



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.04 p.m. – 4.45 p.m.

Gibraltar, Thursday, 15th September 2016

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The Gibraltar Parliament

The Parliament met at 3.04 p.m.

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

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

Statement on Question Time

Mr Speaker: Hon. Members may recall that I mentioned very briefly, when we met last Friday, that it had been my intention to make a short statement on Question Time, but having regard to the presence of the United Kingdom MPs I did not think that it was appropriate that I should do so then, but I am going to do so now. Because I think that it has become necessary for me to explain briefly to hon. Members how I intend to proceed at Question Time from now on within the standard rules and orders applicable to questions.

I have no problem whatsoever in allowing whatever number of supplementary questions require an answer from Ministers, provided that they are relevant and provided that they are not made at pretext for a debate.

But should the questioner make a statement instead of asking a supplementary question, or make what I consider to be too long a preamble before asking the supplementary question, then having allowed the Minister to reply, I will move on to the next question on the Order Paper. As I have previously said, I expect supplementary questions to be in the main short, sharp and to the point. Needless to say, however, I will always exercise discretion.

If hon. Members begin to debate during the course of supplementaries, particularly about what they allege may or may not have happened during the last 20 years or so, then I will take it that the questioner does not wish to seek any further information on the subject matter of his original question – which is one of the most important reasons for asking questions – and I will therefore call the next question on the Order Paper.

Although I do not have any powers under the Standing Rules and Orders to curb the length of Ministers answers to supplementary questions, I would like to urge them not to make such answers longer than is absolutely necessary.

Chief Minister (Hon. F R Picardo): Mr Speaker, can I perhaps on behalf of the whole House, thank you for that reflection on how we should be conducting the business of Question Time and assure you, on behalf of this side of the House, that we will endeavour to follow the guidance that you have given as well as we can.

Mr Speaker: It has taken me a number of months, obviously I have given an opportunity to the new Members to acquaint themselves with the rules and to get in to the spirit of Question Time, but I was slightly perturbed, I must confess, at one stage in the July meeting, as to how matters proceeded in a way that I did not think was in the best traditions of parliament and therefore I am leaving this as guidance.

As I say, I will always exercise discretion. Members of the Opposition, in particular, can feel sure that I will give them all the assistance which my office demands that I should. I will exercise discretion and help them in any way that I can. But I must, now that they have been in parliament long enough, I must urge everybody to abide by that spirit.

I wish the Select Committee of Parliament would be able to deal with various matters in the rules which I feel are totally unsatisfactory, and I would like to have powers to curb the length of Minister's answers to supplementary questions, but perhaps I am living in a fool's paradise!

45 **Hon. Chief Minister:** Well, Mr Speaker, in the same way as we take into consideration everything that you have said already, we shall of course take that hint to the Select Committee and we will take it very seriously indeed, although in most instances you might have found that you might have been told that you were trying to climb Mount Everest without oxygen to make
50 anything that you say in relation to this subject will be taken indeed very seriously by this side of the House in that Select Committee, and thank you for it.

Hon. D A Feetham: Yes, Mr Speaker, it is of course a statement that Mr Speaker has made that is principally directed at the Opposition. Because as Mr Speaker has rightly pointed out, Mr
55 Speaker does not have any power in order to curb the answers and the debate nature of the answers that come from the Government side.

I have to say, I do not agree with the way that Mr Speaker has characterised some of the performances from the Opposition side, but Mr Speaker is Mr Speaker and Mr Speaker is the one essentially that is tasked to uphold the rules of this House and certainly we will follow
60 whatever guidance Mr Speaker provides.

But I have to say, that I feel, Mr Speaker – I would not be honest if I would not say this – that I think that your ruling is one sided because it does not take into account the fact that actually it takes two to tango and that when Members on both sides of the House enter into a debate, they may enter into a debate because of the length of the answers and indeed, the remarks that are
65 made within the answers provided by Government Ministers. That is all I have to say, Mr Speaker.

Thank you very much.

Mr Speaker: If hon. Members care to look at the rules, they will find when dealing with questions that by and large, Rule 17 – Rules governing rights to ask questions, invariably there are 15 sub-paragraphs in Rule 17 and invariably they place a burden on the Opposition. By the nature of Question Time these rules are directed at Members of the Opposition. (*Interjection by Hon. D A Feetham*) and there is nothing of a similar nature as to – this is where I find in a way that they are deficient and that they are heavily balanced in one direction.

75 But rules governing the right to ask questions is all about the Opposition –

Hon. D A Feetham: Mr Speaker, may I –

Mr Speaker: Just a moment, let me finish.

80 But I do guarantee that I will exercise my discretion and I will do so in favour of hon. Members on the Opposition bench. And if they feel aggrieved at any stage, if they feel that I am being too draconian, I invite them to stand and bring the matter to my attention and I will try to be as liberal as the situation may demand.

85 **Hon. D A Feetham:** Mr Speaker, I am very grateful for that indication, certainly on this side of the House.

We do not want any amount of favouritism, at all. We want a sensible, common sense approach to these things. And a sensible, common sense approach to these things, in my respectful view, demands that Mr Speaker always has at the forefront of Mr Speaker's mind, the fact that the rule against debating at Question Time, is a rule that applies to both sides of the House.
90

And as I say, it takes two to tango. Therefore, even though Mr Speaker, rightly, according to the rules does not have the power to curb the length of the answers, Mr Speaker certainly has the power to curb any tendency towards debating in the answer, because very often it is the answer that then provokes a question with a preamble.

That is all I wish to say on the matter, Mr Speaker, and I am grateful to Mr Speaker for the indication of fairness and even handedness.

Mr Speaker: The Leader of the Opposition reminded me of something which I did say in my statement which may have escaped his entire attention.

I said if hon. Members begin to debate during the course of supplementaries, particularly about what they allege may or may not have happened during the last 20 years or so, then..., both sides do that, certainly Ministers do that, and I will curb the practice as far as I think that I should.

Hon. Ms M D Hassan Nahon: Mr Speaker, may I just say, I thank you for your part in that and I would just like to remind the Government side of the House that these days there is an independent Member so as to what you were saying before about reminding about the last 20 years when they do answer their questions, I would be grateful if they do cut to the chase and to the point, because there is somebody now in the House who is not defending the last 20 years and wants the answers short and sharp.

Thank you.

Hon. Chief Minister: Well, Mr Speaker, after all that may I commend what I think has been, is and I have no doubt will continue to be, your sensible and common sense approach to everything that you have done in that Chair, even when I may not have agreed with that, coming from your long experience in this House.

Can I just tell the whole House, Members on that side and Members on this side, that I have absolutely no desire to tango with any of them, whether we may be personally closer or less so, that this is not a place for us to practice our *Strictly Come Dancing* moves and that we shall always be short and sharp in our responses when the questions put to us are short and sharp.

And, that if we do fall into the trap of being more political in our answers it is inevitably, Mr Speaker, because we have been baited in questions that have gone on too long but you shall no doubt assist us in resisting that temptation and you will have the full co-operation of this side of the House in the work that you are endeavouring to do.

Questions for Oral Answer

BUSINESS AND EMPLOYMENT

Q484/2016

Government approved care service providers – Numbers provided care

Clerk: We now carry on with Answers to Oral Questions.
We commence with Question 484, questioner the Hon. L F Llamas.

130

Hon. L F Llamas: Mr Speaker, further to Government Press Release 371/2016 can the Government provide details as to how many people have been engaged or are in the process of being engaged, to provide care services by a Government approved care service provider, including care service provider, start date or expected start date, role and establishment under which the worker will be providing services?

135

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

140

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, 20 people have been engaged to provide care services via Grand Home Care, a Government approved care services provider. Their role is care worker and are working at the Elderly Residential Services. The start dates are as follows: two on 26th June 2016; six on 25th July 2016; two on 26th July 2016; three on 9th August 2016; two on 22nd August 2016; five on 6th September 2016.

145

There are currently 50 persons in interviews for a care worker at Grand Home Care for Elderly Residential Services.

Hon. L F Llamas: Mr Speaker, may I ask were other Government approved care service providers approached?

150

Hon. N F Costa: Mr Speaker, the hon. Gentleman will surely realise that that question certainly does not arise from the question that he asked me originally. He asked me specifically to tell him when had people started and through which approved contractor, which is the information that I have.

SPORTS, CULTURE, HERITAGE AND YOUTH

Q485-486/2016

Gibraltar Music Festival 2015 – Cost of the VVIP area; tickets issued

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Clerk: Question 485, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise the cost of the VVIP area of the 2015 Gibraltar Music Festival?

160

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I will answer this question together with Question 486.

165 **Clerk:** Question 486, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how many VVIP tickets were issued for the 2015 Gibraltar Music Festival and identify the split between private and public sector guests?

170

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, there were a total of 730 tickets issued at the VVIP area in 2015 GMF.

175 600 were purchased by the private sector for their corporate guests, 130 were public sector guests including 14 tickets which were issued to members of the then Opposition, none of which were returned.

180 Regarding the cost of the VVIP area, it is not possible to answer this question accurately. The cost of the building staff and running the VVIP areas is linked to, and not easily divisible from, other festival costs. As a ball park figure, it is estimated that the cost is around £167,000. Income generated by ticket sales considerably exceeds the cost of the area which was £270,000.

Hon. R M Clinton: Mr Speaker, I am grateful for the answer. Perhaps the Minister could advise, for the private sector to buy tickets, at what price were they pitched, was it a package, can he enlighten us? (*Interjection*)

Hon. S E Linares: He can do the sums actually, if he divides the £270,000 by (*Interjection*) well he can go backwards (*Interjection*) you can go backwards, yes of course you can, you can work it out. I mean the hon. Member can work it out with the figures that I have just given him.

190

Mr Speaker: Next question.

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q487/2016

Energy efficient home improvement loans – Number, amount, criteria provided

Clerk: Question 487, the Hon. T N Hammond.

195 **Hon. T N Hammond:** Mr Speaker, further to Question 314 of 2016, can the Government say how many loans for energy efficient home improvements have been provided by the Ministry of Finance, what was the minimum and maximum amount of those loans and under what criteria, such as interest rates, those loans were issued under?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, one loan has been provided. The details, however, need to remain confidential for commercial reasons.

205

Hon. T N Hammond: Mr Speaker, can the Hon. the Minister just confirm whether the loan was therefore given to a private or a business entity – is that much information permissible?

210 **Hon. Dr J E Cortes:** I am told that this has been raised before, but I have no problem. It was given to a private estate. I believe it was in order to install solar panels.

Q488-490/2016
Wave generating capability –
Negotiations, contract, cost compared with LNG

Clerk: Question 488, the Hon. T N Hammond.

215 **Hon. T N Hammond:** Further to Question 323 of 2016, can the Government say whether negotiations have taken place with Eco Wave or another similar company as suggested by the answer given by the Hon. the Minister for the Environment, for the expansion of the wave generating capability installed this year?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 489 and 490.

225 **Clerk:** Question 489, the Hon. T N Hammond.

230 **Hon. T N Hammond:** Further to Question 323 of 2016, can the Government say what length of contract it envisages entering into with Eco Wave or another similar company, for the generation of up to 15% of the power needs of the community by wave energy?

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

235 **Clerk:** Question 490, the Hon. T N Hammond.

Hon. T N Hammond: Further to Question 323 of 2016, can the Government say how the cost of purchase of the electricity produced by Eco Wave or another similar company, will compare with the cost of generation at the LNG power station?

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

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

245 The Government has entered into negotiations with Eco Wave Power. The power purchase agreement which was signed with Eco Wave Power is for 25 years.

The cost of purchase of electricity produced by Eco Wave or another similar company cannot be compared that easily with the cost of generation at the LNG power station for a number of reasons.

250 For example, projects at Eco Wave and others are renewable energy projects and use varying leading edge technologies and methods to harness energy. This implies that the cost for units of

electricity produced by these installations will be different in each case. Therefore the negotiated costs of purchase of electricity for the Government could be different from one project to another.

255 In the case of the cost of generation for the LNG power station, this will depend on the price of gas. Prices have been very low over the last few years.

It is also worth noting, Mr Speaker, that the efficiency of the new power station will be significantly greater than that of our existing ones, thus further contributing to making the cost of the generated unit even lower.

FINANCIAL SERVICES AND GAMING

Q520/2016

Gibraltar International Bank –

Details on figures released during 2016 Budget session

260

Clerk: We now move to Question 520, and the questioner is the Hon. R M Clinton

Hon. R M Clinton: Mr Speaker, during the 2016 Budget session, the Government advised that the Gibraltar International Bank had achieved deposits of £244 million with over 7,000 accounts and a lending book of £43 million with 450 mortgages.

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Can the Government advise for what point in time do these figures relate and where did the Government obtain this information?

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

270

Minister for Financial Services and Gaming (Hon. A J Isola): Yes, Mr Speaker.

These figures relate to the end of June 2016 and were provided to the Government by the senior management of the Gibraltar International Bank in order that Government may report to Parliament on the latest data at the Budget session on the bank's first year of operation.

275

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for that answer. Given that the financial year end is in fact 31st December and effectively what the Government was given was the benefit of an interim position, will the Government undertake to supply the Opposition with information in relation to the bank as and when this House sees the need for it and will ask the bank for that information accordingly?

280

Hon. A J Isola: No, Mr Speaker.

We do not believe that would be appropriate. What we sought to do on this occasion as an exception at the end of the first year of operation was to report to Parliament at the Budget session on the bank's progress and that is what we have done.

285

Hon. D A Feetham: Mr Speaker, so is the position that beyond this information the Minister does not intend to report to the House any further progress in relation to the bank, next year for example?

290

Hon. A J Isola: Mr Speaker, the bank is a private company with its obligations under the Companies Act Reports and files its documentation, its annual reports and accounts which are available for the whole of the population to see, and not just Parliament.

295

What we said is, we believed it was relevant at this particular time, at the end of the first year, to report to Parliament on its first year of trading.

If we see fit to do so in 12 months' time we may well do so, but we are certainly not going to commit to giving information other than that on a regular basis to Parliament.

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q491/2016

**Seaweed on Western Beach –
Cause of build up**

Clerk: We now return to Question 491, the questioner is the Hon. T N Hammond.

300

Hon. T N Hammond: Mr Speaker, Western Beach has seen unprecedented amounts of seaweed along its shoreline this year. Can the Government say what has been the cause of such build-ups?

305

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

310

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, initial observation suggests that the growth of the brown algae can be attributed to changes in regional currents and nutrients. Rising sea temperatures as a result of climate change are also likely to be a contributing factor.

The Department of the Environment and Climate Change will continue to monitor the growth of this species in the bay in order to try and understand and manage the phenomenon.

315

Hon. T N Hammond: Mr Speaker, I note that the Hon. the Minister suggested that changes in currents maybe one factor that has caused this. Do we know what may have caused the currents to change their patterns in the last 12 months or so?

320

Hon. Dr J E Cortes: Mr Speaker, these are just suggestions. The increase in this particular species of sea algae is one that is affecting the whole of the bay and further afield. In fact, it is washing ashore on beaches around the bay. If you care to have a look at the underwater camera, you can see it growing there whereas it was not there in as much profusion, say a year ago.

325

So it is clearly something that is having a general effect and it is likely that climate change is one of the main factors. Currents also, because it does depend on nutrients and clearly the area of Western Beach, sadly, we know that there are issues to do with sewage there, they contributes nutrients as well and any changes that there might be due to different structures on any part of the bay may affect it. But this is just speculation. In fact there are increases in sea algae around the world, and not just in this particular area.

330

Clearly things are changing in nature. If you look at the way that temperatures around the world are hitting new records virtually every month, then clearly we would expect something like this to happen. I cannot be more specific than that.

335

Hon. T N Hammond: Mr Speaker, is the Government in the process – or is the Department of the Environment in the process – of conducting work in order that the Minister can come back to this House with a more specific answer?

Hon. Dr J E Cortes: These things are constantly being monitored and we are in fact in contact with marine biologists in the region, who have done a lot of work in the Spanish sector of the

340 bay. Whether that will come up with a conclusive answer I do not know. Sometimes these things are cyclical and it maybe that in a year or two the algae disappear or reduce in numbers.

But clearly, whatever information we gather, we will be very happy to share in this House and in the wider community because it is clearly a concern.

345 **Hon. T N Hammond:** Mr Speaker, I understand what the Minister is saying. He did not quite answer the question, however. The question was looking for something a little more definitive as to whether work was being carried out to assess whether this situation is something which we can expect to occur every summer and the reasons for it to have occurred or whether we are just relying on more anecdotal evidence as to why this is happening?

350

Hon. Dr J E Cortes: Scientists use anecdotal evidence to perhaps direct them to research but they do not base conclusions on anecdotal evidence. And precisely because I do not have any scientific data, I cannot be more specific.

355 It would be very simplistic of us to think that the changes in the environment that are leading to the increase of algae around the world, not just in the bay, could be analysed and identified specifically from Gibraltar.

360 So I do not think I will be able to give an overarching conclusion, if I did I would probably get it published in *Nature* and not just mention it here in this House. The team in the Department of the Environment is monitoring the situation. They are taking samples of pH, nutrients and other things. In fact the camera that we have on location does actually take readings as well as images and therefore it is something that we are trying to gather and this will feed into the network of results elsewhere in the region.

365 As I say, we are in contact with scientists in Spain and hopefully we will build up a picture which as I say, we will be very able to share. Our own work in isolation is not likely to give us something that can make us 100% certain but it will make a contribution.

Hon. T N Hammond: Is it possible, Mr Speaker, that any reclamation works in and around the bay have affected the currents or have affected the nature of the water in the bay and that that may also be contributing to this algal bloom?

370

Hon. Dr J E Cortes: I do not think so. The way that reclamation ... again I have to say I do not think so because in science, it is very difficult to be specific.

375 Currents can have an effect, but that would be a current – if the problem is due to increased nutrients – then if it is a current that changes direction so that there is a source of nutrients like a river estuary or sewage, sadly, and there is reclamation that changes the direction of that current then perhaps, but because it is such a wide ranging problem I would have thought that reclamation is not likely to be the prime factor.

380 There is a lot of reclamation happening in the Spanish side. If that is having an effect in perhaps not allowing the currents to circulate enough and does result in accumulations on the northern side of the bay, perhaps, but because we are seeing the phenomenon also at the southern side of the bay, it is very difficult to tell. It would need a major research project and, as I say, we are gathering information. It is something that I could not pin down to reclamation.

385 **Hon. T N Hammond:** But the Minister is not denying that the reclamation could be a factor affecting this not least potentially the extension of the Western Beach car park, (**Hon. Dr J E Cortes:** No, no.) if I may finish my question, Mr Speaker, I am asking whether – as the Minister has not denied that reclamation could be a factor and we have reclaimed on the Western Beach car park which is clearly adjacent to the site being affected and we know on just the other side of the Western Beach car park there is a very significant and very smelly algal bloom forming on
390 a very frequent occasion – whether the two can be connected, that is the question. Is it possible that the Western Beach extension could, could, have had an impact on the currents around

Western Beach and whether that impact could then have increased the seaweed on Western Beach?

395 **Hon. Dr J E Cortes:** There are two questions here, Mr Speaker.

It is very difficult to be scientific and political at one and the same time which is probably why most politicians are lawyers and not scientists, but anyway. (*Interjection*) Thank you.

There are various considerations here. One is that clearly no reclamation will be responsible for the increase of seaweed in the Bay of Gibraltar. This is a factor which is general and therefore that is not the case otherwise you would not get it off Camp Bay. There has been no reclamation
400 there, off Camp Bay; that is one thing.

The other thing is does it affect accumulations? There would have to be a study made but the reclamation was carried out in 2012 and in 2012, 2013, 2014 there was not the seaweed problem, the reclamation was already there, therefore it cannot be that. So if I am going to be
405 political and not scientific I would say no, sir.

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

Mr Speaker: Yes.

410

Hon. D A Feetham: Just one question. How near are we, Mr Speaker, to a possible resolution of the one factor that he has identified as a probable or possible contributory factor to the algae in the area which is the drainpipe from Spain into that area of Western Beach?

415 **Hon. Dr J E Cortes:** Mr Speaker, I have not quite said that.

I said that it is possible that one of the factors contributing to the increase of brown algae is nutrients, and nutrients do come from sewage as well as from a number of other factors. I have not said that it is cause and effect, so I think that is a point I have to make.

The question of the pollution from Spain has been widely discussed here and the hon. Member knows that we have taken steps within the EU, we have supported the ESG in their own programme and so on and we are pursuing this separately. But what is absolutely clear is that you cannot relate one to the other because, as I said before, this is a problem across the bay and not at Western Beach. That we see it more at Western Beach because it happens to be the only area on the west side of Gibraltar which has a beach of that nature and which is not swept by
420 the south westerly which you would get in Camp Bay, is coincidence. If we had more beaches on the western side like they have on the other side of the border, there would be seaweed there.

My personal opinion is that it is an increase in temperature due to climate change. To me that is the main reason. The other things, in order to be helpful we have put it in as possibilities, my personal opinion is that it is climate change and climate change, sadly, is something that is
425 certainly not caused by the Western Beach sewage outflow.

430

Q492-493/2016
Fishing Working Group –
Number of meetings since its creation; subjects discussed

Clerk: Question 492, the Hon. T N Hammond.

Hon. T N Hammond: Can the Government say how many times the Fishing Working Group
435 has met since its creation?

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

440 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 493.

Clerk: Question 493, the Hon. T N Hammond.

445 **Hon. T N Hammond:** Can the Government provide a list of subjects discussed by the Fishing Working Group since its creation?

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

450

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the Fishing Working Group has met on eight occasions.

The subjects that have been discussed by the Fishing Working Group include: fishery statistics; legislative amendments; marine protected areas; protection of species; blue fin tuna, artificial reef programme and marine restoration programme.

455

Hon. T N Hammond: Can the Minister say what legislative amendments have been enacted that have come out from the Fishing Working Group?

460 **Hon. Dr J E Cortes:** Yes, Mr Speaker.

The legislative amendments are in the public domain. Most of them have been by regulation so if you look at *The Gazette* on a Thursday you will pick them up.

Out of memory, I recall there have been some amendments in relation to declaration of the new island created by the Small Boats Marina has been declared a no fishing zone. So that not only do we have a wonderful facility for boat owners, we also have as a result of the work, a reef virtually a reef, which is protected. So that is one of the things I remember.

465

There has also been some tweaking, for example, on the number of hooks allowed in long lines and the size of hooks, that sort of thing, which is discussed, as I say, in the Fishing Working Group and they make recommendations to me. So far I think we have acted on most of those.

Q494/2016

Illegal fishing –

Why commercial fishing vessels have been permitted in BGTW

470

Clerk: Question 494, the Hon. T N Hammond.

Hon. T N Hammond: Can the Government say why throughout August and despite a 20/11 manifesto commitment to stop illegal fishing with nets that Spanish vessels, sometimes up to four at a time, have been permitted to fish with nets in BGTW and in contravention of the Nature Protection Act which this Government insisted it would uphold?

475

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

480

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, commercial fishing vessels have not been *permitted* to fish with nets in BGTW. Government continues to work towards stopping all illegal fishing in our waters.

485 **Hon. T N Hammond:** Can the Government say why the Spanish fishing vessels have not been prevented from fishing in BGTW?

Hon. Dr J E Cortes: No, Mr Speaker. If we are talking about law enforcement I think it is very clear that the law enforcement is down to the Royal Gibraltar Police.

Q495-498/2016
Marine camera –
Cost; number of times unserviceable; bio-indicators

490 **Clerk:** Question 495, the Hon. T N Hammond.

Hon. T N Hammond: Can the Government say how much the marine camera installed in the spring of 2015 cost?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 496 to 498.

Clerk: Question 496, the Hon. T N Hammond.

505 **Hon. T N Hammond:** Can the Government say how much the marine camera installed in the spring of 2015 costs to maintain?

Clerk: Question 497, the Hon. T N Hammond.

510 **Hon. T N Hammond:** Can the Government say how often the marine camera installed in the spring of 2015 has been unserviceable since its installation?

Clerk: Question 498, the Hon. T N Hammond.

515 **Hon. T N Hammond:** Apart from the monitoring of fish species, can the Government say what other useful bio-indicators within the Rosia Marine Conservation Zone, the underwater conservation camera has monitored?

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

520 **Hon. Dr J E Cortes:** Mr Speaker, the marine camera installed in spring 2015 cost \$65,000. The cost associated with routine maintenance is absorbed by the Department of the Environment and Climate Change, whose dive team carry out regular cleaning, equipment calibration and in some cases, the replacement of parts.

525 The estimated routine maintenance costs will vary, but we envisage that these will be approximately £200 to £300 per year provided there are no major faults. These costs relate to the procurement of wiper blades and the required service kits.

530 The underwater camera has never been unserviceable but rather offline, for one prolonged period from December 2015 due to a major power surge in the Gibdock area which affected the system.

Apart from the fish species in abundance, the other useful bio-indicators monitored within the Rosia Marine Conservation Zone, using the underwater camera, includes sea grass growth, algal species diversity and growth, coral species diversity and growth and other indicators include pH, salinity and temperature.

535

Hon. T N Hammond: Can the Minister just confirm, when he says the camera was offline from December 2015, until when was that?

540 **Hon. Dr J E Cortes:** I do not know exactly, but it took probably around three months to be able to put it back online because we had to source some of the equipment from the United States.

On the whole I think it has been operational for about 11,000 hours since we installed it.

Q499-501/2016

CCTV cameras at Upper Rock –

Cost, contract, publication of Nature Reserve Management Plan

Clerk: Question 499, the Hon. T N Hammond.

545

Hon. T N Hammond: Can the Government say how much did the programme to install 57 CCTV cameras across the Upper Rock cost?

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

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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 500 and 501.

Clerk: Question 500, the Hon. T N Hammond.

555

Hon. T N Hammond: Can the Government say how much the maintenance contract costs for the 57 CCTV cameras across the Upper Rock and which company if any, has the maintenance contract?

560

Clerk: Question 501, the Hon. T N Hammond.

565 **Hon. T N Hammond:** Further to Question 306/2016, can the Minister confirm when the nature reserve management plan will be published. The Minister will recall that he said it had been held back pending the question asked on Wednesday 29th June, but that the report was otherwise ready?

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

570 **Hon. Dr J E Cortes:** Mr Speaker, the cost of the 57 CCTV cameras was £44,664 pounds. During the first 24 months the whole system was under warranty, thus no maintenance costs were incurred. There is a fixed monthly maintenance fee of £304.16. The contract for all the above is with Securitek Limited.

575 The Nature Reserve Management Plan has been published as a consultation draft and is available online. The plan is available via the Department of the Environment Thinking Green website as well as HM Government's official website.

Q502-503/2016
Benzene and Nitrogen diffusion tube statistics –
Reasons for lowering of figures

580 **Clerk:** Question 502, the Hon. T N Hammond.

Hon. T N Hammond: Can the Government explain why the Benzene statistics for 2015 were lowered this past May when the data had been up on the website for a few months and almost a year for some of the earlier dates?

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

590 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 503.

Clerk: Question 503, the Hon. T N Hammond.

595 **Hon. T N Hammond:** Can the Government explain why the nitrogen diffusion tube statistics for 2015 were lowered this past May when the data had been up on the website for a few months and almost a year for some of the earlier dates?

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

600 **Hon. Dr J E Cortes:** Mr Speaker, both questions relate to the non-automatic data obtained by diffusion tube samplers.

The Gibraltar Air Quality website is a public information resource that strikes a balance between fast data provision and accurate robust data archiving.

605 It is common to provide provisional measured concentrations as they become available. These are flagged as such on the website with red colouring and an asterisk. Provisional data are then superseded with ratified data, marked on the website in green with no asterisk, after formal quality assurance procedures have been completed and the data has been signed off.

610 The figures that appeared in May were the ratified figures and therefore they were different to the previous ones which are the non-ratified figures.

Q504/2016
Dog fouling laws –
Strengthening of this law

Clerk: Question 504, the Hon. E J Phillips.

615 **Hon. E J Phillips:** Is it the intention of the Government to introduce and strengthen dog fouling laws and to make it a criminal offence for dog owners not to carry with them, disinfectant and equipment for the appropriate removal and disposal of dog faeces/urine?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, Government is looking at ways of further strengthening dog fouling laws.

625 **Hon. E J Phillips:** Can the Government expand on what they are looking at and ways in which they are looking at further reducing the dirty, filthy, habit that some owners have about having their dogs urinate and produce faeces on our streets?

Hon. Dr J E Cortes: Yes indeed, Mr Speaker.

630 These aspects like the carrying of disinfectant and so on are among the matters being considered. We are hoping that the imminent introduction of the DNA ID system will have an effect and we are going to be monitoring that effect to see whether that will in fact be sufficient or whether in fact after that, we have to take further steps to strengthen that.

635 But the Government is at one, I am sure, with the Members opposite in wanting to resolve this issue. The majority of dog owners are very responsible. Sadly, the few who are not affect the quality of life of people who live in those areas.

So we are considering it, we are looking at various things including the ones that have been mentioned by the hon. Member. We are just going to see how effective our DNA monitoring system is going to be.

640 **Hon. E J Phillips:** Mr Speaker, just one further question.

Would the Hon. Minister agree with me that it is incredibly difficult to enforce types of laws relating to the DNA testing, it is awfully expensive for this process to happen.

645 Would he not agree with me though, that in relation to introducing a criminal offence for those who do not carry disposable bags with them and disinfectant makes it easier for fines to be imposed at the judicial level so that people are dissuaded from letting their dogs urinate and have faeces on our streets. Do you not think it is a better idea to pursue that avenue rather than the very costly DNA process?

650 **Hon. Dr J E Cortes:** Mr Speaker, the DNA process is not as costly as is suggested. This has been factored in to the review of licensing fees so it is not expected to cost the public purse any more than the administering of the licence fees does at the moment because of the increase.

It is not part of the question so I do not have the figures in my head to provide. It is not going to be that expensive and it is aimed so that it should not be. Then obviously if there are fines then some of that is recoverable.

655 Legislating to force people to carry things on them is a possibility. There are those who, maybe the purists, who think that is interfering with personal liberty, why should I be forced to carry certain things, when...it is not the same as carrying an offensive weapon which is the other way round. There are things that are possible but if it can be avoided then I think we should avoid it. Nevertheless, as I have said, it is something we are considering. But we are committed

660 to the DNA fingerprinting, it has made a difference in other areas and we think it can make a difference and will make a difference in Gibraltar.

It does not mean to say that if it does work then we will not consider this suggestion further, I think we will, we have to. I do not think I want to commit myself at this point in time but I am committed to continuing to look at this and other measures.

665

Hon. E J Phillips: Mr Speaker, just one further question arising out of that response and for the avoidance of doubt, the increase in the licensing fee will clearly, if that is what the Minister is saying, cover the entire cost of the DNA entire project. Is that right?

670 **Hon. Dr J E Cortes:** Again, Mr Speaker, I am working from memory now, I do not have the figures. I am happy to share them with him if he writes to me or calls me and I will clearly provide them.

The exercise has been done in such a way as the increase in licensing fees. I believe even without assuming that there will be some fines because we want there to be no fines because therefore it means there has been no fouling – well it would be nice if it meant that – but I think the House knows what I mean – it has been factored in that the increase in licensing fees will cover the cost of the DNA analysis. That is the intention. It is not intended to cost the Taxpayer any more other than the dog owner who happens also to be a Taxpayer.

675

Q505/2016
Animal welfare officers –
Number and function

680 **Clerk:** Question number 505, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, how many animal welfare officers are currently employed and what are their functions?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, there are no animal welfare officers employed in Government.

690

Hon. L F Llamas: Mr Speaker, can I just ask, because I recall having seen an advert for a vacancy at one point, but I may be mistaken. Is it possible that there were animal welfare officers employed and they have been discharged or dismissed somewhere else?

695 **Hon. Dr J E Cortes:** Mr Speaker, I think the advert he is referring to is from a private entity and not from the Government.

The Government does not employ an animal welfare officer. I think the advert, as I say, is from an entity which is private and *not* a Government employee.

Q506-509/2016

**Elderly care establishments –
Admissions policy for respite care**

700

Clerk: Question 506, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, what is the admissions policy for respite care under the elderly care establishments?

705

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

710

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 507 to 509.

Clerk: Question 507, the Hon. L F Llamas.

715

Hon. L F Llamas: Mr Speaker, are the admissions policies in respect of respite care and residential care applied equally across the various Elderly care establishments?

Clerk: Question 508, the Hon. L F Llamas.

720

Hon. L F Llamas: Mr Speaker, since December 2011, have there been any exceptions made to the admissions policy for respite and/or residential care at any of the elderly care establishments?

Clerk: Question 509, the Hon. L F Llamas.

725

Hon. L F Llamas: Mr Speaker, what is the admissions policy for residential care under the elderly care establishments?

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

730

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, there is a one point of access process via Social Services which also determines admission to the elderly residential respite.

735

In order to access respite care, persons must conform to the requirements for admission as residents. Non-emergency respite is available under a number of circumstances, dealt with on a first come first served basis. For example, if the carer is due to undergo surgery or go on vacation etc.

740

Requests for emergency respite are referred to the senior social worker who will assess whether there is a 'substantial' or 'critical' need to allow admission. In particular, a person 'at risk of significant harm' would normally be admitted.

Q510/2016
Dementia Day Care facility –
Update; details on award of contract

Clerk: Question 510, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide an update on the Dementia Day
745 Care Centre Facility and to whom has the contract been awarded?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr
750 Speaker, the contract has not yet been awarded.

Hon. R M Clinton: Mr Speaker, if I can refer the Hon. Minister back to his answer to Question
755 361:

Mr Speaker, we are projecting to open in September... I am confident we should be able to meet the September
target.

Is he now saying that he will not be able to meet that target seeing as he has not awarded a
contract. It would be unfortunate if he cannot seeing that this month is World Alzheimer's
Month, and obviously there is an awareness this Saturday opposite the Cathedral.

760 But coming back to the question is he saying then that he will not be able to open the centre
this month?

Hon. Dr J E Cortes: Mr Speaker, it would be wonderful to open the centre this month to
coincide with the awareness month to which the Government will be contributing and working
765 with the Gibraltar Alzheimer's and Dementia Society in promoting awareness, as we always do.
My colleague, the Hon. Minister responsible for Social Services, and I work together very closely
in all our different departments and agencies in contributing to this. However, we cannot have
opening dates dictated by whoever sets the international diary for special months.

770 If I may assist, I expect the contract to be awarded *very* soon, possibly as early as tomorrow,
and other things are moving regarding the equipping of the centre and so on. And until earlier
today, it seemed likely that we would be opening during the month of September, certainly
some of the facilities that are currently housed elsewhere.

775 However, we had a discussion with the society internally and we want to be absolutely sure
that we are going to be able to provide an improved service. So I am not discounting the
possibility of opening in September, we have plans to open part of the facility in the last week of
September, but I just want to be doubly sure that we will be able to do so, but it is going to
happen very soon after that.

780 Everything is now on track. As I say, we intend to award the contract within days.
Recruitment has already started for the specialist posts including the therapists and so on and
admin staff. The grounds are now being looked after; security is in place and so on so this is now
imminent. But I would rather open a place safely than keep to a particular date because it
happens to be a date on which we need to be aware, or there is an awareness day of it.

785 I think we have to be careful that we do it properly. We will have a wonderful centre there;
we have got a very hard working team getting it ready. It is almost there and hopefully we will
make it in September. If not, it will be sad but I think the final product will be worth the wait.

A Member: Hear, hear.

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

Again, referring back to his answer to the question in June, he made a statement saying:

The process of dealing with expressions of interest is current.

790

Now I ask him, would he be able to advise the House when expressions of interest were actually sent out for the Dementia Day Care Centre?

795

Hon. Dr J E Cortes: No, Mr Speaker, I would need notice of that. These are things that I direct the personnel and I do not have a date with me. I would have to have notice of that and I am very happy to look into it and let the hon. Member know.

800

Hon. R M Clinton: Mr Speaker, the Minister may wish to check with his Department but I actually have documents to suggest the expressions of interest were only sent out earlier this month with a deadline to submit expressions by 12 noon today.

I am sure he must have access to that information and no doubt when he gets back to his Department he will find that out.

805

Hon. Dr J E Cortes: Yes, Mr Speaker. As I say, I am aware that the closing date was today, but the question was asked when did it go out. I have access to the information; I just do not have it here. I can find out but I just do not have the information here.

810

Hon. R M Clinton: Mr Speaker, that is all I needed to know, he has confirmed the date for submission was today, yes?

Hon. Dr J E Cortes: I believe it is. The hon. Member has mentioned it and I think it is because we want to take an early decision and I believe the closing date was today. That is not anything that is a secret or anything. *(Interjection)*

815

Well, Mr Speaker, if the hon. Member has a document and has the answer, I do not know why he has asked me. *(Interjection)*

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Hon. R M Clinton: I shouldn't be asking the question, Mr Speaker, if it is a public document. I would have assumed the Minister would know the answer to a simple question. *(Interjection)*

Hon. Dr J E Cortes: Mr Speaker, if I knew the date that all the directions that I give and all the discussions that I have, are actually actioned by the hard working public servants, then I would have an ever bigger brain than ... **(A Member: Ooh!)** *(Laughter)* I stopped – than the Member opposite! *(Banging on desks and laughter)*

825

A Member: Good recovery!

EDUCATION AND JUSTICE & INTERNATIONAL EXCHANGE OF INFORMATION

Q521/2016

**Hot lunches manifesto commitment –
Cost to the taxpayer**

Clerk: Question 521, the Hon. E J Phillips.

830 **Hon. E J Phillips:** Mr Speaker, can the Government confirm how much their hot lunches manifesto commitment will cost the Taxpayer?

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

835 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, the Government manifesto commitment in relation to hot school lunches is to carry out a full process of consultation with parents, headteachers and their unions so that we can start the provision of hot school meals to all children whose parents agree. As with other manifesto commitments which have no fixed date, this commitment will be fulfilled during this term of office. A final decision will be taken once the consultation process has been completed.

840 It is not in any event envisaged that the provision of hot lunches will result in any significant cost to the Government. Lunches will be paid for by parents who require that their children have hot lunches. We can, however, categorically state that no child in Gibraltar will be denied a hot lunch simply because their parents cannot afford it. There will therefore, be some cost to Government which we do not expect to be significant but this is impossible to quantify at this stage.

845 **Hon. E J Phillips:** Mr Speaker, on 21st September 2015, approaching a year ago, the Chief Minister made an announcement at the inauguration of the University, that there would be an introduction of hot lunches in all Government schools. There was no mention at that inauguration of consultation.

850 What is the position, how long is it going to take? He said that it will be completed in this term of office which almost seems to be their standard pro forma response to every question we ask about their commitments, but it is quite clear there is a commitment to introduce all hot lunches in Government schools, it has been a year on, why the delay, Mr Speaker.

855 **Hon. G H Licudi:** Well, Mr Speaker, the hon. Member either has not understood or has not listened to what I said, or has not wanted to understand or has not wanted to listen to what I have said. Or is it that he has not read the manifesto? I am sure he has if he is the Opposition spokesman on Education; he has read the various pages on our manifesto in which this particular issue is set out. The words that I have read out in relation to the manifesto commitment are precisely what appear in the manifesto.

860 Now, the hon. Member talks of a standard response. The hon. Member should know by now, because we have said it so many times, that when we have a manifesto commitment that has not got a fixed date, we will deal with that commitment and we will fulfil that commitment during this term of office. Is it clear enough? During this term of office, that is our commitment.

865 **Hon. E J Phillips:** Can the Minister then confirm, at what stage the consultation process has currently reached?

870 **Hon. G H Licudi:** Mr Speaker, we are currently preparing for the consultation process.

Hon. Ms M D Hassan Nahon: Mr Speaker, I remember I asked the same question about four or five months ago and I was told that the consultation was ongoing. Apparently now it is being prepared to be consulted. Where are we at exactly?

875 **Hon. G H Licudi:** Well, Mr Speaker, if the hon. Member is going to talk about what we said four or five months ago, I would expect the hon. Member to come with *Hansard* and say, this is exactly what you said. If the hon. Member is going to refer to public records and suggest to us that we have said one thing at one stage and something else is being said now, then I would

expect the hon. Member to come with *Hansard*. Unless the hon. Member produces *Hansard* to us, I cannot say what it was that was said four months ago, perhaps the hon. Member has it.

885 **Hon. Ms M D Hassan Nahon:** Excuse me; one thing is for me to say that from now on there is a third party here or an independent Member. So please, when you come back with your answers, do not refer back to twenty years and making the other side defend their record because there are people here who do not have to defend their record and it is only fair that we should be given straight answers.

890 But another thing is for you to use that comeback for now when I am discussing something that only four months ago was told back to me in a question which I passionately asked. I will say why, because last year I put out a broadcast because it had been an idea that I had had, alongside with many other mothers about hot lunches.

895 And then the Chief Minister, when three months later, in the University opening hailed this concept as his idea, so I was very curious to see how far they had got with it and the hon. Member told me they were already in consultation.

900 And yes, I am not talking about going back 20 years, but I do remember that four months ago a different answer was given. If he would like me to send him a copy of *Hansard* I will do that, but it has only been four months and I had received a different answer to the one he has just supplied to the hon. Member and I think it is only fair to point it out.

905 **Hon. G H Licudi:** Mr Speaker, this has nothing to do with 20 years and I do not know where the hon. Lady gets that idea from (*Interjection by Hon. Ms M D Hassan Nahon*) what did I say about 20 years ago? (*Interjection by Hon. Ms M D Hassan Nahon*) This is nothing to do with 20 years ago or the record of the GSD whilst in office. That is totally irrelevant, I have not referred to that at all today. Where have I said it? (*Interjection by Hon. Ms M D Hassan Nahon*) may I ask Mr Speaker where I have referred to 20 years ago in the answer that I gave the hon. Member.

Mr Speaker: I did in my first statement I made earlier today.

910 **Hon. G H Licudi:** Yes, Mr Speaker, but not me five minutes ago, as the hon. Member seems to suggest. If the Hon. Member is suggesting that I said something five minutes ago which is not correct, she is also suggesting that I said something four months ago which I cannot recall. So the hon. Member may or may not be right as to what I have said but if she is suggesting, and she is accusing me of giving now a different answer to what I said four months ago, the very least I would expect from the hon. Member is to come with a paper, a clear paper, *Hansard* and say this is what you said and then I will be able to answer.

920 **Hon. Ms M D Hassan Nahon:** The question was not mine, Mr Speaker. I was just remembering, and I did not realise it was a flaw to have a memory of four months plus here and all I was referring to was that a few moments ago the hon. Member was accusing me of hitting back at something when previously I had said let us not talk about the past and I am saying that four months ago is not the past and he has provided a different answer.

925 But the bottom line is he should know better than anyone if there has been a consultation process started or not. I do not know why we are going round in circles, it is pretty simple. Has the consultation started or has it not? Because four months ago apparently it had.

930 **Mr Speaker:** If a question has been on the Order Paper four months ago and a substantive answer will have been provided, that is certainly available it is on the record already. But if it was as a result of a supplementary question, the *Hansard* may not yet be in the possession of hon. Members.

A Member: Yes, it is.

Mr Speaker: It is? Well then the answer is to look at it and have chapter and verse.

935 **Hon. G H Licudi:** Yes, Mr Speaker. And we have looked at it now and we do have chapter and
verse and the hon. Lady is completely wrong. How on earth can the hon. Lady come to this
House and start accusing Members of the Government of giving a different answer now to what
was given four months ago without even doing her homework, without checking what was said.
940 And only two seconds ago she has said a different answer was given because we had said that
we had started the consultation and that now we had said we are planning the consultation.

Well let me read to the hon. Lady exactly what we said given that she has not done her
homework and she has not come to this Parliament prepared. But she has come prepared to
accuse Government Members of misleading this House. Let me read to the hon. Member exactly
what I said four months ago or in February or whenever it was:

945 A full process of consultation with parents, head teachers and their unions, will take place so that we can start the
provision of hot school meals to all children whose parents agree.
Government is in the process of planning such a consultation exercise with all the necessary stakeholders.

That is what we said four months ago, and that is what I have said today. There is absolutely
no difference and I expect an apology from the hon. Member.

950 **Hon. Ms M D Hassan Nahon:** So the planning is still ongoing to start the consultation. So it
has been seven months that you have been planning, yes?

Hon. G H Licudi: Yes, Mr Speaker. The planning is ongoing and we did not say four months
ago that we had started as the hon. Member has suggested. *(Interjections)*

955 **Hon. Ms M D Hassan Nahon:** Thank you, I was about to apologise –

Hon. G H Licudi: Yes, well, do not, but get your facts right before you get up.

960 **Mr Speaker:** Order!

Q522/2016
Westside Girls' Comprehensive School –
No plans to move location

Clerk: Question 522, the Hon. E J Phillips.

965 **Hon. E J Phillips:** Now, for something completely different. *(Laughter) (Interjection by Hon. G*
H Licudi)

Mr Speaker: No, listen. I understand Spanish and I do not wish to hear any words of that
nature. I said 'order' and I expect the Hon. Minister to calm down.

Next question.

970 **Hon. E J Phillips:** Can the Government confirm that there are no arrangements to move
Westside Girls' Comprehensive School from its current location?

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

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, there are no arrangements in place, nor is it envisaged that there will be, to move Westside Comprehensive School from its current location.

**Q523/2016
A/AS Levels –
Inequality in delivery**

980 **Clerk:** Question 523, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, how does the Government intend to address the inequality that exists in relation to the delivery of specific A/AS Levels?

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

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, no inequality exists in relation to the delivery of specific AS and A Level subjects. I can confirm that any student wishing to undertake an existing A/AS Level combination offered at any of the secondary schools, can do so.

As I explained in answer to Question 99/2016 and I quote, Mr Speaker:

995 It is the Government's policy that all students, irrespective of whether they are a boy or a girl, should have access to all subjects which are offered at A-level, irrespective of whether that subject is offered only at Bayside or only at Westside. This is of course subject to timetable constraints and the student satisfying the subject's entry criteria, in the same way as would apply, for example, to a Bayside student choosing subjects which are offered at Bayside.

1000 Although some strides have already been made in the implementation of this policy – for example, we have girls this year doing Further Mathematics and Sociology at Bayside; there has not been a formal structure in place to make sure that the choice of all subjects is available to all students. Such a formal structure will be in place as from September 2016. This will mean that, subject to the constraints that I have already mentioned, all students will be offered a full choice of subjects which are available at both Bayside and Westside.

1005 The result of certain choices could mean that a number of boys could become Westside students and a number of girls could become Bayside students. As an example, a girl wishing to do Sociology, French and Spanish can do so at Bayside and a boy wishing to do Economics, Physics and Maths can do so at Westside.

The effect of the Government's policy is that no student will in the future be denied the opportunity of opting for a particular subject at A-level solely because that subject is not available in the school which they are due to attend. Students will in the future have a full choice of all subjects offered at A-level across both secondary schools.

1010 Mr Speaker, I mentioned in my answer, which I have just read to Question 99/2016, the need for the student to satisfy the subject's entry criteria. In this regard, I would mention specifically that Design Technology is subject to a requirement of at least a Grade C at GCSE in Design Technology. Given that Design Technology is only available at GCSE level at Bayside, then only Bayside students are clearly able to satisfy that entry requirement.

1015 But other than in this respect, I can confirm that the structure which I explained in answer to Question 99/2016 which we envisaged was indeed put in place for the purpose of the options chosen by students for study as from September 2016. All students were in fact given a consolidated list of all subjects available in three schools from which they could choose. In fact I can say that some students have chosen some subjects which are available in one school and other students have chosen subjects which are available in the other schools.

1020 So that structure is now formally in place and as far as we are concerned, there is no inequality.

Q524/2016
Institute of Professional Development –
Student enrolments

Clerk: Question 524, the Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government confirm how many students have enrolled at the Institute of Professional Development, specifically in relation to the Government's Second Chance Initiative.

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

1035

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the Institute of Professional Development is part of the University of Gibraltar. As such, any questions relating to the Institute should be directed to the University.

It should, however, be noted that the establishment of the University, including the Institute of Professional Development, was a Government initiative to provide opportunities for second chance learning in the form of part-time degrees and other courses.

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As explained in the manifesto for the 2015 elections, this allows those who might not have been able to go to study previously or those who have but want to continue with their education to do so in a first class setting.

1045

Furthermore, the Government has also fully committed to a second chance initiative in other ways. It continues to support discretionary awards both for study abroad and through distance learning. The Gibraltar College also prides itself in offering young people a second chance. As an example, a student may typically enrol to retake Mathematics and English at GCSE and combine this with an A-level such as Spanish.

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Finally, it must not be forgotten that this Government set up a GCSE repeat year at Bayside, in line with what Westside School was already offering. As such, students who perhaps have not done as well as expected are able to try again, safe in the knowledge that they will be guided and supported.

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Hon. E J Phillips: Thank you for that long explanation to the question. So the Government cannot give me an answer in relation to the enrolment numbers? Just to clarify that position because obviously you have accused me of not reading questions properly, or at least listening to you. What I am trying to explain, what I would like, is an answer in relation to the enrolment numbers, but what you are saying is that the University can provide me with that figure because Government is not prepared to do that, correct?

Thank you.

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Hon. G H Licudi: Government does not have that information; it is the University that has that information.

Q525/2016
HM Prison, Windmill Hill –
Drugs testing arrangements

Clerk: Question 525, the Hon. E J Phillips.

1065 **Hon. E J Phillips:** Can the Government confirm what arrangements are in place for drugs testing for inmates at HM Prison, Windmill Hill?

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

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Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the Gibraltar Prison Service provides a voluntary drug testing system for inmates at HM Prison, Windmill Hill. The aim is to encourage rehabilitation, wellness and good conduct. Inmates are offered the possibility to enter into a 'compact contract' whereby extra privileges and enhanced conditions are offered through good behaviour and industry and a clear commitment to remain drug free.

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Details of the scheme were given by me in answer to Question 77/2014. As I explained at the time, this has a very positive effect on numerous prisoners, especially those serving a longer sentence, who have come to realise that life without drugs enhances their relationships with their family and put themselves in a position where they can receive proper help to succeed on the outside.

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I would also highlight, Mr Speaker, section 61 of the Prison Act 2011 which allows a drug testing requirement to be imposed on inmates who are released on parole. This is achieved by including this as a condition in the parole licence. The licence may include such a condition where a probation officer is of the opinion that the offender has a propensity to misuse any controlled drug and the misuse by any offender of any controlled drug caused or contributed to any offence of which he was convicted, or is likely to cause or contribute to the commission of further offences.

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Procedural and practical arrangements are in place for oral, saliva and urine drug testing to be carried out in respect of any person who may have such a condition included in his or her parole licence.

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Hon. E J Phillips: Just one question in relation to the section 61 Drugs Test. How is that carried out? Is it carried out at the Prison or other locations in Gibraltar?

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Hon. G H Licudi: Mr Speaker, offhand I cannot recall. It is carried out under the arrangement of the probation officer, because it is a condition of the licence and therefore the parolee is in contact with the probation officer in respect of all conditions and any requirements.

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My recollection is that the Prison Superintendent was reluctant to have this carried out at the Prison itself because once inmates are released and part of the rehabilitation process is that things happen on the outside, so my recollection is that this does not happen at the Prison at all but by arrangements with the probation officer through a private provider of these tests.

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

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These were amendments in fact that I introduced when I was sitting opposite, undertaking the role that the hon. Gentleman now discharges, in 2009 I think it was. Indeed, the hon. Member has left out of the equation, mandatory drugs testing which is now possible at the Prison itself.

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But my question is, there are three strands. There is voluntary drugs testing, mandatory drugs testing at the prison and then the third strand, as the hon. Gentleman rightly pointed out, is drugs testing as part of a condition of the parole licence. Now my understanding – and my question relates to the latter – is that in fact there have not been any conditions imposed on anyone in relation to drugs testing as part of their parole licence and I wonder whether the hon. Gentleman has information in relation to that. And if I am correct in my information, then why not, because of course for all the reasons that the hon. Gentleman has elaborated in his answer

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to my learned and hon. Friend, it is a very worthwhile provision, section 61 and it is a shame that we are not invoking it in order to make sure that people remain clean.

1120 **Hon. G H Licudi:** Mr Speaker, I agree entirely that section 61 is certainly a very worthwhile provision and it is the reason why this is something that I personally took up.

The hon. Member is correct that there was not previously the possibility; the practical arrangements were not in place for this drug testing to happen. We have been in contact with the GHA, there were some issues with the calibration and the machine that was required and the training that was required to do this.

1125 What I have explained in the answer is that we have now made all the necessary practical arrangements for these tests to be carried out. This is something that has been raised with me and I have discussed personally with the Chairman of the Parole Board, who was himself keen on these practical arrangements being in place so that whenever the Parole Board felt that it was desirable and necessary to include, subject to the requirements of the Act as set out in section
1130 61, which is the view of the probation officer etc., whenever that is desirable or necessary, the Parole Board felt that it should have the ability.

What I can confirm is that we have now made all the necessary practical arrangements. To the best of my recollection, there has not yet been a section 61 condition applied to any of the licences, but the possibility which did not exist before but as a result of making these
1135 arrangements which we now have, and putting the structure in place for the probation officer to be able to administer this condition, the Parole Board has this, simply as a power. It has this in its armoury should it consider that in the appropriate case it wishes to impose this condition as a condition of the parole licence.

1140 So the hon. Member is correct, it has not happened until now. Now the arrangements are in place and the power exists and the power can now be implemented by the Parole Board.

Hon. D A Feetham: Mr Speaker, but can I ask the hon. Gentleman, because of course that was my understanding and it came as a surprise to me that there had not been any conditions of parole imposed on anybody using section 61, bearing in mind that it was introduced so long ago.
1145 And my question is why has it taken so long for the arrangements to be put in place?

It may well be that the matter has only come very recently to the attention of the hon. Gentleman, I mean sometimes these things operate in that particular way. I remember – for example, trying to be helpful – a year and a half ago where I received a communication from some prison officers who were telling me, ‘But we do not have this power’, and my response
1150 was, well actually the power is there because we amended the law late last decade in order to give you the power.

But as far as the Minister understands it, why has it taken this long in order to place those arrangements to make effective what is a *very*, very important provision in our legislation?

1155 **Hon. G H Licudi:** Mr Speaker, it certainly is not because this has only recently been brought to our attention. It certainly has been raised with me, when I say recently, in the last months by the present Chairman of the Parole Board.

I did explain briefly earlier that there were some issues with the machine at the GHA and the ability of the GHA to be able to cope with these tests. And as a result of the passage of time, I
1160 came to the conclusion that we should make arrangements with private providers so that these tests could be done. So there came a time when I said well let’s go ahead anyway and let’s make arrangements through the probation officer with private providers and those arrangements have now come to fruition and are now in place.

1165 But this is something that I have been dealing with for quite a while.

Hon. D A Feetham: And in terms, Mr Speaker of mandatory drugs testing, which did not form part of the answer, but clearly is encompassed within the scope of the question because the question is not limited to either voluntary or mandatory, it says what arrangements.

1170 Does the hon. Gentleman know whether there have been mandatory drugs testing in positions, if I can call it that, or directions by the Superintendent at the Prison in order to effectively force inmates to undertake this test, where there is obviously reasonable grounds.

Hon. G H Licudi: Mr Speaker, I acknowledge that the question talks of arrangements and that there is provision in the Act for mandatory testing within the Prison. It is not an oversight in the answer; the answer has given the arrangements that actually are in place.

1175 Arrangements for mandatory drug testing have not been in place because the statutory provisions are that it is for the Prison Superintendent to issue a notice empowering officers to issue this mandatory drug testing. When I enquired about this last week, the information I got was that no notice had in fact been given; therefore there have been no such arrangements.

1180 And the reason for that, according to the advice that I have received, is that the Prison Superintendent has preferred to go down the voluntary scheme route, which he feels has been working quite well, rather than imposing the mandatory requirement. But as a result of the questions and the enquiries I made last week, I know that the Prison Superintendent was in the process of drafting some sort of notice so that in the future this power that exists under the Act, can actually be implemented. So those arrangements have not been in place until now, the power is going to exist going forward, whether the power is used or not is a matter for the Prison Superintendent and the Prison authorities, rather than for the Government.

1185 But the present thinking is that the scheme, which is a voluntary drug testing scheme coupled with privileges or loss of privileges, seems to be working well and the Prison authorities seem to prefer to continue down that route for the moment.

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Q526/2016
Legal Assistance Bill –
Update on progress

Clerk: Question 526, the Hon. E J Phillips.

1195 **Hon. E J Phillips:** Can the Government update this House on the progress of the Legal Assistance Bill?

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

1200 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, the position remains as explained in answer to Question 401/2016.

Hon. E J Phillips: I take it from that answer that the process of consultation with the Bar Counsel is continuing. Is the Minister sited on how and when this is going to be concluded?

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Hon. G H Licudi: Mr Speaker, when I said the position remains as set out in answer to Question 401, the position is exactly as I set out in answer to 401/2016 which is that we have embarked on a process of consultation, we prepared a consultation paper for the purposes of that internal consultation, we provided that consultation paper to the Bar Counsel and we are awaiting the comments of the Bar Counsel on that process.

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What the hon. Member will be aware of, and I seem to recall that I did briefly touch upon this in supplementaries to the previous question, is that we were also engaged in a parallel process of consultation with the Bar Counsel in relation to the Legal Services Bill. I seem to recall that I gave some information on that.

1215 That process is coming to a conclusion because we issued the consultation paper, we issued the draft Bill and I seem to recall it was the 21st September, yes, that process comes to an end on 21st September which is the closing date for that consultation process, and I would expect that once that comes to an end and we deal with the issue of the Legal Services Bill, that some focus will come back to this. Because there has been these parallel consultation processes, that
1220 may have been the reason for the delay. But as far as we are concerned we embarked on that process of consultation and we are awaiting feedback from the Bar Counsel.

Hon. E J Phillips: You see the difficulty, Mr Speaker, is that even more and more people are unable to access our justice system because of the low thresholds and can the Minister give any
1225 reassurance to those people who may be watching or at least listening to the question and answer session, that the Government will expedite this. Because for people that need to access our justice system for claims, particularly in those family situations where you have single mothers with children who are trying to work and have a number of jobs that do not fall within the threshold, can the Government give any assurance to those people?

1230 **Hon. G H Licudi:** Mr Speaker, I am just trying to find in the exchange we had in answer to Question 401/2016, whether we did give any kind of indication as to timing. Certainly from our point of view, we want to proceed with this as quickly as possible. There is no reason in principle or as a matter of policy, why the Government is either holding back or not progressing this as it
1235 should be.

As far as we are concerned, this is an issue that we want to resolve as soon as possible.

Hon. D A Feetham: Mr Speaker, may I? Thank you very much.
1240 Obviously with legal assistance in the UK, legal aid here, legal assistance for civil, legal aid for criminal cases – there is always going to be a balancing exercise. I mean the State is effectively spending an awful lot of money in order to increase access to justice for the citizen.

In the United Kingdom there has been a considerable debate about this and there has been a decision to focus legal aid, as it's their call generically, in certain areas. So there has been a
1245 removal of legal aid from, for example, personal injury cases and those resources have been put into other areas. And with personal injury there has been an attempt to replace the funding of personal injury with other funding arrangements: conditional fee agreements, no win no fee, that kind of arrangement, that sort of arrangement, although that has also historically developed quite quickly in the United Kingdom.

1250 Is the thinking of the Government to undertake reforms of that sort? In other words, to focus public funding into areas which the Government believes it is justified, criminal law for example, perhaps even family law, away from other areas where it might be easier to obtain alternative funding arrangements.

1255 **Hon. G H Licudi:** Mr Speaker, I do not want to pre-empt the outcome of a consultation exercise that we are currently embarked on, but clearly the issues that the hon. Member has raised are very much part of what is currently being considered.

There is a long list, in fact, of areas where legal assistance, legal aid in the UK, is not available and the hon. Member is right to differentiate between legal assistance and legal aid. Legal aid in
1260 Gibraltar we apply to criminal cases that has been the subject of reform already with re-published rates and therefore as far as we are concerned, the legal aid system on criminal cases

is what it is now, because that has been agreed with the Bar Counsel and the new rates published.

1265 We are just talking in terms of the consultation exercise so as not to confuse issues with the civil side of assistance, of public assistance in legal cases. And there is a long list in the UK where legal assistance is simply not possible, including for example, consumer and contractual disputes, personal injury or death which the hon. Member has alluded to, tort and other general cases, company and partnership laws and including even, private family law. That is excluded from the provisions of legal aid or legal assistance in the UK except where there is evidence of domestic violence or child abuse. So other than those very narrow areas of a case of child abuse or domestic violence, private family law cases are completely excluded from legal assistance.

1270 Now we know in Gibraltar a lot of work is done on legal assistance in relation to private family assistance and it is not the Government's thinking, at this stage, to remove that from legal assistance. But that is an area as an example, of what is excluded in the UK.

1275 So that is very much part and parcel of the mix of everything that is in the melting pot for discussion as to the ambit and the scope of legal assistance in the future. But an important aspect of the work will also be the extent to which there are alternative avenues of funding available and the hon. Member talks of conditional fee agreements, no win no fee agreements.

1280 Certainly something that we would like to see at the end of this process is the Registrar of the Supreme Court, who will be the one who considers applications, to have some sort of duty to consider what alternative funding might be available in those cases. Because I believe we would all agree that public funds should be available, especially where there are limited public funds in any area that there will be budgets, should be available to those that are deserving cases and those that are needing cases. If there are alternatives to public funds being made available and that person is still having access to justice, then that is an avenue which we should certainly encourage and I hope that we will be at one with the Opposition on that.

1285 So again, that is an area – and the hon. Member is right – which has very much been part of the consultation exercise, including the scope of legal assistance. But, as I said, I do not want to give much away because there is not much to give away because at the moment we are involved in an exercise of looking at all these things, putting them all in the mix and coming up with the best solution as to the improvements that are necessary to the system in Gibraltar for court users.

Hon. E J Phillips: Just one further question on the alternatives to funding.

1295 Has the Government looked at – and this is just piggy-backs on what you said about funding – litigation funding as a potential option? Maybe the Minister for Financial Services might be able to make this House aware of how many funds or litigation funds have been set up in Gibraltar to assist in that process. Is it any angle that the Government has been looking at to alleviate the burden on the public purse?

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Hon. G H Licudi: Not to my recollection. I certainly do not recall that issue having been raised but it maybe something that might be useful to consider as part of this process.

1305 **Hon. D A Feetham:** Mr Speaker, in relation to lessons that have been learned on the legal aid side, it is not the Government's intention, is it – bearing in mind the experiences of the *Marrache* case and the expenditure that has been incurred by the Taxpayer in relation to that, £10 million in total – to amend the law in order to allow enhanced recoverability in serious and complex crime in other areas, in other areas, non-fraud, other areas and indeed in fraud? Because I think the Government reversed its original amendments in relation to fraud, it reversed.

1310

So what is the intention of the Government going forward bearing in mind the experiences in the past?

1315 **Hon. G H Licudi:** Mr Speaker, I do not have the full details of that because the question was on legal assistance and therefore I have got some information, some papers on the civil side. So this is just from memory.

1320 We were not able to fully implement the legal aid reform until the end of that particular case because of the affect that that litigation was having on legal aid generally. And I do recall the hon. Member asking me at some stage in a previous session, whether we agreed that there could be serious and complex cases other than fraud and I believe – I stand to be corrected – I agreed that that was the case.

1325 Logic tells me that if I agreed with that and we did a reform after I agreed with that, although I do stand to be corrected on this one, logic tells me that we would have included that in the reform that we did in the legal aid provision.

1330 As far as we are concerned, the reform on legal aid has happened and there is nothing pending to look at. If the hon. Member wants to look at that particular point and see whether we have actually missed something which we may have indicated previously that we had agreed with, but my recollection is that we dealt with that specific point in the regulations that we published after the hon. Member asked that question. If I am wrong, I am happy to look at it again.

Mr Speaker: Any more questions?

1335 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move therefore that the House do now adjourn until Thursday of next week at 3.00 pm.

Mr Speaker: At?

Hon. Chief Minister: Thursday at 3.00 p.m.

Birthday wishes to the Hon. Roy Clinton

1340 **Mr Speaker:** Before we adjourn may I take the opportunity on behalf of all Members and the Clerk, to wish the Hon. Roy Clinton a very happy birthday. (*Banging on desks*)

1345 **Hon. Chief Minister:** Mr Speaker, I was not aware of this happy event. (*Laughter*) May I wish the hon. Gentleman, on behalf of the Government benches in particular, a very happy birthday and say that perhaps we should choose today as the day to have that drink that he and I corresponded about.

1350 **Mr Speaker:** The House will now adjourn until next Thursday at 3.00 p.m.

The House adjourned at 4.45 p.m.