Mr Speaker, not to move to the politics which parts of the rest of the world are moving to, of doing the things that sound right, whether they are right or not.

1130 We must not move to post-truth politics in Gibraltar. We must stick to the politics of the facts and of the work of experts like the experts in the working group established. That is not to say, Mr Speaker, that the group established in 2006 got it wrong or got it right. It is to say that by their measure, the measure that they have applied today, this must be a secret group that failed to consult or to include the pupils and the students.

1135 Because, Mr Speaker, what might sound ripe on the lips of a Leader of the Opposition looking and casting around for relevance in this community, may not be what is ripe for implementation in our schools and in the best interest of our pupils. But as usual, Mr Speaker, I thought I would give the hon. Gentleman opposite, the mover of the motion, the benefit of the doubt, because believe it or not, I always do, Mr Speaker.

1140 And so I went back to their election pamphlet of 2015. Now, Mr Speaker, I know that the hon. Gentleman obviously in preparing his motion had not read our manifesto because he would have come across the parts which the Hon. Mr Licudi read to him which demonstrated that what we were doing was already what they were prompting us to do. But I am – this week in particular for reasons that are being debated outside this House – constantly surprised by his failure to remember what was in their pamphlet at the election.

1145 You see, Mr Speaker, the hon. Gentleman has said in his motion that he calls on the Government to generate a debate by undertaking a consultation exercise with teachers. To generate a debate by undertaking a consultation exercise with teachers. (*Interjection by Hon. D A Feetham*) Oh, I am quite happy to read the whole thing – teachers, unions, parents and other stakeholders, with everybody. Consult and generate a debate with everybody.

1150 This morning, Mr Speaker, I re-read the whole of the 2015 GSD election pamphlet because it is such a quick read, Mr Speaker, (*Laughter*) there is no point in even asking the electronic gadgets one has today to search through, when you can read the whole thing, just to give them the benefit of not missing one reference. And what the hon. Gentleman has done in his motion, is entirely contradict the position that was in their manifesto last year, a year ago. This is one of the quickest political *volte-face* in history!

1160 Their manifesto, Mr Speaker, on page 16 features a photograph of Mr Hammond, who is not here today – no doubt for good reason, I make no criticism of that – with a graphic of Rooke on the next page and the word ‘Co-education’, that is it. There is a jumble of words at the bottom that no doubt some media guru advised them was a good way of presenting things, under a text from Mr Hammond and it says the word, ‘Co-education’.

On page 17, the word ‘Co-education’ appears again. And it appears in the context of a statement which was one of their flagship policies at the election: ‘we will move from the two single-sex schools to one co-educational facility, state of the art, at Rooke’.

1165 What consultation, Mr Speaker? Their policy was a *fait accompli* on one of the most important issues in the election which was the movement of the use of land to go from two schools to one in co-education. No consultation with students, with pupils, with teachers, with unions, with anyone, with parents – no-one! The policy was co-education. That was what people were asked to vote for, Mr Speaker, and to put everyone in the same school.

1170 Well, look, Mr Speaker, he may know now, given what I have said, that as a past pupil, as a parent and as a politician, my instinct is that I believe in co-education. It appears that we might agree on that subject. But to simply impose in the context of the debate of something as important as what we are talking about here, which they speak of in highfaluting terms when they come to this House in this motion, in the context of an election pamphlet, that that would be the policy, I mean it is really quite something, Mr Speaker. They were not for a consultation; 1175 they were for co-education full stop. Now, one year later, they have come round to the concept of consultation on this careful subject.

Now look, Mr Speaker, Christopher Cortes is a person with whom I have had the opportunity of working in a number of different fields. I have the deepest respect for him. I have the deepest respect for him: he is a man who is an educator, he is a musician, he is one of Gibraltar’s 1180 cultured and developed minds. He has done an in-depth study on the subject and he is an educator. The people who were on their committee, the people who will be on our committee, are the people who are experts at this. And you can find reports one way or another, Mr Speaker, and it maybe that in the end there will have to be a decision made based on that advice. But to go from that careful process of detailed analysis and consultation to simply say 1185 ‘everyone at Rooke, co-education’, that was absolute nonsense, Mr Speaker.

So I will tell the hon. Gentleman that I have been pleased again to see another complete and utter U-turn from him, where he is once again at last been made to face the right way. I do not know whether it is by logic, I do not know whether it is by people who have approached him who have put him on the right track, I do not know what it is but at least he is now talking about 1190 consultation. He is talking about consultation in all the wrong contexts because I think the Hon. the Father of the House has demonstrated that the wording of the motion which the hon. Member brought, was verging on the ridiculous, Mr Speaker.

It is really quite something when a Leader of the Opposition, who should be the guide, the guiding hand to the other more junior members of the Opposition, can allow himself to put a 1195 motion in the terms that we have had before the House. It is really quite something, about people taking their natural order in the wider community of men and women, as if that were not the case, for reasons Mr Bossano has already set out.

So, Mr Speaker, the only way to lead on something as sensitive and as important as the wholesale reform of our system of education is to do so in consultation with the right experts. 1200 That is the way to lead and that is the way to be truly progressive, Mr Speaker.

This is not an issue for politicians and an issue for speeches attempting to ingratiate oneself one way or another. It is an issue for careful consideration and for that, Mr Speaker, I commend the work that has been done in the Department of Education in this respect in the right way.

1205 So, Mr Speaker, what we have seen in the context of the debate we have had already and hon. Members’ speeches this morning, in the context of the amendment put by the Hon. Mr Licudi, is first that their position in 2015 was one of imposition of co-education without consultation; and second, that their position today, although on the terms of a motion which

1210 should not enjoy any support, was to move to consultation which is where we were in our
manifesto of 2015 which is where we have demonstrated that we are already in the Department
of Education and which is what we are moving to ensure our society has the benefit of in the
context of making an important decision like this.

1215 So, Mr Speaker, the amended motion, which is the motion now before the House, deserves
the support of the whole House if we are going to have a cross-party approach to preparing
work to advise how we should progress on this matter. Because anybody who does not support
this motion – and I know they have not supported the amendment, but now they have to
support or not support the motion as it is before the House – will not be supporting the creation
of the working group with terms of reference which are frankly not just unobjectionable but
they are absolutely the right terms of reference for a decision to be made which is in the interest
of our community.

1220 So, Mr Speaker, given all of that, I urge hon. Members on both sides of the House to support
the motion as amended so that our community can be informed by the work of this group that
has been established by the Department of Education and by the former Minister and which will
be taken forward as ably by the new Minister, John Cortes. (*Banging on desks*)

I commend the motion to the House.

1225

Mr Speaker: Is there any other Member wishing to speak, before I call upon the Leader of the
Opposition to exercise his right to reply?

The Hon. the Leader of the Opposition.

1230 **Hon. D A Feetham:** Mr Speaker, thank you very much.

Mr Speaker, the Opposition is not going to be supporting the amended motion, as indeed it
did not support the amendments to the motion. We are not supporting the amended motion
because the motion is inherently contradictory in itself, Mr Speaker, quite apart from some of
the reasons that have already been put forward by my friend, Mr Clinton.

1235 Not only is the motion inherently contradictory but it also – quite surprising bearing in mind
what the Hon. the Chief Minister has said about our position being contradictory – contradicts,
Mr Speaker, statements that the Chief Minister himself made to public television on 15th
December last year, just after the general election, which is the very reason why I drafted my
motion in the way that I drafted my motion, as I will outline in a moment.

1240 But, Mr Speaker, the speeches from the hon. Gentlemen, particularly the Chief Minister but
now surprisingly I have to say, Minister Licudi, are unnecessarily aggressive, Mr Speaker –
unnecessarily acerbic, Mr Speaker, and arrogant, Mr Speaker, *to the core*. It oozes the question,
'How dare you question Government policy? How dare you want to bring a motion to debate
something as important as co-education?'

1245 And all, it has to be said, Mr Speaker, on a motion calling on the Government to generate
debate by undertaking a consultation exercise with teachers, unions, parents, students and
other stakeholders, to determine the views of the community on this issue. And, Mr Speaker,
from the hon. Gentleman's contribution, the Hon. Minister Licudi, it really does not fill me with
confidence that he is approaching this issue with an open mind.

1250 Indeed, Mr Phillips to my left, who is *un llanito buena gente* just turns round and says to me,
'But is he really approaching this with an open mind?' (*Interjection and laughter*) Because the
whole tenor, Mr Speaker, of the contribution by the hon. Gentleman was, 'Yes we want to
consult, yes we want to do this, yes we want to do that', but really the undercurrent is that they
are not in favour of it, Mr Speaker. That is the reality of it and that is what comes across from
listening to the speeches of the hon. Gentlemen opposite and it is surprising, Mr Speaker. Mr
1255 Speaker, it is surprising.

The Hon. the Chief Minister says, 'Well why have you drafted the motion as you have drafted
it, starting from the premise, that yes we believe in co-education but then calling for a
consultation exercise?' And he also said, 'Well look, in your manifesto you were in favour of co-

1260 education; now what you are saying is, let us consult on it.’ But there is a very good reason for
that, Mr Speaker: as he reminds us incessantly, we lost the election; they won the election, Mr
Speaker. **(Several Members: Hear, hear!)** *(Banging on desks)* And, Mr Speaker, on
15th December 2015, in a *City Pulse* programme on *GBC* –and in fact it was reported on *GBC* the
day afterwards – ‘CM advocates co-education, but says consultation necessary’. *(Interjection)*
1265 ‘The Chief Minister has said he personally favours the concept of co-education in schools, but
believes a process of consultation ...’

Mr Speaker, the hon. Gentlemen opposite are conducting themselves in exactly the same
way, as I have said they conducted themselves during the course of their own speeches:
arrogant, acerbic, angry. *(Laughter)* Mr Speaker, I am on my feet, I ought to be allowed to
1270 continue with my speech without hon. Gentlemen constantly heckling and all but trying to
interrupt. *(Interjection)*

Mr Speaker: May I ask hon. Members to observe the best principles of parliamentary practice
and not those which one sees on a Saturday evening on *la tertulia de La Sexta*. *(Laughter)*

1275 **Hon. D A Feetham:** Well thank you very much, Mr Speaker.

Mr Speaker, and of course, in that programme, he did not say that he was setting up a
working group *(Interjection)* what he said was that he personally believes in the concept of co-
education which is what I say in my motion, Mr Speaker, but that there ought to be a
1280 consultation exercise.

Well, Mr Speaker, that is not what this motion actually does, Mr Speaker, because the
consultation exercise – and I will come to it in a moment – comes at the very end of the process,
after there is a report from the working group. There is nothing about the working group in what
he said to *GBC* and the reason why I have drafted my motion in the way that I have drafted it, is
1285 believing that I can come to this House with a constructive motion and try and find some
common ground between the Opposition and the Government.

But it is too much to hope, Mr Speaker, because even a motion that is brought to this House
in good faith, that is designed to find some common ground between the Opposition and the
Government meets with the kind of aggression and acerbicness that we have met today in the
1290 speeches of the hon. Gentlemen and in particular, Minister Licudi and the Chief Minister. But
there is logic to this, because it follows my motion, because it follows the statements that the
Chief Minister himself made to *GBC* on 15th December last year, just days after the general
election.

Mr Licudi and indeed with a lot of humour, the Father of the House, have examined the
1295 reasons as set out or part of my motion, the grounds for supporting my motion in paragraphs 1
and 2. Mr Speaker, paragraphs 1 and 2, in particular paragraph 2 of my motion is the central
argument in favour of co-education. The hon. Gentleman describes it as a social reason. But
indeed it is also an educational reason and when you look at all the reports and all the studies
and all the arguments from the people who have advocated co-education, what they say is this:
1300 education is much more than just simply the teaching of particular subjects. It is about preparing
people to take their place in the wider world and the wider world includes both men and women
and therefore you are not preparing young people properly by segregating them. And a better
way to prepare young people for that wider world is by actually having that co-education and
young people working together.

1305 And, Mr Speaker, in the report, in the Collister Working Party Report, which sets out the case
for co-education and the case for single-sex education, which is the last time that there was a
major public consultation exercise and a major report based on the work of a group across the
board involving educationalists, involving parents and involving unions, this is what they had to
say and this is the point about my paragraph on the wider world of men and women.

1310 Education is, and I quote:

'not merely instruction at school in reading, writing, arithmetic, history, geography. Education is the whole process starting at birth by which a child becomes a mature individual and an adult member of society. Education starts and is always centred in the family, apart from academic instruction, the school's main contribution to a child is showing him/her how to live in a larger society than the family, how to meet, assess, work with and just get on with people of different types and backgrounds. Half the people our children are going to meet in his/her life outside school are of the opposite sex. Why therefore do we not accept the responsibility implied in the word "education" of helping our children to get on with members of the opposite sex?'

1315 That is the point, Mr Speaker. That is the point and of course, I would hope that nobody in this House – look, I cannot vouch for everybody, but I would hope that nobody in this House – has a dysfunction by reason of being segregated at secondary school from members of the opposite sex! But it misses the point, Mr Speaker. The Hon. the Father of the House, ingenious as he is with his arguments, entertaining as he is with his arguments, misses the point. It is about what better prepares a child to meet the challenges outside school. If the challenges outside school are challenges of people working in a mixed environment, why not replicate that and that also is part of education within the secondary education system?

1320 And, Mr Speaker, a lot has been made about my quoting the Collister report, but the reality is, and indeed it was I think the Chief Minister that said that the report was not relevant today. Well, that is precisely the point! The reasons for the report in 1974 for rejecting co-education are not relevant today. That is the whole point of my going through the report. Society moves on, society develops and the reasons for rejecting co-education in the 1970s are no longer reasons that are prevalent or apposite today. That is the point.

1325 But, Mr Speaker, I come to the wording of the motion itself and I will deal with the contributions from hon. Members as I go through it.

Mr Speaker, the Hon. Mr Costa said there are 20,000 reasons not to announce the names of those on the working group.

1330 **Hon. N F Costa:** I was being generous.

1335 **Hon. D A Feetham:** 30,000, 40,000. But, Mr Speaker, again that misses the point. For a Government that likes to issue press releases, Mr Speaker, like confetti at a wedding, as I have said before in this House, for the Government to suddenly forget not to come out with a press release saying, 'We have set up this working group to report on this question of co-education', Mr Speaker, that is very strange indeed – very strange indeed!

1340 And the first time that the working group, this fantastic thing that Mr Licudi, according to the Chief Minister ... absolutely fantastic! What a wonderful Minister of Education we have had, and this is proof of it. A wonderful, wonderful Minister of Education, this is proof of it: that he has set up this working group to report on this question of co-education. And the first time we find out about it, Mr Speaker, is when I file my motion on co-education and he files – and I am very grateful that he filed it with plenty of time – an amendment to the motion. Well, Mr Speaker, one would forgive any opposition, not only this Opposition, for being rather sceptical about the Government's intentions or the Government's good work in setting up this working group that nobody knew anything about until Mr Licudi filed amendments to the motion.

1345 It is particularly surprising, Mr Speaker, given that the Hon. the Chief Minister, in his programme *The City Pulse* on 15th December 2015, did not say, Mr Speaker, that he was setting up a working group. What he said was that he himself was in favour of co-education – always the populist, our Chief Minister, I have to say; he probably thinks that is a popular line – but he does not want to step on the toes of anybody else. He then says 'but let us consult'.

1350 Well, Mr Speaker, he did not say that he shortly expected to set up a working group. And, Mr Speaker, the points made –

1355 **Hon. G H Licudi:** Mr Speaker, would the hon. Gentleman give way?

Hon. D A Feetham: No, I am not going to give way. (*Interjections*)

Mr Speaker: Order! Order!

1360 **Hon. D A Feetham:** The points made – Mr Speaker, I am not giving way because the courtesy
is never extended to me (*Interjections*) – yes, Mr Speaker, today that I have a right to respond,
they are going to sit down, they are going to heckle, they are going to laugh, but above all, Mr
Speaker, they are going to have to listen to me (*Laughter*) because I do not get the chance, Mr
1365 Speaker, to have the final word! But today, Mr Speaker, they are going to have to listen and I
note that the Hon. the Chief Minister has, as soon as I have said this, exited the Chamber
obviously he does not want to listen to what I have to say, or he is going to listen to it from the
Antechamber.

Well, Mr Speaker, the point made by my hon. friend Mr Clinton, about students, is a point
that is well made, Mr Speaker. This is a motion that is brought before this House, that says that a
1370 working group has been set up composed of union officials, officials from the Department of
Education, parents and it is going to report by March 2017 and it does not include the very same
people that we are all talking about, the very same people whose futures we are today
discussing.

Mr Speaker, that is an omission (*Interjection by Hon. G H Licudi*) of huge magnitude, Mr
1375 Speaker. And Mr Cortes said, but their views are going to be heard. Well look, Mr Speaker, their
views are going to be heard, that is neither here nor there, Mr Speaker! What we want is for
students to be included within any working group (*Interjection by Hon. G H Licudi*) so that their
views can properly be taken into account as and when the decisions are taken, Mr Speaker, and
not as an afterthought. (*Interjection by Hon. G H Licudi*) No, Mr Speaker, I am not giving way. No,
1380 I am not giving way. Sit down and listen. (*Interjections*) Sit down and listen, Mr Speaker.
(*Interjections*)

Mr Speaker, and then he said it is the logical thing to do. Well look, I am sorry but that is not
the logical thing to do. The logical thing to do is to include those whose futures you are
discussing within the working group who are making the decisions or the recommendations
1385 about that group's future, Mr Speaker.

Now we come to the huge contradiction between the statements made by the Chief Minister
to *City Pulse* programme on 15th December of last year and this motion and indeed the inherent
nonsense of the motion itself, Mr Speaker. Because this is a motion that basically says that by
March 2017, this working group is going to advise Her Majesty's Government of Gibraltar on the
1390 advantages and disadvantages of the current and mixed co-educational models for
comprehensive schools. So on 17th March, we will have a report. We will have a report on the
advantages and disadvantages.

And then it says, secondly, to make recommendations on whether secondary education at
comprehensive schools in Gibraltar is best delivered by co-ed or single. And then it says to make
1395 recommendations on possible implementations of a scenario.

And then lastly, Mr Speaker, and most remarkably, I have to say – and that is the reason I
could not support it, because I was reading this last night and I thought about ringing the hon.
Gentleman and saying to the hon. Gentleman, 'Look, can we at least try and amend this?' But of
course, it is not a question of amending it because the mechanics are already in motion, they
1400 have already done this. Then (4), to make recommendations on the appropriate consultation
model to ensure that the views of the relevant stakeholders are taken into account.

The views of the relevant stakeholders, Mr Speaker, are taken into account *after* there is a
recommendation by the working group on what is the model, Mr Speaker. That is placing the
cart before the horse, Mr Speaker. (*Interjection*) Because the consultation exercise ought to take
1405 place *before* the working group reports to the Government, Mr Speaker. (*Interjections*) That is
the reality and this is ill conceived, Mr Speaker.

1410 And it also contradicts what the Chief Minister himself said on 15th December, which is that there would be a consultation exercise. That is what I would have thought and that is what we would have supported, Mr Speaker, *(Interjection by Hon. G H Licudi)* No, Mr Speaker, *(Interjection by Hon. G H Licudi)* No, Mr Speaker.

1415 **Mr Speaker:** May I draw the attention of the Hon. Minister Licudi to Rule 45, interruptions. Please read it carefully because three times you have attempted to invoke the rule to elucidate some matter raised. You have not succeeded. I think that that is an indication that the Hon. the Leader of the Opposition, who has the floor, does not wish to give the floor to you and therefore you should allow him to get on with his speech.

Hon. D A Feetham: Mr Speaker –

1420 **Hon. G H Licudi:** Mr Speaker has referred to the Rules.

Mr Speaker: Yes, I am asking you to read the Rules.

1425 **Hon. G H Licudi:** Mr Speaker -

Mr Speaker: Here you are, here is a copy of the rules.

Hon. G H Licudi: No, no, I am grateful for that and I am well aware of the Rules.

1430 **Mr Speaker:** Well then let the Leader of the Opposition get on with his speech. *(Interjection)*

Hon. G H Licudi: I have simply asked on a Point of Order in relation to the Rules –

1435 **Mr Speaker:** Please sit down. Please sit down.
Now, the Leader of the Opposition.

Hon. D A Feetham: Well, Mr Speaker –

1440 **Hon. Chief Minister:** Mr Speaker, if the Hon. Minister wants to make a Point of Order - *(Interjection by Hon. D A Feetham)*

Mr Speaker: No, no, he has not –

1445 **Hon. Chief Minister:** Mr Speaker, with the greatest respect -

Mr Speaker: He has not been making a Point of Order.

1450 **Hon. Chief Minister:** I accept that, Mr Speaker, I accept that. But the Hon. Minister was about to say, 'I would like to make a Point of Order then' and you have just told him to sit down. And, Mr Speaker, with the very greatest of respect, it is important that we have debates like this and it is important as you rightly point out that we have them in keeping with the Rules. If somebody is not giving way, well look it is a matter for them whether they give way or not.

1455 But if there is a point that the Hon. Minister wants to make, which is a Point of Order and you would then rule whether it is a Point of Order or not, he must be entitled to put it to you and then you would decide whether it is or not.

Mr Speaker: Right, but he has only come up with the notion of the Point of Order, when on three occasions he has asked for the Hon. the Leader of the Opposition to give way, which he has not. He has not given way.

1460 Right now after I have drawn his attention to the Rules on interruptions, he comes up with a Point of Order. I am prepared to listen to him if it is on a Point of Order, okay? But what I think is a pity, is that we have had, since 11.30 we have been debating a motion positively, constructively and that it degenerates right at the end. I think that is a matter for regret and I have to tell the hon. Members that it is a matter of regret.

1465 Now, the Hon. Mr Licudi, on a Point of Order. (*Interjection*)

Hon. G H Licudi: Mr Speaker, it is certainly not our intention to degenerate the debate. In fact it has been as you have indicated, a positive and constructive debate with views shared on both sides.

1470 The point is quite simply that I am obviously aware of the Rules in relation to interruptions. It seemed to me that getting up to ask the hon. Member to give way, to correct a misapprehension which the hon. Member clearly has on the points that he is making in respect of our amended motion, and in particular and of particular relevance, is the fact that it is the reason, the very reason why he says the Opposition or the GSD is voting against and he has a fundamental misapprehension as to all that. That is the only reason that I asked to give way.

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Mr Speaker: But the Rule says that another Member in due course, 'provided that the Member speaking is willing to give way and resumes his seat'. The Hon. the Leader of the Opposition has not done so on three occasions –

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Hon. G H Licudi: And I sat down.

Mr Speaker: So if you are going to continue to interrupt on the basis of asking him to give way, we are not going to get anywhere.

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

I have to say that I get flogged, politically speaking, mercilessly from Members opposite, mercilessly. And I sit down and I take it on the chin and I listen. I do not interrupt, I do not heckle and I just listen. On the odd occasion that I have asked for the hon. Gentlemen to give way because there has been a misrepresentation about my position, people have not given way to me.

1490

Now, I believe – (*Interjection*) Well no, Mr Speaker, therefore I have taken the view that on this occasion I am not giving way, Mr Speaker.

The hon. Gentleman, I have read the motion as set out, that he has drafted. He has set out firstly that there is going to advice to the Government; secondly to make recommendations on what model, whether it should be co-education or single sex; and to make recommendations on implementation. And then it says to make recommendations on appropriate consultation models to ensure that views of relevant stakeholders are taken into account, Mr Speaker.

1495

And certainly on our side, we believe that the working group ought to be composed as widely as possible, that we know who the people in that working group are, as indeed we knew who the people within the Collister working group were, which included the headmistress of the girls' comprehensive, the headmaster of the boys' comprehensive, the Director of Education – Mr Pitaluga was Director of Education then, later on he became Chief Secretary, the unions were there, there was a statistician and there were people across the board.

1500

We think that this working group is composed too narrowly and that the first thing that the working group has to do, before it reports in March of next year, is to conduct a consultation exercise in order to then inform it about what the views are of the community on co-education. Because surely the views of the community on the question of co-education is going to be

1505

1510 *important*; it is never *paramount*. I accept that if you have a preponderance of educators that
tell the Government of the day that co-education is the way forward and we then have the
wherewithal in terms of obviously the bricks and mortar of schooling etc. that will allow us to
1515 deliver on co-education, then that I believe is an overriding reason in favour of co-education that
should trump the views of certain sectors in society, which is not what happened in 1974,
because the views in fact of parents in 1974 were given a greater weight than indeed the views
of other sectors of the community. But indeed, there were other very specific reasons in 1973-
1974 why co-education was rejected then.

But, Mr Speaker, consultation has to be at the heart of this particular process, it has to come
before there is a report by the working, absolutely the Hon. the Minister says to me 'No, no, it
has not', and that is precisely the difference. It has to come *before* the working group reports
1520 and, Mr Speaker, we cannot support the amended motion for all those reasons.

I thank Members of the House for listening to what I have to say, even though they did their
best to interrupt me at every single opportunity. (*Interjection*)

1525 **Hon. Chief Minister:** Mr Speaker, I call for the House to divide on the vote on the motion.

Mr Speaker: I now put the question in the terms of the motion proposed originally by the
Hon. the Leader of the Opposition and we will take a division.

A division was called for and voting resulted as follows:

FOR

Hon. P J Balban
Hon. J J Bossano
Hon. Dr J E Cortes
Hon. N F Costa
Hon. Dr J J Garcia
Hon. Ms M D Hassan Nahon
Hon. A J Isola
Hon. G H Licudi
Hon. S E Linares
Hon. F R Picardo
Hon. Miss S J Sacramento.

AGAINST

Hon. R M Clinton
Hon. D A Feetham
Hon. L F Llamas
Hon. E J Phillips
Hon. E J Reyes

ABSENT

Hon. T N Hammond

1530 **Mr Speaker:** There is one Member absent, there are 11 votes in favour of the motion as
amended and there are 5 against. The motion as amended is carried by majority. (*Banging on
desks*)

Hon. Chief Minister: Mr Speaker, I move that the House do now recess until 5 p.m. this
afternoon.

1535

Mr Speaker: The House will recess until 5 p.m. this afternoon.

The House recessed at 2.17 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 5.00 p.m. – 7.45 p.m.

Gibraltar, Tuesday, 8th November 2016

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The Gibraltar Parliament

The Parliament met at 5.00 p.m.

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

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

PRIVATE MEMBERS' MOTIONS

High-quality apprenticeships – Introduction to meet needs of existing and emerging businesses – Amended motion carried

Clerk: We continue with Private Members' motions. The Hon. E J Phillips.

5 **Hon. E J Phillips:** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

This House notes that we must tackle the serious skills deficit and the real need for the introduction of high-quality apprenticeships to meet the needs of existing and emerging business; acknowledges the statement by Unite the Union on 27th October 2015 for the introduction of advanced apprenticeships to counteract the skills cliff edge and the growth in substandard apprenticeship provision in Gibraltar; acknowledges the statement by the Chamber of Commerce during the 2015 General Election campaign calling on the Government to give assistance to private sector business which provides apprenticeship or other forms of vocational training; acknowledges the statement presented to all hon. Members of the House on 22nd September 2016 by concerned members of our community calling for the introduction of high-quality apprenticeships for young people; and calls on the Government to introduce high-quality apprenticeships in traditional crafts and trades as well as the creation of a modern apprenticeship programme for the training of skills in technology and allied services.

Mr Speaker, I have brought this motion to the House because I feel, together with my colleagues on this side of the House, passionate about the creation of better opportunities for our young people.

10 We, as a community, need to move fast in terms of the provision of quality training of skills, otherwise we risk being left behind in the skills race if we do not act now. It is, in my view, about quality and quantity.

Brexit presents the biggest challenge to our community in recent times, and the best investment in times of uncertainty is the investment we make in our own human capital. We must look to Brexit-proofing our community and we must make sure that our people are well trained and well skilled to face the challenges that may well come.

15 We believe that one of the crucial ways to create sustainable and long-term growth in our economy is to build a well trained workforce. Not everyone is destined to complete a university degree – and this was talked about at length by my hon. Friend Mr Llamas, who talked about pressurising young people to complete university degrees – and we must, as a community, strive

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to focus the development of our training programme and the development of skills through an apprenticeship programme which delivers on the demand for traditional skills and new modern skills, so that those who do not wish to pursue higher education, for whatever reason, can make a contribution to our community and have a fulfilling and successful career. Higher education is important, and in the context of the debate that we had today in relation to co-education, most of us, if not all of us in this room, are beneficiaries of an excellent educational support and access to higher education. But it would, in our view, be a grave dereliction of our duty if we continued to neglect those who would benefit from the development of skills-based work. In our view, apprenticeship and skills should be at the top of the agenda, running in parallel with education. We must create a gold standard in the training of skills.

I have long been vocal about the training of skills, before my time in this House and now, and the subject of skills, and we have advocated for the development of apprenticeships. I, together with my hon. Friends on this side of the House, have worked very hard to deliver our message on the development of the modern-day apprenticeship and we have received widespread support from the community at large.

Mr Speaker, I know the Minister with responsibility for training does not share our vision. In fact, in this House Minister Bossano has positively rejected our proposals and suggestions. It is regrettable that we cannot have a meeting of minds on this most important subject with the hon. Gentleman. I respect the hon. Gentleman's view, but I cannot agree with it and agree with the direction that Minister Bossano is taking training and the skills within our community. I respectfully invite him to put aside for one moment his prejudices about the creation of a modern apprenticeship and pause and reflect on what we are saying.

I know that amongst the Government there are like-minded thinkers on the question of apprenticeships and skills, and the presence of Minister Costa at the Gibraltar Start-up Community brings a new sense of optimism on this side of the House that skills development is finally going to be taken seriously and given the attention it so rightly deserves. I like to believe that there is much that we have in common on the development of a training strategy that meets the needs of young people and provides them with vital opportunities. With that in mind, and where we can, I would welcome depoliticising this issue on both sides of the House, recognising, as Unite the Union and the Chamber of Commerce have done, the serious skills cliff edge facing our community. We also need to recognise the efforts of those outside this House for raising the issue by campaigning outside this House on 22nd September 2016.

Let us not ignore the clear and unequivocal calls by the majority of people in our community on this issue, the calls by young people, parents, educators, union representatives and business leaders. Unite the Union this week repeated their request for an alternative training system and described the existing minimal training mechanism as inadequate. We must not as a Parliament, underestimate the strength of feeling on this issue, and I would invite the Government to join us and the rest of the community and actively explore ways in which we can together develop an apprenticeship programme which meets the wider needs of our community. That, in essence, is the purpose of this motion and it is hoped that the Government takes the motion in the spirit that it is intended.

When looking at apprenticeships and speaking to many people I have been reminded of the dockyard apprenticeship. People have spoken of the loss of key skills and the demise of dockyard apprenticeships and look to it with great affection. The world has changed, but there is much that we can learn from how these apprenticeships worked in the past, and I am sure the Hon. Minister will no doubt in his intervention provide us with a detailed analysis of the workability or otherwise of a dockyard type of apprenticeship in 2016 and its applicability to other trades and the modern apprenticeship.

We live in challenging times and it is our view that we must coldly assess where we are with skills and where we need to be. This is not about conducting a skills survey and plugging the skills gap. It is much, much more: it is about a 20-year plan for creating opportunity for all and supporting sustainable growth.

I have spoken to many technology companies who want to recruit our people; and, despite the clear interest from young people, they often lack basic skills which could have been supported at school and ultimately by the Government. Our new industries must be supported with a skilled and adaptable workforce – and we have been found wanting.

Mr Speaker, the emphasis is wrong, in my view. It must start with the early years and move right through our educational system, in which apprenticeship is not characterised as an alternative stream for under-achievers but a clear pathway to a successful career for those who do not want to pursue higher education. Each and every one of our young people represents a golden opportunity for our community and we cannot afford to let any of them down.

If we are, as a community, going to encourage new business to establish a presence in Gibraltar, then our people should be those we look to recruit. We are only as good as our people and our best investment is in our human capital. Therefore, I would call on the Government to strive for the introduction of a high-quality apprenticeship in traditional skills and modern programmes in technology and allied services. Our people should be the first choice because they are the best, and to do that we need to shoulder the responsibility in partnership with business to do that.

Mr Speaker, I commend the motion to the House. *(Banging on desks)*

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. Elliott Phillips.

The Hon. Neil Costa.

Hon. N F Costa: Mr Speaker, the Hon. the Leader of the Opposition this afternoon ... I am sure I heard him say that he thought that our contributions today were acerbic and abrasive. But, Mr Speaker, this Chamber has always enjoyed robust argument and counterargument, and I do not think there is anything wrong with the Government Ministers standing in this House to strongly put our points of view across, especially when the motions presented by the hon. Members opposite implicitly set out a premise which we just cannot accept.

By setting out a motion that somehow suggests that this Government has not done anything on training requires a robust response, and for all of the reasons that I shall set out we will prove this afternoon that in fact this Government has done more for training and more for employment in five years than the GSD dreamt of doing and never did in 16 years. **(A Member: Hear, hear.)**

Mr Speaker, if there is anyone inside or outside of this House who does not need a friend and colleague to speak to an Opposition motion which he is primarily addressing, it is of course a redoubtable giant of Gibraltar politics, which is my hon. friend Mr Joe Bossano. **(A Member: Hear, hear.)** And if I stand, Mr Speaker, it is only because I know now, from bone marrow experience, that he has a genetic inability to set out for the record everything that he has done – and I have no such qualms in setting out every single achievement that the Hon. Minister Bossano has set for training, for employment, for the present, for the future and for the prosperity of our small nation, **(A Member: Hear, hear.)** and of course I do so without ever having mentioned to Minister Bossano that I intended to speak in such terms.

Mr Speaker, the Opposition's motion as currently drafted, implicit in what is being said, is nothing more than, I dare say, a sad, uninspiring, science-fictional piece of regrettably predictable partisan political theatre, and it has to be said that it is science fictional –

Chief Minister (Hon. F R Picardo): The second one today.

Hon. N F Costa: Yes, indeed, Mr Speaker. Science fictional because on these benches we are unsure how this Government or indeed any other Government can train our compatriots for a business that is emerging – short of course subscribing to *Harry Potter's Book of Wizardry*, asking

125 for a fully functioning crystal ball, or indeed graduating from a yet-to-emerge Masters in political
voodoo.

Mr Speaker, we deal in facts, and when the hon. Gentleman opposite talks to me about vision I must throw my hands to my head and remember the Theatre Royal hole – a vision of the GSD; a £24 million airport which ended up being an £85 million air terminal – another vision of the GSD; having a hospital in an office block financed by PFI that cost the taxpayer so much more than had they built a purpose-built hospital. *(Banging on desks)* That is the vision of the GSD, Mr Speaker. So when they talk about vision, let's all throw our hands to our heads and think of what they are truly, which are nightmares. *(Laughter)*

135 Mr Speaker, having prefaced the introduction to my remarks in the way that I have, I have to obviously thank the Hon. the Leader of the Opposition for his very kind words this morning when he thanked me for being appointed *(Interjection by Hon. D A Feetham)* the Minister for Justice, which of course I very much appreciate.

140 So, in order to be able to ground this debate in reality and to be able to ground this debate on the facts as they exist, we must set out what I think are the Government's many achievements, in employment and in training, in the proper context; and in so doing, let the public decide indeed, on an objective assessment on the facts and the figures, who in this Chamber, which team in this Chamber, has done more for persons unemployed and persons requiring training in our nation.

145 Mr Speaker, it will not have escaped the notice of hon. Gentlemen opposite and the hon. Lady, that it will not have escaped the notice of opposite hon. Members that it is the Statistics Office – not Minister Costa, not Minister Sacramento, not indeed the Minister for Economic Development – who sets out in an employment survey, black upon white, the fact of employee growth, growth in employee jobs in our economy, recording 1,722 jobs in one year. This is the highest number of employee jobs ever recorded in an employment survey and is a testament to the success of what I never tire of saying is our tiger-like economy. Indeed, it is not me saying it, the economists have said so in previous publications, that Gibraltar boasts of a tiger-like economy and a regulatory, fiscal, budgetary and legal environment that Government has carefully nourished since taking office. And indeed it would not be a coincidence to anyone who objectively analyses the situation that the highest number ever of Gibraltarians in employment was last year at 11,010.

155 We do believe, Mr Speaker, as the Hon. Mr Phillips has said, that we are as good as our people, and as I will demonstrate it has been this Government that has rolled up its sleeves and has worked tirelessly with those who are unemployed and are seeking training to be able to achieve their objectives and indeed enter the labour market.

160 In addressing the subject of the motion, it was the private sector that saw a growth of 1,629 in October last year. Of course, Mr Speaker, these facts which I have just mentioned and the rate of employment I have to say put in doubt, and I would say even put to shame, the record of the GSD when they were in Government.

165 **Mr Speaker:** I have to remind the Hon. Minister that in replying to this motion I am prepared to allow certain references to be made to the high levels of employment, to the fact that there is very low unemployment and so on, but these matters are only loosely relevant to the motion. The motion is not about employment; the motion is more about skills and apprenticeships. As I say, I am prepared to allow him to make some references in passing. I did not stop him with what he had to say about the airport or about the Theatre Royal by way of introduction, I have let him get away with that, but these are not matters which are germane to the motion. So by all means make some passing reference, but you cannot develop those points to any great extent, because they are not relevant to the motion.

175 **Hon. N F Costa:** Mr Speaker, I am grateful to the Chair for his remarks. The reason for setting out the labour market, as I explained in my preface, is for the very simple reason that if there is a

180 motion before this House that suggests that there is a skills cliff edge and that there is a serious deficit in training, there have to be people to be trained. Therefore, if I am putting to this House that there is the highest number ever of Gibraltarians employed in all the different areas of our economy which are set out in the employment survey, it is, I think, respectfully, germane to the extent that if we are to analyse objectively and empirically and investigate which sectors indeed should there be a need for training, that we set out first of all the labour framework, which of course is our labour market.

185 Mr Speaker, talking about training, I continue to address the motion. The hon. Gentlemen opposite should know that when the manifesto was prepared last year and presented to the public, we set out there the Government's achievements in respect of training, and indeed we set out the facts and the figures of what had been achieved so far. One salient fact is that out of a total of 276 trainees who are employed by the five Government training companies, 168 of those were employed in the private sector, which is the point that I was making before Mr Speaker's contribution.

190 Mr Speaker, following on with employment, there has been no mention by the hon. Gentleman opposite that for there to be a proper identification of the skills that are required, and for which the Government should put in place any training programmes, we did launch, the Minister for Education and I, this year an Employment Development Service, which was started by the former Minister for Employment, the Hon. Mr Bossano, who went literally to schools to advise school children of the skills that will be required by our economy. It is therefore not a coincidence that, following the hon. Gentleman's identification of such skills, we shall now have over, around 60 students who are training for accounting and finance to be able to do the jobs in auditing and accounting – an industry, where there has always been a shortage of skills but now where there are over 60 students who are obtaining the skills to be able to enter the job market.

200 And of course, Mr Speaker, it also has to be said, in terms of the comment the Hon. Mr Phillips made that we are as good as our people, over the three months that started roundabout in June this year, the House will recall that we were able to employ 172 previously unemployed persons who had come to this Government for help. Therefore, it is, in our view, somewhat rich for us to be lectured about helping people in finding employment or in training when this is the Government that has assisted as much as is humanly possible, and is proven by the facts that I have set out a few moments ago as to all of the people who were previously unemployed and who now boast of being in full-time employment. In that respect it should not go unmentioned that in the four years that this Government has been in office there have been 730 full-time jobs for Gibraltarians. That is, in our view, I think, a very fair summary of the achievements of this Government since taking office.

210 Mr Speaker, in terms of the training that has been conducted until now I already referred the hon. Gentleman to pages 32 and 33 of our manifesto, and in those pages we have just some of the most salient points that I am sure the Hon. Minister Bossano will take to further elucidate during the course of this debate. But it has to be remembered that when we prepared this manifesto in 2015 the number of Gibraltarians in the construction sector had risen, and it has to be recalled that previously we had heard, when we were on the opposite side of this House, that Gibraltarians did not want to be in the construction sector and that is why they were not in the construction sector – and, as the Hon. Minister Bossano will now prove when he addresses this House, there was a vertiginous increase in the numbers of Gibraltarians who took to working in the construction centre.

220 Further, since the introduction by Minister Bossano of City and Guilds, a total of 209 at the time of writing the manifesto, had successfully completed the craft apprenticeship and were awarded or were awaiting their certificates. That is, Mr Speaker, at the time of last year, 209 trainees in less than four years, compared with 124 in 15 years. Does the hon. Gentleman therefore not realise how hollow his protestations sound when in five years we were able to achieve so much more than they did in 16?

In care, a burgeoning field as well, the Hon. Minister Bossano was able to start providing care training, and I am sure the whole House will agree that care provision is of course a burgeoning field in terms of employment.

230 Mr Speaker, in total sum there was, in the three and a half years from February 2012 to August 2015, a total of 1,242 previously unemployed persons who had obtained employment after training, so it is clearly the case that there has been plenty substantial meaningful skill training in Gibraltar in the time that we have been in office.

235 The hon. Gentleman opposite also says that we should pay heed to being able to provide training to other businesses and makes note of the Chamber of Commerce's remarks. Mr Speaker, in that respect surely the hon. Gentleman opposite knows that the Hon. the Chief Minister announced training costs as an expense against profits of a business or company at the rate of £150. That means that a company that invests £1,000 in training its employees with a view to them obtaining skills or qualifications now is able to obtain £1,500 as a deduction against
240 its profits for the accounting period on its tax computation. That is a clear incentive, which goes to address one of the points that the hon. Gentleman made in respect of not providing sufficient incentives for training and noting the Chamber's comments.

The hon. Gentleman opposite also has to note that whilst noting the training that has been done by the Hon. Minister Bossano, it is also a fact that the Department of Education also provides for persons who want to be trained in certain skills, such as electrician, to be able to pursue that route as well. So it is not just one route that is available to persons who require or wish to raise the level of ambition and to be able to train, but there is in fact another route available to them.

245 Mr Speaker, in all, to say that it is not realistic and it is not fair to say and it is not right that there should be a motion before this House suggesting that there has been no training, or very little training, or substandard training, when a quick read of the manifesto and the statistics that are contained in here shows that in fact there has been training and the results that have been achieved there.

255 So Mr Speaker for all of these reasons I will robustly ask my colleagues to of course vote against the motion presented by the Hon. Mr Phillips, because if ever there has been a team of people down to a man and to a woman who have cared about finding employment for the unemployed, who have cared in making sure that people are trained and have the right skills to be able to enter the labour market, it is this Government. (*Banging on desks*)

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

Mr Speaker: Any other Member making a contribution?

Any other Member of the Opposition making a contribution? The Hon. Edwin Reyes.

265 **Hon. E J Reyes:** Thank you, Mr Speaker.

I wanted to make a contribution but I was waiting for the Hon. Joe Bossano. He had indicated at the last Question Time that he was going to provide certain figures as requested in Questions 682 to 685 inclusive. If I make a contribution now, Mr Speaker, I have used my slot, shall we call it. I then would not be able to reply or make use of any of the figures that the Father of the
270 House was going to provide. I do not know how we can solve this so that (*Interjection*) I do have at least some information to be able to make ...

Hon. J J Bossano: Mr Speaker, I want to listen to what everybody has to say before I answer them all. I can only speak once.

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Mr Speaker: There is sometimes a problem during debate in trying to determine the order in which Members are going to speak, but you cannot force –

Hon. D A Feetham: Mr Speaker, because I have such high regard for the Father of the House and I have a soft spot in my heart for him, I will go first and then he can hear what I have to say in relation to this. I hope he will reciprocate by providing the answers to the questions, as he promised in the last session of Parliament.

I am just going to talk about a very narrow aspect of this debate that has been brought into sharp focus by the contribution of Minister Costa. Minister Costa made a point, and he said, 'Well, how can we train people in the industries of the future? We do not know what the industries of the future are.' And to hammer home his political point he said it is political voodoo, a crystal ball from Harry Potter. And then to hammer the point even further, he mentioned the hole in the ground and the airport, which hon. Gentlemen opposite manage to weave into every single political point in every single political debate that they make.

I think that is at the heart of an important division between the Opposition and the Government in relation to this point. Because our position for a number of years, certainly since I have been Leader of the Opposition, has been that what we ought to be doing is conducting a survey – engage with industries, look at what employers want in terms of training and how employers see the economy moving in the future; how does the Government itself see the economy and the sectors moving in the future; what are the sectors that we want to be attracting to Gibraltar – and then train people in those sectors. That is our philosophy. It is not about voodoo. It is about preparation, it is about looking forwards to what we think Gibraltar is going to look like: what are the industries of the future, what are the industries that we ought to be, as a nation, training our young people so that they can take up those opportunities?

The difference between the Government and the Opposition, highlighted by the sarcastic comments of the hon. Gentleman, is that they take a different view – and I understand it, in fact. I am not sure that the hon. Gentleman understands it, but I understand it because I understand where the Hon. Minister Bossano comes from. The philosophy of the Government, in statements made by Minister Bossano, is 'Well, actually, let's do something different: let's analyse in the labour market' – and that is the first survey that was made by the Government, chaired and headed by Minister Bossano – 'let's analyse what are the jobs at the moment in the economy. We look at the jobs that are there in the economy at the moment, we look at the nationalities of people within those particular jobs and then what we do is we try and fill those jobs with Gibraltarians by training people to do those jobs.' That is the philosophy of the Government and I understand it. What that has, in my view ... and I understand it, and to a certain extent it is logical and there is a worthwhile point to it, but what it does, in our respectful view, is it focuses the skills of people on a very narrow platform, and that is what are the jobs today, what are people doing today and let's get our own employees to replace the foreign workers in jobs. That is why, in terms of the training and construction centres and the other training centre in Gibraltar, what the Government is basically doing is focusing on the wet trades, for instance. The Government says, 'Right, the jobs in construction are in wet trades' – cement, bricklaying, those kinds of things – but it is narrow, Mr Speaker. I understand that there is a benefit to that, but it is narrow because we should be training people in a much wider skill set than just simply the wet trades. We should be looking at electricians, we should be looking at carpenters, the traditional skills which are being forgotten – they are being taken up by ... we are having to import that skill set from outside because we are not training our people in those skills. Therefore, training is much more than just analysing the figures, much more than just analysing the nationalities; it is also about proper planning, it is also about a much wider skill set and looking to the future.

That, without looking at any Harry Potter crystal ball or without any voodoo economics or voodoo of any kind, is really what we believe that we ought to be doing. That is my own contribution and that is what certainly I have urged the hon. Member and hon. Members opposite to be doing – is to be looking at that wider skill set. We are losing those skills and we are also losing a golden opportunity, particularly now that we have got to have an eye not only on the present but also on the future, because of Brexit, and looking at what are the skills that

330 an economy that now needs to move on, that needs to de-diversify into different sectors ... what are the skills that are going to be necessary for the future.

That is the approach in a nutshell. I hope I have fairly summarised what the differences are between us, but that is the approach certainly that we would advocate from this side of the House, and therefore I associate myself with everything that the hon. Gentleman, my hon. and
335 learned Friend, Mr Phillips has said, and I too commend the motion to the House.

Mr Speaker: The Hon. Albert Isola.

Hon. A J Isola: Mr Speaker, thank you.

340 I have some difficulty understanding what we are hearing from the other side of the House in a number of different ways.

The first is that I remember when, in the Election in 2011, the Future Job Strategy was announced, and everything that the Hon. the Leader of the Opposition has been talking about just now has been talking about looking at the future to ensure that in the future we have
345 people in a position to take jobs locally to support the local economy. I remember also at the time – I was not in this House – hearing the hon. Member talk about the failed job strategy. And so if you rewind the clock five years to 2011 when the Future Job Strategy – failed job strategy from that side ... and you then fast forward five years, I think if there was going to be the remotest teeny bit of fairness, the Members opposite would have to concede that the Future
350 Job Strategy has been a huge success. How do you measure that success? Well, Mr Speaker, the only way is by looking at the numbers of employment. At the last Election, in 2015, the hon. the mover of the motion would go on television and even in their pamphlet talk about ‘dead-end jobs’, that in fact what we were doing was training people in dead-end jobs. We never found out what those dead-end jobs were, and we still have not heard that today of course, and that
355 seems to have slipped through the net – we have not heard it much since the 2015 Election.

But in real terms, when you look at the motion that has been proposed by the hon. Member and you read ‘serious skills deficit’, and he talks of ‘high-quality apprenticeships’, I would like to understand what a high-quality apprenticeship is – because he has not told us. We do not know what ‘advanced training’ is, we do not know what ‘high-skills apprenticeship’ is. Is it high skills if
360 the tools they use are made in Switzerland as opposed to China? What is it? Because he said absolutely nothing, and in their pamphlet in 2015 absolutely nothing about what this great training scheme that they are going to provide for the future of Gibraltarians is. I struggle to understand. He says that the motion should be taken in the spirit it is intended, and the first line – I do not know what spirit it is that he intends it – ‘notes that we must tackle the serious skills
365 deficit’. (*Laughter*) Are you serious? Are you seriously telling this side of the House that you expect us to take the motion in good faith – good faith which the Hon. the Leader of the Opposition said that was what the motion this morning was about – when you are telling us that there is a serious skills deficit, that we need ‘high-quality apprenticeships’, that we have a ‘skills cliff edge’, ‘substandard apprenticeships’? (*Laughter*)

370 Mr Speaker, (*Interjection*) I am the newly named Minister for Commerce, so I represent the bulk, I would say, of the working community. I meet with the Finance Centre Council, which represents the entirety of the financial services sector, the Gibraltar Gaming and Betting Association, the entire gaming... I know you did not mention them in your pamphlet, but I think when you talk about skills you may want to have the GBJ in the back of your minds. I talk to the Chamber and I talk to the GFSB. As the Hon. Minister Mr Costa just said, the one item that he
375 refers to in his motion has actually already been done; it is just that you have not even realised. The bit in the motion where you talk about providing private sector business with support and assistance has been done since the last Election.

So when you talk about all of these things, and when I talk to all these different groups and
380 associations that really between them represent the entirety of the business community, *not*

once, not once have they said to me, 'We really have a skills shortage, we really have a skills cliff edge, we really need high-quality apprenticeships,' which God knows what that means.

385 I was hoping that today with this motion the hon. Member would get up and spell out once and for all what it is that the GSD and the Opposition mean when they talk about high skilled apprenticeships, what they mean by their skills school and the other bits and sound bites that they mention, because it all, from this side of the House, seems very much the same. It sounds good but it is actually meaningless. There is no substance to what they are telling us.

390 So I do not understand how you could ever have a motion before this Parliament talking about skills, talking about labour, talking about employment, without in the very first line congratulating the Hon. Minister Joe Bossano for absolutely everything he has done to achieve the highest levels of employment ever with the lowest levels of unemployment ever. I am not surprised they do not want to listen, because it cannot make very pleasant hearing.

395 Mr Speaker, in all seriousness, a motion that seeks to denigrate the training and the skills that this side of the House has provided is frankly astounding. The Leader of the Opposition talks about the division between us, and I think he analysed the two parts as two philosophies with a degree of accuracy, but for me it is more about another word which they so much like to use on that side of the House – it is about a vision. We do not believe in visions, we believe in reality and we believe in getting people trained and into jobs as quickly as we possibly can for their long-term future and for the benefit of our community in securing that. Anything else, anything
400 other than that, is simply playing politics with people's lives and I do not believe that anybody in this Parliament should stand before the community today and mess around with talking about these things which are absolutely meaningless. They sound good, they promise a lot, but as usual they deliver nothing.

405 Thank you, Mr Speaker. (*Banging on desks*)

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, the motion before the House this afternoon is no less important than the one this morning. We have a duty in Parliament, obviously, to provide
410 meaningful jobs for all.

I have just heard the Minister for Trade – I believe that is his new Ministry – congratulate the Government for the highest levels of employment. There are lies, damned lies and statistics, and I am sure Mr Bossano will lead us through them later.

415 The highest level of jobs ever in this economy was the growth of 1,722 jobs from 2014 to 2015. It is interesting when you analyse that growth number, which is 7.1%, because of those 1,722 jobs generated in this economy in that year, for which the Government claims credit, 1,248 of those workers are described under nationality in the official statistics report as Spanish. So their fantastic growth of 7.1% in one year – of those jobs, 72.5% went to our friends across the way. I am sure the Gibraltarians listening would be interested to know, of those 1,722 jobs
420 that this Government has generated, how many went to Gibraltarians. Well, according to this, 19 went to Gibraltarians, which is more or less about 1.1% of the growth. So Members here, we can talk about statistics, and statistics and more statistics, but the fact of the matter is that the jobs growth has not gone to Gibraltarians, and this is something that has to be made clear. It is not just the statistics that matter, but to whom these jobs go to.

425 I remember many years ago, when I was doing an economic analysis of the economy, I went to the Stats Office and I asked for the unemployment statistics, and I was told, 'Well, we don't actually produce those.' There has been a lot of talk about reduction in unemployment, but unfortunately in this report, which is quite rightly called an Employment Report, it says nothing about unemployment, nor do we have any accredited statistics in here talking about
430 unemployment levels. It may be something that this Government or future governments may consider introducing.

Of course, an employment survey which goes to employers is obviously by definition only existing jobs. There is nothing in here that talks about unemployment, the length of unemployment, the nationality, the period and other things like that which would be useful in any normal economy. We hear quite a lot about the unemployment rate in the UK going up and down and in America the same way, non-farm payrolls in the US, but in Gibraltar we do not have anything to say – *(Interjection)* Well, we don't. If anybody does have it or if it is published, please let me know. I would love to have it. So when we talk about statistics we have to be very careful, because either side of the House can spin them any way we want – Mr Bossano knows that and I know that – but the reality for the man on the ground is have they got a job, have they got a future, is it a meaningful job. For those reasons, I identify very much with my learned colleague's motion.

The Minister for Trade talks about affectively meaningless comments about skills gaps and what are we really talking about. Well, perhaps you should go, instead of to the Chamber of Commerce you should go and visit Unite the Union as well, because Unite the Union, I quote, and this is only yesterday, says it is 'concerned about the skills gaps that exist regarding manual trades in Gibraltar'. Their words, not mine. *(Interjection)* Unite says it cannot allow Gibraltar to see itself short of trades people and believes leg work to resolving the matter has to start now. The union recognises the current minimal training mechanism but claims this training programme is inadequate to furnish Gibraltar with the quality tradespeople it deserves. Mr Speaker, those are not words coming from the Opposition, they are not words coming from the Chamber; these are words coming from Unite the Union, whose responsibility it is to look after its membership and ensure that they have good and meaningful jobs in the future.

And so, Mr Speaker, for the reasons I have outlined, Unite the Union have got their concerns, the statistics do not necessarily seem to indicate what the Government would wish us to believe, and for those reasons I identify myself with the motion by my learned colleague and obviously I will be voting in favour of this motion.

Mr Speaker: The Hon. Joe Bossano.

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Hon. J J Bossano: I am not sure which of the three motions I should be speaking to, Mr Speaker. There is the motion by Mr Phillips, the motion by Mr Clinton and the motion by Mr Feetham, because they spoke about three different concepts.

Let me say the one I have little difficulty in agreeing with is the one from the Leader of the Opposition, but of course what he said has nothing to do with the motion that has been brought to the House, because what he has told us is that the difference between us – that is between the party in opposition and the party in Government – is that they understand that we are looking at the present requirements but they believe we should be looking at the future. I understand what he is saying, but I will explain to him why, in fact, there is a flaw in the analysis that he has put to us. The hon. Member is right, and I am grateful to him, not because he has been nice to me because he loves me, but because he is being accurate, which is something I think he should commend to his colleagues – **(Hon. Chief Minister:** And to himself.) and to himself when he talks to other Members, but he has been accurate with me. *(Laughter)*

It is true that we carried out the skills audit. In fact, I would remind the Leader of the Opposition that his present colleagues did not know that we had done it. I was asked when it was going to be done, in an earlier meeting of the House since the last Election, and I had to remind them that it had in fact been done in 2012. It was a very comprehensive thing. It was based on records that are not 100% accurate. Because for the benefit of Mr Clinton, let me say that we consider the figures on the level of employment that are provided by the returns from employers to be more accurate than the figures that exist in the records of the Ministry for Employment, for the simple reason that quite often people employ people and their employees are recorded because the contract of employment is recorded. But very frequently the termination is not recorded; or, if recorded, is recorded a long time after it has happened. So

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485 there is a discrepancy and there have always been of the order of 2,000 or 3,000 between the
people who are supposed to be working in Gibraltar according to the records of the ETB and the
people who are employed in Gibraltar according to the records of the employment survey. So
the Government – this Government and the previous Government – have used the more
conservative figure as the more accurate one, and that conservative figure shows the increase
490 that there has been in the private sector, not in pseudo jobs as the hon. the mover of the motion
has described it in the past: pseudo private sector jobs. These are real private sector jobs. So we
have moved in a situation where our training has been geared to make sure that we took a
greater number of people into jobs who were residents that previously were taken by frontier
workers.

The economy has grown, so although we increased the percentage of Gibraltarians in
495 employment in 2011, if he looks at the 2012 employment survey he will find that in that year the
total number of workers came down because the construction slowed down, and in the
construction sector that was shrinking the number of Gibraltarians went up. But of course
subsequently, with the developments that have been taking place in recent years, the
construction sector expanded and that expansion brought in workers from outside. We have
500 always accepted that when you have got a lot of building going on, the size of the construction
sector – at least it has always been described by me in those terms and nobody has ever
challenged it ... There is a size of construction industry in Gibraltar of around 2,000 people that is
there all the time, and there is a size of construction sector that is between 3,000 and 3,500
which is there when there is a lot of building. What we need to do, in terms of having a resident
505 construction workforce, is to look at ensuring that we have as many of the jobs in the 2,000
category as possible. That is what we set out to do. It is not true that we concentrated on the
wet trades to the exclusion of anything else; what we did was we put more emphasis on the wet
trades, and therefore the intakes in the Construction Training Centre have been eight for
plumbing, eight for carpentry, eight for painting and 24 for the wet trades. I explained from the
510 beginning ... and if there was logic and genuine intentions in the motions that are brought by the
Members opposite, then you would expect that the explanation that we give would have some
effect, but if somebody says something in a motion which is the same thing that they said in the
elections and they ignore everything that was said before the election, everything that was said
during the election and everything that was said since the election and carry on saying the same
515 thing ... Well, look, as my colleague has rightly pointed out, how can we note that there is a
serious skills deficit that we must tackle? If we know that there is a serious skills deficit we must
tackle, which the mover of the motion says exists ... The Hon. Mr Clinton says it exists because
the union said so yesterday, and the Leader of the Opposition says he does not know if it exists
because we need to do a survey of the businesses to find out if it exists and that is what we need
520 to be doing. Well, it cannot exist because it is looking to future skills in future industries. I do not
dispute that that is a policy which is not necessarily different or in conflict with ours. I think the
policy described by the Leader of the Opposition, with which I have no quarrel, is compatible
with ours but it cannot be the exercise that we need to do to train the people that are
unemployed now, because if we provide training now to the unemployed people in expectation
525 that there will be a future demand for those skills. And if the demand does not arrive, they will
not be in a dead end job, they will be in zero job – they will be unemployed. They will be more
skilled but still without work. That is why investing public money in providing skills starts from
the premise that it has to be demand led. That is the difference: that we train in the knowledge
that there is a skills deficit. For me, a deficit is a gap between supply and demand. I do not know
530 what the hon. Member means, but that is what it means to me, and I can only assess that the
gap exists by using two sources of information, which is what I have used.

One source of information is: is there a gap that is currently being filled by outsiders which I
know can be filled by our people, not because we need to sack the outsiders but because there
is a huge turnover? The transient workers in Gibraltar have a churn of 4,000 a year. We lose
535 4,000 people and 4,000 new ones come in. If we have got 300 people out of work and 4,000

people leave, all we need to do to help the unemployed is to see which of the 4,000 jobs that have become vacant because people have left – not because the economy is shrinking but because the labour market is expanding ... So we can look to the jobs that are coming new and the jobs that are becoming vacant and channel the training into those areas, and that will lead to employment, which is the purpose of training.

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If we, in addition, think that there might be a skills deficit in the future in skills that do not now exist then I have no problem with that, as put by the Leader of the Opposition, because that is not in conflict with what we are doing in the present circumstances but is looking to the future – and I believe we need to look to the future but the indications of what might come in cannot come simply from asking the present employers. It has to be linked to inward investment. This is why the training precisely is in the Ministry for Economic Development and has been, from the beginning, linked to inward investment – because the original concept from the start was that if an investor comes tomorrow and says, ‘I want to bring a new industry to Gibraltar but the skills that I need do not exist’, we will not wait for the cliff to hang over. What we will do is say to the new employer, ‘You have to tell me what skills you need and I will give you all the necessary support – if you need work permits, I will give you the work permits – but there will be one condition: there have to be x number of locals shadowing the people you bring in, for which we will pay, we will provide them free, and then when the local guy is trained he takes over from the outsider.’ That is looking for future skills for future industries, linking it to things that are coming in. Until now, we have not had that kind of new skills set being demanded from us, because until now the expansion that we have had has not been from totally new industries but expanding organically from people who work here already or from people who came to add to those who were here. We have had gaming companies or other entities coming in entering a market that was already there, we have had insurance companies coming in entering a market that was already there.

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If we are really serious, if this is not just playing politics – which I believe it is, but if it is not – then the debate has to be serious, it has to be professional, it has to be technical and it has to be based on facts. And there are no facts. We start from a position where what we are being asked to do is the antithesis of the democratic process, because if the hon. Member says this was the difference we had in the election campaign ... Well, look, this is the manifesto we had in the election campaign and we were voted to implement this. We produced a detailed account of craft apprenticeships and vocational training. We explained what we had done and we asked people for a mandate to carry on doing it. (**Hon. Chief Minister:** Seven out of 10.)

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The position of politicians is that they are expected to implement their manifesto when they get into Government. When the GSD was first elected to this House in 1996, the first thing they did in the first few months was to bring a censure motion against me – it has taken the present Opposition a little bit longer than it took the last time – and I said to them, ‘If you censure me, the logical thing is that if you were to win we would have to resign and call a new election, something that I would enjoy – since I have beaten you 73 to 20, I do not mind repeating the exercise.’ Obviously, the pleasure would not be as great this time because this time we only beat them 63 to 37, but with a bit of pushing – (**Hon. Chief Minister:** Sixty-eight to thirty-two.) Ah, 68 to 32 – I was being too generous! (*Laughter*) It must be all the nice things that he said to me at the beginning. (*Laughter*) (**Hon. Chief Minister:** Seven out of 10.)

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So what is it then that we should do if we were to not fulfil our manifesto: look to theirs? What is it that they had in theirs that we should be looking to? Can I remind the Leader of the Opposition that he invited the electorate to welcome the 2015 manifesto, and having explained all the things that we were doing wrong – which is perfectly legitimate if he wants them to vote for him and not for us – he then said at the end, having first welcomed them to the manifesto, ‘This isn’t the manifesto, but we are still finalising it, but here are some of our priorities.’ Well, they have not finished (*Laughter*) finalising their manifesto. They are still saying the same things that they did when they were beginning to prioritise it. In politics people are criticised for not fulfilling their manifesto. They did not even get round to printing it or producing it! It is a failure

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of a magnitude that is geometric, not arithmetic (*Laughter*) – and they criticise us for what we do. They were saying the same thing then: ‘We will abolish the Future Job Strategy and the false promises, our apprentices will be given the opportunity of learning real skills for real jobs.’ Why do they want to know what people are learning? Why is it that in the 15 years from the time that Pepito Baldachino left the Training Centre – which was the year that it produced most trainees, by the way; it went down after that with every year of the GSD – in those 15 years, the Construction Training Centre was producing the same skills in the same trades? What was it about those 15 years that stopped in 2011 and then it became unreal jobs and unreal training?

The hon. Member has asked me am I going to give him the information that he asked for in Question Time. Well, yes, I will give him the figures showing who is being currently and really trained for unreal jobs, the low quality useless training that is now being done by the people in the Training Centre who were doing wonderful training between 1996 and 2011 and decided, for reasons not known to me, to stop giving people quality, real training and produce rubbish training, which somehow we conned the City and Guilds Institute of the United Kingdom into accepting as real and they gave certificates and signed them.

We have got, at the moment, four doing plumbing at level 2, one doing tiling at level 2, one doing bricklaying at level 2, two doing plastering at level 2, six doing carpentry at level 2 – I hope that makes him happy, Mr Speaker, because when he spoke he was concerned that I was only doing wet trades and not doing carpentry: six doing carpentry – and two doing painting. They all started in the Training Centre in October 2015.

In the case of engineering apprenticeships, the numbers and start dates are as follows: fabrication and welding, two at level 3 – I do not know if level three is a sufficiently high level or the hon. Member wants us to do welding at level 4, which I understand is the equivalent of an honours degree in welding; two doing mechanical engineering at level 2, who started in 2016; four doing mechanical engineering at level 3, who started in 2014; four doing mechanical engineering at level 3, who started in 2016. So in mechanical engineering we have got a total of 10. Is mechanical engineering a sufficiently attractive skill to satisfy the hon. Member, or is that a dead-end-job rubbish skill as well? Or is it that he does not know that this is happening?

In electrical engineering we have got three at level 3 and eight at level 3. The three are the ones who started in 2014 and the eight are the ones who started in 2016: 11 doing level 3. Level 3 is something that is not required for a craft rate of pay, as previous Ministers of Employment in the GSD administration have told the House for 15 years. Or is it that, before, a level 2 was a craft skill obtained by an apprentice which enabled him to get the craft rate of pay which is accepted by the employers in the industry and accepted by the union, and now the fact that we have got so many people doing level 3 is that we are failing and we are doing minimal training?

The number of intakes per financial year in both centres have been 11, 12, 1 – I am not counting the ones that happened before November 2011; 12, 13, 3; 13, 14, 11; 14, 15, 21; and 15, 16, 12.

The potential trainees for enrolment at level 1 have been identified, contacted already and interviewed, and the new intake is expected to take place in the month of November – this month. They have already been selected, they have already been interviewed, and there is an intake altogether, covering the four construction trades that I have mentioned, of something of the order of 34 or 36, I think. I think more were contacted, but the ones who have actually turned up I think is around 34 to 36 and during this week they are being given the induction and the protective clothing and that kind of thing for the start of the course. They will be doing the generic health and safety thing, which everybody does initially, and then they will be doing an NVQ level 1 and then specialising in their trade in level 2, which is the way the system works under City and Guilds.

Mr Speaker, this is the latest information in the context of a motion that the hon. Member is asking me to accept, which says that we must tackle a serious skills deficit and that there is a real need for the introduction of high-quality apprenticeships to meet the needs of existing businesses and emerging ones. Well, I do not know what the needs of the emerging ones are

640 going to be because they have not yet emerged. *(Laughter)* I am concentrating on the existing ones, which I know are there, and I am doing it with the same quality training that was done for 15 years.

I think it is an absolute disgrace to pretend to be seriously wanting to find common ground, on the basis that we accept that we have done more of what they were doing, when they were
645 doing ... it was less in quantity but better in quality. What we are doing now is more in quantity but less in quality. It is now rubbish, but it is the same qualification – the NVQ. It was the hon. Member opposite who, in fact, corrected me a long time ago – three years ago – when I talked about the NVQ being one thing and the City and Guilds being another. He put me right and he said, ‘No, you are wrong, they are all NVQs; it is the awarding body that is different.’

650 When the hon. mover asked me will I consider doing things other than City and Guilds, the answer was no – not because I do not want to agree with him; I explained to him we were already doing it. I said to him, ‘We are already doing the Construction Board certification, the City and Guilds certification and EAL certification, so if you ask me, “Would you consider doing more than City and Guilds?” the answer is no, I do not consider doing it, because it has been
655 going on all the time. The fact that you do not know that it is happening does not mean that I am being unco-operative or not wanting to respond to you; it is that you just do not know what you are talking about – and I cannot help that.’ *(Laughter)*

Mr Speaker, in trying to interpret what the hon. Member thinks is reality one can only go by what has been said previously by the mover, and one has to assume that the mover of the
660 motion is in fact continuing the same story that he told in the election campaign. I would remind the hon. Member of the radio interview he did on this subject, and in that radio interview when he was asked about the gold-plated apprenticeship he said he was very excited about it and it was about finding an academic route for young people who do not have the requisite skills to pursue vocational training in terms of craftsmanship. The core principle behind this, he says, is
665 creating opportunities for young people so that we can create sustainable jobs in plumbing, craftsmen and electricians. Well, look, these are the rubbish jobs that we are training them for now. I have just told him the number of people who are doing level 2 and level 3 in plumbing, craftsmen and electricians. It is happening. If it was not happening, then he would be entitled to say he wants me to do something that I am not doing.

670 He also said we have to look at new technologies, gaming and e-commerce. Well, look, I have said publicly ad infinitum that I welcome being approached by employers who are interested in taking on apprentices and we will provide all the support that they need. Nobody has come forward.

My Department wrote to him immediately after the elections – and you wrote back. What
675 you wrote back was to say, Mr Speaker, that he could not tell us the names of the people who were crying out desperately for the apprentices. I said, ‘Okay, well don’t tell me their names. Go back and tell them that this offer is an open-doors policy. I want to welcome them and I want to give them all these apprentices they are crying out for.’ Well, clearly they prefer to carry on crying but they will not come forward. *(Laughter)* Clearly they are so committed to the GSD that
680 they are willing to spend an eternity waiting for the miracle to happen when they come into Government so that they can stop crying and get their apprentices. I do not believe it. I think he is making it up. *(Banging on desks and interjections)* I do not think there are people out there, because if I was an employer – and I hope that there are employers listening to me – then I have to tell them you do not need to wait for Mr Phillips to be in Government to come forward. Come
685 and see me and I will give you all the support and all that you need, because if you wait for Mr Phillips all your businesses will be out of date and we will then have to be looking for the new businesses that the Leader of the Opposition says we should be looking at, because that is how long it will take.

690 Is it that apprenticeships for nursing careers, which he does not mention, is something not worthwhile? Does he not know that we have got now degree courses for staff nurses and that we have reintroduced enrolled nurses? *(Interjection)* No, not the degree courses. They did not

exist, because they have happened in the middle of our time. We started doing something else, diploma courses, and now they are degree courses. But we have reintroduced enrolled nurses, which they abolished, and the system we put in place means that we have been training people
 695 who were unqualified. We trained them first by employing them through the Training Company and they did on-the-job training to become nursing assistants, and then, following that, they have gone into an 18-month training which gives them up to NVQ level 3 and they become enrolled nurses. After that, they still have, as a result of the NVQ level 3, an opportunity to go
 700 into the grade of staff nurse and get a degree, even though they were the people who did not have the opportunity of going to university. These are the people who did not have the A-levels and who could not go to university, and now we have found a route that gets them up to NVQ level 3 and opens up an opportunity for them – after they have trained as an enrolled nurse, after they have been working – to enhance their skills further and get something that was out of reach before.

705 Is that not something worth supporting and is that not an opportunity for those people who fall behind, ensuring they get an opportunity to get quality skills? Or do we have to carry on increasing the number of frontier workers in our Care Agency and in our hospital, which, if we had a hard Brexit and a problem at the frontier will lead to the collapse of our medical services and our social and care services because of the level of dependence created in the last 15 years
 710 which was not there in 1996? And they are going to lecture us!

I suppose he does not know it. I suppose he does not know what happened in those years, but if he wants to be honest then he should make it his job to see whether what we can be criticised for compares favourably or not with the track record of the party he has chosen to join. I know it is quite possible that when the party he has chosen to join was in office he was
 715 criticising it as PDP and the leader was criticising it as the Labour Party, (*Interjection*) but they have got to understand that they were right when they were criticising it and now they are wrong when they are defending it. (*Interjection*) They were right when they were criticising it. (*Laughter*) He was wrong to have left the GSLP and form his own party – that we all agree. (*Laughter*) But for as long as he was still a Labour opposition wanting to get rid of the GSD more
 720 than I did, according to him – (*Interjection by Hon. D A Feetham*) As long as that was the case, then I think he was on the right track. I think when the love affair started then I am afraid it was all lost. (*Interjections by Hon. D A Feetham and Hon. Chief Minister*)

Mr Speaker, the jobs that have been created in our economy and the growth in our economy are important statistics, not because it is the inevitable consequence of the training, because the
 725 training is only a part of it, but because the hon. Member says without quality training we will not be able to develop the economy and produce economic growth. Well, look, we are growing at 7.5% - we are actually growing a bit faster than China now. What is it we need to do in quality training to break the speed of sound at the speed he wants us to grow? In the four years from 2007 to 2011 the private sector grew by 1,339 jobs, which was considered a magnificent
 730 achievement by the GSD in government. In opposition, the GSD rubbish a four-year growth of 3,110 jobs in the private sector. (*Laughter*) So we grow by two and a half times as much, which was a miracle – so ours is 2.5 miracles, which is rubbish. (*Laughter*)

How can he expect me to take him seriously and accept the hand of friendship? I am likely to get it bitten off! (*Laughter*)

735 Inferior qualifications: if the hon. Member is able to identify the skills that he says exist ... because I accept the version of the Leader of the Opposition that there will be skills that will be needed in future, and we do not know what they are now but it is clear that the technology-driven global economy, if capitalism continues to survive, which is a big *if* but assuming that it still does, (*Interjection and laughter*) then Gibraltar's own economy will have to adapt to that.
 740 But let us look at what is the nature of the economy we have got today and let us be realistic in what we can deliver, and if we are not doing enough of it the Opposition is perfectly entitled to criticise us for it. And if they think that they can put forward proposals – specific, identifiable proposals that we have not thought of – I will welcome that and I am happy to give them the

745 credit for doing it. So what? What is wrong in accepting that they might have thought of something that we have not thought of? But it has got to make sense and it has to be done with the private sector.

I gave the example. When I answered the hon. Lady's question in the previous session I explained to her what we had done with the bus drivers as an example – the coach drivers. The industry was concerned that there were a greater number of cruise liner calls planned and that the cruise liners had only agreed to come here on the basis that we could guarantee that there would be coaches and coach drivers. The industry was interested in having resident coach drivers, because it is no good having the cruise liners having the coaches and the drivers on the other side because on that particular day the guy got out the wrong side of the bed and was stopping everybody, so they preferred to have local people. In order to do that, we funded the training of people who had normal driving licenses and were unemployed and who were willing to take on this job. And then we went one further: in order to make it possible for what is a seasonal trade and therefore not very attractive – that is to say it was not attractive because there was no guarantee of a job all the year round ... But by the definition of the hon. Member what we have done is retrained unemployed people and put them into dead-end jobs, because if you are a coach driver, even though the dead-end job pays £10 an hour, which is quite a good rate for the private sector, it is not a job where you get promoted from bus driver to anything else – you are a coach driver, you do the Rock tour and you explain the tourist side to the tourists. That is an industry that we want, that is an industry that they support and that we support, and we invested public money in making sure that those jobs which were not previously attractive to Gibraltarians were made attractive, and we used the EU funding – which I am trying to use up before it disappears, as Members will understand – to provide funding that will enable people to be given two-year contracts. Therefore, people who were previously not even interested in being given a job on the basis that they were called when the liner arrived and then laid off when the liner left – for reasons that are very understandable because they would say to me, 'Well, look, Joe, if I take this job I may make a few hundred pounds in a couple of days but I may miss the opportunity of a regular job by coming off the unemployment list' ... So now we are giving them, by agreement with all the industry, all the employers in the industry ... and although they gave me the credit for it I have publicly said no, the credit goes to them because I responded to what was their initiative. That is something that I think is important that the private sector should be aware of: that we have got an open mind and an open job policy and we will respond. But they have to come to us and convince us. They have got to produce a business plan that shows that we are not throwing away public money, that we are investing public money in something which in effect will regenerate itself because the activity that is now happening as a result of having trained 58 otherwise unemployed people to do the coach driving means that now that money stays in the Gibraltar economy. Before, it would have been vulnerable to Frontier problems. It could have cost us people taking us off a list of reliable cruise ports, and therefore it is an investment that we made. That is the kind of things that makes us ... We do not say, 'Who wants to be a coach driver?' We will wait until there is a secure, gold-plated, lifelong job and meanwhile we will keep the guy unemployed.

785 This is what the motion is talking about. The motion and the things that the hon. Member said when he was interviewed ... When he was interviewed in that radio interview he kept on about the nature of the work. I quoted the bit about the craftsmen. He said that the Government should get the private sector to take on apprentices and that the employers would get top-up grants to reach the minimum wage. Doesn't he know that what he was proposing in his manifesto and in his election campaign is less than what we are already doing? We are asking the employers not to pay anything. We pay the minimum wage, 100%. Doesn't he understand that quite apart from the fact that the people who are training now are getting over £1,000 a month and that in the GSD they were getting between £150 and £280, doesn't he understand the fact that in Germany an apprentice gets €632 euros and in Gibraltar he gets €1,200 euros a month must mean that we are making it much more attractive for unemployed people to go

down the route. We are actually rewarding those who wish to learn at a level that nobody has ever done before in Gibraltar and nobody is doing anywhere else in Europe? Nobody has ever done it before us and nobody is doing it now, currently, anywhere else. That shows the level to which we are committed to attracting people, to persuading people that they should take on learning, because in many cases the minimum wage is what is being paid in the private sector for 60% of the jobs and we are saying to people you do not have to choose between working as a labourer for £6.28 or being an apprentice for £3, because you will get your £6.28 by being an apprentice, and then when you have learned, you are getting paid the same as a labourer while you are learning, and then when you have learned you will be able to get £7.50 or £8 in the industry. That is the difference that there is. That is what a craftsman gets, that is what a carpenter or a painter or a brickie gets in the private sector, about £8 an hour.

This is not a wonderful job that you have got to go forward to, so when the hon. Member said in that interview that instead of going to the UK to do a degree, what they would do would be to persuade people that an apprenticeship is as good as going to university, he was asked by the interviewer, 'Do you really think people will take it up?' and he said, 'No, I do not.' Even he did not have confidence in his alternative, and the reality is why should people take up the job if it is a question simply of wanting ... You have got the choice of going to university. The prospect of coming back and getting more than the minimum wage is guaranteed if you come back with a degree. The fact that you then become a craftsman in the trades that he mentioned will not get you anywhere near those rates of pay. That is the reality. Even if you do the level 3, which allows you to be a chargehand, if we trained everybody to level three there would not be enough chargehand jobs for all of them.

So it is not that we are doing less training or less quality training because that is our policy and theirs is different; it is that we are doing what the market requires. There is no deficit in terms of the market, other than the deficit between the demands of the market and the resident workforce, and that deficit is both numerical and in skills. It is numerical because we have got 26,000 jobs in our economy and a population of 31,000. At the rate we are going there will be more workers than the population. Obviously, the skills requirement of the economy requires numbers that we do not have and requires skills that we do not have, but the bulk are in areas where the level of skills required is not that high but those jobs are not attractive. If people have to choose between working in catering, which has got unsocial hours for which no payment is made and weekends for which no payment is made because that is the way the industry ... If the industry has to pay a different kind of pay structure for resident workers than what they have to pay for imported workers, they will not employ the resident workers.

When we had the situation under the GSD where people did not want to join the construction industry, which was the original explanation for the low intake into the construction industry, the position changed in 2010, as I have explained to members previously. In 2010 the Government took the view that there was a reluctance on the part of the private sector to employ local people and a reluctance on the part of the construction company to employ local people and to accept them when they came out of the Training Centre, and the way they addressed that reluctance was by saying, 'Well, if you work for the Government then you will be required to be on the approved contractor list, you will be required to give priority to the people we send you from the unemployment list,' something I supported when I was in opposition and something that we have continued doing in Government. And, in fact, recently, in conjunction with my colleague the former Minister for Employment, we have extended that beyond the areas where it was before, which was construction, security and cleaning, and we are now extending it to everybody who has got a Government contract and is supplying a service, so that we can then have more opportunities. But that does not mean that we have got enough workers to replace all the important labour force. We would need to have a population of 60,000 to be able to do that. We may get there one day, but we are a long way off.

So the position is that we are trying to get a situation where not only do we want to have unemployment well below 300 but we want the employees that we get employed to get an

850 opportunity to move up the scale in terms of the available jobs in the private sector – but they
must be jobs that exist, and therefore we monitor what we found in employment and the next
thing we do is we monitor the vacancies. If I say to the hon. Member the average number of
vacancies is 200 a week. Fifty a week come with the person to fill the job already identified and
selected by the employer. Of the 150 that remain, something like 125 are on the minimum
wage, £6.28, which is already paid to the apprentice, and most of them are in areas which are in
855 the catering or construction industry. The big area that we have not been able to get into has
been the gaming industry. It is not for want of trying but we have not been able to identify the
kind of skills that they need where we can provide people who are capable of acquiring those
skills, because the reality of it is that the biggest problem we face in Gibraltar ... and I think the
failure to home in on that shows that the gap between us is bigger than the hon. Member
thinks. The big problem that we have in Gibraltar is not that there are those who want or do not
860 want to go to university; it is that there are people who come out who, if nothing is done for
them, finish up in what has been used in the United Kingdom and in other places in Europe as
NEETs, which is that they are not in employment or training or receiving education. That
category, which are the people who come out without paper qualifications and are in a situation
where we have to concentrate in that area.

865 This is why when we started looking at the training programme that we are doing, what we
have done is not to lower the quality, because the quality is the quality of the body that gives
the qualifications, but to look at the problems that our people have. And there is a serious
problem that we have got where when they go from level 1 to level 2 they have to be doing it at
work. This is not something they do in the Training Centre; they are away from the Training
870 Centre. The people from the Training Centre visit them on the sites and they have to build up a
portfolio. The guy may have no problem in building a cavity wall – and I use the example of the
cavity wall because one of the things that has kept bricklayers in training for four or five years
was the fact that part of the requirement was that the trainer, the lecturer, the person doing the
assessment, had to go on a building site and see a cavity wall being built. It was not accepted
875 that the cavity wall should be built in the Training Centre. Somebody somewhere in Gibraltar has
to have a cavity wall. So the guy had completed everything in his portfolio, he had done
everything he needed to do, but he could not get the papers as a level 2 craftsman until we
found a cavity wall for him. But having found a cavity wall, he then has to put in the portfolio the
description of what he has done. This requires a level of command of the English language even I
880 or Members opposite might not have in actually writing out everything. I can tell the hon.
Member that that is a real and a serious problem, and we are producing people who have got a
problem in passing the element of the portfolio, the academic part of it, when they are actually
totally, totally competent in doing the physical work. I think that is discriminatory against our
own people, because if somebody has got some problem in describing in English what he has
885 actually done, the Portuguese construction workers, the Rumanian construction workers, the
Polish construction workers, the Spanish construction workers, all of whom are building in
Gibraltar, none of them will get the NVQ, none of them, if they have to do the portfolio to get it.
But of course nobody gives them a portfolio when they go to the building site, somebody gives
them a brick, the cement and the mortar and says go and build a brick wall.

890 So we have to look at having a situation where testing the skills is something that is
important, because we want our people not to be disadvantaged. We want them to do those
jobs if they are prepared to do them. We want to encourage them to do it. We want to make it
financially attractive to do it by paying them the minimum wage, and then we want to resolve
the problems that they have. And all the time we are looking at how we can get round this
895 problem. We have agreed with the union that we need to be looking at local qualifications in a
way of meeting this or doing something that enables the people who are otherwise held back by
... Some kids who come out of school at 15 come to the Training Centre and say, 'I don't want to
be here as if I am back in school. I did not want to stay in school and this is not what I want. I
want to get my hands dirty. This is what I want to do – I want real work.'

900 Everything that is taking place outside Gibraltar, the hon. Member has argued that he has
been ... In the election he said he had done a lot to look to the UK and that he was going to
follow what the UK was doing. Well, I am not sure that he has looked at what the UK is doing,
because what the UK is doing is closer to what we are doing than to what he is saying. No? Well,
Mr Speaker, I can tell him that in England – because there is not even a system in the whole of
905 the UK; England, Wales, Scotland and Northern Ireland have each got their own system – and in
England, the new apprenticeship schemes provide that there is no mandatory requirement for
qualifications. Apprenticeships are no longer defined by qualifications, as there are no
mandatory requirements. They have moved to a position where there is an end assessment
when they assess the skills, and this is the new scheme that has come in in 2015-16 and is due to
910 be completed by 2020. Scotland is carrying on with the previous scheme that they have with
their own qualifications, and Wales and Northern Ireland have not yet decided whether they are
going to follow England or follow Scotland.

So he says he has done all this research – well, look, I have done the research and the people
who are employed in the Ministry in the training area have done their research and they try and
915 keep abreast of what other people are doing. We adapt it to what Gibraltar's needs are, because
we find, for example, that if you have got a situation where the qualification is that they want to
do an NVQ in plumbing, you cannot find an NVQ in plumbing because in the UK the NVQ is
plumbing and central heating. So what do you do? Do you train people for central heating that
they are never going to use? If they fail the central heating, they do not get the plumbing. We
920 have got to be in a situation where we are able to meet the demands of the private sector of
Gibraltar to ensure that our unemployment is not the result of our people having a deficit of the
skills that are required. The skills that are required are not the ones invented by the Member
opposite. The skills that are required are the ones reflected in the vacancies opened by the
employer. The employer comes to the ETB and says, 'I want somebody with this skill,' and either
925 we are able to provide it or we are not.

So I am afraid that the hon. Member does not know what he is talking about. He did not
know it when he was talking about it in the election campaign and he has not learnt anything
since, and even when he comes to this House and puts questions and I give him the answers, he
then goes on his webpage and puts the opposite. When I told him, in answer to a number of
930 questions that he put to me earlier this year, that I could not agree with the analysis that he said
that we had to provide quality skills because he did not tell me what the quality skills were and
he did not tell me where they came from, what did he do? He went on to say that we were not
prepared to co-operate, that we are not prepared to create modern-day apprenticeships and
the alternative training for technical skills. Well, look, what he is saying is not true. It is not true
935 on the website, it is not true in the Parliament and it is not true in the election campaign. So how
can he say that he is coming here hoping that we can work together in accepting all his fictional
problems, which he claims we do not want to solve? Where are all these people who are crying
out for apprenticeships? Why is it that, having told us that they exist and having been asked by
me to contact them, not one single person has materialised, not one? Where are they? We have
940 met with the Chamber of Commerce, we have met with the GFSB, we have told them to come
forward – nobody comes. So how can the hon. Member keep on saying the same thing that he
was saying then, when it is not possible to believe him?

I am telling him that the crying need for apprenticeships from the private sector is a fiction of
his imagination and therefore we will not support it, and I am telling the Opposition that, as far
945 as I am concerned, the version of what the motion was about produced by the Leader of the
Opposition is something that is acceptable to me and is acceptable to me that in future there
will be jobs which require skills that do not exist now because the jobs do not exist now, and
that we need to be in a position, when that time comes, to be ready for it. But we do not know
what they are going to be and we do not know now, even with less certainty than we might have
950 known before the Referendum, because we really do not know what is the direction in which
our economy will have to develop until we know what is going to come out of the negotiations

that have got to take place over the next three years. Certainly, if there was tomorrow somebody new coming to Gibraltar, I can tell him that there is one particular entity that has come to see me – one – with a proposal which may or may not materialise because, as I have pointed out before, there have been many false dawns with many, many people, but this particular entity wants to come to do a business in Gibraltar which I think is very attractive. It has to do with the maritime industry. They are willing to take on apprentices, they are willing to take them to Scotland to do training in diving, which is what the work will involve, and we have already got an agreement with them that if they proceed with that we will be funding the training and we have already identified 28 people who have expressed an interest if it materialises.

I do not like announcing things. I do not announce them before I do them and I do not announce them after I have done them. I am just telling him to make him understand that if he is genuine about what he is saying, it is not that we are not constantly on the lookout for opportunities that bring new industries and help to diversify our economy and help, preferably, to bring industries, income and employment which is not frontier sensitive. So, if we can get people here who are going to be using Gibraltar as a base for a completely new industry that we do not have at the moment and are willing to – they will have to bring some people in initially, but are willing – to give us the opportunity of providing local people to be trained, we are happy to do that.

For all those reasons, Mr Speaker, I cannot accept that this motion is an attempt to create a cross-party understanding on the basis that we are equally committed to providing skills and providing employment for our people, but in fact a censure of my performance as the person who has been responsible for training since December 2011. It cannot be interpreted in any other way. The hon. Member is entitled to go to an election and censure me and the electorate is the judge of whether they accept that he would do a better job than me or they put me back to do the better job. Therefore, as far as I am concerned, this is what I said to people in the election campaign and this is what I have to deliver, because this is what I asked them to vote for. I did not ask them to vote for his promised manifesto which never materialised, on which they were working at the time. Just to put a picture of Rooke and say this is where the new centre is going to be and this is what everybody is going to be doing [*Inaudible*] When he was interviewed and he was asked what it consisted of, he said, 'Well, no, we do not know yet what it is,' and when it is a year later in his web page he still does not know what it is. Those are his very words. He says, 'We will have to talk to the unions, we will have to talk to the business community and then we will have to find out exactly what it is.' Well, fine, talk to the unions, talk to the business community, and when you have found out what it is come and tell me and you can take the credit for it, but at the moment all that you tell me is that there is a skills shortage and we are on the cliff. Well, look, we cannot have been on the edge of the cliff last October and we are still on the edge of the cliff now and there is no chance of us going over the cliff. What does it mean to be over the cliff? What does it mean? The collapse of the economy? Is he seriously telling me that the economy that we have got to emulate is the one in the United Kingdom that grows by 1.8% because they are doing things that are making them grow at 1.8% and we are doing all the wrong things and we are growing at 7.5%?

In those circumstances I am afraid I am not going to be able to vote in support of the motion. Therefore, Mr Speaker, I will move an amendment to the motion, which, as you would expect, will delete all the words after the words 'This House'. (*Laughter*)

I therefore beg to move, Mr Speaker, an amendment to the motion by deleting all the words after the words 'This House' and replacing them with the following:

notes that the skills deficit which existed in 2011 was identified by the Government's skills audit in 2012, which audit has been instrumental in determining the provision of craft apprentice and vocational training and resulted in a huge reduction in the levels of unemployment between 2011 and 2015; welcomes that the Government, in the 2015 General

Election, renewed its commitment to continue with its programme of craft apprentice and vocational training to deliver the strategy of training for employment which is in line with the criteria used in employer-based training in England and in the European Union; congratulates the Government for its commitment to provide craft apprentice and vocational training and reduce unemployment; and calls on private sector employers to co-operate with the Government by providing craft apprentice and vocational training job offers in order to further expand the scope of the training programme and increase the opportunities for residents seeking employment.

1000 That, Mr Speaker, is the purpose of the exercise. The purpose of the exercise is getting people into jobs. Therefore, it is obvious that the hon. Members opposite know and understand this, because they change the speech. The speech changes from the level of unemployment to the level of dead-end jobs. That is to say if you are an unemployed labourer and we train you to be a craftsman, you are in a dead-end job. Well, look, you are in as dead-end a job as a craftsman as you were as a labourer, except that it is a job that earns more money. But if the
1005 hon. Member thinks that he should encourage the people of Gibraltar, the people who come out of school, that it is possible for him in Government to do something that nobody ever has done in Gibraltar, which is to guarantee that nobody will have a dead-end job, well, we are all going to be managers managing other people who will do all the work. What does he mean by a dead-end job? Does the hon. Member not understand that the issue is not whether the job is dead
1010 end or not dead end, but whether you have got a job or you have not got one? And under them they did not have a job!

Therefore we are committed to a policy that is training for employment, not training for unemployment. Again, Mr Speaker, it is something that has to be understood in the context of the limitations that Gibraltar has. In the United Kingdom, and indeed in the European Union, the
1015 philosophy is that you train people. This is why in the European Union the freedom of movement of workers is such an important issue, because as far as the European Union is concerned there is a single labour market and you can be trained to be an electrician in La Linea and if there is no work you finish up in Barcelona, and you can be trained to be an electrician in the north of England and if there is no work you come to London. But in Gibraltar, if there is no
1020 work there is no work – period. We are training for a labour market of 26,000 jobs and all that we can do is monitor those jobs and try and train our people for the jobs that look most effective in terms of the income that they generate. But the bulk of the jobs that are out there are jobs on the minimum wage and those are the jobs that our people prefer not to do, and the skills that we provide for them ... And we provide retraining opportunities even for people who
1025 are in employment so that they can be upskilled. We give people the opportunity of bringing to the Training Centre a portfolio of the work that they do and then they can be assessed, and based on the prior learning that they have had on what they have learned at work they can be regraded. We do that as well, so it is not just limited to the unemployed. We give the opportunity to those even in employment because by increasing the skills set within the
1030 community we are increasing the potential for income generation, and income generation is what increases the GDP. But of course it can only happen if there is an employer willing to pay for those skills. If the employer does not exist, the skills are meaningless in terms of economic activity and in terms of the opportunity we are giving to those who are affected.

Therefore, Mr Speaker, I think that, without a doubt, what the hon. Member claims he wants
1035 to see happening in Gibraltar can only happen if, instead of trying to use this as a political weapon with which to criticise the present administration Lips, he actually does what he claims to be wanting to do, which is to say, 'I am aware of an area of the economy or a group of employers that are desperate for trainees, desperate for apprentices, but they have not gone to see you, they do not want to see you, but they have provided me with the information and I will
1040 provide you with it.' Unless and until he produces somebody who comes forward and demonstrates that that need is there and is there today, then I am afraid he is not going to

convince me that there is something that I am not doing which can be done, because until there is an employer willing to commit himself to employing the trainee we are not going to be training people for something that does not exist.

1045 I commend the amendment to the House. (*Banging on desks*)

Mr Speaker: The position now is that all hon. Members may speak on the amendment.
The Hon. Edwin Reyes.

1050 **Hon. E J Reyes:** Thank you, Mr Speaker.

May I, for the sake of clarity, come back to a couple of things because other Members present may not be as updated as the Father of the House and I are on this issue.

We are talking about NVQ levels 1, 2 and 3 and so on. Can I make it clear to those Members in the Chamber and those listening behind the Speaker's Chair that in the traditional construction trades everyone starts off training with level 1 and you achieve a recognised qualified craftsman by attaining level 2. However, in the engineering trades – that is those that the Father of the House actually listed as being the mechanical trades, the welders, the fabricators and the electrical trades – there, the level 1 is much, much shorter than level 1 is in the constructions trades, level 2 makes you a quasi-craftsman, but the official recognised craftsman level is the attainment of level 3. There is a bit of confusion for those not acquainted with this sort of education terminology. Of course, the Father is correct in saying that in the construction trades level 3 is what is normally accepted as a chargehand or foreman type of qualification. I do not think we are miles apart, but certainly where the craftsman has the ability I would encourage them to complete level 3 in the same way that as educators we always encourage people who have attained a certain professional qualification to carry on and attain more; otherwise, the Government and the Opposition would not be supporting those who, for example, go on and do a Master's degree. It does not make you a better or worse lawyer if you have simply a Bachelor's in law or a Master's in law, but certainly the higher the qualification the better the academic background the individual has.

1070 Mr Speaker, I want to clarify as well that the accreditation of what the Minister referred to as enrolled nurses via the NVQ route is something that I think – in case he was not sure – has always been supported by this side of the House. In fact, I can vouch for it because I was the holder of the budget between 2000 and 2003. When I was accountable for training funds for the Department of Education, we were actually contributing funds towards helping the GHA. They already had some individuals undergoing NVQs and funding was required, because one of the problems with NVQs is that not only do you need an instructor who delivers that, but you then need to have an assessor and an internal verifier – all these terminologies that will just bore Members, but like the Minister and I know, at the end of the day it is just a money-drawing machine. But certainly, although we are supportive of that NVQ route for those who are not academically minded to follow the degree course ... we are supportive, but I hope the Minister recognises that they were in existence during my party's time in government as well.

The part that perhaps the Minister may not have been briefed on 100% by those involved in the Employment Ministry and so on is that yes, it is true that the apprentice, in order to obtain an NVQ level 2 or level 3 – but let's keep to level 2 – in the craftsman trade had to produce a portfolio. The bulk of the portfolio is actually photographic evidence with very, very small captions. It is the instructor and the verifier who have a longer piece of writing to do, and especially those who do not have the academic ability to be able to read and write properly may even ... the same as I am sure Steven Linares can vouch for me, you can even use a scribe to sit down and do a GCSE exam if you have certain difficulties. For example, a person whose vision is poor can actually do an exam like in an oral basis. So I would urge the Minister, because I know his heart is in the right place ... We can have scribes. (*Interjection*) Yes, especially I am thinking of teachers who have community care hours to do – they can certainly act as scribes in the Training Centre.

1095 The Minister is right: I did try a few years ago to introduce a certain level of basic numeracy
and literacy skills among these apprentices. Certainly numeracy skills come to mind – for
example, those who are carpenters, who measure, and they say this is 12 cms, 30 cms and
12 cms, but they need to have at least the basic skill to be able to add that that equals 54 cms.
But there is nothing wrong in having a scribe in that, and as long as they are able to speak, if at
least become a little bit articulate, then the handwriting does not have to be good, because
1100 typed out papers are acceptable and it is totally acceptable to be done within any length of time.
It is not like a GCSE exam where you are given one and a half hours. You can actually have
someone doing the typing for you if the correct notification is given to the examination board.
So these are areas, Mr Speaker, that I know the Minister will take to heart and proceed on.

I do not know who guided the Minister, but an NVQ level 4 is not equivalent or anywhere
1105 near an honours degree, Mr Speaker. There is a particular chart – I know I had it in my office in
the Department of Education and Training. It is more akin to an HND type of equivalent. And
again, if someone can obtain the level 4, they certainly receive my wholehearted support. Why?
Because one of the areas that perhaps we can identify as emerging skills – and the Minister
already used the words, ‘How can I identify, how can I know what are going to be the emerging
1110 needs of the community?’ ... Well, look, Mr Speaker, one of the exercises, if I may humbly
recommend to him, is let’s look at our current work force – let’s say the Housing Works Agency.
Those who are 50 years of age have five years after in they are going to start to count pounds,
shilling and pence, as we used to call it, and say, ‘Is it worth my while leaving at age 55, or not?’
and they might leave vacancies which we want to be filled up not only by qualified people but by
1115 qualified and experienced people. I think here the Minister and I both sing off the same hymn
sheet. One thing is to have a piece of paper saying you have this level of qualification; another
thing is what you learn in the street. The University of Gibraltar is fantastic, but the university of
the workplace is at times equally as good, if not even better. It shows you all the little tricks of
the trade and so on. I believe – well, I can virtually vouch for it – that at the moment within the
1120 Housing Works Agency we have great craftsmen who have over the years achieved positions of
clerks of work, estimators and so on, and that is something that the Training Centre itself ... no
matter how good the instructors there are, they can never teach that. That will be taught in the
actual workplace.

So, in the same manner that the Minister is trying to say that he would like the private sector
1125 to be supportive of apprentices and so on, I think we should lead a bit by example and maybe
both sides of this House can actually ask the Government-owned companies to be leaders as
well in taking on apprentices and so on. I believe the Housing Works Agency have had
apprentices learning with them, but I am talking now beyond the level 2 and the level 3. The
estimators, the clerks of works and so on should also be equally encouraged to do that,
1130 Mr Speaker.

I am surprised, because I know the Hon. the Father of the House is always in love with
producing tables, statistics and so on, and I have never ever been able to get quite in one sitting
all the correct information that I want to have. I do not know why. Maybe those who have held
the portfolio of Minister for Education have always been able to provide, deducting from
1135 questions, how many trainees do we have, when did they start, when did they finish, what
accreditation did they achieve – some sort of simple type of chart that has columns at the top.
For example, if I base myself on Question 684, it has columns at the top 2012, 2013, 2014, 2015
and 2016 and then a list of trades: carpenters, how many started level 1, how many started
whatever level, how many actually completed and on what date did they complete that level.
1140 Although I am grateful that the Minister said at present in 2016 there are six individuals working
towards level 2 in carpentry, I am none the wiser what has happened in the previous four years,
how many started, how many completed, how many gave up after level 1 and so on.

I may have missed it, but I do not think I have got anyone down at all in the engineering
trades other than in level 3, and I do not have anyone in the construction trades other than in
1145 level 2, other than the Minister making a reference that he was about to take on a 2016 intake

1150 where what they do is they do that initial basic health and safety ... I think it is to do with the multi-trades so that they are able to get a flavour and then they move on to that. If that is going to lead towards quality training, then at a personal level I can be supportive of him. But let's make sure that people who take on these trades take it on because they want to be fruitful in what they do and they take pride behind the job, and that they are not misled under the conception that they once got, where I have had more than one person telling me that in 2011 they were sold an idea by today's Father of the House that if they attended the Training Centre and completed this course they would actually end up in a Government job. That perception seems to still be alive. I know it could be many moons ago – over five years ago – but, like I say, 1155 mud sticks, so that is perhaps something that the hon. Member has to look forward to and spell out clearly. (*Interjection*) Yes, I will give way.

Hon. J J Bossano: Let me assure him that everybody who comes in is told that that is not the case before they start. So, once they have started they cannot be ... They might be under a 1160 misapprehension before they arrive, but once they arrive I go to talk to them and I make it absolutely clear that we are training for jobs in the private sector.

In terms of whether somebody wants to be a plumber, in fact we give them their first choice of ... We ask them first which they would like. If we are only able to take in eight people for plumbing and there are nine, then they are given the choice of either doing something else or 1165 waiting for the next intake. But we assume that if they express an interest in being in one area they are more likely to do better at it than if they are forced into something else. It is also the case ... I do not know if it was happening in their time, but some people studying one subject then change their mind, and at an early enough stage, because it is multi-trade, they are able to switch.

1170 **Hon. E J Reyes:** Yes, it is something that has happened from time immemorial, even when Her Majesty's Dockyard was in existence you did an entry exam and according to the ratings those were the first ones that went and you chose a trade. If you were candidate 11 and you wanted to be an electrician and there were only 10 vacancies available and they had all gone, 1175 then tough.

But again, Mr Speaker, looking at the figures, and unless the numbers of instructors have changed drastically from the information provided a couple of years ago, I know that the instructor plumber retired and they were training another one, and I believe the Minister told me that in September this year he was supposed more or less to complete the course. But we 1180 will leave that question until January.

In the others, in carpentry there is more than one instructor and there are only six apprentices there. In painting there are two instructors and only two apprentices, so that is a ratio of 1:1, which every school teacher would love and give half their salary for. But anyway, that is beyond the Minister's control as well; it is up to an individual what he wants to do.

1185 My contribution to that was let's open our minds as well and not just think of today's need but the emerging need, if I can go back to that, as well, because if one looks at what Government's programme has been of late ... and what they are saying is going to continue happening is more co-ownership housing projects and so on after the period of which ... Let's take Beach View Terraces at the moment: after that period when there is still a certain warranty 1190 and defects have to be made right, the management company is going to have to assume the general repairs, maintenance and so on. I would really love it for the management company to be able to have local resident workers that they can call upon who would produce good quality work to carry out the repairs in a good, competitive, economic price. I live in a co-ownership estate, and most of the work that has been engaged by the management company does not 1195 happen to be local resident labourers and that is something that I think we should all work together to avoid in the future.

1200 The future is there, the jobs are there, certainly emerging quite soon, and if the other housing projects take place then there is going to be a great demand. So, in the same way that we invest heavily in GCSEs and A-levels to produce the doctors we are going to need for the future, let's do likewise in these grades because they are as honourable a working trade as whether one is a lawyer or a humble teacher like us, Mr Speaker.

1205 **Hon. S E Linares:** Mr Speaker, I just wanted to add that I completely agree with what the hon. Gentleman says. I do not want to get into the whole debate, but it is important to understand that what I have tried to do, for example, in GCS where we have a core of young people who are now maintenance workers and they have actually qualified for that, there is a handyman's qualification where they do a little bit of everything – electricity, plumbing, masonry – and they become what we call a *manita*, a person who is able to do maintenance, and that is a qualification which has an NVQ and there are levels 1, 2 and 3. Those young people who are now
1210 in employment and doing that, so these are very meaningful jobs and this is what we have been trying to do, and we are doing it. Therefore, anybody who is employed now or who wants to do those courses will have the prospect of getting other jobs. So I completely agree, but my emphasis is that it has been happening since 2012 onwards. There are employees, for example, in Kings Bastion now who also get employed as handymen, or women – because there are a few
1215 as well – and then, as employers we send them to train so that they do have a qualification at the end of the day. So it is not only that they are employed to do things; they have the opportunity to become qualified, because ultimately some other private sector management company in the estate that the hon. Member has mentioned wants a person to be able to do a little bit of everything, and with that qualification they might want to get employment there because they get more wages than what they have been getting.

1220 So it is happening and those are very meaningful jobs. That is why I cannot understand either the motion, because there are many, many areas in which I know that the hon. Member, the Father of the House ... I send all the jobs that I need for GSLA, for Kings Bastion, for GCS to him and he sends me young people who want to work and then we do the training with them. So it is
1225 happening. I completely agree with him that this is what we have been doing and this is exactly what these qualifications will do for them, and they are very meaningful.

Mr Speaker: Any other contributor to the debate?

1230 **Hon. D A Feetham:** Mr Speaker, very briefly on the amended motion. The Hon. the Father of the House is not one to blow his own trumpet at the best of times, but I have to say that on this particular occasion on the amended motion he has exceeded himself. He realises that it is not possible for us to support what is this blatant ... Well, I was going to call it brilliant; I am not sure that it is brilliant, because it is just a blatant piece of propaganda starting with 'notes the skills deficit which existed in 2011 and congratulates the Government' for what they have done since
1235 2011.

1240 In my contribution I want to make a number of observations. I have listened to the hon. Gentleman and some of what he has said – in fact, a lot of what he has said – I can relate to, and indeed some of the arguments that he has deployed today were arguments that we were deploying from the Government benches.

1245 One of the points indeed, that I made during the debate – and the hon. Gentleman is wrong when he said the debate, when I was in the Labour Party and my learned Friend was in the PDP ... It was a debate that occurred in 2011 and it was a debate where I was representing the GSD, my learned Friend, Mr Phillips, was representing the PDP and it was Mr Licudi who was representing the other side, and that was in 2011. One of the points that I made there was that in 16 years of government the GSD had created 8,500 new jobs – total, private and public sector – and there had never been 8,500 unemployed in Gibraltar, so it was physically impossible to fill that amount of jobs just simply with locals, and it is a point in fact that he has made during the

1250 course of his own contribution today to take the sting out of the criticism – or the observation, because it was not a criticism – of my hon. Friend Mr Clinton when he said that if you looked at the employment survey there had been a very low number of Gibraltarians who had taken up jobs within a particular sector.

1255 I think there are three separate strands. I am trying to characterise it as fairly as possible. I am going to just characterise as well our criticism and, I think, the wider community's criticism of the hon. Gentleman's strategy. I think there are three separate strands to this.

1260 The first, rightly, is a strategy of the hon. Gentleman – which I have described and he has agreed with my description – which starts from the skills survey that was done in 2012: let's see what are the jobs, what are the nationalities and let's try and get Gibraltarians into those jobs. That is a valid strategy and I accept that it is a valid strategy, but it is not a valid strategy to just simply look at in isolation. In other words, it needs other things to the strategy, and the weakness, I think, in the hon. Gentleman's strategy has been in taking it too far. That is my own personal view of the strategy, because if you look at the Job Strategy, for example, from its manifesto conception, where it said a training scheme of up to two years, it went from two years to one year, to three months and sometimes less than three months. The criticism that can be reasonably and, I think, credibly labelled in terms of training – not in terms of putting people into jobs; in terms of training – is what can somebody learn in three months. I think that where one can criticise the Government is in an over-focus on the statistics – in other words, getting those Gibraltarians into those jobs occupied by Spaniards, or whatever, which I believe is a valid objective, but to the exclusion of the real training, which is the point that is being made by my learned and hon. Friend, Mr Phillips.

1270 And I come to the second, because you need a second strand, and if you then look, in terms of the second strand, at the training, the intakes – to illustrate my point – into I think it was the Construction and Training Centre and the other Training Centre over the last five years, the new intakes have been one in the year ending 2012, three in the year ending 2013, 11 in the year ending 2014, 26 in the General Election year ending 2015, and 12 in 2016 in the year so far. I think those are low numbers and I think the Government needs to invest more time and more money – and I know it costs money – into boosting those numbers, not only in the wet trades. Again, I accept that it is valid to look at the wet trades, because that is an area that is being undertaken on our construction sites throughout Gibraltar, but also in your plumbing, in your electricians, in your carpenters, and we need to boost the numbers. I think that if one looks at the criticism that is being made by Unite, the criticism that is being made by the Chamber of Commerce, I think it is a reflection of the low numbers – and I am just quoting from the intakes – and therefore what I would urge the Government to do is to examine that and to see whether the numbers can be boosted in terms of intakes into those craftsmen, if I can call it that, craftsmen jobs. Because worthy as the matching Gibraltarians with jobs is, what we have got to also do is ... that those Gibraltarians, or some of them, have the skills that are necessary that will equip them not only for today but also for the future.

1280 The third strand, Mr Speaker, is the strand that I spoke of during the course of my own intervention earlier. I am not going to repeat it, but I think that the hon. Gentleman underestimates the importance of it in a Brexit situation. The hon. Gentleman I know attempts to have an eye on these things and attempts to have an eye on the future, so I was rather surprised at the way that he dismissed it at the end of his intervention. In a Brexit situation we have to ... and I realise that there are difficulties in knowing precisely where the United Kingdom is going, first of all, in relation to Brexit – that is the first question – and then, secondly, whether we are going to be able to go in the same direction as the United Kingdom. That is also an open question as well. I realise there are difficulties, but any prudent, reasonable Government and a Government that is looking towards the future has to be able to look at all the various alternatives and all the various permutations and say, 'Well, look, what is our economy going to look like in three or four years' time, and is it possible for us to do something now in order to make sure that our people are prepared and are trained for that eventuality?'

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That is the approach certainly I would urge on the hon. Gentleman. Those are the three strands – there may be more, and no doubt there are more strands: Gibraltarians filling those jobs; your trades training, the training that people go for one, two or three years, depending on the level that they undertake in terms of NVQ; and also looking towards the future.

1305 That is my intervention on the amended motion.

Mr Speaker: Is there any other intervention on the amendment? If not, I will ask the hon. Mr Bossano to reply. The Hon. Mr Bossano.

1310 **Hon. J J Bossano:** I welcome the contribution that has been made pointing out the areas on the technical side of how the NVQ problems that I have identified can be addressed. I am grateful for that and I will certainly take that on board.

Dealing with the last contribution, where the Hon. the Leader of the Opposition is saying that his concern is that we may need to do more, the 26 intakes that he quoted – I do not know whether he thinks that an intake is an individual trainee. As far as I am concerned, an intake is ... For example, if we have taken in 24 trainees to do the wet trades, that is one intake made up of 24. So the intake is the number that start the course in a particular year. *(Interjection)* Yes. *(Interjection)* No. I think he mentioned that there were 26 intakes, no? The figures that he was quoting which he thought could be – *(Interjection)* Yes. The figures that I quoted of the intakes – the breakdown that I gave him is not 26 individuals. If I have said there are 26 intakes it means that in that financial year we had, for example, eight plumbers coming in and that is one intake, eight painters coming in and that is another intake. The intake is the class, not the number of individuals. Obviously, the hon. Member has had the number of individuals previously given to him in previous answers to questions. *(Interjection)* I think the question was intake and I gave him intakes; that is my understanding. *(Interjection)* I will give way, yes.

1320 **Hon. D A Feetham:** No, the question was how many people are currently undertaking level 1 NVQ. That related to people. That is why, when the hon. Gentleman came back and talked about intake, what I am assuming is that when there is one intake it is one person and three intakes is ... which struck me as very low numbers in terms of the people who are being taken on to do the NVQ level 1 in any given year.

1330 **Hon. J J Bossano:** The figures that I gave for the number of intakes per financial year does not show 26 in any of them. It was one in 2011-12. That is to say there was one intake between December 2011 and March 2012. That was not one person; that was one intake, one class. In 2012-13 there were three intakes. In 2013-14 there were 11 intakes. At the moment, we have got four intakes that are starting now. The four intakes this year is an intake for plumbers, an intake for carpenters, an intake for painters and an intake for the wet trades. The total number of the four, in terms of individuals, is 34 individuals. I mentioned that the numbers ... In answer to the question who is starting with level 1 this year, in level 1 this year, in this month there will be something like 34 individuals spread over four intakes, which is an intake of plumbers, an intake of carpenters and an intake of painters, which will be less than the intake of wet trades, which continues to be a larger class than the others.

1340 So I am sorry if I misled the hon. Member, but the figure is not that there have been 26 individuals, because in fact he knows, from the questions in previous meetings of the House, that we have talked about something like 190 persons or 170 people having done the level 1 and level 2 since December 2011. There could be an intake of one, but it is unlikely to be the case. We aim for an intake of eight and, as I have explained, if we have, for example, more than eight people wanting to be plumbers in the ones that have been interviewed ... I do not know, I have not been given the distribution because they are still in the process of finding out what they would like to do, but if there were nine plumbers then if there was a spare capacity in painting or carpentry they would pick the ones that they think have got the best chance of succeeding

1355 and then to the ninth person they would say, 'You have two choices: either you wait maybe for our next intake,' which could be in six months' time, 'or you can choose to not do plumbing and do something else.' At this stage it is quite an easy thing to do, actually, because the bulk of the level 1 creates a basis of skills that then they can specialise in, in level 2. And sometimes when they start doing the level 1 the people who said they wanted to do plumbing change their mind and decide they want to do painting or something else. That is what I explained when I was explaining it previously in my original contribution in support of the amendment.

1360 I appreciate the point that the hon. Member has made, that having congratulated the Government – I have not congratulated myself, I have congratulated the Government – in the amendment and having said that there was a skills shortage then ... Well, look, I think it cannot be denied. The skills shortage that existed at the time was reflected in the skills audit. If we have got a situation where there are 100 people working in the wet trades in the construction sector and seven are Gibraltarians and 93 are imported workers – if that is not a skills deficit I do not know what you call it. I have to say to him the percentage is now better than it was then. It is nowhere near 100, because I think of the different construction trades this one is the least attractive and it is a cleaner job to be doing plumbing, painting or carpentry than to be mixing mortar and building brick walls and doing tiling and that kind of thing. But remember that the emphasis is, as I explained already and as we explain to the trainees ... We say to them, 'Look, the reality of it is that Aerial Farm has finished and 300 jobs have disappeared.' If we are talking about giving people a sustainable job – it may be a dead-end job, but it is a job that will be there – the job that will be there will be the job that was mentioned by his colleague. It will not be in the building of Aerial Farm; it will be in the maintenance of Aerial Farm. What we are trying to do is to ensure that the bulk of the permanent construction workers should be local, so that there will be people there who will be able to look to continuity of work all the year round that will not be seasonal work, particularly because something that has happened in the construction industry which created problems for us from the date that the Frontier opened has been that, by the very nature of specialisation in the construction industry, nowadays one company gets a contract to deliver a site –

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Hon. D A Feetham: Mr Speaker, I want to listen to the hon. Gentleman's contribution but there are people on the other side talking and I just cannot focus on what he is saying. I would just ask the hon. Gentlemen to give some courtesy to the Hon. the Father of the House who has the floor. (*Interjection by Hon. Chief Minister*)

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Hon. J J Bossano: I will try and speak a little bit louder.

The point that I am making is that in the nature of modern training ... We had a situation, Mr Speaker, on the Aerial Farm housing estate where the main contractor subcontracted the doors. We do not have carpenters making doors anymore. A company comes in and fits a thousand doors in the estate. Training somebody to fit doors is not a quality apprenticeship; nor is it something that we would want to do in Gibraltar, because when that estate is finished the people who come in and fit doors will have gone off somewhere else to fit doors. The industry in the United Kingdom, for example, provided training for bricklayers, but the only thing they did was lay bricks. The bricklayer would work not by the hour but by the number of bricks he would lay. A really good bricklayer would lay thousands of bricks and would have two labourers just bringing him bricks to lay and earn £1,000 a week. But of course for anybody to have a secure job laying bricks there must be an ability to move from building site to building site throughout a nation state laying bricks, which is done. There are people who are professional bricklayers, who can build brick walls blindfold. What do we have to do here? What we have to do here is produce people who will go to maintain the housing estates that we are building and those we want to be local, and there will be the people who will have to be craftsman made, skilled labourers, there will be the people who will be the skilled workers who are doing the maintenance, and there will be the people who have supervisory and managerial jobs. That

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1405 structure is the structure that we are trying to build now, and we are trying to build it in
 anticipation of where the expansion of home ownership will create permanent jobs all the year
 round. That means, in effect, that the construction industry will have, as I have mentioned, in
 ball park figures, 1,500 people who come in, build housing estates and disappear, and we have
 2,000 people, which is likely to be a growing field the more housing estates that we have. What
 1410 we are doing there is something that is planned, that is logical, that is based on figures.

What the hon. Member suggested was not something that we were doing in terms of
 concentrating too much on this, because having concentrated on this we can see what is
 achievable. For example, if the *Sunborn* says they want somebody to help in the kitchen and we
 are sending somebody who has never helped in a kitchen, we are not going to pay the *Sunborn*
 1415 for three years to have somebody in the kitchen when the job can be learnt in three months.
 This is not an apprenticeship. So there are apprenticeships which lead to a qualification and
 there is on-the-job training which does not lead to a qualification but leads to the person who
 says, 'I will not take the man or lady you sent me, because they have never been in a kitchen
 before.' In order to remove the excuse for rejecting the local worker on the basis that he has no
 1420 prior experience and no prior knowledge, we say, 'Okay, we accept that while the guy is learning
 the job he is not productive, not producing enough for you and may actually be a negative
 element in the workforce because you may have to have somebody else who is productive being
 interrupted to explain to the new person how the job is done, but what you cannot have is a
 three-year apprenticeship for somebody who is a kitchen hand.' A kitchen hand may be a dead-
 1425 end job. It is a dead-end job that some people who are unemployed will find attractive.
 Members will acknowledge we have had them questioning why was the take-up in the *Sunborn*
 not higher, given that they have received support from the Government. We have tried to make
 it higher, and the same thing applies to local companies that are willing to take people on.

So it is not that I am unwilling to listen to constructive criticism, and if it makes sense I take it
 1430 on board and I am grateful for it because I do not pretend to have all the answers, Mr Speaker. I
 understand that it would be asking too much of the Members opposite to congratulate us in the
 way that the motion was, but it may be as unrealistic to expect them to vote for the amendment
 as it was on their part to expect me to vote for their original motion.

1435 **Mr Speaker:** We will now put the amendment moved by the Hon. Mr Bossano to the vote.

All in favour? (**Several Members:** Aye.) Those against (**Several Members:** No.) Carried.

Now, on the motion as amended all Members who have not spoken on the original motion
 may now speak, if they so wish. If no one wishes to do so, I will then ask the Hon. Elliott Phillips
 to exercise his right to reply. That is the position.

1440 The Hon. Elliott Phillips.

Hon. E J Phillips: Mr Speaker, I am grateful for this debate because I think that it is actually
 much more fundamental than some of the discussions and some of the comments that have
 been made by hon. Members opposite.

1445 In fact, I think, starting with Minister Costa when he referred to the unemployment figures, I
 think he understands by a slight reprimand from the Speaker that this is not a debate about
 unemployment, it is not a debate about full employment, it is not about the GSD's time in office;
 what it is about is real jobs and real opportunities for young people.

I think what the motion does is try to set out the serious concerns that have been highlighted
 1450 by not just the Members in this House and opposite the Government, but the unions, the
 Chamber of Commerce and people who campaigned outside this House. What Members
 opposite are trying to do is, to use Mr Isola's words, denigrate the union's views, who even this
 week have commented in relation to a serious skills deficit. The Members opposite can choose
 to ignore the unions, the Members opposite can choose to ignore the Chamber of Commerce,
 1455 but at the end of the day they will choose to ignore the people outside this House who handed
 them all leaflets complaining about the lack of apprenticeships. They can choose to do that and

they will continue to do that, but what I would say is that the intention of this motion was to show the Government that there are serious concerns about the skills deficit in our community.

1460 Minister Bossano talks to this House about me not knowing what I am talking about. I am not too sure whether he walks round Waterport Place or he walks around Europort, whether he talks to young entrepreneurs who have employees in their business, who are looking at developing Apps, looking at gaming and looking at individual programming and coding. I speak to these businesses and I speak to young men who work in these industries, and their offices are filled with Spaniards. That is the reality that he wants to talk about, that is the reality I am going
1465 to talk to him about, because when I walk into those offices and I am invited to see them, they say they have been to see him, they have been to see Minister Costa (*Interjection*) but there has been no reply, (**Hon A J Isola:** Nonsense!) they are not interested...finished!... they are not interested in the modern technologies, they are not interested in growing a workforce to feed that industry. That is a shame. I think we should all be trying to promote gaming, app development,
1470 coding – (**Hon A J Isola:** Gaming! Are you serious?) (*Laughter*) It is called gaming. It is not the traditional gaming that you are responsible for; it is another form of gaming – apps, computer games and allied services to the industry that Mr Isola, in financial services ... I think that is what we should be looking at, surely: developing our young people, giving them the opportunity to work in these industries and giving them the tools to do that.

1475 We are looking at apprenticeships, not three-month apprenticeships where we can learn a trade and then be thrown into a job where they have not got the adequate skills and the adequate training to do it. We are not talking about three months; we are talking about a three-year-long process by which these people, in partnership with business, can create apprenticeships.

1480 I commend the hon. Gentleman in relation to the maritime apprenticeships that he speaks of. I know he does not want to commit to them now because he is obviously in discussions with them, but I commend him for that. That is exactly what we should be doing: sending our young people off to get that training and to come back and work those jobs. But I walk around Gibraltar, we all walk around Gibraltar – walk up Waterport Place in the morning and see the
1485 hundreds of people flooding the buildings, who are not from our home. Surely we should be creating an opportunity for those young people in our community who do not go to university – they do not have the opportunity to go to university – who want to do these jobs. Why can't we do that? I think that is really the nub of the Private Member's motion in respect of apprenticeship. It is with the greatest of goodwill that I say to all Members opposite that I think
1490 we should create better opportunities for young people moving forward.

I take the point that he makes in relation to plumbing, electrical engineers, mechanical engineers – of course all of that is required, that is needed; but in a serious threat, which Brexit clearly is to our community, I think we should have a bit more foresight into the future as to what skills will be needed in the future. That is what I am talking about.

1495 We talk about ... (*Interjection*).

Hon. D A Feetham: Try and just ignore them.

Hon. E J Phillips: Yes, I will do.

1500 He talks about demand led, and I think we have to do more than that, not just be reactive to the market. What we need to do is look at what opportunities there are in the future, surely. I would invite him to walk into those businesses and see them for himself, and I think he will really acknowledge the fact that we are not doing as much as we should be in relation to that.

1505 The hon. Member opposite seems to be fixated with NVQs. It goes beyond NVQs and City and Guilds. An apprenticeship is a long-term experience for these individuals who want to work in industries; it is beyond qualifications. That is what I am arguing for and that is what I am advocating for, and that is what people outside this House, when they are campaigning, are arguing for as well. That is what the unions are looking at. That is what the Chamber of

1510 Commerce is looking at. What you are doing is ignoring the views of the Chamber, ignoring the views of the union, ignoring the views of the people who have commented to me and have written in the *Chronicle*, and ignoring the views of the people in relation to this issue.

I am just extremely disappointed that they are rejecting, effectively, the Private Member's motion, which is intended to stir debate on apprenticeships and long-term sustainable jobs for our community moving forward, and replacing it with a self-congratulatory statement on what they have done so far and ignoring the genuine concerns of people in Gibraltar about apprenticeships and training.

That is all I have to say. (*Banging on desks*)

1520 **Mr Speaker:** I will now put the motion, as amended by Mr Bossano's amendment, to the vote.

Those in favour? (**Several Members:** Aye.) Those against? (**Several Members:** No.) Carried.

ADJOURNMENT

Mr Speaker: The Hon. the Chief Minister.

1525 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House do now adjourn *sine die*, but not without thanking the Hon. the Father of the House for his lesson in how to deal with training and debating this afternoon.

1530 **Mr Speaker:** I now propose the question, which is that the House do now adjourn *sine die*, and not having received any notification of any Member wishing to raise anything on the adjournment I will put the question, which is that this House do now adjourn *sine die*.

Those in favour? (**Members:** Aye.) Those against? Carried.

The House will now adjourn *sine die*.

The House adjourned at 7.45 p.m.