



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.05 a.m. – 1.05 p.m.

Gibraltar, Friday, 26th February 2016

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The Gibraltar Parliament

The Parliament met at 10.05 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

TOURISM, HOUSING, EQUALITY AND SOCIAL SERVICES

Q160/2016

Drug rehabilitation–

People undergoing treatment 1996-2011

Clerk: Meeting of Parliament, Friday, 26th February 2016.

We continue with answers to Oral Questions.

We start at Question 160. The questioner is the Hon. E J Phillips.

5

Hon. E J Phillips: Mr Speaker, can the Minister for Social Services confirm how many people underwent a programme of drug rehabilitation in each year from 1996 to 2011?

10 What I would say, Mr Speaker, is that there was an error, that is my mistake insofar as 1996 is concerned. What I would like the answer to is from 1999 onwards rather than 1996. I apologise for that error, but if the Hon. Minister could answer the question in respect of that period, I would be obliged.

The Speaker: Given the distance between the hon. Member and myself, I would be grateful if he could raise his voice a bit. Thank you.

15

Hon. E J Phillips: Mr Speaker, would you like me to repeat the question?

Can the Minister for Social Services confirm how many people underwent a programme of drug rehabilitation treatment in each year from 1996 to 2011?

20

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 is not answerable for any acts prior to 8th December 2011 and the collation of material going back 20 years as requested originally in five working days is, in any event, extremely difficult.

25

Since January 2012, 56 people have completed treatment.

Hon. E J Phillips: Mr Speaker, probably two supplementary questions in relation to that point.

30 Mr Speaker, you will recall yesterday that I referred the hon. Lady to a statement that she made in answer to a question that I put to her yesterday in relation to the statistics that she claimed that she had looked at on entering office and she said, and I quote:

And then the answer when I looked at the statistics was clear: there was no-one, Mr Speaker. In the days of the GSD Mr Speaker, we were paying for a rehabilitation facility which was empty, Mr Speaker. At the time, there may have been one person undergoing treatment, at most two.

Mr Speaker, in answer to Question 574/2001 there were over 310 admissions to Bruce's Farm from years 2003 to 2010 and the Hon. the Minister has confirmed there were 56, I believe, admissions at Bruce's Farm undergoing treatment.

35 Can the Minister now confirm that the position that she stated in this House was incorrect and ask her to correct the record?

A Member: Hear, hear. (*Banging on desks*) (*Interjections*)

40 **Hon. Miss S J Sacramento:** Mr Speaker, the statement is so preposterous that I actually do not know where to start, and I have to confess how sad it is that people are trying to score political points when it comes to rehabilitation.

First and foremost, Mr Speaker, yesterday you did make quite clear that we would not be answerable for any acts before we came into Government in December 2011 and notwithstanding the direction, Mr Speaker, the hon. Gentleman continued to ask for statistics from 1999. So Mr Speaker, everything that you said yesterday fell on deaf ears.

Hon. D A Feetham: A Point of Order.

50 **Mr Speaker:** Yes, a Point of Order, what is it?

Hon. D A Feetham: Mr Speaker, on a Point of Order, and it is important, and I would ask Mr Speaker to reflect upon it and if necessary not rule now, but rule after Mr Speaker has had some thought in relation to the matter.

55 I said yesterday that constitutionally it cannot be the position that a Government is only obliged to answer questions in relation to their term in office, because there may well be certain circumstances where it is justified to ask questions on the period prior and that constitutionally Government is a continuous entity.

60 Now of course it is always going to be at the discretion of a Speaker as to whether a Speaker allows those types of questions or does not allow those types of question because I can envisage that of course Mr Speaker can say, 'Well look, they were not in office at that time and also it is oppressive to be asking something going back 20 years because statistically, it really, the mass of statistics that that produces it is not fair on the machinery of Government or it is impossible or a number of other reasons.'

65 But it is the principle and the precedent that is being set of saying, 'We cannot be responsible for any answer prior to December 2011', which I do not believe is right and I think that the Hon. the Chief Minister in fairness to him yesterday, I think accepted that that cannot be right as a 'across the board' statement.

70 Therefore I would ask Mr Speaker, even if he does not do it now and allows the hon. Lady to continue, that he thinks about it and then rules in due course.

Chief Minister (Hon. F R Picardo): Mr Speaker, if I can assist in this respect.

75 Let us be very clear, it is impossible for us to be responsible for matters which relate to the period before we were in office and responsibility is the key word here. If somebody wants *data* about something that relates to the period before we were in office and it is readily available, then of course it is provided and there will be no difficulty with that.

But in this instance, as I think was acknowledged yesterday, with five working days to prepare answers, it is impossible to produce 20 years of data unless it is already data that is maintained and easily accessible.

80 And, Mr Speaker, very often it is because something has been asked for in this House that data is maintained in a particular way and then you can literally pull it off the shelf when somebody asks for it to be updated because the civil servants will diligently be keeping the data in the form that it is regularly asked for.

But I certainly do not accept, and maybe the hon. Gentleman did not mean to say this, I certainly do not accept that we have responsibility in respect of anything which relates to the period before 9th December 2011, but we will certainly always try to assist in providing information which relates to any period because the hon. Gentleman was saying yesterday that there is one Government of Gibraltar and there are different administrations and that of course is the correct position.

90 There is a different Government of Gibraltar after every new Constitution so there was one from 1969 and one from 2006. It does not really make any difference to the point that I am making and that is why yesterday, Mr Speaker, what I also told the hon. Members they could do, is write to the Chief Secretary if they wished to have information about periods when they were in office – and in some instances I know that there are only two of them here who were in office and they may have to pray in aid the assistance of some of their colleagues who were in office before, if they want a piece of data which relates to their ministerial responsibilities at the time between 1996 and 2011.

We will always try to help with data where available but we will not be responsible of course, in respect of matters that relate before our election into office.

100

Hon. D A Feetham: Can I come back in relation to that?

We are both singing from the same hymn sheet. I stood up yesterday and I said and acknowledged that in relation to a question where one is asking for statistical information going back 20 years, there may be all sorts of reasons why the Government may say 'Well look, we cannot answer that question', which is the point that the Hon. the Chief Minister is making.

105 My point is a different one. What I do not want is the precedent being established that a Government refuses to answer questions just simply based on the fact that that question relates to information prior to them coming into office in December 2011, in this instance.

And I do not think there is a difference between my learned and hon. Friend, the Chief Minister and myself in relation to this, but of course because the hon. Lady has answered the question in the way that she has answered it, I feel obliged to stand up so that there is no precedent established that we cannot ask any questions that may be appropriate, proportional and reasonable, as to information that arises prior to them taking office in December 2011.

115 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, can I make one additional point before Mr Speaker rules?

Mr Speaker: No I am not going to rule. I am going to mention what I am going to do, but there is not going to be a ruling at this stage.

120 Yes, continue.

Hon. G H Licudi: Mr Speaker, the hon. Member mentions the constitutional principle of continuity of Government, and that is of course true as a constitutional principle. But there is a difference between continuity of Government and continuity of information across different Governments, and there is a rule that there are some files that a Government does not have access to in relation to the previous administration.

125 So many files, once an administration comes to an end, the files are put away in boxes and it is the civil servants, and the Chief Secretary in particular, that has access to those files. Now if

130 information is sought of this Government in respect of a previous administration, we do not
have access to those files to either contrast or compare or put data in its proper context and
therefore coming to Parliament and being responsible for the information we give this
Parliament, we cannot take that responsibility in respect of files that we do not have access to
and therefore it creates a big, big practical difficulty for the Government, and certainly in terms
of the Standing Orders which talk about giving information for which the Government is
135 responsible, we are not responsible for that information, particularly because in many cases we
do not have access to that information and therefore cannot put even data in its proper context.

I am happy to give way.

Mr Speaker: But of course the administration, as the Chief Minister has said, the Chief
140 Secretary would have access and he is the one who provides the continuity whenever there is a
change of Government in particular.

Hon. D A Feetham: Absolutely. That is...exactly. That is precisely constitutionally what the
position is.

145 And indeed I recognise what the Hon. the Minister for Justice is saying. There are files that
are not disclosable, say for example a summary to the incumbent Chief Minister because it
relates to something that happened prior to his coming into office and there are particular types
of files, I think it is the *D* files – (*Interjection*) It is the *D* files.

150 **Hon. Chief Minister:** They are alphabetically numbered by Chief Ministers.

Hon. D A Feetham: Yes, they are alphabetically numbered by Chief Ministers, that is
absolutely right and therefore I accept that. I accept that entirely and that is why I have come
here and I have said that it is quite reasonable for a Government, under certain circumstances,
155 for a variety of reasons, to refuse to answer a particular question when it is posed.

But with respect to the hon. Gentleman, when the Standing Orders talk about for which the
Government is responsible, you cannot just simply hermetically seal that or narrow down the
scope to Government as at the point in time when they are in office because there may well be
information for which they are responsible, but that information came to light and came into
160 being – probably the latter better than the former way I have characterised it – prior to them
coming into office.

And I think we are all singing from the same hymn sheet, it is just that I am concerned that
we do not have a practice or a precedent that is established that basically says, 'Right, okay we
can only answer questions if the information really arises after December 2011.' That is not the
165 position as it transpires in these exchanges of the Government, it is not the position of the
Opposition.

Mr Speaker: Very well, I get the gist of the point that has been raised and I will make a ruling
in due course, insofar as it applies to Parliament, because one issue is constitutional
170 responsibility of the Government within Parliament and another matter may be what happens
outside Parliament, where the Government may have the constitutional responsibility with
regard to the general public. So it will purely be directed to Parliament.

Now, the Hon. Mr Elliott Phillips mentioned a question in 2001, okay? The hon. Lady was not
a Member of the House of Parliament in 2001 and therefore she has no obligation to be
175 informed about any answer that was given in Parliament in 2001, unless, unless her Department
in drafting answers have a file where that information may be available. If her Department has a
file in which answers, having been answers in what was then the House of Assembly, those
answers have been put into that file, then a Head of Department or the person drafting for the
Minister an answer to the question may be able to bring that to the notice of the Minister.

180 But other than that, she certainly has no obligation to know what went on in 2001, so I do not think that he can refer to that.

Hon. Miss S J Sacramento: Having said that, Mr Speaker, and because the hon. Gentleman is suggesting in a supplementary that I am misleading Parliament in my answer, then, and he is insisting with his facial gestures that he is making, Mr Speaker, in his supplementary, what he refers to is admissions to Bruce's Farm.

In his current question, his question relates to *completion* of treatment in Bruce's Farm, Mr Speaker and they are not – (*Interjections*) Mr Speaker, the question and I will read it for the sake of good order says:

Can the Minister for Social Services confirm how many people completed a drug rehabilitation programme between the years 1996 and 2015?

190 Mr Speaker, that is the question that I have on my paper.

Mr Speaker: That is the question that I have.

Hon. Miss S A Sacramento: The question that I have says the word *completed*. (*Interjections*)

195 **Mr Speaker:** She is answering the two questions together. Question 160, can the Minister for Social Services confirm how many people *underwent* a programme of rehabilitation? And Question 161: confirm how many people *completed* a drug ...

200 **Hon. D A Feetham:** We have not called Question 161.

Mr Speaker: It has not been read? Then what the Minister should say is I will answer Question 160 together with Question 161, and then the Hon. Elliott Phillips can read out Question 161.

205 **Hon. Miss S J Sacramento:** Mr Speaker, I do apologise. I had it open on the wrong page after yesterday after we left.

So yes I was answering, the statistics that I provided was in relation to Question 161 because I intended to answer both together.

210 Having said that Mr Speaker, if I can pre-empt the answer to this one I have noticed that actually I do not have the statistics. I have not been provided with an answer for Question 160 so I do apologise for that. I do not have the figures for those who underwent; the only figure I have been provided with is that for people who completed treatment.

215 So the number of people who completed treatment is 56, I have not been given the figure for those who underwent a programme between –

Oh no no, Mr Speaker, sorry! Reading Question 160, Question 160 asks how many people underwent a programme between 1996 and 2011, Mr Speaker, and my answer to that is that we will not be answerable in relation to anything that happened before the period of December 2011. So that is my answer to that and that in any event, it would be impossible to collate those figures in the short period of time that we have since the question was asked.

220 So, Mr Speaker, I have not made a mistake in the answer to Question 160, but I did make a mistake when I thought I was answering Question 160 and what I was answering was Question 161.

225 It may be easier if the hon. Gentleman asks Question 161 and then we can have the answer on that.

Hon. E J Phillips: Mr Speaker, just one question before we get on to Question 161. The reason why – it is a very simple reason – the reason why I ask this question was because she said in answer to the question that I put to her in the last session that she looked at the statistics after coming into office and it was clear that there was only one person there. Hence the reason for asking the question.

The matter was put before the House. She made a statement in relation to the number of people that were working at Bruce's Farm, together with rather inflammatory language about the state of the service at the time and therefore I am entitled, I believe, to ask a question relating to those numbers, those statistics that my learned and hon. Lady has said that she has seen on entering office. That is precisely the point that I am making. The answer that she has clearly given shows that the impression that she gave from her answer to my question in the last session was wrong, and that is the point I am making.

I would ask – it is not a political point, I am not making party politics out of it (*Laughter*) – I am asking the hon. Lady to correct the record from information that she provided to this House that was incorrect. It is a simple point that I make and I would ask her to correct the record please.

Hon. Miss S J Sacramento: Mr Speaker, I do not think he understands, because he has answered –

Hon. Chief Minister: It is strange for an Englishman not to understand English.

Miss S J Sacramento: He has answered his own question, Mr Speaker. Because what I said last month, Mr Speaker, was that when I first went to Bruce's Farm early on after having taken office, it was empty. So clearly that could only have happened after 9th December 2011, so what has it got to do with the statistics before December 2011?

I am saying that when I went to Bruce's Farm, when I was the Minister with responsibility for Bruce's Farm, shortly after having been the Minister, the place was empty. On some days it was empty, on some days there was one person there or there could have been two people there. That was in the early days in which we took office. So the statistics that I am referring to, what I said – and he can check *Hansard* because I am pretty sure that that is what I said last month – was that very early on, it was empty.

And if it was empty very early on, it cannot be attributed to anything that we did, because all we did was inherit the mechanism that was there.

I have to say that I was horrified and I will say it again – I know he does not like it because he does not like being reminded of what I inherited – but I was horrified to find two things when I went to Bruce's Farm.

Mr Speaker: No please, please. Look, I think I have been very liberal, even in respect of having on the agenda paper as I mentioned yesterday, two questions which my inclination would have been not to allow. Now constitutional points have been raised, I am going to make a ruling in due course, but now I think hon. Members really have to come down to earth and realise that they are widening the whole ambit of the thing and advantage is being taken really. Advantage is being taken of a very generous attitude on my part.

So please, keep strictly to the subject matter. I told the hon. Questioner that you are not expected to deal with something that happened in 2001 because you were not even a Member but the situation as you found it, because you are now going back to the question of the last meeting, the situation as you found it in Bruce's Farm, you have made the point, please do not widen the ambit of the matter any further.

Therefore I ask the hon. Questioner to do the same. Let us keep a sense of proportion.

280 **Hon. D A Feetham:** Mr Speaker, may I ask a question in relation to this? (*Interjection*) Well yes, Mr Speaker because of course the hon. Lady may be absolutely right that in 2011 when she took office there was nobody there. But as my hon. and learned Friend, Mr Elliott Phillips has pointed out, from 2003 to 2010 there were 310 admissions and that we know from questions that were asked by the hon. Gentleman immediately to the left of the hon. Lady, Mr Neil Costa who asked the question.

285 And can I ask the hon. Lady that in her exhaustive search for all the statistics which led her to believe that there was nobody there and this was some form of “crack house” when she took office – it’s the words that she used – did she at the very least talk to her hon. colleague, Mr Neil Costa who quite clearly had the information when it was provided to him in answers to questions?

290 **Hon. Chief Minister:** Mr Speaker.

Mr Speaker: I will answer that.

295 **Hon. Chief Minister:** Thank you.

Mr Speaker: In my view she had no obligation to do so. When I became a Member of the House in 1972, I had no obligation as a Minister to find out from Maurice Featherstone, Aurelio Montegriffo, or what have you, what went on in the exchanges that they made when they were sitting on that side of the House.

300 No, I do not think that is a requirement in a parliamentary process where people are elected at a certain time and leave Parliament at a certain time for that kind of continuity. No need for it.

Hon. Chief Minister: Thank you, Mr Speaker.

305 I think that is exactly the point that you have been making and remaking, and the only further point to make is that the hon. Gentleman still does not seem to appreciate that the description that seems to get their backs up so much of a ‘crack house’ is a description on the morning of 9th December, the morning of the great New Dawn of the state of the place as we inherited it.

310 **Hon. E J Phillips:** Mr Speaker, just for clarity’s sake, I do not want to overegg the point, but the question that I asked was in relation to – and it is a very simple point, Mr Speaker, because *Hansard* demonstrates to all of us here in this Chamber – that the Minister looked at the statistics at the time. Which statistics was she looking at, Mr Speaker?

315 **Hon. S J Sacramento:** Mr Speaker, after December 2011 the statistics that told me that there was nobody there after 2011, Mr Speaker, and in fact I did not need statistics, I went there myself, Mr Speaker. And because of that, Mr Speaker, I asked the people who managed Bruce’s Farm to send me the report in the same way that you do with hotels, where you monitor bed occupancy. I asked for bed occupancy because I wanted to know. I wanted to see the pattern
320 whether people wanted to be admitted to Bruce’s Farm on a Monday, a Tuesday, a Wednesday, a Thursday, a Friday.

Actually I still do get the bed occupancy for Bruce’s Farm every day of the week and every day of the month and every month of the year, Mr Speaker, because I want to monitor the statistics while I and this Government is responsible for Bruce’s Farm, Mr Speaker. But I want to
325 make the point again, Mr Speaker, the statistics that I was referring to was the statistics of what was there when we took office in December 2011, after 2011 Mr Speaker.

And the reason I said what I did in relation to the GSD was because that clearly must have been the system that we inherited and the system that I wanted to put right. And I am sorry that it hurts them, Mr Speaker, but that is what it was, Mr Speaker. Yes, there may well have been

330 other admissions in the period as referred to in that question in *Hansard* in 2011 but I am talking about December 2011, January 2012, February 2012, Mr Speaker. That is what I am referring to.

The hon. Gentleman is insinuating that I am somehow misleading Parliament. I certainly am not. (*Banging on desks*)

335 **Mr Speaker:** Move on to the next question.

Hon. E J Reyes: I want to say something, Mr Speaker. May I say something?

Mr Speaker: You may.

340

Hon. E J Reyes: Mr Speaker, I want to –

Mr Speaker: Are you asking a question?

345 **Hon. E J Reyes:** Alright, I am going to ask a question, yes, Mr Speaker. (*Laughter*) I will ask a question. I am going to add like a preamble to the question.

If in order to be able to collate the information which may be useful for either side, because at the end of the day the ultimate aim I think cross-parties is to improve as far as possible, the services offered by Bruce's Farm. I formally authorise the Minister to be able to access any data that I may have left behind at Bruce's Farm in respect of my days as Chairman of the Trust, when I know statistics and so on were there. It could help the current Government or future Governments in order to improve the facilities.

350 My question is without wanting to rumble back or whatever, because of the answer given at the time when both the Hon. Neil Costa and myself were Members of this Parliament in 2011, we got information that gives us admissions right up to –

355 **Mr Speaker:** You are asking a question.

Hon. E J Reyes: I am asking a question, Mr Speaker. What I am saying, my question is I have got information up to 2010, the Minister has been able to provide us with an answer of statistics from she says 2012 onwards? Yes. We are missing a figure for 2011, would it be possible for the Minister at some stage, if not now, to undertake it just to provide us the statistical figure of 2011 as well as, she may even have it, the 56 completions since 2012? Would she happen to have a breakdown of the years, what pertains to 2012, 2013, 2014? It is just so that we can complete the picture, seeing that we have 90% of it, Mr Speaker.

Hon. Miss S J Sacramento: Mr Speaker, yes but that question was not actually asked, and the problem here is that I answered Question 161 before it was actually asked, because Question 160 is very defined in time, in that it only asks for the people who were admitted between 1999 and 2011. My answer to that was that I would not answer it because we are not answerable for anything before our period in office. So that is why we do not have the figures for admissions. The reason we do not have the figures for admissions is because it was not asked.

370 And I have pre-empted the answer to Question 161 by mistake before it has been asked and I have already answered Question 161.

375 But it may be more helpful if we carry on and I give the hon. Gentleman an opportunity to ask Question 161 and then at least if we are going to have anymore supplementaries, it will be in relation to the right question and not Question 160 because I did intend to answer them both together, it just as it happens I had my file open from yesterday and I had it open on the wrong page.

380

Mr Speaker: Question 161.

Q161/2016
Drug rehabilitation–
People completing treatment 1996-2015

Clerk: Question 161, the Hon. E J Phillips.

385 **Hon. E J Phillips:** Mr Speaker, can the Minister for Social Services confirm how many people completed a drug rehabilitation treatment programme between the years 1996 and 2015?

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

390 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, my answer which is the answer to Question 160 and 161 which I am taking together, is once again, this Government is not answerable for any acts prior to the 8th December 2011 and the collation of material going back 20 years in five working days is in any event extremely difficult, but since January 2012, 56 people have completed treatment.

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Hon. E J Phillips: Just for the sake of clarity, from 1st January 2012 until 2015 this month, 56 people is that right?

Hon. Miss S J Sacramento: Yes, Mr Speaker, but we are not in 2015, we are in 2016.

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Hon. E J Phillips: Does the Minister have a breakdown for each year, 2012, 2013, 2014, 2015 and partial month for 2016?

Hon. Miss S J Sacramento: Yes, Mr Speaker, in relation to completion of the programme: for 405 2012 we had 14 people; 2013, 15 people; 2014, 14; and for 2015, 13 people.

Mr Speaker: Next question.

Clerk: Question –

410

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

Mr Speaker: Yes.

415 **Hon. D A Feetham:** Is there a practical difference in terms of the numbers between undergoing a programme and completing a programme, and can the Hon. Minister perhaps provide some information in relation to that please?

420 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, there is a considerable difference between admissions and people who complete the programme because actually completing the programme is very, very difficult, and it may be that on some occasions people are admitted and they are not ready. No-one can force someone to either undergo a drug rehabilitation programme or complete a drug rehabilitation programme. It is something that is very, very difficult and a person has to be in the right place and in the right frame of mind in order to do so.

425

And while some people may be very keen to undergo drug rehabilitation treatment, because it is so difficult, not everybody succeeds or not everybody succeeds on the first occasion. It depends on the person, it depends on the situation and it depends on their level of addiction, and it may be that for some people it takes three, four, even five admissions for them to be clean and to stay clean.

430 It may be that people are admitted, complete the programme, relapse and need to be re-
admitted again. There are all sorts of different combinations in relation to admission and re-
admission. Regrettably, this is something that ... there is no magic wand for drug treatment and
rehabilitation. Everybody wants to help an addict and I think that nobody who is an addict wants
to be an addict, but it is very, very difficult to get out of addiction.

435 **Hon. D A Feetham:** Yes, Mr Speaker, that is exactly what I thought and of course it is
unfortunate that people fall off the wagon, so to speak. People do not complete it and have to
undertake the programme again. Therefore I was wondering, in order to actually see how many
people are undertaking the programme and then comparing it to how many people are
440 completing the programme, I wonder whether the hon. Lady has the statistics of how many
people underwent the programme during their term in office. Does she have the statistics there
– as opposed to completing, obviously?

Hon. Miss S J Sacramento: No, Mr Speaker, what I could have is details of admission but we
445 can have situations where people are admitted and leave the following day, people may be
admitted on a Friday and leave on a Monday, so how far does that constitute undergoing a
programme? There are some people who are admitted for a few days and they may then
undergo the programme in the community, people do 50/50.

One of the things that I introduced in fact in December 2011 was the support in completing
450 the 12 steps programme in the community, for people who found it difficult to be in Bruce's
Farm for the three months for which the 12-step programme requires. So a very narrow
interpretation of these statistics does not actually give an accurate overview of the situation, Mr
Speaker.

It is something that is very, very difficult to monitor. We try as much as we can but it is what
455 it is, Mr Speaker. But at least what I am much more comfortable with now and much happier, is
that admissions are up and we have never had a situation where we have not had anybody in
Bruce's Farm. Thankfully when I review my statistics, I have never in the last few years had
statistics which tell me that bed occupancy is zero.

460 **Hon. D A Feetham:** But can she tell us how many people have been admitted into Bruce's
Farm from 1st January 2012 all the way to February 2016, on a yearly basis?

Hon. Miss S J Sacramento: Mr Speaker, that question was not put to me but of course the
hon. Gentleman is free to ask that in the next parliamentary session.

465 **Hon. E J Phillips:** Mr Speaker, I am grateful to the Minister for that explanation. I think that
will go some way, it is actually pleasing to see that the work is being done in the community to
also reinforce the 12 step programme and a number have experienced outside of the work that
we do here in relation to that. It is useful to see people in the community undergoing that
470 programme within the community outside the structure of Bruce's Farm. It is important work
and I congratulate the Minister in respect of that work that she is doing.

One of the supplementary questions I would like to know is that I know the Chief Minister
said yesterday that there had been significant increases in relation to the admissions and the
Minister has alluded to that point again. Is there a reason, has the Government looked into the
475 reasons for increased admissions for people with addiction problems, alcohol and drugs?

Hon. Miss S J Sacramento: Yes, Mr Speaker, and in fact what we did was, the starting point in
2011 was looking at why people were not going to Bruce's Farm in the first place. There were
several very significant stumbling blocks in relation to admission, in relation to the management
and administration of the place once people were there, and there were all sorts of problems in
480 relation to admissions. People had to jump through hoops and all sorts of hurdles to get there.

So we have facilitated that. We have changed the protocol to facilitate admission but more importantly, to make the stay of the service user much more comfortable.

485 We wanted to do two things. Of course I inherited a problem where there was nobody there so clearly if there was nobody there, nobody can undergo rehab. I wanted to make sure that we had an increase in admission, Mr Speaker. I know that the Leader of the Opposition does not like it when I remind him of this, but it is a fact, Mr Speaker. So when I see something and I see that there is a problem, clearly if there is a drug rehabilitation centre that does not have a high occupancy level, it means that somewhere there must be a problem, so I need to look back and see what the problem is.

490 One of the problems was that people found it difficult to be admitted because of the cumbersome procedure which we streamlined. People were not happy when they were there because of certain policies and procedures, which we looked at and we facilitated to encourage people to be there. And of course, very importantly, the makeup of the place and the structure of the place had been left to fall into disrepair. I know that there are people who were very passionate about setting up Bruce's Farm initially in 1999 when it was a charity, but unfortunately those people were not those responsible for it towards the latter part of the GSD and while I do not blame them as individuals for it falling into disrepair, the reality is that it was not a comfortable place to go to, Mr Speaker.

500 So we did look into that and people have now been, I think, happier to be admitted to Bruce's Farm. I have to reiterate one of the points that when people are admitted to Bruce's Farm, they are guaranteed complete anonymity and that is a very important factor in relation to admission, Mr Speaker.

505 **Mr Speaker:** Next question.

Q162/2016
Same-sex marriage –
Religious beliefs

Clerk: Question 162, the Hon. E J Phillips.

510 **Hon. E J Phillips:** Mr Speaker, the Minister for Equality has confirmed that in the context of the proposed amendments to the Marriage Act to make provision for same-sex marriage, religious denominations will not be forced to change their practices, beliefs or sacraments in any way. How does the Government intend to deal with a Registrar of Marriages refusing to marry a same-sex couple on the grounds of religious belief?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Government is presently considering the responses received to the Command Paper on Equal Marriage. It would be inappropriate to deal with issues such as that raised in the question before the Government has announced the conclusion it has reached after a full assessment of that consultation.

Mr Speaker: Next question.

Q165/2016
Government rental homes –
No means testing for allocation

525

Clerk: Question numbers 163 and 164 have already been called out. So we move to Question 165, the Hon. E J Phillips.

530

Hon. E J Phillips: Mr Speaker, can the Minister for Housing confirm that the Government has ruled out the introduction of means testing for the allocation of Government rental accommodation?

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

535

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Yes, Mr Speaker.

Q166-167/2016
Government rental homes –
Vacancies

Clerk: Question 166 the Hon. E J Reyes.

540

Hon. E J Reyes: Mr Speaker, further to the answer to Question 42/2016, has Government made any further decision in respect of the possible sale/tender of the 77 homes identified for this purpose?

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

545

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 167.

Clerk: Question 167, the Hon. E J Reyes.

550

Hon. E J Reyes: Further to the answer given to Question 42/2016, can Government say what it intends to do with the 66 homes classified as 'beyond economical repair?'

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

555

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the tender process of a number of these homes has already been completed and these have been removed from the housing stock. The remainder continue to be considered. The tenders will be issued in the usual way.

560

These properties are being reviewed by the Government's Land Management Committee, the aim of which is to maximise the properties or the space in the area in which they are.

Q168/2016
Government rental homes –
Discrepancy in information given

Clerk: Question 168, the Hon. E J Reyes.

565

Hon. E J Reyes: Mr Speaker, further to Question 43/2016 can the Minister for Housing confirm if she has had an opportunity to check upon the discrepancy of information provided last month via Table H22 on the Government's website, when compared to her oral answer to the original question?

570

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, further to Question 43, I can confirm that I checked and the discrepancy arose as a result of an inputting mistake and human error.

575

Q170/2016
Government rental homes –
Eviction of squatters

Clerk: Question 169 has already been called out.
We move to Question 170, the Hon. E J Reyes.

580

Hon. E J Reyes: Mr Speaker, can the Minister for Housing provide detailed information in respect of any legal costs incurred relating to the eviction of squatters from rental homes since the answer given to Question 48/2016, together with any possible information as to how these squatters may have come about to unlawfully occupy a home?

585

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, none.

590

Mr Speaker: Next question.

Q171-172/2016
Government rental homes –
Urgent decanting of tenants

Clerk: Question 171, the Hon. E J Reyes.

595

Hon. E J Reyes: Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes since the answer given to Question 49/2016, indicating the reason why and the date when said decanting became necessary?

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

600 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 172.

Clerk: Question 172, the Hon. E J Reyes.

605 **Hon. E J Reyes:** Can the Minister for Housing provide details of how many tenants who required urgent decanting have still not been able to return to their homes, as well as provide estimated dates by when they should be able to do so?

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

610 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, since the answer given to Question 49/2016 three tenants have required to be decanted: one in January and two in February, due to a fire and a police investigation.

All three tenants returned to their flats in February.

615 **Hon. E J Reyes:** Yes, Mr Speaker, I know those three tenants have returned. What I am implying as well in Question 172, have any tenants, who, either of the three who have required decanting since Question 49 or prior to that ... are there still any who have not been able to return to their homes? Therefore the latter part of my question was, would the Minister happen
620 to have estimated dates when they should be able to return to those homes?

Hon. Miss S J Sacramento: Mr Speaker, my understanding from the answer provided is that they have all returned.

625 **Hon E J Reyes:** Mr Speaker, would the Minister happen to know how about is the decision taken, who takes a decision based upon what, that classifies someone, a tenant, as to saying right, urgent decanting is required from this residence?

630 **Hon. Miss S J Sacramento:** Well, Mr Speaker, obviously it depends on the circumstances. In these cases it is I think quite clear, because I have given the reason for the decanting in that it was a fire. So if someone is decanted as a result of a fire, I think it is quite urgent that they need to be decanted from their property. So obviously it depends on the circumstances.

635 **Hon. E J Reyes:** Mr Speaker, I do not want to waste the House's time, may I ask the Minister would she indulge me just a few minutes of her time later during an appropriate break, behind the Speaker's Chair? Because there seems to be a bit of misunderstanding by certain tenants who claim that they have certificates, for example issued by the Electricity Authority, whereby they have cut off the electricity supply to the homes and classified it as being urgently not suitable and so on. There could be a misunderstanding and I think it is better and we will achieve
640 a lot more if the Minister agrees and we meet later just for a few minutes to allow her to chase up the matter. Is that possible?

Hon. Miss S J Sacramento: Yes, of course, Mr Speaker, and indeed it would be possible at any time before Parliament, if that means that it does not necessarily have to result in a
645 parliamentary question. I am always at the hon. Gentleman's disposal.

Q173/2016

**Government rental homes –
Expenditure to make empty homes habitable**

Clerk: Question 173, the Hon. E J Reyes.

650 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide details in respect of all expenditure incurred since the answer given to Question 50/2016, in respect of contracts awarded for making empty homes suitable for re-allocation, stating to whom payments were made, how much has been paid in respect of works for each individual home, as well as indicating the type/nature of repair work undertaken?

655

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

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

Q174/2016

**Government rental homes –
Waiting lists**

660

Clerk: Question 174, the Hon. E J Reyes.

665 **Hon. E J Reyes:** Can the Minister for Housing provide details pertaining to the house size requirements in respect of the 413 applicants who joined any category of housing waiting lists prior to the 8th December 2011 and who are still waiting for allocation or assignment of a rental home?

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

670 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there are 231 applicants on the 1RKB waiting list. The remainder are either applicants who are adequately housed in pre-war accommodation or who have received notification of allocation.

675 **Hon. E J Reyes:** Sorry, Mr Speaker, the Minister may need to clarify something for me. Looking at the answer to Question 45 in the list that she kindly provided with a breakdown per year, up to 2011 I reach a figure of 413. From the answer I think that figure has changed substantially. Perhaps the Minister can enlighten me?

680 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, because when we were asked this question I noticed that there was an error in the previous question, in that there were some people who had already been given allocations but the information had not been extracted from that particular table. So I have double checked this answer and this is the correct answer.

685 **Hon. E J Reyes:** Okay, Mr Speaker, so then am I right in assuming that there is an error in the figures provided via Question 45? Would the Minister at some stage be able to provide me with a revised answer to Question 45, otherwise this one, Mr Speaker, remains on the record and the Minister has just said that it needs to be updated?

We can come to a mutual understanding when she can provide that information.

690 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, of course and we only noticed this a couple of days ago in preparation to this and we also noticed other mistakes. The hon. Member and I have already discussed it and I am grateful for his assistance in this.

Q175/2016
Government rental homes –
Housing Pre-List

Clerk: Question 175, the Hon. E J Reyes.

695

Hon. E J Reyes: Can the Minister for Housing provide updated details in respect of by when Government intends to do away with the Housing Pre-List as per their 2011 manifesto commitment?

700

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, our performance in respect of our magnificent 2011 New Dawn manifesto was judged by seven out of ten voters at the recent General Election to have been exemplary.

705

We have now embarked on an equally exemplary record of performance in respect of our 2015 Strongest Foundations General Election manifesto and our housing commitments are contained therein.

Q176/2016
Government rental homes –
Vandalism of lifts

Clerk: Question 176, the Hon. E J Reyes.

710

Hon. E J Reyes: Mr Speaker, further to the information provided at Table H28 on the Government's website in respect of lifts servicing Government rental homes, can the Minister for Housing provide details, if any, of the 26 faults reported have been attributed to vandalism?

715

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, four faults can be attributed to the wrongful use of the lift or vandalism.

720

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

The Minister may recall in the past I had this habit of submitting written questions and she would give me a schedule, and there was a column that had 'breakdown fault'. Looking at the table now available on the website, it has made it superfluous now for me to have to ask that written question because most of the information required is there.

725

However, Mr Speaker, in her written answers where it said 'breakdown fault', it actually gave a bit of a description – for example, 'cabin doors forced' – and then one could deduce that had to be by logic vandalism attributed and so on. Although she has given me the answer saying it is four, I am lacking that sort of information where just to pick up on the trend, whether it is because the doors have been forced open or what it is.

730 If the Minister does not have it now, could she at least undertake it, if they hope to continue providing updated information via the website, that a column similar to how she used to do it in the written schedule be included and then it avoids my having to pose a question either in written or in oral format? There may be the odd occasion where I need clarification, but certainly it would help to expedite the proceedings of this House.

735

Hon. Miss S J Sacramento: Yes Mr Speaker, I will certainly consider that, but I am in a position to give the hon. Gentleman the information that he is asking now and he will be as horrified to learn as I am that the first two faults are occasioned because of a plastic bag wedged into the cabin door.

740

The other one is because the doors were manually forced open.
And on the fourth occasion, again the cabin doors were forced open and the door mechanism was damaged.

Q177/2016
Anti-social behaviour –
Curtailling in housing estates

Clerk: Question 177, the Hon. E J Reyes.

745

Hon. E J Reyes: Can the Minister for Housing provide details of what effective actions it is implementing in order to curtail the unfortunately increasing anti-social behaviour being experienced in housing estates?

750

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 Housing Department has policies in place to deal with anti-social behaviour and where relevant and if necessary will refer matters to the Royal Gibraltar Police.

755

Hon. E J Reyes: And would the Minister happen to have, sort of any information that helps not only myself but helps tenants and so on, especially the law abiding citizens, to have a bit more realistic expectations of what the actual effective actions are contained in those policies they should be carrying out?

760

Hon. Miss S J Sacramento: Well, the action is on a case-by-case basis because anti-social behaviour, Mr Speaker, is a very wide range of incidents that could occur.

765

But on the whole, when someone complains of anti-social behaviour, once it is reported they will be met by officials in the Housing Department and the appropriate action will be taken, of course depending on the situation because anti-social behaviour can range from someone inconveniencing a neighbour by having a mop on the door step to then other kinds of potentially criminal behaviour by other people, in which case, we will of course report it to the police.

But in every situation when it is reported, the Department will meet with the tenants to try and find a solution within the range of policies available.

770

Hon. E J Reyes: And can the Minister then confirm from there, if after those initial steps and meeting with the tenant and so on, it is not producing much of the desired result, who ultimately then would take a decision and whose responsibility is it to refer the matter to law enforcing agencies such as the Royal Gibraltar Police and so on?

775

Hon. Miss S J Sacramento: Well again, it depends on the situation but it would be both or either or. It depends on the situation.

780 Of course the Government Department as the landlord will, in certain circumstances, have a duty to refer, unless of course the tenant may have very strong or compelling reasons why they do not want us to refer, but again it is very much an individual case-by-case basis where we want to, as a landlord, make sure that we exercise our responsibilities to that tenant in particular and to other tenants of course, to whom we have a responsibility.

785 **Hon. E J Reyes:** And would the accommodation be – I am being asked by some tenants who seem to be a bit stuck with what they should do. They have at times approached the RGP who take it upon themselves to perhaps look at some matters and in others, because at that particular moment in time they have been caught up with other duties, have referred the tenant to the landlord.

790 Would the Minister perhaps look at some sort of possibility of establishing some sort of rapport or agreement with the RGP? I know they have got a Community Constable's area and so on, I am looking towards making life reporting cases of unsocial behaviour as easy as possible and as anonymous as possible, because as the Minister is well aware, sometimes one has a rather unruly neighbour next door and some people actually fear for their own physical well-being.

795 I do not know if the Minister can just at least commit herself that she is willing to look into this and if need be we can even work together because she can certainly count on my wholehearted support on this matter.

800 **Hon. S J Sacramento:** Mr Speaker, as far as I am aware, these mechanisms already exist, so they should already be happening. But if there are individual cases where the hon. Gentleman is aware that this may not be happening, then I am happy to hear from him and we can discuss this between us and we can find a way where we can assist.

805 But certainly, I am aware that there is a mechanism where the Housing Department meets with the Police, in fact on a regular basis, at least monthly I think, where these matters are discussed. But I will look into it to see if there is any particular case that may have fallen through the net.

Hon. E J Reyes: I am most grateful, Mr Speaker.

810 **Hon. T N Hammond:** Mr Speaker, if I may, can I just ask, the small police offices that were established in the estates: are they routinely manned over a 24 hour period? How do they operate? In other words is there a continuous police presence or are they only occasionally manned?

815 **Hon. Miss S J Sacramento:** Mr Speaker, that is not a matter that is the responsibility of the Housing Department, but of the Royal Gibraltar Police and I am afraid I cannot answer that.

Q178/2016
Gibraltar Literary Festival 2015 –
Net total cost

Clerk: Question 178, the Hon. E J Reyes.

820 **Hon. E J Reyes:** Mr Speaker, further to the answer given to Question 37/2016, can Government provide updated details with a breakdown of all income generated, expenses incurred and thus net total cost of the 2015 Gibraltar Literary Festival?

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

825

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the breakdown of payments to date is as follows: income generated, £267,381 – that remains the same as last time; expenses incurred, £375,480; and the net cost therefore is £108,099.

**Q179-182/2016
Rental housing estates –
Refurbishments**

830

Clerk: Question 179, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, further to the answer given to Question 38/2016 can the Minister for Housing name which blocks of flats within Laguna Estate are included within the completion dates given for each phase of the ongoing refurbishments?

835

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 180, 181 and 182.

840

Clerk: Question 180, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide updated estimated completion dates in respect of the different phases pertaining to the installation of lifts within the rental housing estates currently being refurbished, indicating which block of flats pertain to which phase for this purpose?

845

Clerk: Question 181, the Hon. E J Reyes.

850

Hon. E J Reyes: Can the Minister for Housing provide details of completion dates in respect of any new lifts already installed during the current Financial Year within any housing estates, together with details of any breakdowns these newly installed lifts may have already experienced?

855

Clerk: Question 182, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please explain what is the current position in respect of the installation of lifts at Laguna and Moorish Castle Estates?

860

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, in answer to Question 179, I now hand the hon. Member a schedule with the names of the blocks in each phase.

865

Mr Speaker, I am not sure whether the hon. Member heard my response, my microphone was not picking up. But in answer to Question 180, the estimated completion dates remained as were answered in Question 38/2016.

870 In the case of Laguna Estate which has three phases, the blocks in each phase can be found in the schedule in answer to Question 179, which is the one that I just handed the hon. Gentleman.

No new lifts have been installed in this financial year other than those installed under the refurbishment programme which have yet to be commissioned.

875 And in answer to Question 182, the installation of lifts go hand in hand with the unprecedented and excellent external refurbishment programme which the Government has completed and are progressing according to its magnificent project completion dates for each individual stage in Laguna and Moorish Castle Estates.

Answer to Question 182/2016

Answer to Question 179/2016

LAGUNA NAME OF BLOCKS UNDER EACH PHASE

Phase 1 – September 2016
Rodney House
Smith Dorrien House
Mallard House
Forbes House
Landport House
Orillion House
Bayside House
Maidstone House
Blackwatch House
Causeway House
Nelson House

Phase 2 – February 2017
Laguna House
Inundation House
Somerset House
Liddell House
Kensington House
Jamaica House
Ballymena House
Madeira House
Boyd House
Elliott House
Sortie House

Phase 3 – April 2017
Sheffield House
Faulknor House
Hood House
Ark Royal House
Resolution House
Forrester House
Renown House
Fearless House
Somerville House
Firedrake House
Devon House
King House

880 **Hon. E J Reyes:** Yes, Mr Speaker, the Minister has said in this current financial year those that may have already been installed have not been yet commissioned. Am I right then in deducting from them that the estimated commissioning dates are those pertaining to the schedule here or are there any other different dates that are not contained here, perhaps pertaining to other blocks or lifts?

885 Because these here, for example, do not include anything under Moorish Castle and I believe there are some lifts as well assigned to Moorish Castle Estate?

Hon. Miss S J Sacramento: Mr Speaker, he is correct in that the lifts are installed but not commissioned. They will be commissioned by the date of completion and in Laguna Estate, the completion will take place in three phases and I am outlining in the schedule the blocks that relate to each phase.

890 But in relation to Moorish Castle, Mr Speaker, I already indicated the completion date in the answer last month and as I have just answered now, that completion date will not change. That is why I do not include all the lists because there is only one phase for completion in Moorish Castle.

TRANSPORT, TRAFFIC AND TECHNICAL SERVICES

Q184-185/2016

Parking for people with disabilities – Details of permits granted

895 **Clerk:** Question 183 has already been called.
We now move to Question 184, the questioner is the Hon. L F Llamas.

900 **Hon. L F Llamas:** How many people have been granted disabled parking permits since December 2011, providing details of sex, age and condition/conditions?

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

905 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 185.

Clerk: Question 185, the Hon. L F Llamas.

910 **Hon. L F Llamas:** What is the process to consider disability parking permit applications, detailing who is involved during the process?

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

915 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, the Department has issued 605 permits since 2011. There are currently 496 active badges.

After consulting with the Data Protection Division of the Gibraltar Regulatory Authority, we are not able to release this sensitive personal information, as some individuals would be easily identifiable from the breakdown requested. Releasing this information would be contravening the Data Protection Act.

920 Mr Speaker, applications for disabled persons' badges are received at the Driver and Vehicle Licensing Department as the issuing authority for these parking permits. The prescribed

application form is comprised of two parts, the second of which is required to be completed by the applicant's doctor.

As applications are received by the issuing department, these are referred to the Medical Advisory Panel which comprises a doctor, the GHA's head occupational therapist and senior members of the Department.

In this regard the panel carefully assesses all applications and may advise for approval or reject applications after considering the applicant's disability in accordance with the provisions of the Traffic (Parking and Waiting) Regulations 2011.

Hon. L F Llamas: Thank you very much for that answer. Just going back to the panel that assesses these applications and makes recommendations as to whether Government accepts the application or rejects it, is there any involvement from any civil servant or Minister who may reject a recommendation from the panel?

Hon. P J Balban: Mr Speaker, no, this is done independently so if I enquire I can find out. For example, this process is actually, the question that the hon. Member has asked has, maybe for the first time, looked at exactly what the medical conditions are for example, which I was not aware of. But it is totally down to the recommendation of the Medical Advisory Panel and it is on their recommendation that the permit is either granted or denied.

Q186-188/2016

Vessels departing British Gibraltar Territorial Waters – Pilotage

Clerk: Question 186, the Hon. L F Llamas.

Hon. L F Llamas: In relation to the tanker boarded and escorted out of BGTW by the Algeciras pilot vessel last 3rd February 2016, and any other vessel which has arrived in BGTW and left to Spain shortly after arrival, can Government explain what was the initial purpose of their visit?

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 187 and 188.

Clerk: Question 187, the Hon. L F Llamas.

Hon. L F Llamas: Have any fees been left outstanding to the Gibraltar Government or the Gibraltar Port Authority in relation to the tanker boarded and escorted out of BGTW by the Algeciras pilot vessel last 3rd February 2016 or any other vessel which has done the same since December 2011?

Clerk: Question 188, the Hon. L F Llamas.

Hon. L F Llamas: In relation to the tanker boarded and escorted out of BGTW by the Algeciras pilot vessel last 3rd February 2016, why did the Gibraltar Port Authority not physically attend to the situation?

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 Gibraltar Port Authority launch did not attend to the situation as it was not available at the time. In any case, there would be no purpose for the launch to attend in these circumstances.

970 Furthermore, there is no requirement for pilotage for vessels departing British Gibraltar Territorial Waters from the Western Anchorage. The Gibraltar Port Authority cleared the vessel in question by VHF radio, to weigh anchor and proceed out of British Gibraltar Territorial Waters as is customary for these types of movements. By the time it was known that the Algeciras pilot had embarked on board the vessel, it was already underway and heading towards Spanish waters.

975 The vessel in question was in BGTW to carry out a ship-to ship-transfer operation in the Bay. It is not uncommon for vessels to anchor in BGTW for bunkers or other services – crew changes, stores, surveys etc. – before shifting into Spanish waters to conduct other business.

980 The agent for the tanker, SKS Mosel, have been invoiced for an amount of £2,275. The invoice was issued on 4th February 2016. No other arrears are outstanding since 2011 in respect of vessels which have called at Gibraltar and then continued their voyage to their port of call in the same circumstances.

Hon. L F Llamas: May I just ask about what the Hon. Minister has just said: the launch was unavailable, albeit perhaps it would have been non-efficient for it to attend the situation in any event. But may I ask if the Hon. Minister does know why the launch was unavailable?

985

Hon. P J Balban: Yes, Mr Speaker, the launch was out of service on that day in question because it was undergoing refit and repairs.

990 **Hon. L F Llamas:** Just a quick supplementary – is it fit for purpose now?

Hon. P J Balban: Mr Speaker, *General Elliot* is now ready. It is undergoing its final trials and once that is completed, then it will be operational.

995 **Hon. T N Hammond:** Mr Speaker, if I may, can I just confirm then that the vessel is under trial at the moment so the port does not have a vessel available to it, or it does have an alternate vessel available? That is just purely out of my own ignorance on this occasion.

1000 **Hon. P J Balban:** Mr Speaker, the two vessels which are currently available for use in the port, one has just undergone extensive refit after many years of it not being up to standard and the other vessel is undergoing repairs.

1005 **Hon. T N Hammond:** So my understanding is that there are two vessels available but neither was available on this occasion. In such circumstances, obviously it must be undesirable for the port not to have any launch available to it. Is there any kind of provision for another agency to provide them with a launch in these circumstances or perhaps to cover the role that would otherwise be carried out by that vessel?

1010 **Hon. P J Balban:** Mr Speaker, yes, when it is necessary we can outsource the service. At the present time, as you rightly say, it is not ideal not to have the two boats available, but that is one of those things and as I have just mentioned, should there be a need for it, then the service is and will be outsourced.

1015 **Hon. T N Hammond:** May I ask, if the service is outsourced, to whom is it normally outsourced? Which agency would normally take that responsibility?

Hon. P J Balban: Mr Speaker, what happens normally is the service is outsourced to whoever is available at that moment in time out of all the operators. So if there is a vessel available then they will actually outsource the crew from different agents available to us within the port.

1020 But they take port staff on board; it is not the agents.

Hon. T N Hammond: So the vessel that would be used would actually belong to a private entity, it would not be a police vessel or other such?

1025 **Hon. P J Balban:** Mr Speaker, that is correct. The vessel would be a private vessel which is outsourced and will carry on board port crew.

Hon. L F Llamas: Just for my own clarification, does the Minister know, the invoice that has been raised of £2,275 in relation to what services it has been raised, why the need for the invoice?

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Hon. P J Balban: Mr Speaker, I am not entirely sure but I am being informed it must be the anchorage fees. I mean if you want the exact reason for it obviously I can find the information for you, but they are comprised of anchorage fees ...

Q189/2016
Small Boats Marina –
Applications for berths

1035

Clerk: Question 189, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can Government say how many applicants have applied for berths in the Small Boats Marina and the estimated date by which they will be able to have full use of these facilities?

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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, as at 19th February 2016, the number of applicants who have applied for berths in the Small Boats Marina is 1,131. The marina has not been handed over by the contractors yet. However, the Gibraltar Port Authority has already started the allocation process.

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Hon. E J Reyes: I appreciate that the contractor has not handed over yet, but does the Minister happen to have an indicative rough date by which time they will be able to have the use of the facilities?

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Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I will answer that because I gave a date last month on when the marina was going to be handed over. The date I gave last month was 14th February, because that was the date that was given to us by the contractor at the time, in January.

1055

There has been a little bit of slippage and there is a few weeks' delay. There is still some extra work to be done and we expect the marina to be handed over towards the end of March.

Hon. E J Reyes: I do not want to be pedantic, I accept that delays happen. If the developer or contractor hands over towards the end of March, how long thereafter should one assume that

1060

those who are successful in obtaining a berth would be able to start using the facilities? Would it be imminent or would it be rather long term?

1065 **Hon. G H Licudi:** Mr Speaker, we are hopeful that very, very soon indeed, maybe not necessarily to coincide with the exact date, but as soon as possible thereafter.

As my hon. colleague has mentioned the allocation process has started but clearly there will be administrative matters to be put in place in terms of the management of the new marina and assuming that all that is in place, then those who have been allocated berths can start using the marina as soon as it is handed over to Government by the contractor.

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Q190/2016
Small Boats Marina –
Advisory Board appointments

Clerk: Question 190, the Hon. E J Reyes.

1075 **Hon. E J Reyes:** Mr Speaker sir, can Government say whom it has appointed as members of the Advisory Board in respect of the Small Boats Marina and for what period of time have these appointments been made?

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

1080 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, the Small Vessels (Mooring Control) Rules 2016 which provide the criteria for the occasional berths as the Mid-Harbours Small Boats Marina also establishes the Small Vessels Advisory Board which will report to the Minister for the Port and advise the Captain of the Port on matters concerning mooring facilities for small vessels.

1085 The Board will also be able to hear complaints from holders of or applicants for permits. Appointments to the Board will be for a period of three years.
No appointments have yet been made.

1090 **Hon. E J Reyes:** Mr Speaker, given that we now have a revised handover date towards the end of March, and I am wishing the Government all the best in being able to have the boat users using this as soon as possible, hopefully in the month of April, since no appointments have been made, can the Minister say by when he intends to have the appointments to the Board in place?

1095 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, can I deal with the premise of the question first and then perhaps the Minister can answer the specific matter on the appointment, because the premise of the question is in relation to the Advisory Board in respect of the Small Boats Marina. That premise is in fact incorrect.

1100 This is not an Advisory Board in respect of the Small Boats Marina. It is an Advisory Board that is established by the Rules generally, in order to advise the Minister and to advise the Captain of the Port in relation to small vessels and moorings across the board and in relation to hearing of complaints and other matters.

1105 So the establishment of the Board is totally independent, separate, unconnected in a way, with the finishing off, the completion of the Small Boats Marina and the functioning of the Small Boats Marina. It is an Advisory Board on small vessels and moorings generally across various matters and not specifically related to the Small Boats Marina. This is not a Board that will have any management or control in respect of the Small Boats Marina and therefore the composition

of the Board totally is unaffected by the completion date and the running of the Small Boats Marina, the new marina itself.

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Hon. E J Reyes: Well that is extremely useful, Mr Speaker, I am grateful.

Am I right then in deducing that the members of the Board would have the ambit or the scope of responsibilities in the matters of advisory which go well beyond just the area contained on that premise?

1115

If that is the case I am eternally grateful for that, it does clarify the picture for the future.

Hon. G H Licudi: Yes, Mr Speaker, that is indeed correct and that is why I wanted to stress that the premise of the question which was related to the Small Boats Marina might create a wrong impression, because this is an Advisory Board to advise generally in relation to small boats and they have specific functions set out in the Rules to advise on moorings in designated areas.

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One of the designated areas is the new Small Boats Marina but that is not the only designated area there is in respect of moorings and they have functions in relation to appeals etc. which go well beyond the Small Boats Marina.

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But certainly in relation to the marina itself, they have no function other than generally advising the Minister and the Captain of the Port.

Hon. E J Reyes: Yes, Mr Speaker and when the Hon. Minister Licudi answered, he gave me the impression that Minister Balban was going to come in later. Having now had the clearer picture and so on of the responsibilities of the Board, I still have pending, by when is there an estimated date by when this Board is going to be appointed?

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Hon. P J Balban: Mr Speaker, as soon as reasonably possible because consideration has actually been given as to the composition of the Board and we are still at the very early stages of calling people in. So only a relatively small number of potential berth holders have been called in, so it is still a little bit early for that.

1135

Hon. E J Reyes: But this has nothing at all to do with, Mr Speaker ... My understanding of Minister Licudi's explanation has nothing to do with just the berth holders here. It is a wider remit.

1140

Please enlighten me, I am not a lawyer and I am starting to be totally lost. *(Interjection and laughter)*

Hon. G H Licudi: I am glad the hon. Member has given way. Just to clarify and to avoid any confusion.

1145

One thing is the process of allocation of berths in relation to the Small Boats Marina and the composition or the establishment of a committee to run the marina. That committee, in the first instance, will be selected as an interim committee by the Captain of the Port who is doing this exercise, and then once the berth holders and the stakeholders of the marina are there, they will select or elect their own committee.

1150

That is a separate process from the establishment of and the composition of the Advisory Board which as I indicated, has a wider competence than just related to the Small Boats Marina.

And just to confirm the position as stated by my hon. Friend, the composition of the Board itself is currently under consideration in terms of who should be appointed to the Board. But clearly, as soon as possible, but it does not detract from the allocation of berths and the opening of the Small Boats Marina. Although related in some way under the Rules, one thing does not depend on the other.

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1160 **Hon. E J Reyes:** And one does not depend on the other, so therefore the users of the Small Boats Marina can have the committee and so on, totally independent and not being delayed or whatever.

1165 Would the Minister, it is not notice here but I know the Speaker is very generous in these matters, this sort of establishing of the committee of the Small Boats Marina, can the Minister indicate to us by when he would like to see this happening?

1170 **Hon. G H Licudi:** That is the process controlled by the Captain of the Port and that in fact depends on the allocation of the berths. Once the process is a little bit more advanced in terms of who the berth holders will be, then the Captain of the Port will appoint the interim committee.

1175 But clearly it is advisable to have that done as soon as possible so that the interim committee is in place to take over the management of the marina once it is handed over by the contractor to the Government, and by the Government in turn, to the Association that is established by the Small Vessels (Mooring Controls) Rules 2016.

1180 **Hon. D A Feetham:** Mr Speaker, may I ask another supplementary arising out of answers that have been provided?

1185 The Hon. the Minister for Justice mentioned the committee in order to deal with issues arising out of the Small Boats Marina and what he said was, the interim committee is going to be set up by the Captain of the Port and then afterwards, the boat owners who have berths there will then be selecting their own committee.

1190 Can he confirm that that is going to be done exclusively by the boat owners and that there is going to be no administrative effectively 'interference, in inverted commas – I use that word without any political connotations – from the Captain of the Port or anybody else, and it is just going to be exclusively those members selecting that committee?

1195 **Hon. G H Licudi:** That is indeed the case and that is the only way that it can be done. Those that are allocated berths in the new marina will be the stakeholders and it will be in their interest to manage the marina in the best way possible, subject to the rules and subject to the raising of revenue as set out in terms of fees, as set out in the rules. But the only people that can be and will be capable of selecting a committee to run the Small Boats Marina will be the berth holders themselves.

1200 Clearly we have to have a transitional provision in terms of establishment of the new marina, the allocation of berths, creating an interim management structure through the establishment of that committee and we have decided to set out the rules as a matter of legislation so that it is clear to everyone what the criteria is for the allocation, what the process is and it is the Captain of the Port that has the power to choose the interim committee. Once that interim committee is in place, they will have a constitution for the new marina.

1205 That constitution will then require or allow the calling of a meeting and once a meeting of all the members takes place, then the members themselves who will be the berth holders and therefore the stakeholders of the new marina, will be at liberty either to ratify the interim committee or select a new committee amongst their own, or in whichever way they consider it appropriate.

1210 But I can confirm that the people that will be running the marina will be the berth holders themselves.

1215 **Hon. R M Clinton:** Mr Speaker, may I ask the hon. Member, when he says *running* the marina, does that mean to say they will be collecting the fees charged for the berths and deciding how that should be expended?

1210 **Hon. G H Licudi:** Mr Speaker, the rules provide what the original arrangements should be. Clearly there is no committee in place initially and therefore on allocation there is provision for an initial fee to be paid and then an annual fee to be paid on a calendar basis.

Therefore, whatever, if someone is given a berth, say on 1st April, then they would pay two thirds of the annual fee which is payable for the first year. Those fees will be paid initially to the Gibraltar Port Authority, but the Rules provide in terms of transitional provision – in fact Rule 18.2 provides that all the fees that are paid both in terms of the initial fee and the annual berthing fees, all those fees are held on trust by the Government or the Gibraltar Port Authority, for the benefit of the Association that is established for the running of the marina.

1220 Therefore all fees that are paid accrue for the benefit of the marina itself and in subsequent years, clearly the initial allocation and the initial payment will be done by the Port Authority, and the collection of the fees is done by the Port Authority, but clearly established in legislation, not Government revenue, held on trust for the benefit of the members through the Association. We have been very, very clear in establishing that.

1225 What happens subsequently? Well, subsequently by 1st January 2017, there will be presumably a new committee which has been elected and they will be charged with collecting fees and the fees again will accrue for the benefit of the running of the marina and the Rules actually provide that the fee structure has to contain three elements.

1230 Firstly it has to provide for the replacement in due course, because a guarantee is given of the gangways and pontoons for a period of 25 years and therefore there has to be a sinking fund, a reserve fund built up over that period so that we do not get to 25 years' time, there is a need to replace pontoons or replace gangways and there is no money available. So therefore there is a requirement for the fees to include a provision for the reserve sinking fund for the replacement of the pontoons. I believe it is in the year 2041 in 25 years' time.

1235 There is then provision to be made for an annual maintenance programme for the marina in order to make sure that it is maintained properly.

And the third limb is the normal operational costs, for example if there are security guards or cleaning, the normal operational costs, any office staff that there might be.

1240 So those are the three limbs that the Rules require that the committee take into account in establishing the fees. And because the Government has made a very significant investment and has an interest in making sure that it is kept properly, maintained properly and operated in a manner whereby sufficient funds are created to avoid, in 25 years' time not having the money, there is also a requirement in the Rules that although it is for the Association to set the fees and collect the fees, the budget needs to be approved by the Captain of the Port, just to have oversight and approval of that budget.

1245 Not for the purpose of interference with the management, but to make sure that the provisions which are set out in the Rules as to the requirement of what the fees are for, that those are properly kept to by the Association and approved by the Captain of the Port.

So I hope the hon. Member will accept that this is a well-thought-out structure, well-intentioned and it augurs well for the future of the marina and berth holders.

1250 **Hon. D A Feetham:** Mr Speaker, the hon. Gentleman must have done some calculations when he introduced the fee structure as to how much revenue is going to be raised under the various categories. I have done the calculation myself and if we are simply talking about, and of course it is very difficult, but an average boat size across the board, it is going to average out at about £1,000. All the fees, £1,000 per berth a year – that is my calculation, which is about £700,000 a year. Is that near the calculation that the hon. Gentleman has come up with?

1260 And what I have done is, I have looked at the ... There is one clause in particular in the Rules that the charging out of the berth depends on the size of the boat, so I have averaged the size of the boat, in order to basically come to this particular figure.

Hon. G H Licudi: No, Mr Speaker. I do not want to be controversial but maths does not appear to be the hon. Member's forte. *(Laughter)* That is not going to be, as I understand it, the average annual fee.

1265 There is an initial fee payable of £365. That is the initial fee that everybody pays regardless of the size of the boat. Multiplying £365 by 700 berths gets to around a £¼ million. The primary purpose of that initial fee is to start building that reserve fund that I mentioned.

So there is £250,000 – off the top of my head, I think it is £255,000 that is collected through that initial fee.

1270 Then there is an annual fee, which has a minimum threshold of £365 – as we set out, £1 a day for the annual fee for each berth as a minimum. But it depends on the size of the boat and there is a formula which is £27 x the length x the breadth or the beam of the boat.

I am not sure what the average will be, but if the average was something like £500 per boat then we are talking of maybe another £300,000 per year – £300,000 or £350,000 or a little bit more per year.

1275 The initial amount, the initial £250,000 or £255,000, that is a one-off. That is only available on the initial allocation in the first year. Clearly, if there are subsequent allocations, an initial fee will also be paid but these will be sporadic and one-offs. But the bulk will come in on the first year.

1280 But certainly the amount that will be available on a yearly basis will depend on the factors that I set out before, because these are the fees that are set out in the rules in respect of the initial allocation and the first year's annual fee. The formula that is set out is the first year's annual fee.

1285 As from January 2017, it will be for the Association to set the fee for 2017. Therefore the figure that will be payable which will no longer include the initial fee of £365, the fee that will be payable as from January 2017 will be calculated by the Association, having regard to the three factors that I mentioned – the sinking fund, the operational expenses and the annual maintenance programme.

1290 So they will have to do a budget of what that will cost and then set fees for that year in accordance with that budget. So all we can say is have an estimate of what will be collected in the first year. The second year will depend on the budget that it set out, having regard to those three factors set out in the Rules.

Hon. D A Feetham: Mr Speaker, maths may not be my forte, but I was not far off, in fact. The only mistake that I have actually made is that the initial fee is just a one-off, but in fact if one takes that out of the equation, it would not have been far off.

But thank you very much.

Q191-192/2016
Gibraltar bus company –
MAN buses

Clerk: Question 191, the Hon. T N Hammond.

1300 **Hon. T N Hammond:** Mr Speaker, can the Minister for Transport say if any of the blue MAN buses remaining in service remain in service with the Gibraltar Bus Company?

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

1305 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 192.

Clerk: Question 192, the Hon. T N Hammond.

1310 **Hon. T N Hammond:** Can the Minister for Transport say how each of the MAN buses owned by the Gibraltar Bus Company has been disposed of?

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

1315 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, none of the MAN buses are blue and none have been disposed of.

1320 **Hon. T N Hammond:** Mr Speaker, can I confirm then that all of the buses that were previously operated on the routes, the MAN buses, are still within the service of the Gibraltar Bus Company?

Hon. P J Balban: Mr Speaker, none of the MAN buses have been disposed of.

Hon. T N Hammond: The question is, are they still in service with the Gibraltar Bus Company?

1325 **Hon. P J Balban:** Mr Speaker, the MAN buses are the buses that actually are in service. We have around 22 MAN buses which are currently operating and they are red in colour.

1330 **Hon. T N Hammond:** So can I just confirm then that none of the buses that were previously in service – I was under the impression that they were MAN buses, but apparently not, I am led to believe – are currently in service with the Gibraltar Bus Company?

Hon. P J Balban: That is correct, Mr Speaker.

1335 **Hon. T N Hammond:** I shall follow up next month with a question reference how those buses have been disposed of.

1340 **Hon. D A Feetham:** Well, Mr Speaker, I understand that there may have been a mistake describing them as MAN buses, but clearly the question is about the blue buses. It is the buses that we contracted for when we were in Government. I cannot off the top of my head remember whether they were MAN buses or what they were, but the blue buses.

Now in relation to the blue buses have any of those been disposed of? That is the question that is being asked and surely the Hon. the Minister must have the information there.

1345 **Hon. P J Balban:** Mr Speaker, yes the old buses which were purchased by the GSD were actually Dennis Dart buses and they were blue in colour. If that is what the hon. Member is searching for, then Mr Speaker, I can confirm that none of the blue Dennis Dart buses remain in service with the Gibraltar Bus Company today. These have been disposed of as follows. In fact, two buses which were transferred to EDEC, which is the Economic and Development Employment Company, for driver training so we actually operate a training programme where we train our bus drivers by using two of these old buses.

1350 Further buses were completely beyond economical repair and those form the basis of ... They were actually given to the airport's fire service for training purposes, the ones you have probably seen in the press recently which were set alight for training purposes. Fourteen of the remaining buses, some were in extremely poor condition and they were sold together to Calypso Transport for their use within their bus company.

Hon. T N Hammond: Would the Minister know if any of those buses which were transferred to Calypso Transport are in service to the public?

1360 **Hon. P J Balban:** Mr Speaker, yes. Of all the buses that were transferred, which were 14 in total, a few are – out of all the buses, they managed to put a few together, and they are actually there at the moment.

I cannot tell you how many there are, because I would not know.

1365 **Chief Minister (Hon. F R Picardo):** Mr Speaker, we have to be very careful that we are just giving the hon. Gentleman *an impression*. We do not know what Calypso is doing with the buses, neither are we answerable for them.

1370 **Hon. D A Feetham:** Is Calypso the operator who operates the service from the frontier to the city? I do not know whether the hon. Gentleman knows that, who are the operators of Calypso?

Hon. P J Balban: Calypso Transport operates the route number 5, which is from the frontier to Market place via Reclamation Road.

**Q193/2016
Gibraltar bus tracker app –
Availability**

1375 **Clerk:** Question 193, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister for Transport say when the GPS bus tracker and associated App will be available for use by the public?

1380 **Clerk:** Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, Her Majesty's Government expects to be in a position to announce the launch of the Gibraltar Bus Tracker WebApp very soon.

1385 **Hon. D A Feetham:** Mr Speaker, may I come back to the previous question in relation to the blue buses. The Hon. the Minister may not be able –

Mr Speaker: There is no supplementary on this one?

1390 **Hon. D A Feetham:** No, I do not think there is, that is why I have risen.

Mr Speaker, can the Hon. the Minister perhaps help me with this and provide me with the information of how much those blue buses have been disposed of to Calypso Tours. Does he have that information there?

1395 **Hon. P J Balban:** Mr Speaker, these 14 buses were sold for £15,000.

**Q194-195/2016
Parking tickets –
Number of fines paid**

Clerk: Question 194, the Hon. T N Hammond.

1400 **Hon. T N Hammond:** Mr Speaker, further to Written Question 6/2016, can the Minister for Traffic advise of the 10,620 parking tickets issued to local registered vehicles last year, how many were paid?

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

1405 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this together with Question 195.

Clerk: Question 195, the Hon. T N Hammond.

1410 **Hon. T N Hammond:** Further to Written Question 6/2016, can the Minister for Traffic advise, of the 534 parking tickets issued to foreign registered vehicles last year, how many were paid?

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

1415 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, of the 10,620 parking tickets issued to local registered vehicles last year, 7,105 have been paid to date. That is around 66.9%.

Of the 535 parking tickets issued to foreign registered vehicles last year, 473 have been paid to date, or 88.4%.

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Hon. D A Feetham: Mr Speaker, I have to say it is a surprising statistic and those charged with the collection of these, particularly in relation to foreign vehicles, ought to be commended. I would have thought, I personally, when I looked at this question, I was expecting a lower figure in relation to foreign parking tickets: 88.4% recovery is actually quite impressive for foreign vehicles.

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But 66.9% in relation to locals is less impressive and of course, what that means is that roughly about a third of those parking tickets that are issued have not been paid. Can the hon. Gentleman perhaps provide us with a flavour of the reasons why such a high proportion of local tickets that are issued are not paid?

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Chief Minister (Hon. F R Picardo): Mr Speaker, this is an issue where we need to be clear what it is that we are talking about and the statistic that the hon. Member has asked for.

The statistic as to tickets for the past year relates to a period in respect of which, in some instances, people may not yet have had a letter reminder of a ticket, let alone a summons because they have asked for the period 'last year'.

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So if, for example Members were to ask for the parking tickets which have not been paid for the period in 2010 for example, that relates to parking tickets where somebody would have found a ticket on their windscreen, where they have made the decision to pay or not pay, where they will have subsequently receive a letter reminding them and offering them the opportunity to pay by letter, or the opportunity to challenge and go to court on a particular issue and challenge the ticket, or ultimately just ignore the letter and be summoned. Then there might be issues as to whether the summons is being properly followed up, whether people who do not even turn up on a summons are subsequently being hauled before the court etc.

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But for the period last year, in many instances, for us to give the reason why people have not paid is really just a shot in the dark. Some of the locals may want to dispute the ticket. They might say, 'I was parked properly, that is unfair and I am going to write in to the Commissioner as used to be the case or I am going to challenge the matter in court when the time comes.'

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So I think that we need to understand that the historic issue in respect of tickets is one and in respect of the snapshot of last year alone, I think it is probably too soon to speculate about reasoning.

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Hon. D A Feetham: I think the Hon. the Chief Minister is quite right in relation to that and perhaps I should have rephrased my question.

In addition to that, of course I recognise that the position in relation to this may be affected by various factors, not least the fact that some may go to court, may not go to court, people are
1455 in the process perhaps of getting paid.

But let me ask this and perhaps refine it in this way. Does the Hon. Minister in the discharge of his duties detect that there is any problem with the collection of parking tickets that are due and in particular, does he detect that there might be a propensity for an increase in, for example, debt due as a consequence of these tickets; or is this not an anomalous situation when
1460 one compares it to other years if he has information or if he has done the analysis himself?

Hon. P J Balban: Mr Speaker, I have not compared to other years in the past. One other reason which also needs mentioning, some of these tickets are actually cancelled so although the fines are issued, people will contest them and they may be cancelled to start off with.

So I do not think when we are talking of local tickets, I can see the reasons why obviously the question asked how many tickets were issued – that does not necessarily mean that these tickets end up going all the way and paid. Some are cancelled etc. but as the Hon. the Chief Minister has also explained.

So I do not think that it is leading to vast sums being accrued. I think we can account for all the tickets along the whole process from issuing to payment.
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Hon. R M Clinton: Mr Speaker, if I may, first of all for the amusement of the House, I must confess that I was issued with a ticket only this week!

I would like to ask the Minister, the hon. Member, in terms of the fees that are charged, are these accrued to the Government or is it Gibraltar Car Parks Ltd or is it Gibraltar Car Parks Ltd acting as an agent for the Government?
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Hon. P J Balban: Yes, the actual income, Car Parks actually collects the sums of money and then they pass it on to the General Account.

Q196/2016
'No idling' signs –
Use

1480 **Clerk:** Question 196, the Hon. T N Hammond.

Hon. T N Hammond: Can the Government say how many 'no idling' signs have been placed on our roads since 1st January 2012 and where have they been placed?
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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, 'no idling' signs have never been used on our roads either before or after January 2012.
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Hon. T N Hammond: Mr Speaker, if I could point the Minister in the direction of the Environmental Action and Management Plan, one of its objectives in terms of air quality is to continue the efforts to obtain tangible air quality improvements with the goal of going beyond minimum compliance with Clean Air for Europe Emission Target Values. One of the actions, it clearly states to be completed by 2013, is the placement of 'no idling' signs at the frontier and other locations where idling is present.
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Can I therefore, from the Minister's answer, draw the conclusion that that particular recommendation in the Environmental Action Plan has been rejected by Government?

1500 **Hon. P J Balban:** Mr Speaker, not yet. When the hon. Gentleman asked the question of no idling, I was a bit confused whether he meant leaving a car idling or whether it was to do with people loitering around in areas.

The 'no idling' signs are not something which, in my looking at the way Europe works, and I have actually had the question asked through different ... my officers have been asking around. 1505 'No idling' is typical of the US – it is a US sign and comes from the United States. I am not aware of any 'no idling' signs being used in any other parts of Europe.

Hon. T N Hammond: Mr Speaker, can I just make clear that the nomenclature is not mine; it is the Government's nomenclature as produced in their own report, their own Environmental 1510 Action Management Plan, in order to improve air quality in Gibraltar.

All I ask is, has the Government rejected that recommendation? They are perfectly entitled to but I think –

Mr Speaker: Let me give you some guidance. You have asked the question here and the 1515 information is purely statistical in a way. Look, there are no 'no idling' signs and there have never been any.

In your supplementaries, you are pursuing something contained in a report or in a plan. That is a related matter. In my view, there should have been a specific question about that – something to the effect, 'When does the Government propose to implement the 1520 recommendation in such and such a plan?' That should be the proper question that you should have asked in the first place, okay?

Hon. T N Hammond: I understand that, Mr Speaker. It is just the way in which the Minister answered the question was to give the impression that there is almost no such thing as a 'no 1525 idling' sign, whereas whether there is or not such a thing as a 'no idling' sign, the fact is that their own report indicates that such signs will have been placed and give a deadline for the placement of those signs. That deadline has passed by two years now and the original question was to determine, obviously, where the signs have been placed and certainly, if these signs have not been placed, it would be good to know whether that is because the Government has chosen not 1530 to pursue that particular action within their own report.

Chief Minister (Hon. F R Picardo): No, Mr Speaker, the original question was obviously designed not to disclose that there is a report which refers to these 'no idling' signs. If we really want to do business in this House in the interests of the community, then the question reflects 1535 the fact that there is something in a report which the hon. Gentleman has obviously checked has not yet happened and then we can, through the question, prompt action if necessary.

Or alternatively, they can simply try to lay a trap and get an answer and then, you know, herald a scalp. We can all play that game and we can all take many scalps, Mr Speaker.

1540 **Hon. D A Feetham:** But Mr Speaker, surely a Minister acting in the discharge of his responsibilities must know that there is a report that they have, that has been produced during their time that refers to these 'no idling' signs and refers to a recommendation for those 'no idling' signs to be introduced.

You can accuse us of laying whatever traps you like, but at the end of the day you must 1545 understand, and you must know, what is within your own ministerial responsibility. Indeed when the Hon. Mr Hammond asked the question, it was clear that not only did the Hon. Minister not know about this report, but the Hon. Minister then went further and said well, it is not even a concept that is known within Europe.

1550 Well look, it must have been known by his own Government because it is in a report that they had commissioned! It is a report to them.

1555 Now will the Minister at the very least undertake to look at that report and then perhaps write to my hon. Friend and basically tell him what the position is in relation to this particular recommendation, in relation to 'no idling' signs, whether it is that the Government is going to accept that recommendation or whether the Government is going to reject it. It is as simple as that.

1560 **Hon. P J Balban:** Mr Speaker, the hon. Gentleman can rest assured that I will get to the bottom of this 'no idling' issue and see exactly where it has come from. I do apologise if as a Member of Government I am meant to know exactly about this report. I am not aware of the 'no idling' issue. But I will make it a point to see exactly what the 'no idling' is.

FINANCIAL SERVICES AND GAMING

Q197-198/2016

Fuel switching –

Compliance with EU Directives

Clerk: Question 197, the Hon. T N Hammond.

1565 **Hon. T N Hammond:** Mr Speaker, can the Government say if all the EU Directives on fuel switching are being fully enforced in the Port?

Clerk: Answer, the Hon. the Minister for Financial Services and Gaming.

1570 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I will answer this question together with Question 198.

Clerk: Question 198, the Hon. T N Hammond.

1575 **Hon. T N Hammond:** Can the Government say if any non-compliances with EU Directives on fuel switching have been detected within the Port since 1st January 2014?

Clerk: Answer, the Hon. the Minister for Financial Services and Gaming.

1580 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, the Gibraltar Maritime Administration is the competent authority for the monitoring and enforcement of EC Directive 2012/33/EU as regards the sulphur content on marine fuels.

I can confirm that this marine sulphur content Directive has been transposed into Gibraltar law within The Motor Fuel (Composition and Content) Act 2001.

1585 The Directive has full effect and being enforced by the Gibraltar Maritime Administration who have Inspectors from its Survey Division regularly inspecting and monitoring the sampling of vessels within BGTW.

Within the context of EC Directive 2012/33/EU, as regards the sulphur content of marine fuels, the Gibraltar Maritime Administration has recorded six non-conformities since the mandatory regime came into force up to 19th February 2016.

1590 All cases of non-conformity were raised with the ship operators concerned, and they were instructed to rectify the matters.

Q199/2016

**Gibraltar office in Hong Kong—
Resulting inward investments**

Clerk: Question 199, the Hon. E J Phillips.

1595

Hon. E J Phillips: Mr Speaker, since the opening of the office in Hong Kong, can the Minister for Financial Services detail investments into Gibraltar which are directly or indirectly attributable to the work of the Government in the region?

1600

Clerk: Answer, the Hon. the Minister for Financial Services and Gaming.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, the opening of an office in Hong Kong was part of a strategy to further open avenues of commercial activity between Asia and Gibraltar and we have worked hard these past years to make this happen.

1605

This investment in time and expense both in Gibraltar and Hong Kong in promoting our jurisdiction is one that has been shared by the private sector as they have supported and continue to support our trade missions there and, indeed, have been taking advantage of our presence there to make additional visits to the region independently.

1610

Senior partners of law firms, accounting firms, insurance firms, fund administrators and others, have all enjoyed the benefit of our Hong Kong Office and the serious work of our representative there, Mr Jason Cruz.

1615

In April this year we will return to Hong Kong and Singapore with representatives of our financial services sector and, for the first time in a joint visit, our maritime sector. This trade mission will piggyback on the work that we have been undertaking these past years in developing links and building bridges for our private sector.

1620

Although I am unable to give details of the commercial activity this has created as this is clearly confidential, I am pleased to inform the Member that reports I receive from the private sector indicate increasing commercial links with Asia with real business being done and I expect some news being made public in the near future on a number of these initiatives.

1625

Hon. E J Phillips: I am grateful for the Minister's response in relation to that. However, insofar as I understand the commercial sensitivity about arrangements between certain businesses in Gibraltar and businesses in Hong Kong and trying to bring investment into Gibraltar, but in terms of pounds, shillings and pence, money and in terms of the value of that coming into our community, does the Minister have a figure for that, apart from the obvious relationships that exist between Hong Kong businessmen and Gibraltar businessmen which I agree with in terms of creating good working relationships in the private sector?

1630

But insofar as pounds, shillings and pence, does the Minister have any idea as to what investment will be coming into Gibraltar as a result of the work in the region?

1635

Hon. A J Isola: Yes, Mr Speaker, anyone who is involved with marketing – we have had these discussions before in the previous Parliament – will understand that you cannot dissect the benefits of marketing into pounds, shillings and pence in the manner in which the hon. Member wishes me to.

1640

Mr Speaker: I hope you don't, since pounds, shillings and pence were abolished in February 1975!

Hon. A J Isola: Yes, Mr Speaker. So as a consequence of that, what we rely on in everything that we do when we embark on our business plan and its formulation, the first thing that helps us enormously in measuring the success or otherwise, is the element of private sector support

that we get coming with us. Because very quickly, if you suddenly find they are not coming with you to these trips, you realise that actually it is not delivering business to them.

1645 But I can tell you that the visit in April will be the largest visit we have ever done to Asia. The numbers of people coming are significant, with senior partners of firms joining us, many of whom have been there before and some new ones, which is fantastic news.

But I think you also have to look a little bit wider. If you look at, for example, what other jurisdictions have been doing in terms of representative offices, in other words, is the Gibraltar office in Hong Kong the first of its kind and the answer is absolutely not, of course it is not.

1650 I can tell the hon. Member that Jersey opened up its Hong Kong office in 2009; they have got an office in Shanghai, in Mumbai and Delhi. They have an office in Abu Dhabi since 2011 and they also have an office in Dubai.

1655 Guernsey has an office in Shanghai and their office in Hong Kong opens on 1st March of this year. The Isle of Man has got an office in Shanghai and Beijing. The BVI has BVI Asia House in Hong Kong and in fact interestingly enough with the BVI, they have actually got a representative in BVI Asia House of their Financial Services Commission to engage directly with people in the jurisdiction and the surrounding areas on financial services matters.

1660 So when you look at the thinking as to why we did the Hong Kong office, and you look at what everyone else is doing and more and more of them are doing it, and when you then track the response of the private sector, which for me is critical, you begin to come to the very solid conclusion that it is working extremely well, even though we have only had it for barely less than two years.

1665 So I believe we have a long way to go in getting the maximum out of it, but if I can give you just one number, of the 900 licensed firms in Hong Kong, investment managers – 900 licensed – the Gibraltar delegations that have come through our office have met 300 of them. It is a phenomenal number and of course you go back to the premise that if you are not there and you do not go, you would not meet any of them, zero.

1670 So that is why the private sector is going, that is why the private sector is picking up business and I believe that once we begin to establish a real, bigger presence in Hong Kong, not in terms of the office but in terms of the business flow that we get coming, I think that will multiply in the long term to a significant business from Asia.

Hon. E J Phillips: I am certainly grateful for the comprehensive answer in relation to the strategy that the Government is deploying in the region, particularly in Hong Kong.

1675 But when we look obviously at the expense of running an office in Exchange Square – which I know the hon. learned Gentleman is familiar with the region, as I am – the very expensive property in Exchange Square in Hong Kong and also in relation to paying for a representative to conduct the marketing strategy in Hong Kong, I think it is right to ask this question, that when you are looking at marketing and you are spending money, what are we getting out of it?

1680 I understand it takes time to build up relationships with businessmen in other regions and it also takes time for senior partners of firms, as you say, to go out there and build connections and network properly, but is there any indication from the discussions he is having with senior partners of the respective firms in Gibraltar as to what is coming back to Gibraltar? I hate to use pounds, shillings and pence, but what value is coming back into Gibraltar from those efforts that the Government is going to in the region?

1685 Thank you.

1690 **Hon. A J Isola:** Well, Mr Speaker, I think I answered that in my original question, where I said that the reports I get from the private sector is that real business is being done and indeed a public announcement will be made in the coming quarter of other work that is coming to its fruitful conclusion.

The hon. Member has referred to cost and expense, and in particular the office in Exchange Square. You clearly have not been to the office in Exchange Square, of the Gibraltar office,

1695 because if you did, you would not be asking me the question that you have, because the office is *absolutely tiny*. And the reason for that is of course because of cost.

We had the option of going for a bigger office outside Central – which as the hon. Member knows is the centre of the business community, the City of Hong Kong if I can call it that – or having a far, far smaller office in a very good address, which is close by to everybody, with meeting rooms which you pay for when you use them. So our office in Hong Kong does not even
1700 have a meeting room. It has got an office with two desks, which is tiny and which then has the ability to use meeting rooms of whatever size you want, as and when you want them. So it is actually extremely cost effective for that precise purpose.

So we opted for a good address with a smaller office, nothing flash, very basic – literally two desks inside a door, sharing coffee facilities, sharing toilet facilities and sharing meeting rooms –
1705 a serviced office, very common in Hong Kong, London and everywhere else. So we are very conscious of the cost, of course we are and that is why we made that choice.

But what the private sector is telling me is that there are pounds, shillings and pence coming to Gibraltar and that is why they continue to go, and that is why in April next month, almost next month, we will have the biggest trade mission ever going to Asia from Gibraltar.

1710 **Hon. D A Feetham:** Mr Speaker, I quite understand that there is a dual purpose and both of them are linked to the Hong Kong office. One level is to facilitate links between professionals of this jurisdiction and then businesses and professionals in Hong Kong. Another aim is to obviously attract inward investment into Gibraltar. That may be inward investment that takes the form of,
1715 for example, a fund that is established with Hong Kong investors here in Gibraltar, entirely through the private sector, in relation to which the Government has very little involvement, other than having facilitated that contact through the Hong Kong office.

But of course there is a different level and that is direct investment from Hong Kong in Gibraltar via, for example, contacts with Government Ministers, and I know that the Hon. the Father of the House has been in China, busily trying to attract investment into Gibraltar, for
1720 which I commend him.

But in relation to *that aspect*, investment that has come directly into Gibraltar, for which he obviously must have knowledge, can he point to any investment into Gibraltar that has been facilitated by the Hong Kong office that he can provide information to this House?
1725

Hon. A J Isola: Well, Mr Speaker, the hon. Member is right. The Hong Kong office is simply not focused on financial services. There are a whole series of introductions which have been made by Jason Cruz in the Hong Kong office to other businesses and other potential investments that are being discussed at this very moment in time.

1730 So it is not simply working on financial services issues; it is dealing across the entire board and spectrum of investments in Gibraltar which could take many different forms. I am not going to pre-judge announcements that may be made in the near future, but I can certainly say that directly as a result of the Hong Kong office, since it was set up in Hong Kong, direct introductions have been made which will lead to investments being made in Gibraltar which are not limited to
1735 financial services.

Hon. D A Feetham: I understand that, but presumably the answer is that the Hon. the Minister for Financial Services cannot point to a direct investment in Gibraltar from businesses or businessmen or capital in Hong Kong that is attributable to the Hong Kong office. Is that
1740 correct?

Hon. A J Isola: No, Mr Speaker, it is not that I cannot; it is that I will not.

Hon. D A Feetham: Mr Speaker, just one further question. He is obviously not going to
1745 answer my question in that regard, but in relation to Jason Cruz, who is the gentleman that runs

this particular office and is paid £250,000 in total, including private education of his children etc. is this gentleman working exclusively for the Government of Gibraltar in discharge of his functions as a representative for Gibraltar in the Hong Kong office, or is he allowed to do other kinds of business and pursue for example, his previous trade which was as an estate agent?

1750

Mr Speaker: Let me make my position clear as Speaker. I am allowing that question because the Hon. Minister –

Hon. A J Isola: Is happy to answer it.

1755

Mr Speaker: – introduced this gentleman into his answer. Ok.

Hon. A J Isola: He runs the office, Mr Speaker.

1760

Mr Speaker: And he runs the office. But I am not going to allow a debate on his terms and conditions of service under the guise of this question.

1765

Hon. A J Isola: Mr Speaker, I am one of the many, many people who is extremely proud that a Gibraltarian man in a place as afar as Hong Kong has been able to succeed to the extent that Jason has in his specialised field, which is actually property and property investment. I would not call him an estate agent and I assume the term was intended to be derogatory, unfortunately.

1770

I am also not going to confirm the quantum, because I do not think that is anything for me to be involved in. But what I can say is that I am delighted with the work of Jason Cruz. The people from the private sector who accompany me on my many visits to Asia are also delighted with the work of Jason Cruz, because he is not just in Hong Kong, don't forget. When we go to Singapore, he is very much involved in assisting us in setting up and meeting people, and the events that we put up there, all in the best name of Gibraltar Plc. And for that I am eternally grateful.

As to whether he works exclusively for the Gibraltar representative office, the answer is yes.

1775

Hon. E J Phillips: Mr Speaker, the Hon. the Minister for Financial Services referred to work in the region from other jurisdictions such as the BVI and Jersey. I did notice somewhere, I cannot locate it now, about an intention by the Government to work in areas of India – Mumbai, Bangalore and look at different regions within there. What progress has the Government made in relation to working in that particular region? Given the reference to my question I am sure it is not an issue. *(Interjection)* Yes, the Asian region.

1780

What I said in relation to my question was, 'attributed to the work of the Government in the region'. I know that the Minister referred specifically also to work being conducted in Singapore, he referenced Singapore and also looked at other jurisdiction's work, in Mumbai for example, and Delhi.

1785

Can the Minister confirm whether it is the Government's intention to also work within that jurisdiction as well? I believe there was some reference either during the election campaign to that region as well.

1790

Hon. A J Isola: Well, Mr Speaker, yes we are pursuing the possibility of looking at India as a separate jurisdiction with separate representation there. We are in the process of a, if I can call it, Project India team being driven by the Chief Minister, which I am a part of, in looking at how we can best utilise the connections and the resources that we currently have to see what better way we can work in India.

1795

In terms of the Asian region obviously, Jason is responsible for the region, so China, Singapore, Hong Kong and he assists us on all of these fronts and potentially more.

Q200-201/2016
Gibraltar International Bank Ltd –
Financial statements and mortgages provided

Clerk: Question 200, the Hon. R M Clinton.

1800 **Hon. R M Clinton:** Mr Speaker, can the Minister for Financial Services please confirm that he will make available to all Members of Parliament, hard copies of the full audited financial statements of the Gibraltar International Bank Ltd, including the auditor's report as soon as these are completed for the years ended 31st December 2014 and 2015?

1805 **Clerk:** Answer, the Hon. the Minister for Financial Services and Gaming.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I will answer this question together with Question 201.

1810 **Clerk:** Question 201, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please state how many mortgages the Gibraltar International Bank have granted in the new affordable housing schemes recently completed or about to be completed?

1815

Clerk: Answer, the Hon. the Minister for Financial Services and Gaming.

Minister for Financial Services and Gaming (Hon. A J Isola): Yes, Mr Speaker, the full audited financial statements of the bank will be filed at the Companies Registry and available for public inspection in accordance with the provisions of the Companies Act. It will therefore not be just for Members opposite, but for the whole community to see.

1820

The Government does not have the information requested in respect of mortgages; I will therefore not be able to provide this to the House. This information will, however, also be a matter of public record at the Land Titles Registry as every mortgage granted by a credit institution is required to pay stamp duty and subsequently be registered at the public registry.

1825

Hon. R M Clinton: Mr Speaker, I was hoping that the hon. Member would, out of courtesy to this House, agree to provide us with copies of those financial statements without having to go down to Companies House and pay £15 or in fact £30 for a copy of them.

1830

They will in any case I imagine by law be required to be made available publicly by the bank in due course. I do not see why he cannot make them available to this House.

Hon. A J Isola: Mr Speaker, if the hon. Member is suggesting that they should not have to pay the fee that the members of the public have to pay, I do not see why not.

1835

But once they are public, surely they are public.

Hon. R M Clinton: Well, Mr Speaker, I find that a particularly unhelpful response. I guess we shall have to walk to the bank ourselves and obtain a copy when they are going to be published. Does he have any idea when they are due to be signed?

1840

Hon. A J Isola: Mr Speaker, as I have already said in my answer, the accounts will be filed in accordance with the requirements of the Companies Act, in other words in accordance with the terms of legislation.

1845 **Hon. R M Clinton:** Mr Speaker, I was asking when the audited financial statements were due to be completed. Does he have any idea?

1850 **Hon. A J Isola:** Mr Speaker, when we announced in December 2013 the setting up of the Gibraltar International Bank, I was delighted to see that the Members opposite welcomed the announcement. But at the time that they welcomed the announcement, they also urged caution, extreme caution because of course they were very concerned about the bank being independent, Government being at arm's length and not being picking and choosing because from this side of the House it seems that if we are serious about independence then we should stand back, but then we get criticised for not sharing information which we do not have. And if we do get involved and interfere, then we are interfering.

1855 So we have done exactly what we said we would do and what we promised we would do, which is have an executive team which is independent of Government, an independent board of directors and the executive team and the board of directors are running the bank.

1860 So do I know when the statements were signed or when they will be signed? The answer is no. I will happily receive the documentation as and when they are required to do which I have absolutely no doubt and every confidence that they will provide that information whenever it is due.

1865 **Hon. A J Isola:** Mr Speaker, the hon. Member opposite is obviously fully aware that the Government is a 100% shareholder of the said bank and entitled to receive that information at no doubt the forthcoming AGM. I was merely asking as a matter of courtesy whether he could make them available to this House as well. If he is not willing to do so, fair enough.

1870 **Chief Minister (Hon. F R Picardo):** Mr Speaker, look, I think that we need to ... Look, we have got four years ahead of us, Mr Speaker. (**A Member:** Yes.) We have got four years ahead of us. I will, not from my office, from my own personal bank account, I will write the cheque for the £30. I will go down to Companies House and I will stop running the affairs of Gibraltar, in order to deliver to the hon. Gentleman at GSD Headquarters, at College Lane, even if it is an hour out of my time, a copy of the accounts.

1875 Because obviously he does not expect to have to do what every other member of the public will do, but I am very happy to go down there so that he has the *courtesy* of the delivery to him, because obviously the fact that he earns £39,000 to turn up in Parliament twice a month is not enough and he does not want to go down to Companies House, he does not want to obtain it, he does not want to write his own cheque. I will do it for him, Mr Speaker.

1880 But until now, the rule has been that if a document is *public*, the Government does not provide it in this House.

1885 The Government as a shareholder of this institution, Mr Speaker, is maintaining the strict attitude of independence that we have set out, which we were required to do by the *real* GSD – the GSD that used to sit in this House before the last General Election, but which the hon. Members opposite seem to have a different view from.

Hon. R M Clinton: Mr Speaker, I am grateful for the pay rise the Chief Minister seems to have given me because I understood I was being paid £35,000 a year, but hey, I will take the other £4,000, and maybe I will not trouble him for his £30.

1890 But, Mr Speaker, I am not going to labour the point, I will go to the bank myself and get them but thank you very much for the offer.

1895 **Hon. Chief Minister:** Mr Speaker, no problem (*Interjection*) Mr Speaker, no problem, but given that he is so keen for an almost 10% pay rise, I now understand why it is that he may have put a motion down on the Order Paper and why he was so keen to work out what it was that he was going to be paid.

When I was first elected into Parliament, I was not looking at what it is that the remuneration was going to be. I was here to serve the public.

1900 **Hon. R M Clinton:** Mr Speaker, I think that is a Point of Order. That is completely out of order compared to the line of the question.

Hon. Chief Minister: I do not detect that it is a Point of Order. The hon. Gentleman has said he is going to pocket a pay rise because I seem to have said one figure instead of another. So
1905 points of order, the hon. Gentleman needs to understand, are points which have to come within the rules of what points of order are or are not.

But look, I can understand why he has embarrassed himself and why he wanted to try and deflect attention from it.

1910 **Hon. R M Clinton:** Mr Speaker, the hon. Member opposite obviously enjoys playing games with words. I do not, I stick to numbers and he obviously made a mistake, because I know he is not good at numbers.

Hon. Ms M D Hassan Nahon: Mr Speaker, excuse me, can I –

1915 **Mr Speaker:** Could we bring these exchanges to a close please, because they have nothing seriously to do with the questions. It is just a case of petty exchanges in the overall ... As responsible people, let us get on with the business at hand, please. (**A Member:** Hear, hear.)

The Hon. Marlene Nahon.

1920 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can I just say that all that Mr Clinton was saying that the Chief Minister has been reiterating £39,000 a few times already and we actually get paid £34,995. He was not discussing a pay rise or suggesting that we deserve or want anything else; he was merely correcting the Hon. Chief Minister on a figure that was erroneous.

1925 **Hon. Chief Minister:** Mr Speaker, I am grateful for the hon. Lady's translation of what Mr Clinton meant. I will look to her to translate what it is that the person who is not good with words is trying to say if he continues to express himself in a manner that is not as verbose as he might wish to be, but more numeric.

1930 **Mr Speaker:** Please, call the next question.

Hon. D A Feetham: No, Mr Speaker, I have been waiting for my supplementaries on my question. (*Laughter*)

1935 Mr Speaker, the hon. Gentleman has said that in relation to my question, I will remind him of my question and remind listeners, and that is how many mortgages the Gibraltar International Bank has granted in the new affordable housing scheme. It must be hundreds, I do not know. He has answered and he has said that the hon. Gentleman can effectively go to Land Property Services and do a search of mortgages and then he will get a figure.

1940 I just do not believe that that is a reasonable answer, bearing in mind that this is a national bank. It is an impossibility for me to go and do a search of all those documents in order to come to a figure, and I just wonder whether the hon. Gentleman can be more helpful. If he does not have the figure, then I can come back in a months time or in two months' time.

1945 But certainly it is important that we have this figure because we do want to monitor and it is in the public interest that the Opposition monitor how many mortgages have been granted by the Gibraltar International Bank in the new affordable housing schemes. There is concern about availability of mortgages in Gibraltar generally and that is why I have asked the question. It is not

intended to catch the Government out in any way, but it is genuine information that we are seeking in relation to this.

1950

Hon. A J Isola: Mr Speaker, I understand all of that, which is why I said in my answer, the Government does not have the information requested.

1955

So it is not that I am telling you go and do a search of every bit of every single register at the Land Titles Registry. What I am saying to the hon. Member is that we do not have that information available.

1960

Why do we not have that information available? Because it is absolutely right and proper that we should not because we are standing at arm's length from a bank that is operating in a regulated environment. You will have sight of its full financial statements, auditors' report, directors' report, that will all be made public and consequently I do not know how many mortgages, nor should I know, I do not believe, how many mortgages the bank has given. I do not believe I should, no.

Hon. D A Feetham: I am sorry, but I disagree with the hon. Gentleman.

1965

Mr Speaker: We have a question of disagreement. The view is taken by the Leader of the Opposition that because mortgages are made available for affordable housing, which all Members support that policy of affordable housing, and the Government takes the view that their dealings with the Gibraltar Bank, even though they are 100% shareholders, is at arm's length.

1970

I do not think that those two views can be reconciled and because I believe that, I am not going to allow a debate at this juncture on that issue.

1975

The matter can be debated obviously when another opportunity arises or with a substantive motion if the hon. Member so wishes. But I am not going to allow a debate to try to reconcile the Leader of the Opposition to try to convince the Government that he is right or the Government to try to convince the Leader of the Opposition that they are right. That I will not allow.

1980

Hon. D A Feetham: Mr Speaker, I am very grateful to Mr Speaker in relation to that, but I would like to ask this. Doesn't the Hon. the Minister for Financial Services recognise that there is a distinction and a fundamental distinction between interference in the management decisions of a bank, albeit state owned, which nobody in this House wants to see at all, and a situation where the Minister for Financial Services asks the bank, not for the identity of any mortgagees or anything of the sort, but purely statistical information as to how many mortgages have been granted by the bank in relation to affordable homes?

1985

And no doubt bearing in mind that this is an issue that is very much in the mind of the community particularly home owners, because of the lack of ... what has happened in the banking sector and the contraction in the banking sector and the availability of mortgages and mortgages on affordable rates, that is something that the Minister or somebody on the Government side would have wanted to have that information available in terms of monitoring a situation.

1990

And I have to say that I would have expected, for example, the Father of the House to have been monitoring something like that because these are the kind of important, I would say, statistical information that a Government Minister would want to know in order to monitor how effective the granting of mortgages and whether there is a difference between demand and supply in relation to this.

1995

That is the distinction and I just want the hon. Gentleman to recognise that there is a distinction that we do not want you to interfere in management decisions. It is just the statistical information that we believe is relevant and important in the discharge of everybody's duties to the community.

2000 **Hon. Chief Minister:** Mr Speaker, we are not at Question Time in particular, going to be drawn into what is in effect a debate into the degree of independence that the bank should or should not have.

2005 Because we do believe, Mr Speaker, that that is the sort of level of granular detail as to the day-to-day business of the bank which if we were to become involved in, would in effect mean that we were looking at how many mortgages have you granted this week, how many have you granted the next week? And one of the issues that we were very clear on, was that this had to be an independent entity.

2010 Look, the hon. Gentleman is talking about numbers of mortgages. Numbers of mortgages is actually quite irrelevant because banks will tend to report an amounts invested in mortgages and that is how their capital ratios and the concentration limits that they are concerned with in terms of their regulation relate to the affordable housing schemes or their mortgage book generally.

2015 We are not going to be giving this information. We consider that we should not be in any event questioned on it, because there is a very simple rule, Mr Speaker, we do not have the information. The hon. Members cannot require us to go out and get information from an entity that is not a Department. This is not information which is within our control or power. As a shareholder, Mr Speaker, we could *potentially* require that information. We could potentially require that information but our attitude is to say that we have respected the bank's independence and this is very much the same attitude as we have taken to the university's independence and the bank will report like all banks report, and the bank will report publicly like all banks report.

2020 Mr Speaker, nobody asks the Prime Minister at Westminster whether he can please say how many mortgages have been granted by RBS, when the UK Government is the 80% shareholder of RBS.

2025 **Mr Speaker:** May I ask the Chief Minister myself, in order to be clear, is the position then, let us say during the Budget session: during the Budget session will the Chief Minister say for instance, he himself or the Minister for Financial Services, will they be raising the matter of the activity of the bank in respect of mortgages and other investments which make a contribution to the economy?

2030 Because the bank is a national bank, it is going to play an important role in the economy. Are these factors that will be the subject of debate during the Budget session?

2035 **Hon. Chief Minister:** Mr Speaker, the answer is that the only aspect of the operation of the bank which is relevant from the point of view of the Government is what we as shareholders perceive from the bank. So for example if the bank pays a dividend, then the shareholders are entitled to say, 'I have received a dividend of £10 million from the bank' because it comes into the Consolidated Fund.

2040 But, Mr Speaker, we are not re-inventing the wheel! The position of Gibtelecom is exactly the same. So Gibtelecom files an annual report which they make public. They put it on their website, they talk about the number of lines that they have, the number of mobiles, operators...the number of contracts that they have etc. and the Government comes here and says, 'Look, as shareholder, this year Gibtelecom has paid me so much in dividend and they have reported to the shareholder X or Y.'

2045 In the case of Gibtelecom, the Government has directors appointed to the board, Mr Speaker, who are Ministers. I am the Chairman of Gibtelecom at the moment and we have seen reports from Ministers in respect of that activity.

2050 Here, Mr Speaker, we are not on the board. We have a shareholders' representative, Mr Speaker, but we are not on the board because we wanted to preserve the independence. This was an issue of wide agreement across the floor of the House. The board appointed to be the

board of directors of the Gibraltar Independent Bank I think met also with support and was welcomed by Members opposite; it is a totally independent board.

Mr Speaker, Peter Montegriffo is on that board – he is not somebody who has an affinity with the party represented on this side of the House. It is a totally independent board.

2055

Hon. D A Feetham: Mr Speaker, nobody is disputing the desirability of keeping the bank independent at all. Now, it is our recollection from this side of the House that the Government has in the past – and we will look at it and if necessary come back next time round – that the Government has made statements about the percentages of mortgages in the affordable homes. Remember that it is the Government-owned bank in a Government project. That is what we are talking about and that is why the analogy that the hon. Gentleman gives is a false one. But they have given a percentage in the past of mortgages that were intended to be granted or had been granted by the Gibraltar International Bank in the affordable homes.

2060

Now, can the Hon. the Minister for Financial Services recall that, or the Chief Minister? Because if that is the position, then of course all I am doing here is asking for a translation of a percentage into actual figures.

2065

Hon. A J Isola: Mr Speaker, no, I do not believe the Government has given specific details. What there may have been reference to is what each of the banks, and this has certainly come up in meetings with the Gibraltar Bankers' Association, are able to give consistently with their concentration risks, but that is a totally different question to the one being asked in terms of how many has Gibraltar International Bank granted.

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Because what a bank can and cannot do in terms of lending is entirely within its own domain because even the concentration risk you can change by putting in more capital. So it is something that is moveable and flexible. It is not a red line as I am sure the hon. Member will understand better than I, the Hon. Mr Clinton.

2075

EDUCATION AND JUSTICE & INTERNATIONAL EXCHANGE OF INFORMATION

Q202/2016

Small boats Marina – Facilities

Clerk: Question 202, the Hon. E J Reyes.

2080

Hon. E J Reyes: Mr Speaker, can Government provide details of any servicing yard and related facilities provided at the Small Boats Marina?

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, a servicing yard and related facilities will be provided in the vicinity of the Mid-Harbour Small Boats Marina adjacent to the Royal Gibraltar Yacht Club.

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Hon. E J Reyes: Mr Speaker, I thank the Hon. Minister. He has given me the location but can he provide any details what facilities *per se*, and perhaps examples would be provided.

Hon. G H Licudi: This is essentially a yard for the servicing of boats. How it is used will be for the Association which has been established under the rules and which will be running the

2095 marina, and they will be essentially running the servicing yard in conjunction with the marina. So all we are doing is making available a piece of land.

2100 **Hon. E J Reyes:** So it is just a piece of land and it will be run by the committee and so on - answerable, because they are using what technically is land pertaining to the Government. The permits for the use of land facilities and so on would be subject to approval for example by the Captain of the Port and so on?

Because the danger is, the committee could become a free-for-all and who will monitor the control and correct use of facilities which at the end of the day are publicly owned, despite the berth holder paying his berthing fees, but the yard does remain Crown property.

2105 **Hon. G H Licudi:** Yes, Mr Speaker, the land will certainly be Crown property and although arrangements have not been finalised, I would expect, either through the office of the Deputy Chief Minister who is involved in land matters and LPS, what there will be, will be a licence agreement in terms of the grant of the use of the land for specific purposes and the purposes will be for use as a hard or servicing yard for the purposes of the Small Boats Marina.

2110 **Hon. E J Reyes:** I appreciate, Mr Speaker, the Minister is trying to provide the information. With your leave, Mr Speaker, I will leave it now; I am conscious that you keep on nicely reminding us of the six month period and so on. I think it would be prudent and better, more fruitful for both sides if I wait until the actual establishment of the committee and so on, such as was referred to in previous answers and if I require certain information perhaps with your leave, I can come back within the six-month period just to extract information and the Hon. the Deputy Chief Minister might be able then to be in a position to shed some light.

2115 Because at the moment, all I am going to get is hypothetical examples and if we are all in agreement, I will leave it like that, Mr Speaker.

2120 **Hon. G H Licudi:** Mr Speaker, I am certainly happy with that approach but to the extent that the importance of the question is simply 'will there be a hard or servicing yard for the Small Boats Marina?', then there is no hypothetical issue about it. The Government has identified the piece of land and there will be that hard which will be made available for the purposes of the Small Boats Marina.

2125 **Hon. E J Reyes:** Yes, I appreciate that, Mr Speaker, but the original wording of my question was, I wanted the details and therefore the details will only be hypothetical. That is why I used that terminology.

Q203-209/2016
Illicit tobacco trade –
Smuggling

2130 **Clerk:** Question 203, the Hon. E J Phillips.

2135 **Hon. E J Phillips:** Mr Speaker, can the Minister for Justice confirm the total number of convictions for (1) unlawful transportation of tobacco in a commercial quantity; (2) knowingly concerned in the exportation of a commercial quantity from Gibraltar without authority or an export permit; (3) concealing cigarettes within a motor vehicle; (4) possession of cigarettes in a commercial quantity without a licence, since December 2011?

Clerk: Answer, the Hon. the Minister for Education and Justice.

2140 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I will answer this question together with Questions 204 to 209.

Clerk: Question 204, the Hon. E J Phillips.

2145 **Hon. E J Phillips:** Can the Minister for Justice confirm the total number of cigarettes confiscated and the value of the same for each year as from December 2011?

Clerk: Question 205, the Hon. E J Phillips.

2150 **Hon. E J Phillips:** Mr Speaker, can the Minister for Justice confirm the total number of fines imposed by the courts each year since December 2011 in respect of the following offences: (a) unlawful transportation of tobacco in a commercial quantity; (b) knowingly concerned in the exportation of a commercial quantity from Gibraltar without authority of an export permit; (c) concealing cigarettes within a motor vehicle; (d) possession of cigarettes in a commercial quantity without a licence?
2155

Clerk: Question 206, the Hon. E J Phillips.

2160 **Hon. E J Phillips:** Can the Minister for Justice confirm the breakdown of individuals by reference to nationality prosecuted for offences in respect of the following: (a) unlawful transportation of tobacco in a commercial quantity; (b) knowingly concerned in the exportation in a commercial quantity from Gibraltar without authority of an export permit; (c) concealing cigarettes within a motor vehicle; (d) possession of cigarettes in a commercial quantity without a licence, each year since December, 2011?
2165

Clerk: Question 207, the Hon. E J Phillips.

2170 **Hon. E J Phillips:** Can the Minister for Justice confirm the numbers of arrests for tobacco offences which have not proceeded to prosecution?

Clerk: Question 208, the Hon. E J Phillips.

2175 **Hon. E J Phillips:** Can the Minister for Justice confirm what resources are available to the Royal Gibraltar Police and HM Customs to reduce the illicit trade in tobacco smuggling?

Clerk: Question 209, the Hon. E J Phillips.

2180 **Hon. E J Phillips:** Can the Minister for Justice confirm what measures the Government are considering in the fight against illicit tobacco smuggling?

Clerk: Answer, the Hon. the Minister for Education and Justice.

2185 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, this administration has implemented various bold and ground-breaking measures to tackle the illicit trade of tobacco and to eradicate any antisocial behaviour that surrounds this activity.

These include new legislation and other measures which serve to – I will list various measures:

- Reduce the retail sale of cigarettes from 1,000 to 200 cigarettes to the same individual at any one time;
- 2190

- Provide an additional power to the Collector of Customs, to suspend wholesale and retail licences where the holder of a wholesale or retail licence or the servant or agent of the licence holder has been charged with an offence contrary to the Tobacco Act 1997;
- Place an obligation on the Collector of Customs to withhold consent to a change of director or shareholder of a company holding a licence under the Tobacco Act if such company or any of its servants or agents has been charged with an offence under the Tobacco Act;
- Restrict the maximum amount of cigarettes that a person can have in their possession to 200 in the area immediately before the land border with Spain and Gibraltar International Airport;
- Create special zones which serve to restrict the sale, possession and transportation of cigarettes in prescribed areas around Gibraltar. In these areas RGP and/or Customs Officers are empowered to make enquiries and carry out non-systematic checks which allow any person or vehicle to be stopped and searched on a random basis and without the requirement for there to be reasonable grounds for believing that an offence has been or is being committed;
- Issued a new direction in the public interest to discourage the issue of any new retail and wholesale tobacco licences unless an existing retail tobacco licence is surrendered, terminated or otherwise rendered permanently inactive;
- Apply new conditions to licences which permit only a maximum of 300,000 cigarettes in a retail outlet at any one time and for cigarettes to be sold only between 8.00 a.m. and 8.00 p.m. except for large supermarkets and petrol stations;
- Relocate the tobacco retailers in Glacis and Laguna Estates to other areas with only vending machines being authorised in these estates. A measure which has been very well received by the residents of those estates who have seen illicit tobacco activity and its related antisocial behaviour blight their peaceful enjoyment of their homes;
- Expand Four Corners station with a creation of two additional search lanes and a purpose built covered vehicle search facility, six outgoing barriers were also installed to carry out non-systematic outgoing checks and electronic gates erected in the underpass to the commercial gate, which are closed during the silent hours;
- Install CCTV pan tilt and zoom and automatic number plate recognition cameras in the area of Four Corners;
- The employment of 60 more Customs officers which provide the Collector with more human resources to deal with smuggling of any commodity.

Mr Speaker, the Government has already implemented these very considerable measures and continues to invest heavily and significantly in resourcing our law enforcement agencies. The Royal Gibraltar Police now have 238 officers and HM Customs 166 officers who are also equipped with new and very substantial land and marine assets.

The deployment of these resources in the fight against the illicit trade of tobacco and any antisocial behaviour that surrounds this activity are operational decisions for the Commissioner of Police and the Collector of Customs to consider.

The statistical information requested by the hon. Member is set out in the schedule that I now hand over to him and, if I may say so, Mr Speaker, reflects the excellent work done by the law enforcement agencies in dealing with the illicit trade in tobacco. In particular since we have enhanced the legal tools they have at their disposal by amending and tightening Gibraltar's world leading legislation for the curtailment of illicit tobacco activity.

SCHEDULE TO QUESTION 209/2016

Answer to Question 203/2016

The number of convictions for each year since 2012 to February 2016 in each category is as follows:-

Offence	2012	2013	2014	2015	2016
Unlawful transportation of tobacco in a commercial quantity	44	52	31	48	1
Knowingly concerned in the exportation of a commercial quantity from Gibraltar without authority of an export permit	78	59	54	41	1
Concealing cigarettes within a motor vehicle	-	-	96	12	-
Possession of cigarettes in a commercial quantity without a licence	170	233	125	95	4

Answer to Question 204/2016

The total number and value of cigarettes confiscated for each year since 2012 to February 2016 is as follows;

2012	3,209,540	with an estimated value of	£288,859
2013	3,763,073	with an estimated value of	£338,677
2014	1,783,540	with an estimated value of	£160,519
2015	3,905,462	with an estimated value of	£351,492
2016	990,740	with an estimated value of	£89,167

The above figures are based on an average value of £18 per carton.

Answer to Question 205/2016

The number of fines imposed by the court in each year since 2012 in each category is as follows;

	2012	2013	2014	2015	2016
Unlawful transportation of Tobacco in a Commercial Quantity	27	31	22	27	2
Knowingly concerned in the exportation of a commercial quantity from Gibraltar without authority of an export permit	55	29	41	29	2
Concealing cigarettes within a motor vehicle	12	6	60	2	2
Possession cigarettes in a commercial quantity without a licence	120	168	70	47	4

Answer to Question 206/2016

2012

Nationality	Transportation	Exportation	Concealing	Possession
British	4	15		70
French				2
Irish				4
Romanian		1		17
Spanish	1	38		342
Moroccan		1		
Bulgarian				2
Polish				1
Columbian				1
Estonian				2
Portuguese				2

2013

Nationality	Transportation	Exportation	Concealing	Possession
Argentinian				1
Brazilian				1
British	10	14		66
French				1

Romanian	2			13
Spanish	36	27		257
Moroccan				3
Bulgarian				1
Lithuanian				1
Portuguese				1
Sierra Leon				1

2014

Nationality	Transportation	Exportation	Concealing	Possession
British	10	8	5	18
Czech				2
Indian				2
Romanian	1		3	2
Spanish	15	53	86	124
Moroccan	1			1
Bulgarian				1
Lithuanian				1
Senegalese			2	

2015

Nationality	Transportation	Exportation	Concealing	Possession
British	10	17		14
Spanish	18	53	48	83
Moroccan		1		1
Bulgarian	2	2	1	2
Lithuanian			1	

2016

Nationality	Transportation	Exportation	Concealing	Possession
British	2	10		5
Spanish		5		4

Note 2016 = 01/01/2016 to 22/02/2016

Answer to Question 207/2016

The number of arrests for tobacco offences for each year since 2012 to February 2016 which have not proceeded to prosecution is as follows;

2012 (28)
2013 (37)
2014 (44)
2015 (56)
2016 (3)

Hon. E J Phillips: I thank the Minister for Justice for his answer and the schedule which I may need to come back to.

2240 But insofar as my Question 209 was concerned, I am grateful that he has set out the measures that have been implemented to curb and combat this trade, but I also asked in relation to what measures the Government are considering in the fight. Outside the ones that he has set out, what is the Government currently considering in relation to the resources currently at his disposal to fight this trade?

2245

Hon. G H Licudi: Mr Speaker, the question, which says simply 'confirm what measures the Government are considering in the fight against the illicit tobacco smuggling', just looked at on its own, might suggest, 'Well nothing has been done and what are you actually doing or what are you going to do about it?' And that is why we felt it was necessary to premise, not just this, but every other question which relates to statistical information with all the very considerable measures that have been taken.

2250

We now consider, having taken all these decisions, issued the directions, enacted the special zones, relocated some licensed premises from estates to other areas, that a very significant headway has been made as required by this Government to tackle this activity. We have also resourced as I have explained, adequately and significantly, the Royal Gibraltar Police and HM Customs, who have land, marine assets and a significant number of personnel in order to deal with this and other criminal activity.

2255

Having done all that, Government is clearly always on the lookout and always aware that there may be additional measures that may be required and these are matters that are continually reviewed and discussed with the Royal Gibraltar Police and with Customs. To the extent that additional measures may be appropriate or may be worth considering, then that is something that we are going to do.

2260

But certainly for the moment, we have gone a very, very long way in tackling this activity and as I have indicated in my answer, the results of the statistics that I have handed over to the hon. Member reflects the success that this Government has had in dealing with this issue, in putting all these measures in place, in properly equipping our law enforcement agencies and the excellent work that the law enforcement agencies are delivering, by actually delivering the results that are evident in those statistics with the number of arrests, prosecutions and confiscation of cigarettes that is evident in those statistics.

2265

2270

Hon. E J Phillips: I am grateful for the answer delivered by the Minister for Justice in relation to that.

I take it from that answer, that currently as it stands there is no thought for the Government to introduce new measures, that they believe that the current measures that they have implemented are satisfactory.

2275

Hon. G H Licudi: Mr Speaker, it is not a question of whether particular measures are satisfactory. This is not a process that comes to an end on a particular day and we say well, that is the end of the process.

2280 As I indicated, this is a matter that is continually being reviewed and assessed. We have taken all these measures already, we do continue with discussions with the relevant law enforcement agencies and as and when new measures are considered appropriate, they will be announced and certainly implemented. But we will certainly not hold back, should any additional measures be required and be advised of us that they should be implemented.

2285 **Hon. E J Phillips:** Mr Speaker, just one further question in relation to the volumes of tobacco on our streets, as it were. I do not like to use inflammatory language but there clearly are significant numbers of cigarettes on our streets, over three million per year in terms of the confiscation amounts that you have kindly given me.

2290 Would you not say that should give our community significant cause for concern?

2295 **Chief Minister (Hon. F R Picardo):** Mr Speaker, no sir, for this reason. Mr Speaker, the quantities of tobacco which are sold in Gibraltar are often the subject of derogatory statements made against Gibraltar by instruments of the Spanish government and by members of the Spanish press.

In fact, the amount of tobacco sold in Gibraltar, which includes that amount of tobacco, is an amount which successive Governments of Gibraltar have defended with the European Commission, in fact also with OLAF, with the British Government and also in the press with the Spanish government.

2300 So we do not believe that there is a problem because if hon. Members care to look back at what I have said and been questioned on, on a number of occasions, in particular in relation to the number of cartons of tobacco sold in Gibraltar which is 12 million this year, or the year before, was lower than at the time before we were in office, if I could just put it that way and going closer now to nine million.

2305 That is exactly the sort of amount that is assessed as being the right amount by the European Commission for sale in a place like Gibraltar, given the number of visitors that there are in Gibraltar during the course of the year, which amount sometimes to in the region of 12 million visitors.

2310 So, Mr Speaker, as we and previous administrations have said repeatedly, in the defence of the legitimate tobacco trade there is in Gibraltar, the controls that we put in place to deal with the illicit trade in tobacco are the ones that we are advised are appropriate. They are now tougher than they ever have been and the amount of tobacco being sold in Gibraltar, we continue to believe, as the former administration believed of a much higher figure, is in keeping with the legitimate trade that can be done in a community such as ours with 12 million visitors a year.

2315 I would be very surprised if Members opposite were now taking a different line.

Q210/2016
Duty solicitor scheme –
Introduction

Clerk: Question 210, the Hon. E J Phillips.

2320 **Hon. E J Phillips:** Mr Speaker, can the Minister for Justice confirm whether the Government intends to introduce the duty solicitor scheme?

Clerk: Answer, the Hon. the Minister for Education and Justice.

2325 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, yes sir.

Hon. E J Phillips: Mr Speaker, any idea when this would happen?

2330 **Hon. G H Licudi:** Well, Mr Speaker, if it was solely up to us, it would have been in place already.

The hon. Member will recall that there is provision in the Criminal Procedure and Evidence Act for the provision of legal representation, particularly when somebody is arrested, which is what the duty solicitor scheme primarily deals with and that is, as I recall, the only provision that has not been implemented yet.

2335 We did create a scheme and announce a scheme and invite all lawyers to be part of the scheme. We were simply not able to implement the scheme because only two lawyers put their names on the list at the time. At the time – (*Interjection*) No, I understand Mr Phillips was not one of the lawyers that put his name on the list for that particular scheme, but it was simply a physical impossibility with two lawyers willing to carry out the work, to have a duty solicitor scheme.

2340 At the time that we were in discussions with the Bar Council in relation to the reform of legal aid, on which there is a separate question and the rates for legal aid. It was felt that we would retake those discussions in relation to the duty solicitor scheme once the new legal aid scheme was brought into place.

2345 That is now in place, the new rules have been established so this is a matter which is now on the cards in terms of discussions with the Bar Council – not necessarily because it needs their blessing, but certainly we would want the Bar Council to encourage all members, because it is a voluntary matter, to put their names, or as many as possible, to put their names on the list so that we can implement the scheme.

2350 So the question originally was: does the Government intend to do this? Yes, the Government has tried to do this. It has not been able to do so, we are hopeful that with the encouragement of the Bar Council I more barristers and solicitors will put their name on the list. We are ready to implement, we have all the administrative measures in place and were in place previously. We are ready to implement at any time, as soon as a sufficient number of lawyers agree to go on the list to make the scheme effective.

2355 Otherwise, if we do not have people on the list, there is nobody to call as duty solicitor. So we are very happy to implement this as soon as we possibly can.

2360 **Hon. E J Phillips:** Thank you for the answer. Does the Minister for Justice know whether his Department will be going out to the profession, to the Bar Council, seeking members of the Bar to join the scheme? It is just that I am not familiar with any recent requests from the Government to the profession asking whether there is an improved level of interest in relation to this scheme.

2365 **Hon. G H Licudi:** Mr Speaker, as it happens I have a meeting planned with the Chairman or the President of the Bar Council, I believe it was next week, although it may be in a couple of weeks' time, certainly imminently and this is one of the items that I propose to raise with him.

2370 **Hon. D A Feetham:** Yes, Mr Speaker, the issue really here, is the remuneration to criminal lawyers. Criminal lawyers at the end of the day and lawyers are a business. It is a profession and of course the rates that were being paid to criminal lawyers under the previous rules was not sufficiently attractive in order to allow people, or incentivise people to basically sign up to this scheme.

2375 Now the rules were changed I believe it was last year or 2014 – exactly 2014. Can the hon. Gentleman explain why it has actually taken so long from 2010 over ... my calculation I think is

roughly about a year and a half from when the Hon. the Minister for Justice changed those rules to make the remuneration more attractive to now, in order to take this up with the Bar Council and with the profession?

2380

Hon. G H Licudi: Mr Speaker, this is something that we have taken up with the Bar Council on a number of occasions, in particular before the attempt to introduce the scheme was made, I understand it was just before the new rules were published.

2385

There is a difference between the rules for legal aid which are the rules that are paid when somebody goes to court, when somebody is appointed to take a brief for the preparation for court work and the duty solicitor scheme. They are different rates. The rules that were published are not rates which relate to the duty solicitor scheme. The duty solicitor scheme has separate rates.

2390

The rates that we sought to implement at the time, which was even before we reformed legal aid, were the rates from recollection ... Certainly they were the rates we took from the UK duty solicitor scheme and from recollection, we chose the London rates which were higher but that is just from recollection. There is a duty solicitor scheme in the UK which has, as I recall, two sets of rates, one in London and one outside London.

2395

My recollection is that we chose the London rates, and those are the rates that would be implemented, subject to whatever adjustments have been made to those rates in the UK. So they were linked in a way to the new rules because one of the suggestions was that whatever the rates might be, if you attend somebody as duty solicitor and then that person is on legal aid, then the rates that will be paid on legal aid may determine whether you go on the list in the first place, even though those are not the rates of the duty solicitor scheme.

2400

But we now have the rates which were agreed with the Bar Council and we do have the rates set out as implemented in the UK, so we see no reason why this should not go live at any particular time, as soon as possible in fact.

Hon. E J Phillips: Thank you for the answer.

2405

Just one further question on this, is there a way in which the Government would consider or is the Minister for Justice and wearing his separate hat as Minister for Education, that we could encourage those students undertaking the certificate in Gibraltar Law, remind them of their duties insofar as this is concerned?

2410

As we all know, many of us who are lawyers in this Chamber have done free work, have worked on legal aid and on legal assistance matters. Is there a way that we could encourage those students? Mr Isola is shaking his head about free work, (*Laughter*) but is there any way we could encourage our students in terms of at education level, to remind them that is part of our duty as lawyers to conduct that type of work for our community?

2415

I just fly a kite in relation to that and would welcome any thoughts that the Minister may have in relation to that.

Hon. G H Licudi: Well, we would certainly want to welcome as many lawyers as possible to be part of the scheme, and I do very much hope that the hon. Member himself (*Laughter*) will put his name down for the list.

2420

Whether it is possible for those undertaking the Certificate in Gibraltar Law to actually do that, I do not believe it is possible at the moment because if hon. Members will recall, the new training requirements which were set out last year, included the academic course in Gibraltar Law, included a professional skills course which is undertaken at the end of the training year and a practical year of training. And it is only once those three elements are completed that the prospective lawyer is then able to apply to be enrolled and to be called to the Bar in Gibraltar.

2425

So those who are doing that course are currently solicitors or barristers in training, having done their degree, having done their professional qualification in the UK and now doing the local training requirements which are set out in the Supreme Court Act. In those circumstances, they

2430 do not have rights of audience, they can assist but I am not sure that it would be right for them to be the ones that become the duty solicitors.

2435 **Hon. E J Phillips:** This is a point of clarity. I am not suggesting that a student should conduct, during the course of his training, the work of an advocate in court, but only that they should be reminded that as lawyers, they should be making that contribution, especially given the fact that this community helps them to achieve that through their education by becoming barristers in the first place in the United Kingdom as solicitors.

2440 I would have just thought that a message to them, as part of the criminal part of the course at the university, they could be reminded of those obligations as it were – moral obligations possibly.

Hon. G H Licudi: Mr Speaker, we are certainly happy to remind them and encourage all those trainees to sign up to the scheme, certainly once they become enrolled in the Gibraltar Bar and are able to practice as lawyers.

2445 **Hon. D A Feetham:** Mr Speaker, I think there is also a role of heads of chambers and firms because those heads of chambers or the management committee, ought to be reminding, particularly young lawyers, because when you are breaking into ... when you are first starting out as a lawyer and you are doing work that is perhaps civil, it is also criminal, you are doing work in the magistrates' court, perhaps it is not the kind of work that Mr Phillips who is nearly 20 years called, might be doing at this present moment in time – but certainly we have all done it. We have all been there, we have all done work in the magistrates' court and at that time, when you are a young lawyer, this is precisely the kind of work that you also should be doing. It enhances your experience as a young advocate and a young lawyer, to be precisely doing this kind of work. Duty solicitor work often then leads to legal representation in the magistrates' court. Indeed it may also lead to legal representation in the Supreme Court.

2455 But we have all got to, as a legal profession, make sure that not only are our new barristers, our new solicitors and I think more new barristers, because with new solicitors we have now got these articles, these training schemes within Gibraltar, but I understand the Hon. the Minister for Justice intends to look into the creation of pupillage as well for barristers here in Gibraltar.

2460 But in the context of reforming and also ensuring that barristers are properly trained, I think that encouraging and for chambers to take a lead in encouraging our young barristers and our young lawyers to participate in these schemes is very worthwhile indeed, not only for them in terms of the experience but also for the community generally, in service to the community.

2465 **Hon. G H Licudi:** Mr Speaker, I am not sure where the hon. Member gets the impression that I intend as Minister for Justice to introduce further changes in the form of pupillage that he has mentioned. This is not something that has been discussed with the Bar Council. We discussed the new training requirements for barristers and solicitors during the course of last year and implemented those provisions by way of amendment to the Supreme Court Act.

2470 But certainly to the extent that as much encouragement can be given to younger lawyers, although there will be cases which will be apt for more senior lawyers and like him, I certainly recall being called at two or three o'clock in the morning on numerous occasions to attend to clients in the police station and therefore subsequent representation in the magistrates' and the Supreme Court.

2475 But the hon. Member mentions heads of chambers and management, we have two partners across on the other side of different firms and I would ask them also to encourage their firms to, not to cause their lawyers to be part of the scheme but certainly to encourage as many lawyers in those two firms that have between them, a very significant number of the lawyers we have in Gibraltar, for as many of them to be part of the scheme so that it is as successful as it can be.

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Hon. D A Feetham: Yes, I will discuss it with him and the Chief Minister, and Mr Phillips will discuss it with Mr Albert Isola. *(Laughter)*

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Mr Speaker: We are going to have one last question; it is the last one on Justice –

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

Mr Speaker: There is one question left on Justice and then we will deal with Education in the afternoon.

ADJOURNMENT

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Chief Minister (Hon. F R Picardo): No, Mr Speaker, unfortunately the diary requires that I adjourn now, and I propose that we should return on Wednesday, at 10.00 a.m.

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Mr Speaker: Ah, so you are adjourning now.

Hon. Chief Minister: Wednesday at 10.00 a.m. to finish the questions and then deal with issues related to motions and Bills.

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Mr Speaker: Right. I now propose the question that the House do now adjourn until next Wednesday at 10.00 a.m.

I now put the question, which is that this House do now adjourn until next Wednesday at 10.00 a.m.

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

2505

The House will now adjourn until next Wednesday at 10.00 a.m.

The House adjourned at 1.05 p.m.