



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.45 p.m. – 9.06 p.m.

Gibraltar, Thursday, 24th November 2016

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The Gibraltar Parliament

The Parliament met at 3.45 p.m.

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

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

Questions for Oral Answer

Procedural –

Q822/2016 supplementary question to be taken later in sitting

10 **Mr Speaker:** I understand that, due to the rather rapid exodus before lunch, the hon. Lady was not able to ask a supplementary that she would have liked to ask, given that Question 822 was hers. The Hon. Marlene Hassan.

15 **Chief Minister (Hon. F R Picardo):** I understand that the supplementary is to Minister Bossano who is not here, so what I agreed with the Clerk would be sensible, if the hon. Lady agrees, is that when he is here she takes her question or perhaps at the end of my questions when I explain –

Mr Speaker: She could ask the question – pass it on to the Hon. Mr Bossano and then the answer can come back. He does not have to attend.

20 **Hon. Chief Minister:** No, but as it is in the nature of a supplementary rather than – (**Mr Speaker:** It is a supplementary.) Because the hon. Lady may wish to ask something else arising from that, I have no difficulty with giving way, when Mr Bossano comes in, after whichever question I am on and allowing her to put a question, if she wishes.

25 **Mr Speaker:** This is a supplementary arising from Question 822. The Hon. M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Sorry, did we not just agree that I would be coming back to that when the hon. Member comes back to the House? Thank you.

CHIEF MINISTER

Q824/2016

Mobile telephones –

Posts held where bills paid by the taxpayer; cost

Acting Clerk: We continue with the questions and we continue with Question 824. The Hon. L F Llamas.

30 **Hon. L F Llamas:** Mr Speaker, can the Government provide a full list of detailed posts which have mobile telephone bills paid directly or indirectly by the taxpayer, together with the bill accrued as at the end of each financial year ending 31st March for each of the financial years 2012, 2013, 2014, 2015, 2016 and the current financial year?

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

35 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the information requested is too voluminous to provide within the timeframe available, and neither does the Government consider it appropriate or reasonable to provide every single officer's phone bill.

Q825-826/2016

Bluewater and Coaling Island projects, Rooke development, Bob Peliza Mews and Hassan Centenary Terraces – Update on contracts

Acting Clerk: Question 825. The Hon. R M Clinton.

40 **Hon. R M Clinton:** Mr Speaker, can the Government advise the current status in respect of contract negotiations for the Bluewater project, the Coaling Island project and the Rooke development?

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

45 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this questions together with Question 826.

Acting Clerk: Question 826. The Hon. R M Clinton.

50 **Hon. R M Clinton:** Mr Speaker, has the Government signed contracts for the construction of Bob Peliza Mews and Hassan Centenary Terraces?

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

55 **Hon. Chief Minister:** Mr Speaker, the answer remains as set out in answers to Questions 691 and 693/2016.

60 **Hon. R M Clinton:** Mr Speaker, Question 691/2016 basically says the position remains as set out in Question 435/2016, and in answer to Question 435/2016, in which I asked about the Bluewater project, the Coaling Island project, reclamation projects and the Rooke development, the answer was:

Negotiations on these projects are currently ongoing and are at an advanced stage.

Mr Speaker, in today's *New People*, my favourite publication, it says:

Although finalisation of the agreement to develop the Bluewater project is taking longer than expected, the Government is confident it will be signed soon.

65 I would be grateful if the Chief Minister could indicate whether he is indeed confident that the Bluewater project will be signed soon, and could he perhaps put a timeframe on what he

thinks 'soon' might be, given that when I first asked about this project, earlier in January, he was reaching a climax.

70 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

Hon. R M Clinton: Well, Mr Speaker, obviously we are no further.

75 If I can move on to Question 826, he again refers back to the answer he gave to Question 693, which in turn referred back to Questions 534 and 535/2016 – and basically that was in respect of Bob Peliza Mews and Hassan Centenary Terraces – and he answered then:

These projects are still progressing as planned and the Government expects construction to commence soon.

Mr Speaker, I would ask the Chief Minister to advise the House, and especially the people who sent in expressions of interest, what he means by 'commencing soon'. Is that going to be before Christmas?

80 **Hon. Chief Minister:** Mr Speaker, the answers I am referring to, in case the hon. Gentleman has not looked at them, are answers I gave him in the last House. There is a rule that you do not ask the same question within six months. Mr Speaker has generously allowed these questions to be put, despite that. The hon. Gentleman is going to get the same answer if he asks me again next month, if he feels he has to, because in the interim he might see an announcement from
85 the Government in the media when we are ready to make an announcement in respect of these matters. So I would say to the hon. Gentleman that he is going to hear with the rest of Gibraltar when we are ready to make an announcement in respect of both the East Side reclamation proceeding and the Sir Joshua Hassan and Bob Peliza Mews projects commencing. He need not ask me every month the same question. It is outside the bounds of the rules and he is going to
90 get the same answer.

Hon. R M Clinton: Mr Speaker, I would obviously bow to any ruling that you gave, but I always thought that –

95 **Mr Speaker:** It is not a ruling that I gave.

Hon. R M Clinton: No, Mr Speaker, I have not finished.

Mr Speaker: It is not a ruling that I gave.

100 **Hon. R M Clinton:** No, I know. I have not finished.

Mr Speaker: It is a Standing Order of the House that you do not ask the same question within a period of six months.

105 **Hon. R M Clinton:** I accept that, Mr Speaker. But I also understand that you can ask for updates on positions, and that is not the same question but obviously I will abide by any ruling.

110 **Mr Speaker:** Sometimes what happens, because we are all human, is that a spate of questions arrive and it is a matter of grave urgency. Initially, the Clerk will have a look at the questions, and if he has any doubt about any of them he refers them to me. Obviously, sometimes they get through the net. The Clerk may be under pressure or I can be under pressure and we may not realise that pretty well the same question has been asked before.

115 In fairness, I tend to be liberal where the information that is being requested changes over a period of time. If the question that is being asked is of a statistical nature, then I tend to allow it and the Clerk has instruction to allow it because the answer is going to be different, but where it is the same subject matter then that question should not be asked within a period of six months.

120 **Hon. R M Clinton:** Well, Mr Speaker, I will obviously abide by your ruling, but I must say that the people of Gibraltar are asking me constantly when these projects are going to start and they expect me to ask these questions.

125 **Mr Speaker:** Yes, but the people of Gibraltar do not make the rules you see; the rules are made by Parliament and the people of Gibraltar are not Members of Parliament. Only 17 from amongst the people of Gibraltar are Members of Parliament.

130 **Hon. Chief Minister:** Mr Speaker, it is in fact exactly a year ago today that the people of Gibraltar were given the option of either pursuing the course for the future of our nation that hon. Members proposed in a short pamphlet or that which we proposed, and by a margin of seven out of 10 they determined, on the last Thursday of November 2015, that we should proceed with our projects for the East Side and our projects for Sir Joshua Hassan Terraces and Bob Peliza Mews in the lifetime of this Parliament, and that is what we will do, Mr Speaker. And when we do, we will make an announcement as we are ready to explain what progress has been made in respect of each. That is going to continue to be the position however much we may be asked, because the people of Gibraltar stop me in the street too and they tell me what a fantastic job we are doing. They encourage me to continue not to be deterred by the repeated questioning that they think puts us off our job. They are supportive of the work we are doing on the East Side, on housing, on health and on every other matter.

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

Mr Speaker: If I may, I am going to take the opportunity to explain to the House what views I have always had as a Member of this House, and which I continue to have as Speaker.

145 Firstly, five working days is insufficient. I have always taken that view. Whether I was on the Government side or sitting in opposition, I have always considered that five working days' notice is insufficient where questions are concerned – more time is required. I have always advocated that it should be seven working days. That is a view that I formed in the 1970s. Forty years on, the position remains the same, so you take it or leave it.

150 **Hon. Chief Minister:** Mr Speaker, if I might be of assistance, hon. Members now have the advantage that they know there is going to be a meeting every month unless we agree that there is not going to be, as we have had at the early part of this year. They know they can put questions every month and they can deposit the questions with the House as soon as they know what they want to ask.

155 The notice that is issued by the Government of convening the meeting tells them when the deadline for questions is, but they can start sending questions at any time. Those questions can be sent from the Parliament to the Government and work can start in preparing answers at any time – and I would encourage them, if they wish to do so, to deposit questions whenever they wish.

160 The House very helpfully allows the Government, of course, to have the questions as they come in. So, if a questioner sends his questions in a minute after the notice, we receive them a minute after the notice and then we have six and a half working days. If it is received on the limit, then we have exactly five days to work on the question. But the Member could now think that there is a question that they might wish to put: they could simply write it up, leave it with the Clerk and it could be put to us, and then we have 20 days to prepare an answer.

165

Mr Speaker: Let me elaborate on that if I may, because I think it is important. Why are five working days insufficient? First of all, the questions go to a civil servant, who is expected to draft an answer for the Minister. The Minister has to see that draft answer. The Minister may be away from Gibraltar at the particular moment. Nowadays, it is possible to contact people, but all the same ... Then, the Chief Minister, at least in my time and probably the practice continues, should have an opportunity – if he so wishes, and he ought to because they are of a political nature – to look at the draft answer in case he considers that an amendment is required.

All that within five days I think is unfair on all concerned. And, may I add – and this is why I insist that I have a word now – it is most unfair on my staff. I know my staff here are working until very very late in the evenings because of the short period of time allowed for questions, and it is not fair.

Hon. Members have an opportunity, if they so want, to change the rules, and it is about time somebody took the initiative and changed the rules and allowed more than five days. That is a straightforward – (*Interjection*) No, he should not just indicate that it is for the Government. It is for the Opposition as well, because the Opposition may not be interested in allowing more than five days, so they have to come forward and say, ‘We consider that five days is not enough: Chief Minister, we invite the Government, with our agreement, to change the rules and to allow more than five days.’

In any case, and this is why the attitude that I adopted when I was Leader of the Opposition for four years ... the rules remained five days but we always in practice gave seven days’ notice. We used to send in the questions beforehand, regardless of the rules, and I commend that attitude as well. You do not have to be bound by the rules. Send the questions in earlier and you are likely to get better answers.

Hon. R M Clinton: Mr Speaker, I honestly do not know what the issue is with five days versus seven days. I was about to stand up and respond to the Chief Minister when you intervened. If there is a logistical issue, I am sure nobody on this side of the House has any problem with resolving it via the Select Committee when that is convened. The Clerk of the House can perhaps advise me when the last adjournment of the last session was, but I believe it was only within seven days’ notice that we had of this session. So, really, in practical terms, we could not have got our questions in any faster than we did on this occasion.

But beside that, Mr Speaker, the reason I am standing up is in response to the Chief Minister. I am grateful to the Chief Minister for his answer, because it is now patently different to the answers that were given differently. I can now go to the people of Gibraltar and say the Chief Minister has confirmed it is within the lifetime of this Parliament.

Thank you, Mr Speaker.

Hon. Chief Minister: Mr Speaker, I do not think that the hon. Gentleman has asked a question, and neither do I think he has read the previous answers that he was given. Neither do I think he has listened to much of what we have said in the lifetime of this Parliament so far. These are manifesto commitments we are committed to delivering in the lifetime of this Parliament. He did not need me to get up to tell him that. This demonstrates, Mr Speaker, that perhaps he is asking every month because he forgets the answers he has been given before. I commend to him that he should read the *Hansard* of the questions that he has asked in months before, before he puts pen to paper next time, however much notice he intends to give us of his questions.

Q827/2016
Tax legislation –
Process and timing for enactment of budget measures

Acting Clerk: Question 827. The Hon. R M Clinton.

215 **Hon. R M Clinton:** Mr Speaker, can the Government please advise the process and timing for the enactment of budget measures into Gibraltar tax legislation?

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

220 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the process for the enactment of budget measures into Gibraltar tax legislation is a two-stage process. First, the measures are administratively implemented with immediate effect as per the date announced in the Budget. Secondly, the legislative amendments involve close liaison with law drafters from the Gibraltar Law Offices, experts from other Government Departments and relevant interested stakeholders. The timing of the legislating of such measures is dependent on the complexities of the subject matter.

Hon. R M Clinton: Mr Speaker, I am grateful for that answer.

230 I wonder if the Chief Minister could advise at what stage and which year we are up to in terms of actual enactment into tax legislation?

Hon. Chief Minister: I think we are complete up to 2014; and in respect of 2015 and 2016, budget measures are in their final stages of drafting and will be published shortly.

Q829/2016
Gibraltar Capital Assets Ltd –
Funding of capital projects

Acting Clerk: We move to Question 829. The Hon. R M Clinton.

235 **Hon. R M Clinton:** Mr Speaker, can the Government please advise to what capital projects does it envisage using part or all of the £300 million loan raised by Gibraltar Capital Assets Ltd and why are these capital projects not being directed via the Improvement and Development Fund, which would be subject to the scrutiny of Parliament?

240 **Acting Clerk:** Answer, the Hon. the Chief Minister.

245 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government will announce what projects it intends to fund via the company structure, a funding methodology introduced by the former GSD administration, as and when it is ready to do so.

Hon. R M Clinton: Mr Speaker, does the Chief Minister consider the Improvement and Development Fund redundant?

250 **Hon. Chief Minister:** No, sir.

Hon. R M Clinton: Mr Speaker, then why is it that capital projects are not being directed through the Improvement and Development Fund?

Hon. Chief Minister: Mr Speaker, this morning we had a masterclass on why we in the Government do not have to answer why; but on this occasion, as on the occasion that the Hon. Joe Bossano explained to the hon. Member how it was that it was the GSD that had mortgaged the Treasury and that therefore the mortgaging of the City Hall was just in replacement of the GSD's mortgage of the Treasury, I will explain to him that it was the GSD that introduced the concept of funding capital projects through the company structure. And as to why, Mr Speaker, I will direct him to the greatest Gibraltarian of all time, who will perhaps be able to indicate to him why it was that he came up with that structure.

Hon. R M Clinton: Mr Speaker, would the Chief Minister confirm that, in the past, the funding of these companies would come via the Improvement and Development Fund?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman knows that that is not the case, because he asked a question this morning to which he got an answer which reminded him that the capitalisation of the company structure has included the raising of a mortgage in the sum of £20 million for investment by the former administration.

Hon. R M Clinton: Mr Speaker, given the quantum of the size of money that the Government has raised, £300 million, does the Chief Minister honestly believe that it is not pertinent for capital projects to be presented to this House for approval?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman does not just seem to want to ask the same written question every six months, he wants to ask the same supplementary every month with a different spin in order to have the same debate. That question has been asked and answered on a number of occasions.

The £300 million investment in Gibraltar demonstrates huge confidence in Gibraltar, even in the light of the Brexit vote. I will put it this way to him, Mr Speaker. He likes to say it is not an investment, it is a loan. He likes to say that this is a liability, not an asset. Well, Mr Speaker, he is somebody who has practised as a banker. Doesn't he realise that if a banker lends you £300 million he has great confidence in you and your ability to repay it?

Hon. R M Clinton: Mr Speaker, would the Chief Minister confirm to this House that it is, in fact, not a single bank that has lent this money to Gibraltar Capital Assets Management, but it is in fact a securitised loan and that various tranches of loans have been bought by various investors, and therefore we are not really talking about the same thing?

Hon. Chief Minister: Mr Speaker, would the hon. Gentleman care to pause for thought and realise that people who lend money apply exactly the same sort of criteria whether they are pension funds or whether they are banks. They look at exactly the same sort of issues as to the ability to repay etc. Therefore, wouldn't he agree with me that this is a huge demonstration of confidence in Gibraltar and of our stewardship of the public finances of Gibraltar? If he does not, Mr Speaker, he does not seem to understand lending and he does not seem to realise why it is that the people of Gibraltar returned us, exactly a year ago today, to office with such a huge majority compared to the paltry number of votes that they gave them.

Hon. R M Clinton: Mr Speaker, it remains to be seen whether in three years' time he will be returned at all, if even with the same majority, (**Several Members:** Ooh!) given that he has mortgaged £300 million worth of housing estates.

Now, Mr Speaker, I put it to him: what bank lends you money on the basis that it is just your own good name, which has happened in the past, and now requires security? Whereas in the past people were happy to lend to the Gibraltar Government with no security, now he has had to hock the Government's housing estates in order to raise this loan.

305 **Hon. Chief Minister:** Mr Speaker, we will indeed learn in three years' time whether we are
returned to office or not. And do you know what, Mr Speaker? We will not take one vote for
granted. I said on the night of the election, the night that we were returned to office by seven
out of 10 votes, that we would not take anybody for granted, that we would ensure that we had
three watchwords for the lifetime of this Parliament: humility, humility, humility. That is exactly
310 how we are ensuring that we retain the confidence of the people of Gibraltar.

But another way that we retain the confidence of the people of Gibraltar is to demonstrate
that the hon. Members opposite just do not know what they are talking about. And you know,
Mr Speaker, in some instances they might be forgiven because some of them – indeed, nay,
most of them, save the Acting Leader of the Opposition, Mr Reyes – have absolutely no political
315 experience whatsoever. They have not been in this House, and therefore I might refer to things
that they know not about, but in his case he has spent the whole of today and most of the
months leading up to today hearing me remind him of the £20 million loan taken by the GSD
Government secured on Government properties. So for him to get up now and say that, before,
they lent on the good name of the Government alone without properties having to be
320 mortgaged and now you have to hock things to have a borrowing is either absolutely careless in
terms of remembering what he was told a moment ago or an attempt, which I will not impute to
him, to mislead the House and those listening.

Hon. R M Clinton: And so, Mr Speaker, I presume, although I do not know if the Chief
325 Minister is willing to confirm this or not, that they actually we repaid that £20 million.

Hon. Chief Minister: Mr Speaker, that is not a supplementary that arises from this question.
The hon. Gentleman just wants to have a rolling debate. If he wants the answer to that, he
should put a question.

Q830/2016

Chief Secretary's salary – Fixed percentages that determine certain salaries

330 **Acting Clerk:** Question 830. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise what are the fixed
percentages of the Chief Secretary's salary that would determine the salaries of each of the
Chief Minister, Financial Secretary, Leader of the Opposition, Speaker, Ministers, Members of
335 Parliament and the Attorney General, and who determines that percentage?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, in line with the resolution of this House dated
340 8th December 1998, the salaries of the Chief Minister, Leader of the Opposition, Ministers and
Members of Parliament, including the Speaker, are increased annually by the same percentage
as the increases from time to time in the established salaries of the offices of the Attorney
General and Financial Secretary.

The salaries of the Financial Secretary and the Attorney General are increased annually by the
345 same percentage that is awarded to civil servants in the annual pay reviews. The last increase
was 2.7% in line with the August 2016 pay review.

Since the representations made by the Principal Auditor, the salary of the Principal Auditor
and the Chief Secretary were made identical and the relativity with the salary of the other
officers no longer exists.

350 **Hon. R M Clinton:** Mr Speaker, I am grateful for the answer to that question.
May I remind the Chief Minister that I have a letter in on the increase in salary for the
Financial Secretary and I would be grateful of an answer in due course.

Hon. Chief Minister: I think it is in respect of the Chief Secretary, but yes, he will have an
355 answer to that as soon as I am able to.

Q831/2016
Financial Secretary –
Expiry of contract and recruitment of replacement

Acting Clerk: Question 831. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise when the Financial Secretary's
contract expires and what steps are being taken to recruit and train his replacement?
360

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

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, I am afraid that whilst he is a Member of
this House he cannot apply, but the Financial Secretary was appointed in September 2014 on the
365 basis of an initial term of three years.

With regard to the steps being taken to recruit and train for a replacement, the Government
will, in the first instance, be inviting applications for suitable candidates for the post of Assistant
Financial Secretary.

The post will, however, remain one directly appointed by the Chief Minister and there are not
370 to be any expectations that anybody would be entitled to be appointed as Financial Secretary
because they had been Assistant Financial Secretary.

Hon. R M Clinton: Mr Speaker, I am grateful for that response.
If I could just clarify: the advertising will be external to the Civil Service, or both?
375

Hon. Chief Minister: Mr Speaker, I think that the intention is that it should initially be internal
to the Civil Service.

Q832-838/2016
Public Service –
Vacancies; recruitment; allowances to union convenors; acting posts; retirements during
temporary promotion; subcontracted workers; recruitment consultants

Acting Clerk: Question 832. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

380 **Hon. R M Clinton:** Mr Speaker, further to Question 267/2016 can the Government provide an
updated list, together with additional detailed information such as grade, post and Department
for each vacant post?

Acting Clerk: Answer, the Hon. the Chief Minister.
385

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer the question together with Questions 833 to 838.

Acting Clerk: Question 833. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

390

Hon. R M Clinton: Mr Speaker, further to Question 268/2016, can the Government provide an update as to the external recruitment of administrative assistants in the public sector?

Acting Clerk: Question 834. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

395

Hon. R M Clinton: Mr Speaker, further to the answer to Question 445/2016, can the Government now disclose the allowances given to union convenors, detailing the name of the convenor, the value of the allowance and the union they represent?

Acting Clerk: Question 835. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

400

Hon. R M Clinton: Mr Speaker, how many permanent and pensionable public servants are currently acting in posts across the public service, setting out details of the post, Department and the date they started acting?

405

Acting Clerk: Question 836. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

Hon. R M Clinton: Mr Speaker, can the Government state since January 2012 which employees in the public sector have retired whilst being temporarily promoted, providing details of the officer's grade and the post/grade which they have retired from?

410

Acting Clerk: Question 837. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

Hon. R M Clinton: Mr Speaker, can the Government provide a schedule as at 31st October 2016 of how many subcontracted workers from recruitment consultants were providing services within the public sector, together with individual additional information such as date of commencement, grade/post being undertaken and reason why they had been subcontracted?

415

Acting Clerk: Question 838. The Hon. R M Clinton on behalf of the Hon. D A Feetham.

420

Hon. R M Clinton: Mr Speaker, how many individuals under contract with recruitment consultants are currently covering posts which are vacant across the public service or are undertaking jobs which would normally be undertaken by public servants had those posts not been vacant?

425

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will now hand over a list of vacant posts within the civil service in respect of the answer to Question 832.

430

ANSWER TO QUESTION 832

DEPARTMENT	NO. OF VACANT POSTS	GRADE	W.E.F
TREASURY	1	Accountant General	24/10/2016
	1	Computer Consultant	01/11/2017
	3	Administrative Officer	04/01/2016
			03/05/2016
			14/06/2016
	7	Administrative Assistant	05/10/2015
			18/11/2015
		18/11/2015	
		18/11/2015	
		18/11/2015	
		04/01/2016	
		09/05/2016	
NO.6	1	Senior Administrator	07/11/2016
	1	Personal Secretary	31/08/2016
	2	Administrative Officer	30/04/2014
	2	Administrative Assistant	30/04/2014
		19/11/2014	
		19/11/2014	
OFFICE OF THE DEPUTY CHIEF MINISTER	1	Administrative Assistant	26/10/2015
HM CUSTOMS	1	Senior Customs Officer	29/02/2016
	1	Executive Officer	05/09/2016
INCOME TAX	1	Commissioner of Income Tax	07/11/2016
	1	Senior Executive Officer	17/01/2016
	4	Administrative Officer	21/10/2015
			21/10/2015
			31/05/2016
		22/08/2016	
	1	Administrative Assistant	18/11/2015
PARLIAMENT	1	Usher (Administrative Officer)	29/06/2012
HUMAN RESOURCES	2	Senior Executive Officer	05/01/2015
			24/06/2016
	1	Legal Assistant	01/11/2015
	1	Personal Secretary	30/09/2015
	2	Administrative Officer	23/03/2016
	1	Administrative Assistant	11/10/2016
		18/11/2015	
	1	Industrial	11/02/2011

DEPARTMENT	NO. OF VACANT POSTS	GRADE	W.E.F
FINANCIAL SECRETARY'S OFFICE	1	Senior Officer	01/04/2012
	1	Administrative Officer	01/04/2012
PROCUREMENT OFFICE	1	Administrative Officer (Part-time)	30/11/2015
TOWN PLANNING AND BUILDING CONTROL	1	Professional and Technology Officer	11/09/2015
ENVIRONMENT DEPARTMENT OF THE ENVIRONMENT CLEANSING SECTION	1	Professional and Technology Officer	18/02/2015
	1	Environmental Monitor	17/07/2016
	1	Administrative Assistant	04/01/2015
	4	Assistant Environmental Protection Officer (AO)	01/04/2015
EQUALITY & SOCIAL SERVICES	1	Higher Executive Officer	17/12/2015
	1	Equalities Officer	08/08/2016
HOUSING - ADMINISTRATION	1	Principal Housing Officer (Senior Officer)	02/07/2012
	1	Personal Secretary	30/09/2016
	1	Executive Officer (Ex GDC Ring-Fenced)	30/06/2016
	1	Administrative Assistant	20/10/2015
TECHNICAL SERVICES MINISTERIAL OFFICE TRAFFIC MANAGEMENT ENGINEERING AND DESIGN	1	Executive Officer	26/03/2015
	1	Administrative Officer	21/07/2016
	1	Senior Professional and Technology Officer	02/02/2015
	1	Professional and Technology Officer	01/10/2015
	1	Senior Professional and Technology Officer	01/11/2007
	1	Higher Professional and Technology Officer	15/09/2015
	1	Industrial	01/03/2009
DRIVER AND VEHICLE LICENSING	2	Vehicle Tester	04/04/2016
	1	Administrative Officer	28/06/2016
			25/02/2014
ECONOMIC DEVELOPMENT	1	Senior Executive Officer	01/04/2015
TRAINING	2	Instructional Officer Assessor	27/10/2013
			01/04/2016
INVEST GIBRALTAR UNIT	2	Administrative Officer	01/04/2015
	2	Administrative Assistant	27/05/2015

DEPARTMENT	NO. OF VACANT POSTS	GRADE	W.E.F
<u>STATISTICS</u>	1	Statistics Officer Level 1	21/01/2015
<u>EMPLOYMENT</u>	2	Health and Safety Officer IV	04/01/2015 28/06/2016
<u>SOCIAL SECURITY</u>	1	Director of Social Security	04/01/2016
	3	Administrative Officer	07/12/2013 03/05/2016 23/05/2016
<u>EDUCATION</u>	2	Administrative Assistant	18/11/2015 11/04/2016
	1	Executive Officer	24/11/2015
<u>POLICING</u>	3	Deputy Headteacher - Hebrew School	24/11/2015
		Deputy Headteacher - St Joseph First	02/09/2016
		Deputy Headteacher - Bayside	02/09/2016
	1	Senior Technician	01/09/2013
	1	School Secretary	13/09/2016
	3	Industrial	05/02/2016 04/12/2015 23/05/2016
	10	Police Constable	18/04/2016 05/05/2016 11/05/2016 03/08/2016 19/08/2016 28/08/2016 02/09/2016 04/09/2016 30/09/2016 21/10/2016
1	School Crossing Patrol Officer (Ex GDC Ring-fenced)	15/11/2016	
1	Administrative Officer	02/08/2016	
1	Administrative Assistant	04/01/2016	
1	Industrial	26/01/2016	
<u>HM PRISON</u>	1	Principal Officer	26/12/2015
<u>GIBRALTAR LAW COURTS GIBRALTAR COURTS SERVICE</u>	1	Personal Secretary	07/11/2016
	3	Administrative Officer	04/01/2016 04/04/2016 03/05/2016
	1	Interpreter Clerk (Administrative Officer)	14/11/2014

DEPARTMENT	NO. OF VACANT POSTS	GRADE	W.E.F
<u>JUSTICE</u>	1	Law Drafter	18/11/2015
	1	Executive Officer	12/11/2015
	1	Personal Secretary	26/02/2014
	1	Support Grade Band 1 (Telephonist)	01/08/2016
<u>GIBRALTAR FIRE & RESCUE SERVICE</u>	1	Head Mechanic	02/08/2016
	1	Industrial	16/02/2016
<u>CULTURE AND HERITAGE</u>	1	Senior Executive Officer	03/08/2010
	1	Events Co-ordinator (HPTO)	05/01/2015
<u>YOUTH</u>	1	Administrative Officer	12/01/2016
<u>GIBRALTAR AUDIT OFFICE</u>	1	Audit Manager	16/06/2015
	1	Audit Administrative Executive	12/09/2016
<u>GOVERNMENT LAW OFFICES</u>	1	Administrative Assistant	04/01/2016
<u>CIVIL STATUS</u>	1	Senior Officer	01/04/2016
<u>ROYAL GIBRALTAR POST OFFICE</u>	1	Post Office Manager Level 4	09/05/2016
	1	Administrative Officer	01/05/2016
<u>FINANCE CENTRE</u>	2	Executive Officer	01/04/2016 01/08/2016
	1	Executive Officer	14/10/2016
<u>GAMBLING</u>	1	Administrative Assistant	14/10/2016

Mr Speaker, the recruitment of the administrative assistant posts is linked to the Public Efficiency Review, which will shortly be carried out across the Civil Service. This will determine the needs of the Service and where the posts are required.

435 A list of the value of the different allowances for union convenors and the union they represent are in the table I am handing to the hon. Gentleman.

Convenors	Union	Allowances per Annum
A	Gibraltar Police Federation	£66,784
B	Gibraltar Police Federation	£66,784
C	Unite the Union	£12,000 + £13,862.75
D	Unite the Union	£12,000
E	Unite the Union	£9,000
F	Unite the Union	£12,000 + £10,958
G	Unite the Union	£12,000 + £9,324.96
H	Unite the Union	£5,851
I	GGCA - Facility Time 100%	£79,857 currently
J	GGCA - Facility Time	£17,785 currently
K	GGCA - Facility Time	£19,615 currently
L	GGCA Committee Member - 25% to 50% depending on the workload of the Union	Current value ranging from £19,964 to £39,929
M	GGCA Committee Member - 25% to 50% depending on the workload of the Union	Current value ranging from £6,943 to £13,887

440 The number of civil servants who are acting fluctuates on a daily basis depending on the needs of the service. There may be, on an ad hoc daily basis, weekly, monthly, etc., different actings. Therefore, any information provided at the time when the answer is prepared would be subject to change on a daily basis. In addition, it should be noted that the information requested is not readily available and we would need to engage with all Government Departments in order to provide an accurate reply. Taking this into consideration, I should be grateful if the Hon. Member would be more specific on the information requested.

445 A list of officers who have retired from the Civil Service since January 2012 whilst being temporarily promoted is in the table I now hand the hon. Gentleman.

ANSWER TO QUESTION 836

Grade	Grade temporary promoted to
Assistant Chief Secretary	Chief Secretary
Executive Officer	Higher Executive Officer
Professional Technology Officer	Higher Professional Technology Officer - Senior Manager within Agency
Senior Executive Officer	Assistant Human Resources Manager
Assistant Human Resources Manager	Human Resources Manager
Senior Executive Officer	Commissioner of Income Tax

Government Agencies, Authorities and Owned Companies

Grade	Grade Temporary Promoted to
Clerk of Works (Grade 7)	Maintenance Operations Officer - Grade 8

Mr Speaker, finally, I now hand over a schedule with the information requested in respect of the Civil Service, in respect of Questions 837 and 838.

ANSWER TO QUESTION 837 AND 838

DEPARTMENT	COMMENCEMENT DATE	GRADE/POST BEING UNDERTAKEN	REASON
Gibraltar Law Offices	11/10/2016	Admin	Vacant Post
Audit	10/08/2015	Audit Assistant	Vacant Post
Civil Status and Registration Office	16/12/2014	Admin	Maternity
	20/06/2016	Admin	Maternity
	20/06/2016	Admin	Maternity
Department of Education	08/09/2014	Technician IT Woodwork	Vacant Post
	02/09/2016	Vehicle/ Child Escort	Covering the increase of children with SEN for Taxi service
Department of Social Security	04/10/2016	Admin	Maternity
	24/10/2016	Admin	Vacant Post
Employment Town Range	26/08/2014	Messenger	Vacant Post
Housing Department	17/09/2015	Admin	Vacant as a result of substitution
	15/09/2015	Admin	Vacant Post
	12/08/2015	Admin	Vacant Post
Human Resources Department	15/09/2015	Admin	Maternity
IT Department	02/02/2015	Admin	Employed to undertake an exercise under e-Government Project
Ministry for Tourism, Equality	20/07/2015	IT-Admin	Vacant Post
Ministry of Employment	15/08/2016	Admin	Vacant Post
	12/08/2014	Clerk	Vacant Post
	12/05/2015	Data Input	Over Complement - due to understaffing
	20/08/2014	Messenger	Over Complement - due to understaffing
	11/02/2015	Data Input Officer	Over Complement - due to understaffing
Ministry of Culture	02/02/2015	Admin	Vacant Post
Post Office	27/08/2015	Admin	Vacant Post
	19/10/2016	Admin	Employed to undertake an exercise of migration of Savings bank
Statistics Department	25/10/2016	Admin	Vacant Post
	12/11/2015	Admin	Maternity

DEPARTMENT	COMMENCEMENT DATE	GRADE/POST BEING UNDERTAKEN	REASON
Income Tax Office	19/08/2015	Admin	Vacant Post
	01/09/2014	Admin	Vacant Post
	16/09/2015	Receptionist	Maternity
	26/01/2015	Admin	Maternity
Treasury	25/07/2016	Admin	Maternity
	25/05/2016	Admin	Vacant Post
	31/05/2016	Admin	Vacant Post
	28/09/2016	Admin	Vacant Post
	19/03/2015	Admin	Vacant Post
	22/09/2015	Admin	Vacant Post
	06/10/2014	Admin	Vacant Post
	07/04/2015	Admin	Vacant Post
	24/03/2015	Admin	Vacant Post
	12/03/2015	Admin	Vacant Post

450 **Mr Speaker:** I would suggest that we now move on to Question 839 and hon. Members of the official Opposition can consider the schedules and tables that have been circulated to them and ask any supplementaries which they may wish to ask later on.

Q839-841/2016
Devil's Tower Road hostel –
Total capacity; delay in completion; cost of refurbishment

Mr Speaker: Question 839.

455 **Acting Clerk:** Question 839. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What will the total capacity of the new hostel in Devil's Tower Road be?

460 **Acting Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 840 and 841.

465 **Acting Clerk:** Question 840. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is the reason for the delay in the completion of the new hostel in Devil's Tower Road?

470 **Acting Clerk:** Question 841. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is the cost to refurbish the new hostel in Devil's Tower Road?

475 **Acting Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the new hostel has a capacity of 158 beds. There is no delay in completing the new hostel on Devil's Tower Road as this became operational on 26th September 2016. I note that the hon. Lady has asked us questions in future terms, but it is already open and we are answering in present terms for that reason.

480 The works to the new hostel on Devil's Tower Road have cost a total of £2,242,048.65. This includes the cost of adding two new floors and the existing building.

Hon. Ms M D Hassan Nahon: Can I just ask the Chief Minister: was a feasibility study done on the new hostel; and, if so, would it be possible to see it?

485 **Hon. Chief Minister:** Mr Speaker, the question of a feasibility study I do not think arises. I do not know what the hon. Lady is trying to ask me. A feasibility study is something that you would do in a different sort of situation. What is she trying to get at? I will see if I can help her in some way to have the information that she wants.

490 **Hon. Ms M D Hassan Nahon:** Thank you for offering to help me out here. I understand there has been some concern by future tenants, or present tenants, whether the capacity of the hostel would have been enough to cater for all the tenants or prospective tenants, so I was just trying

495 to get to the bottom of whether the project and the capacity aspect has been well planned out
and thought through to cater for all the tenants who are due to slowly trickle in. I understand
there are still some who have not. Perhaps you can correct me if I am wrong: have all the
tenants been housed already or are there some in the Queen's complex who have to get there?
If so, once everybody who is due to be housed, will there be capacity for everybody?

500 **Hon. Chief Minister:** Mr Speaker, I can assure the hon. Lady that there is absolutely no
question of the project not having been well thought out; it was well thought out. She will see,
in fact, that already the other hostel has been knocked down. We are already seeing another
expression of confidence in Gibraltar going up, which is a new hotel going up in Devil's Tower
Road in the place where the other hostel was.

505 There is one issue which is slightly sensitive in respect of hostels and on which I am quite
happy to give her some information behind the Speaker's Chair, because then she will
understand that the numbers we are dealing with are not the numbers we are dealing with. But I
would rather not say more, and share the information with the hon. Lady – not on pain of
imprisonment or anything like that, but just confidentially!

510 **Hon. E J Reyes:** May I, Mr Speaker? I am grateful to the Chief Minister, who has expressed his
willingness to meet with the Lady behind the Chair. If that does take place, would he mind
informing me so that I can also be present at this listening brief?

515 **Hon. Chief Minister:** But with him, Mr Speaker, on pain of imprisonment! Not at all,
Mr Speaker, it would be an absolute pleasure to share the information with both of them.

Hon. R M Clinton: Mr Speaker, if I may?

520 **Minister for Commerce (Hon A J Isola):** What, you as well? *(Laughter)* Will he go behind the
Chair?

Mr Speaker: Is there enough room? *(Laughter and interjections)*

525 **Hon. R M Clinton:** No, Mr Speaker, I do not wish to go behind the Chair – I have enough being
in front it!

Mr Speaker, referring to the Chief Minister's answer in respect of the cost of refurbishment in
answer to Question 841, and he says, I believe, £2.2 million for the two new floors plus the
existing building, can he confirm he means refurbishment of the existing building? Obviously, in
530 the press release of January 2014 the building was bought for £3.25 million.

Hon. Chief Minister: Yes, it is the addition of two floors to the existing building that cost the
£2.2 million.

535 **Hon. E J Reyes:** Mr Speaker, with your leave, shall we come back to the Questions that were
answered before?

Mr Speaker: Yes. Any supplementaries arising from the schedules and other information?

540 **Hon. E J Reyes:** Yes. If I can take the Chief Minister back first to the schedule in answer to
Question 834, there is a list of convenors identified as A, B, C, and so on.

Hon. Chief Minister: Sorry, which one is it?

545 **Hon. E J Reyes:** Question 834.

Mr Speaker: The allowances to recruit.

Hon. E J Reyes: Yes. I note that in C, F and G, where the allowance is per annum, there is a figure plus another figure. Perhaps there is a very simple way of explaining that, but rather than having one total we have got two subtotals. Can I be enlightened?
550

Hon. Chief Minister: I think it is allowances, Mr Speaker. I think it is facility time and allowances which are allowed, and therefore that is why it is given separately. Instead of being given as one figure, I think what is set out ... and this is from memory, this is not from the preparation of the answer, but that is why I was not surprised when I saw it. I thought it was that part is salary and part is allowances related to salary.
555

Hon. E J Reyes: Okay, so in that case, if that is correct – and I tend to think like the Chief Minister – one is the basic salary and the other one is the allowance that the individual was receiving, for example a shift disturbance allowance. But if it has been inconvenient and they are no longer undergoing shift work, is that allowance still applicable?
560

Hon. Chief Minister: Mr Speaker, I am not an expert in trade unionism and I can assure the hon. Gentleman that I have not changed anything that was the practice before. But I am quite happy, if he does not know what the answer was in his time ... although I can assure him it has not changed, I can find out, but it is not something I know the answer to.
565

Hon. E J Reyes: Okay, thank you, Mr Speaker.
And then, on I the 'GGCA – Facility Time 100%', obviously the word 'currently' means because that is the person who is currently undertaking that and it changes. But J and K do not have any percentage on them, whereas L and M already go back to two percentages, hence why the note 'current value ranging from ...' So, on J and K that information has not been provided, therefore neither the Chief Minister nor I are any the wiser whether it is 100% or whether it is not. What I find strange is if you bothered to put 100% for I, then in the absence of that notice for J and K could it be anything different?
570
575

Hon. Chief Minister: Mr Speaker, I can tell the hon. Gentleman that I have been given exactly the same information in the table, but I have been given a note and I can tell him that from the note I can see it is 50%. In respect of J and K it is actually 50%.
580

Hon. E J Reyes: Thank you, Mr Speaker.
In the schedule for Question 832 we have got the list in respect of the vacant posts. I know that the Chief Minister before, in his reply in respect of the AA posts, said that that was due to the efficiency review and so on, but I note here that there are some posts, such as Senior Officer, Senior Customs Officer, even the Commissioner of Income Tax. Would those advertisements of the post, are those expected to come through imminently or are those also going to be subject to the efficiency review and therefore there will be a longer delay?
585

Hon. Chief Minister: Mr Speaker, no. In terms of, for example, the Commissioner of Income Tax, the last indication I had from the Chief Secretary was that that one is literally with Human Resources, the Income Tax Department and him in terms of advertising. In Customs, for example, I think the Senior Customs Officer is something which the Department is dealing with. So most of the senior ones are either already about to be advertised or are in the context of discussion between the Chief Secretary and whoever in that Department is looking at the job descriptions and whatever tweaking has to be done there, and I assume in discussion with unions where that may be relevant. It is not with the Government; it is not stopped by the Government.
590
595

600 **Hon. T N Hammond:** Mr Speaker, just in respect of Question 836, and because I am entirely unfamiliar with Civil Service procedure, can the Chief Minister clarify: when a civil servant retires acting in a higher grade, do they acquire the pension rights of that higher grade or do they revert to their actual grade?

605 **Hon. Chief Minister:** Mr Speaker, without being held to the answer I am going to give for absolute accuracy, because I would need notice of the question – if the hon. Gentleman is going to hold me to the accuracy of this, I put it to him he should put me a question – I believe if the person has been acting for a particular period then he carries his acting into his pension, but not otherwise.

610 **Mr Speaker:** Any others? No. That concludes Question Time.

615 **Hon. Chief Minister:** Mr Speaker, I know that the hon. Lady had a supplementary that she wished to ask, although the Hon. Minister has not returned to Parliament in time to take it. Can I invite her to put that supplementary by way of a letter, or a phone call even – I know she has a convivial relationship with the Hon. Minister and can phone him. And if she wishes to do it any other way, I will give way to her now if she wants to say anything.

Hon. Ms M D Hassan Nahon: Thank you for that, Chief Minister. Yes, the Hon. Father of the House and I go back a long way – and long may it last, I hope. (**A Member:** Hear, hear.)

620 I am sure that this supplementary is one that perhaps the Minister for Education or your good self could probably answer, so I will just fire it off now. The question was in relation to Question 822, about the breakdown of the number of young people who had successfully completed the levels in various trades. My supplementary was: is there any liaison with the schools so that potential trainees could be identified at a younger age in schools, rather than perhaps forcing those more suited to this route to have to go through the academic route?

625 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I would need to take advice as to what the actual fact is now, but one of the things that certainly I am looking at with the Department of Education is to be able to identify young people who are not academically minded but who have other skills, to be able to identify them at an early stage in order for them to be directed in other directions, be it vocational training or whatever.

So, again, without having all the information with me, this is certainly the intention and I will certainly research it and I would be very happy to assist the hon. Lady when I have that information. But that is certainly the intention.

630 **Hon. Chief Minister:** Mr Speaker, I have the honour to table the answers to Written Questions – (*Interjections*)

635 **Hon. L F Llamas:** Apologies. Just one supplementary in relation to Question 832. Just going through the schedule, there appears to be obviously the public sector, and then towards the end there is a company, Gibraltar Car Parks Ltd – this is the question to do with vacancies. It is just a little bit odd that obviously we see that there are Government companies which have been included in the list, but on the other hand we do not see any authorities or agencies having been included. Is there a particular reason why? Is it that we have got a bit more information than we should have, or maybe they have left out the other agencies and authorities?

640 **Hon. Chief Minister:** Mr Speaker, the only places where there are vacancies because the only places where there are complements are in the departments of the Civil Service, and therefore the agencies and the authorities would not be here. The hon. Gentleman has rightly spotted that

645 Gibraltar Car Parks Ltd is in there but that does not have a complement, so they can safely disregard that. I am going to thank him for pointing that out and I shall reprimand whoever it was who allowed this to remain on the list, because there is not a complement. They may be asking for those posts, but they are not posts which are in complement and therefore cannot be deemed to be vacant.

Thank you.

650

Hon. E J Reyes: And likewise, Mr Speaker, when the Chief Minister is chasing this one up, my understanding was that the employees of Gibraltar Tourist Board, although public servants, tended to be GDC employees rather than civil servants – one Upper Rock site officer – so again it may be something that in an original draft ... I think this table had been prepared using Excel, and this cut and paste has not quite worked accurately for the Tourist Board.

655

Hon. Chief Minister: Mr Speaker, I am grateful. I know that this answer goes through various iterations in order to make sure that we reach the right area which is the right area in complement. So I would invite the Hon. Members to make hay whilst the sun shines and relish the information that they have been provided, because they can expect it will not be there next month.

660

Questions for Written Answer

Chief Minister (Hon. F R Picardo): And so, Mr Speaker, I have the honour to table the answers to written questions numbers W60/2016 through to W65/2016.

RECESS

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour that the House should now recess until 5.15 p.m.

665

Mr Speaker: The House will now recess until 5.15 p.m.

The House recessed at 4.35 p.m. and resumed its sitting at 5.15 p.m.

Order of the Day

BILLS

FIRST AND SECOND READING

Fire and Rescue Service (Amendment) Bill 2016 – First Reading approved

Acting Clerk: The Order of the Day. Bills – First and Second Reading.

A Bill for an Act to amend the Fire and Rescue Service Act.

670 The Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):

Mr Speaker, I have the honour to move that a Bill for an Act to amend the Fire and Rescue Service Act be read a first time.

675

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Fire and Rescue Service Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

680 **Acting Clerk:** The Fire and Rescue Service (Amendment) Act 2016.

Fire and Rescue Service (Amendment) Bill 2016 – Second Reading approved

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):

Mr Speaker, I beg to move that the Bill for the Fire and Rescue Service (Amendment) Act 2016 be read a second time.

This Bill amends the definition of 'fire hazard' in section 3 of the Fire and Rescue Service Act. Currently included in the definition of a building that is a fire hazard is any building which exceeds two storeys in height and in which the floor of any upper storey is more than 4.5 metres above ground level. Effectively, the height indicator of 4.5 metres is the height at which it was considered acceptable for someone to jump out of the window or out of an opening in case of a fire when the floor of a flat or a single-family dwelling is above ground level.

685

690 The Gibraltar Fire and Rescue Service, in consultation with fire safety officers and an expert in the field of fire safety of buildings, considers that 4.5 metres is too high for someone to jump out of a window without risk to injury and has recommended 3.5 metres as the required height. This puts the Act in line with the new fire safety part of the Building Regulations which we have already published quite recently. This change will, in fact, only affect newly built flats and dwellings and will not affect any of the existing buildings.

695

Mr Speaker, I have given notice by letter to you, dated 17th November, of an amendment to clause 2 which I will be moving during the Committee Stage, which clarifies and in fact makes it clear that this will only apply to new buildings and not existing buildings.

I commend the Bill to the House.

700

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the question, which is that a Bill for an Act to amend the Fire and Rescue Service Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

705

Acting Clerk: The Fire and Rescue Service (Amendment) Act 2016.

**Fire and Rescue Service (Amendment) Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

710

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 –
First Reading approved**

Acting Clerk: A Bill for an Act to amend the Partnership Act and the Trustee Act to impose criminal penalties for the failure to maintain proper books of accounts or records identifying settlors, trustees and beneficiaries; and to amend the International Co-operation (Tax Information) Act 2009 to impose a criminal penalty in respect of breaches of confidentiality and provide an exemption from the requirement to notify the subject of a request of a notice issued under section 8; and for connected purposes.

715

The Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

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Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Partnership Act and the Trustee Act to impose criminal penalties for the failure to maintain proper books of accounts or records identifying settlors, trustees and beneficiaries; and to amend the International Co-operation (Tax Information) Act 2009 to impose a criminal penalty in respect of breaches of confidentiality and provide an exemption from the requirement to notify the subject of a request of a notice issued under section 8, and for connected purposes, be read a first time.

725

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Partnership Act and the Trustee Act to impose criminal penalties for the failure to maintain proper books of accounts or records identifying settlors, trustees and beneficiaries; and to amend the International Co-operation (Tax Information) Act 2009 to impose a criminal penalty in respect of breaches of confidentiality and provide an exemption from the requirement to notify the subject of a request of a notice issued under section 8, and for connected purposes, be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Acting Clerk: The Partnership, Trustees and Tax Information (Miscellaneous Amendments) Act 2016.

**Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 –
Second Reading approved**

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
Mr Speaker, I beg to move that the Bill for the Partnership, Trustees and Tax Information (Miscellaneous Amendments) Act 2016 be read a second time.

740 As hon. Members are no doubt aware, the OECD Global Forum on Transparency and Exchange of Information for Tax Purposes conducts periodic peer reviews of Gibraltar to assess compliance with the International Standard on Transparency and Exchange of Information.

745 Following a phase 1 review of the legal and regulatory framework in 2001, the OECD conducted an exhaustive phase 2 review of the implementation of the standard in practice in 2014, as a result of which it rated Gibraltar overall as largely compliant. This rating puts Gibraltar on a par with jurisdictions such as the United Kingdom, Germany and the United States.

The Government is committed to implementing the recommendations made by the OECD in the phase 2 peer review report. This Bill implements those recommendations in the report by amending the Partnership Act and the Trustees Act to impose criminal sanctions on trustees and partners where they fail to maintain proper books and records of accounts.

750 To further strengthen Gibraltar's compliance with the OECD standards and the information exchange regime, the Bill amends the International Co-operation (Tax Information) Act 2009 to impose criminal penalties for breach of confidentiality under the Act and widen the Authority's powers when notifying requests subject to civil tax matters. Under the existing regime for civil tax information requests, the Authority must request subjects of issued notices without regard to delays or risks caused to an investigation. This Bill allows the Authority to determine whether a notification to a request subject would undermine or unduly delay an investigation and take action to postpone the notification until the identified risks subside.

Mr Speaker, I commend the Bill to the House.

760 **Mr Speaker:** I put the question: does any Hon. Member wish to speak on the general principles and merits of the Bill?

I now put the question, which is that a Bill for an Act to amend the Partnership Act and the Trustee Act to impose criminal penalties for the failure to maintain proper books of accounts or records identifying settlors, trustees and beneficiaries; and to amend the International Co-operation (Tax Information) Act 2009 to impose a criminal penalty in respect of breaches of confidentiality and provide an exemption from the requirement to notify the subject of a request of a notice issued under section 8, and for connected purposes, be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

770 **Acting Clerk:** The Partnership, Trustees and Tax Information (Miscellaneous Amendments) Act 2016.

**The Partnership, Trustees and Tax Information (Miscellaneous Amendments) Act 2016 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all Hon. Members agree.

775 **Mr Speaker:** Do all Hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE AND THIRD READING

Mr Speaker: The Chief Minister.

780 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Fire and Rescue Service (Amendment) Bill 2016 and the Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016.

In Committee of the whole Parliament

**Fire and Rescue Service (Amendment) Bill 2016 –
Clauses considered and approved**

785 **Acting Clerk:** A Bill for an Act to amend the Fire and Rescue Service Act.
Clause 1.

Mr Chairman: Stands part of the Bill.

790 **Acting Clerk:** Clause 2 as amended.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
Mr Chairman, the amendment is to clause 2.

795 **Mr Chairman:** It is clause 3(2).

Hon. G H Licudi: No, the amendment is to clause 2, Mr Chairman.

800 **Mr Chairman:** That is not in the notes that you have given.

Hon. G H Licudi: Yes, the letter says:

The amendment is to add, after 'Gazette' in clause 2, the following ...

and there is a form of words at the end of clause 2.

805 **Mr Chairman:** You have two amendments in that case, I think. You have given notice of two amendments.

Originally, on 21st June, you gave notice of an amendment in clause 3 to substitute 'in the definition of "fire hazard"', and now the more recent one, which is for clause 2 and is dated 17th November.

810 **Hon. G H Licudi:** Yes, Mr Chairman, the one I am dealing with now is clause 2, so we are dealing with clause 2 before we deal with the amendment to clause 3.

815 **Mr Chairman:** Clause 2. Hon. Members have received the terms of the amendment. Does anybody wish to speak on the amendment? I then propose that the amendment be carried. Those in favour? (**Members:** Aye.) Those against? Carried. So clause 2, as amended, stands part of the Bill.

Now, clause 3: what happens?

Hon. G H Licudi: There should be a further letter. So substitute 'in the definition fire hazard' –

820 **Mr Chairman:** Again, there is a very small amendment to clause 3(2). All agreed? We take it that clause 3(2) is amended in the terms of the notice given by the Hon. Minister, and therefore –

825 **Hon. E J Reyes:** One very small thing –

Mr Chairman: Yes, indeed.

Hon. E J Reyes: Would that be as the Bill stands here? As printed on the Green Paper, it says:

In section 2(b), for every instance that "4.5" appears,

830 and in the amendment it is 'for (b) substitute ...' Does that refer to that line, or does it refer to another line? Are we talking the amendment ... Are we removing that '3.5' and putting in that place in the definition of fire hazard? Is that what we are doing, amending this Bill with that?

Mr Chairman: It is not 100% clear.

835 **Hon. G H Licudi:** Mr Chairman, essentially what we are doing is where '4.5' appears in section 2(b) we are amending it by substituting '3.5' for '4.5'.

840 **Mr Chairman:** The Bill as originally drafted ... there is an amendment to 2(b) where for every instance '4.5' appears, substitute '3.5'. Apart from that, the Hon. Member gave notice on 21st June in clause 3(2) again for (b) substitute 'in the definition of "fire hazard"'. Is it clear what that is referring to?

Hon. G H Licudi: I am trying to get hold of the Bill itself – sorry, the Act.

845 **Hon. E J Reyes:** If I may, Mr Speaker – otherwise you would read 'In section 2, in the definition of "fire hazard"'. That is what is printed here. This is why it does not make sense to me. It may to lawyers, but to us mortal school teachers ... we still cannot let go of the red pen, Mr Speaker.

850 **Mr Chairman:** If you look at the inverted commas, the amendment seems to be the words 'in the definition of "fire hazard"'.

855 **Hon. G H Licudi:** Yes, Mr Chairman, because 2(b) relates exclusively to 'fire hazard', so either ... It works both ways, because 2(b) relates to 'fire hazard', so either, for clarification purposes, we just include 'fire hazard' or we just leave it as 'in section 2(b)' because section 2(b) is all about fire hazard. It is about nothing else.

Mr Chairman, I would suggest that we leave –

Mr Chairman: Leave this one for the next meeting?

860

Hon. G H Licudi: No, we leave the Bill as it is – clause 3. We leave it as it is in the original without the amendment.

Mr Chairman: Without the amendment. Okay.

865

Hon. G H Licudi: The amendment is just for clarification but is not, strictly speaking, necessary, because the amendment that is going to be made to section 2(b) is going to be in the definition of 'fire hazard' where '3.5' will be substituted for '4.5'.

870 **Mr Chairman:** Right. So clause 3 stands part of the Bill, as it is in the Bill.

Hon. G H Licudi: As it is.

Mr Chairman: Very well.

875

Acting Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 –
Clauses considered and approved**

880 **Acting Clerk:** A Bill for an Act to amend the Partnership Act and the Trustee Act to impose criminal penalties for the failure to maintain proper books of accounts –

Mr Chairman: You do not have to read the whole of the long title. The Bill is at Committee Stage. It is being referred to as the Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016. Okay. So that is the title.

885 Clause 1 stands part of the Bill.

Call Clause 2.

Acting Clerk: Clauses 1 to 5, Mr Chairman.

890 **Mr Chairman:** *[Inaudible]*

Acting Clerk: The Partnership, Trustees and Tax Information (Miscellaneous Amendments) Act 2016.

Clause 1.

895

Mr Chairman: Stands part of the Bill.

900 **Hon. R M Clinton:** May I make an observation on clause 2? Mr Chairman, I would ask the Government whether any thought has been given – I appreciate the importance of this amendment – into any transitional provisions, because obviously from one day to the next there will be criminal sanctioning.

905 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** There is no need for transitional provisions. We are, in fact, implementing a recommendation by the report of the peer review of the OECD. We believe that it is right and proper. The obligation itself to maintain proper books and accounts already exists in the Acts. What the OECD review picked up on was that there was no sanction for a failure, so the primary obligation, the substantive obligation, exists; therefore, there is no need for a transitional provision, because the substantive requirement is already in legislation.

910

Hon. R M Clinton: Thank you very much.

Mr Chairman: Clause 2 stands part of the Bill.

Acting Clerk: Clause 3.

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Mr Chairman: Stands part of the Bill.

Acting Clerk: Clause 4.

920

Mr Chairman: Stands part of the Bill.

Acting Clerk: Clause 5.

Mr Chairman: Stands part of the Bill.

925

Acting Clerk: The long title.

Mr Chairman: The very long title stands part of the Bill.

**Fire and Rescue Service (Amendment) Bill 2016 –
Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 –
Third Readings approved: Bills passed**

930 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Fire and Rescue Service (Amendment) Bill 2016 and the Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 have been considered in Committee and agreed to with amendments and I now move that they be read a third time and passed.

935 **Mr Speaker:** I now put the question, which is that the Fire and Rescue Service (Amendment) Bill 2016 and the Partnership, Trustees and Tax Information (Miscellaneous Amendments) Bill 2016 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

PRIVATE MEMBERS' MOTIONS

**Mental Health Service –
Care in the community for discharged service users –
Debate commenced**

Acting Clerk: Private Members' Motions. The Hon. R M Clinton.

940 **Hon. R M Clinton:** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

This House:

Is concerned at an apparent lack of care in the community of discharged service users of Ocean Views and other Gibraltar Health Authority Mental Health Services; notes that continuity of care needs to be co-ordinated between Social Services and the Gibraltar Health Authority; considers that more should be done to help the most vulnerable in the community,

including the provision of sheltered accommodation; and calls on the Government to undertake a review of care in the community to include public consultation with all stakeholders and professionals to provide and publish recommendations to ensure care in the community for service users is adequately provided.

Mr Speaker, I have brought this motion to the House as a consequence of feedback I was given by service users and families of service users in undertaking research for the recent *Viewpoint* programme on mental health in which a former Minister for Health, Dr John Cortes, and representatives from the Mental Welfare Society and Clubhouse Gibraltar were on the discussion panel.

This motion could perhaps be seen as a type of petition to this House, although not in the formal sense as envisaged by Standing Orders, as it has its origins in the views of ordinary citizens, and in that sense I stand here as a rather inadequate mouthpiece; inadequate in that I freely admit that this is not an area in which I have any personal experience or professional experience, and I accept any criticism from the Government benches in that respect. But then again, no one in this House is a professional in this field, which places upon us a greater responsibility to understand and research the issues raised in this motion.

This motion is not – and Members opposite may not believe me – meant to level criticism at any Government Department or person, but merely seeks to ensure that service users and families of service users receive the level of support that they need and is indeed their right. Nor have I been prescriptive as to the nature of the review the motion suggests – but more on that later.

Both sides of this House have acknowledged that Mental Health Services have been the Cinderella of the Health Authority. The previous GSD Government and this Government have both been playing catch-up in both the provision of new physical infrastructure in the form of Ocean Views, which finally opened in February 2015, and the recent Mental Health Act 2016. The Community Mental Health Team based at Coaling Island has no doubt played a major role in these improvements, including relevant professionals in the Gibraltar Health Authority, but a new clinical facility and legislation, while laudable, are not sufficient in themselves to provide the complete care that service users and families of service users need.

There appears to be a gap in the provision of aftercare for service users and their families. One family member of a service user told me that this was pretty much left to the family to cope as best as they could and, in their words, they ‘found that everything is a struggle and depressing’. In their view, and shocking as it may sound, a cancer or heart patient would receive more support, community sympathy and care than a Mental Health Service user. They see no continuation of care between the GHA and Social Services.

If I may, I would like to quote the views of one such family member of a service user, who happens to be a professional in the field and who describes the relative as follows:

He is stuck in a revolving-door syndrome where he just goes in and out of Ocean Views without a safety net in the community to evaluate his needs. There are no adequate reviews, no care plans, no pathways to recovering, to leading a life in the community and further afield. There is no future. His life has been brutally punctuated to a full stop.

As a Member of this Parliament, I cannot let such an indictment to our mental health care system go unexamined.

The same family member does, however, offer practical solutions as follows:

Surely social care reform with regard to mental health needs to include provision of community services for the person suffering from mental turmoil and also support for their families. Hence we need a holistic 365 all-day service which provides risk assessments, needs assessments, shelters, budgets for care plans, carers, therapists, social workers, mental health workers, all outside Ocean Views and in the community after a section has been lifted. I am asking for a robust recovery pathway for the service user to remain outside Ocean Views and to offer support to families of service users to maintain the carer and service user relationship.

Again I will confess to being no expert in this field. I have sought to identify those resources the GHA may have outside the Ocean Views facility from publicly available information.

980 From the annual Estimates of Expenditure for 2016-17 I note the GHA employs one consultant clinical psychologist, two clinical psychologists and two senior mental welfare officers. There must, of course, be other staff, but I cannot see Mental Health Services as a separately identifiable section in the same way as, for example, Elderly Care Residential Services are.

985 I had hoped to turn to the GHA's annual report for more information and statistics, but I found the last report on the GHA website is for 2012-13, before Ocean Views was completed, and the only useful statistical information was the bed occupancy levels in Mental Health, which peaked at just over 45 in 2013.

990 I was surprised to learn from the Clerks of the House that the last GHA annual report and accounts tabled in this House was for the year ended 31st March 2009 – tabled, in fact, on 29th April 2010. I trust the Minister will take note of this and table the latest GHA report and audited accounts as soon as possible, in accordance with section 15(5) of the Medical (Gibraltar Health Authority) Act.

995 And so I am unable to form an independent view as to the resources made available in the provision of mental health services in Gibraltar, let alone in respect of the activities of the GHA in this area for recent years, nor for the Community Mental Health Team. This information will, of course, be available to the Government and I would welcome an analysis of staffing and resources by unit, if they are so minded to publish it.

1000 I did, however, find that the minutes of the meeting of the GHA board for 21st September 2016 did include a report from the Unit General Manager, Mental Health Services, for the period January to June 2016. This is what was said in its introduction, and I quote:

Although patients' mental health is our primary aim, central to this wellbeing is an understanding of patients' physical health and the link physical and mental health have on one another. With this in mind, the MDT made a conscious decision to concentrate and focus on our patients' wellbeing and physical needs in conjunction with their mental health with the aim of recovery at the beginning of 2016. This has meant developing further links with other care services, being the Primary Care Centre and St Bernard's Hospital, in order to facilitate further the philosophy of patient recovery.

1005 This is no doubt a sensible approach, and the report provided some statistics, namely that over the four months from January to April 2016 the Community Mental Health Team had an average of 204 monthly patient clinic contacts and 103 monthly community visits. But despite this volume of work, the report then goes on to say the following, and again I quote:

As previously described in earlier reports, despite many community activities, both in terms of consultant contacts, nursing visits to patients' homes and the psychological/counselling intervention provided, some patients will continue to need admission to Ocean Views for periods of time. The mental health teams have continued to provide an ever-improving service to those who need it when they need it and how they need it. In order to continue in the development of the service and in response to patient need, we have during this period focused not only on the mental wellbeing but also on the physical needs of patients.

It appears to me, as a layman, that the focus of the GHA Mental Health Service is in clinical outcomes and not necessarily supporting service users in the community, which is perhaps, probably, the role of Social Services. And I really do find it of concern that the Mental Health Service itself considers it inevitable that, and I quote:

...some patients will continue to need admission to Ocean views for periods of time.

1010 If service users are discharged from Ocean Views with an appropriate care plan, then surely regular readmission to Ocean Views should not be seen an unavoidable outcome for some of these users. It would be interesting to see statistics on readmission rates to Ocean Views.

1015 I have also had occasion to discuss the mental health system with a service user. Their observations were as follows: firstly, GPs were perhaps too quick to prescribe anti-depressants rather than refer the patient to counselling; and secondly, they saw mental health support in the community as being disjointed and not user friendly, the service user needing to be in a critical condition before action was taken – the onus was on the service user to make and keep appointments with the Community Mental Health Team at Coaling Island with no follow up. That is the experience of a service user as reported to me.

1020 I have in my research for this debate drawn heavily on the Mind website in the UK, for which I am grateful and I freely acknowledge. On their site there are numerous documents and information surrounding the treatment and care in respect of mental health. One item in particular caught my attention in respect of the UK Mental Health Act that appears to have been omitted from our own recent Act. That is section 117, 'Aftercare'. Mind, the charity, describes it as follows, and I quote:

The aim of section 117 aftercare is to help people settle back into the community and to prevent them from going back to hospital for treatment of their mental health problems. Under this section, health and social services have a joint duty to arrange aftercare for certain people when they leave hospital.

Mind goes on to say:

There is no right to any specific services – it is up to health and social services to assess your needs and decide what they think your section 117 aftercare should include – but these could be, for example, somewhere to live, social care support, home help, or using a day centre.

1030 I can find no such equivalent provision in our new Mental Health Act and I hope the Minister can point to other legal mechanisms where the service user is provided with such aftercare support in the community; otherwise, we do risk a revolving-door syndrome at Ocean Views for lack of community aftercare support.

1035 To highlight the seriousness of this debate, I want to draw this House's attention to a recent local press report. In fact, it was reported in the *Chronicle* yesterday, on 23rd November, that a man who had a history of mental health issues was involved in a disturbing standoff with Police while wielding knives and threatening behaviour in a domestic setting. The court found that the defendant was suffering from a mental health condition that meant he was unfit to stand trial. The judge made a hospital order stating that he should be conveyed to Ocean Views within 28 days, if not immediately, as a patient. I can only imagine the distress to the man's family. If he had mental health issues, had he had adequate support in the community, or was it that it took a crisis for action to be taken?

1040 I know that Clubhouse Gibraltar and the Mental Welfare Society do their very best to lobby Government on these issues and look after their members. I am calling for a review of community care or aftercare in the community because I believe there may be a real gap in care.

1045 Mr Speaker, this House is *very, very* quick to create commissions and select committees on matters that affect itself, be it constitutional or political reform. I have yet to hear of a commission or select committee on health or educational issues, or indeed on any matter that affects the wider community at large. We seem to be self-absorbed in this House.

1050 If the Government is so minded to support my motion, I leave it to them to decide as to the best way to conduct such a review, be it external or internal, via a commission or select committee. The method is not important so much as an undertaking to conduct a review with a view to taking evidence and the making of recommendations to Government and/or Parliament as to whether the service is indeed adequate or needs improvement and further resources.

And so, Mr Speaker, I have nothing further to add, other than to thank sincerely those service users and families of service users who have had the courage to come forward and share their experiences with me.

1055 Mr Speaker, I commend my motion to the House. Thank you. (*Banging on desks*)

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. Mr Clinton.

The Hon. Neil Costa.

1060

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, it will not surprise anyone in the House, or indeed anyone listening to the debate, when I say that the Government will vote against the motion and that I will move an amending motion at the conclusion of my contribution. But I have to say that I am grateful to the hon. Gentleman for having brought the motion to the House in the terms that he has drafted it, given that it will become immediately apparent to the House, and indeed to the astute people of Gibraltar, the incredibly meaningful – and, if I may say, in only five years – unparalleled strides that we have taken on care and, in particular, mental health care. (*Banging on desks*)

The language of the hon. Gentleman's motion does bear consideration. He starts by saying that the House is concerned at the 'apparent' lack of care in the community of discharged service users and that the House notes that continuity of care needs to be co-ordinated between Social Services and the Gibraltar Health Authority. Mr Clinton speaks of an 'apparent' lack of care. That therefore must mean that he is uncertain over whether or not there is a lack of care; and Mr Clinton, when he rises to speak in this House, talks of 'possible gaps', but in the motion he does not talk about the possibility of improvements, the possibility of better co-ordination; he speaks of lack – and lack, in the ordinary definition of the English language, means the absence of care. I have to tell the hon. Gentleman that there is no lack of care, although of course this Government is always in a process of continuous review to improve the quality of the services that it provides.

Let me continue by setting out the various and many improvements of which the hon. Gentleman is clearly not aware. The Community Mental Health Team delivers a five-day 8 a.m. to 5 p.m. comprehensive and accessible community-focused service which works in partnership with persons and their carers to meet their needs and which also respects their rights. The team, as you would expect, Mr Speaker, is multi-disciplinary, consisting of consultant psychiatrists, community psychiatric nurses, occupational therapists, mental welfare officers, counsellors and psychologists. The team provides both in-reach and outreach services, assessments and treatments, using a holistic approach which takes into consideration the person's physical, psychological and social needs. So I must tell the hon. Gentleman opposite that when he spoke before about the absence of assessments and treatments he would in fact be fundamentally mistaken.

Prior to leaving Ocean Views, discharge support packages are, in fact, put in place for service users and will, of course, vary with each person, based on their individual needs and his or her available support network. This may range – because, of course, a one-size-fits-all will not be appropriate – from daily contacts, daily visitations, to weekly or fortnightly meetings with their care co-ordinator and may also include a number of departments and agencies working in partnership. The aim of the service is to enable the service user to live as independently as possible, if possible, so that over time, as the service user improves, the input required is assessed and gradually reduced, if appropriate.

The care co-ordinators – and the hon. Gentleman will realise that they are called 'care co-ordinators' and the secret is therefore in the name – are registered mental health nurses or very experienced enrolled nurses who oversee the complete package of care provided to the service user. Our very competent and dedicated nurses are responsible for ensuring that all elements of the person's care are in place, are properly co-ordinated and that reviews at all stages are carried out. Care co-ordinators also ensure that there is adequate communication and information sharing between all the relevant professionals and agencies involved and in partnership with the service users and their carers.

In order to facilitate the delivery of the service, an extensive refurbishment and extension programme was carried out at the Community Mental Health department. This has included

1090 increased clinical capacity, office space, new safer storage facilities for service users and a general beautification of all areas giving the environment a very homely and therapeutic feel.

Unfortunately, and I now turn to the hon. Gentleman's point that he made that sometimes the service is not seen to take care of certain persons. Unfortunately, despite community support and interventions and all of the ones that I have listed just a few moments ago, both in terms of consultant contacts, nursing visits to service users' homes and the psychological intervention provided, some service users opt not to engage with the service, and in these situations staff members will attempt to make contact with them by phone, try to visit their homes or even by physically going to areas that they know the person frequently visits.

1100 Regrettably, Mr Speaker – and the hon. Gentleman opposite must really, I am sure, now wish that he had not said this – regrettably, at present, given that the Mental Health laws under the Mental Health Act 1968, to which the GSD made no amendment whatsoever in their 16 years, none at all, (**A Member:** Shame!) there are grave and severe limitations to care in the community from a legal perspective. What I mean by that is that the services can only intervene with service users who do not wish to liaise with the service when they are in crisis and in need of admission. In other words, presently, under the statute under which the GSD operated for almost their 16 years in Government, a person who requires care but who refuses care cannot be assisted. They cannot be assisted by law unless they are assessed to be a danger to themselves and to others. And they seek to admonish us, Mr Speaker, about laws and regulations when they presided over an archaic piece of legal architecture that prevented and hamstrung the very professionals they now seem to care for! (*Banging on desks*)

1105 Mr Speaker, this must have been the Act, surely, because words show what they cared about when they were in Government. This must have been the Act that they were 'apparently', to use the hon. Member's word, 'apparently' happy ... The new Act, which as I said, will come into operation in the next quarter, also uses the appropriate term 'mental disorder' and replaces the terminology, with which obviously they were comfortable with operating for 16 years as, 'subnormal'. They used to operate under a law that called people with mental health issues as 'subnormal', and they are standing there, moralistically trying to lecture us about the importance of mental health care, but kept calling people who needed the care as 'subnormal' and they were happy with it? (**A Member:** Shame!) Please, Mr Speaker!

1120 Critical, therefore, to the overall improved service being offered to service users has been the need to review and update the Mental Health Act. I am advised that the Bill did present certain challenges because of Gibraltar's uniqueness, but as the House is aware, the Bill was passed in Parliament and will come into effect in the first quarter of next year. And it is well worth making the point, in our view, that the Bill was the product of over two years' work by a multi-disciplinary team composed of nurses, consultants, psychiatrists, mental welfare officers and other professionals, and all of these professionals, which, according to the hon. Gentleman, when one takes his speech in the global ... he seems to suggest do not really exist or do not really talk to each other, or are completely unaware about Mental Health Service users. Mr Speaker, you could not be making these things up!

1130 The Mental Health Act Group continue to meet on a regular basis and are at the final stages of producing the code of practice to accompany the new Act. Once this code has been completed and approved we will see tremendously important improvements, including the reclassification of conditions and the introduction of the community treatment order, which will assist in supporting risk-of-relapse service users in the community.

1135 Let me explain that to the hon. Member opposite. I have explained that in cases where a past service user or somebody who is assessed by the service to perhaps present and experience mental health issues, unless the service decides that the person presents a risk to himself they are not allowed by law to take any steps. However, under the new Act, if the service considers that the person does experience mental health problems, then even if that person does not present an immediate danger to himself or to other persons, the law will allow the health professionals to intervene. So the legal architecture that my hon. Friend, Dr John Cortes, brought

in is *precisely designed, precisely designed* to cater for the issues that the hon. Gentleman complains of today, but during the course of which in 16 years the GSD decided were not important enough to do anything about. (*Banging on desks*)

1145 And so, Mr Speaker, once the new Act comes into effect, service users who are considered to be at risk of relapse or who the service considers are in need of care will be able to be placed on a community treatment order as part of their discharge package. This will assist the teams in ensuring engagement and hopefully reduce the need for emergency crisis admissions, whilst in turn helping to support families through very difficult periods.

1150 Further, the Mental Health Services work very closely with a multitude of departments and agencies, support groups and NGOs in an endeavour to offer the best possible tailor-made care to service users, and depending on the service users' needs these may include drug and alcohol detox programmes in conjunction with Bruce's Farm, weekly consultation clinics, visits to the prison, twice-weekly memory clinics in partnership with the Care Agency, in-patient mother and
1155 baby assessments in conjunction with the Care Agency teams working closely with the Department of Education to ensure the welfare and support of child or adolescents with mental health issues and their families. There is also close collaboration with the Royal Gibraltar Police in a number of areas, from conducting assessments when required to attending multi-agency public protection arrangement meetings, and regular meetings with the Youth Advisory Council,
1160 Adult Disability Board, the Housing Department and even further, when required, the visiting consultant child psychiatrist has visited sites in the Care Agency and worked together with social work professionals so as to advise on care plans and services provided.

So you see, Mr Speaker, that there is great integration already – without, of course, being complacent, and always more can be done – but that there is of course already great multi-disciplinary integration between the Care Agency, the Mental Health Services and the GHA already operating.

1165 Further, non-Government agencies – in other words, civil society – are a hugely important part of our case and they too work closely with the Mental Health Services, including, as I am sure the hon. Gentleman knows, the Clubhouse project, Childline, Narcotics Anonymous and the
1170 Mental Welfare Society.

Further still, the House will be pleased to know that the Government is in active discussions with a service provider to provide an adult helpline which will specifically assist people who may be experiencing mental health issues.

1175 Therefore, for the hon. Member to even suggest that *perhaps, perhaps* we on these benches lack the heart and the dedication to take care of persons experiencing mental health issues is, in our view, unfair and, we think, entirely a partisan political attack with no substance.

Indeed, unless I misunderstood the hon. Gentleman, I seem to recall that he mentioned two particular cases. He discussed two particular cases and he brought to this House two quotes, and, as a result, on those two quotes he built a case, and I would say he built a house of cards
1180 whereby he tries to denigrate the entirety of the work conducted by the Police, by the Department of Education, by the Care Agency, by the GHA, by the youth workers, by all of these professionals working together, on the basis of two quotes, or rather two cases which he brings.

Mr Speaker, everyone can see through the fallacy of wishing to try to attack an entire system on the basis of two individual cases. It really does beg the question that if the GSD now pretend to be so very concerned about mental health care issues, why doesn't the hon. Gentleman write
1185 to me? Why does he not tell me immediately, with concern, who those persons are, who the families of those persons are? 'How can we help them? They are in need. This is urgent. We must help them.' But no, Mr Speaker, of course not, because it is a party political ploy; because they would rather put it down in a speech so as to say it across the floor of this House; because
1190 to try to help people behind closed things does not get them political points.

Of course, it does remind one about Samuel Beckett and the *Comedy of the Absurd* and that wonderful masterpiece *Waiting for Godot*, where one character says to the other:

'We always find something, eh Didi, to give us the impression that we exist?'

That is what they seek, (*Laughter*) the impression that they exist, because politically they are resoundly defeated! (*Interjection and banging on desks*) (**A Member: Que Bueno! Que Bueno!**)

1195 Therefore, Mr Speaker, to proceed with the hon. Gentleman's non-motion, (**Hon. Chief Minister: Brilliant**) he says, as if having discovered an entire new world, that this House considers that more should be done to help the most vulnerable – as he did, of course, by writing to me immediately and telling me, 'Neil, we need your help' – in the community, including the provision of sheltered accommodation.

1200 Mr Speaker, we go from the absurd to the sublimely ridiculous. It is surely a statement of the self-evident, not to say the bleeding obvious, that more can always be done in the provision of care. Of course! Of course more can be done, and more is being done. More has been done by this Government in five years than they did in 16! Don't they know that? Aren't they embarrassed to bring this motion? (*Banging on desks*) To exhort the very Government, to exhort
1205 my hon. Friends, Dr John Cortes and Samantha Sacramento, who have been the most engaged, the most caring, the most active, the most willing to significantly invest in mental health and care and to base mental health policies and laws on professional advice, rather than what the chief at the top used to choose at any particular time, is a rather peculiar path for the hon. Gentleman to tread, unless it is his intention to try to strike a difference between the old GSD and them. (**Several Members: Ah!**) They want to highlight their deplorable neglect of health
1210 services, the deplorable neglect of mental health issues, and therefore they think, 'As a political device, let us start to mark the difference between their neglect and what we would do if we were elected into office,' which is not very likely, because seven out of ten people in Gibraltar saw through all of their fallacies and saw through all of their political devices and resoundly elected us (**Hon. Chief Minister: Exactly a year ago.**) exactly a year ago. (*Banging on desks*) (**Hon. Miss S J Sacramento: And that is why.**)

Mr Speaker, has the hon. Gentleman not been alive to the many improvements in mental health care over the past five years? Is he blind? Is he blind to the great legal, regulatory, infrastructural, capital and human resources advances in the past five years? Is he unaware that
1220 in Dr John Cortes the Health Services and, in particular, Mental Health Services has advanced in leaps and bounds? Is he not aware of any of that? How can he bring a motion to the House that says lack of care in the community, lack of co-ordination? It is not the case! It is patently false!

And indeed, it does give me the opportunity, though, to tell him what we have done more so.

The whole of Gibraltar knows ... and I really could not believe it when I heard the hon. Gentleman say that there were no care plans. How does he think we have operated in the past
1225 five years – without care plans? Do you think that we divine one day in the office who needs help? How does he think that we work? There are care co-ordinators, there are mental health nurses, there are mental health welfare officers. They exist: does he not know that?

We inherited from them an incomplete plan for the mental health facility – and it does say something, doesn't it, Mr Speaker, that they should not have done anything on the mental
1230 health facility for 16 years, and when they come close to their last mandate in the last election they decide then that something has to be done?

Of course, it was our first priority to conduct an extensive review – always in partnership with professionals, service users and relatives – to create a facility that was fit for purpose.

1235 The King George V Hospital was adapted in 1971 to be a provisional mental health hospital with a suitable facility being built, and for the following 45 years, other than the addition of bars to all the windows, minimal work was done to the building, which of course resulted in a dilapidated and indeed dangerous environment. The unit was split into two wards. Acute and long-stay patients would sleep in Nightingale-style open dormitories, with no privacy as there
1240 were no partitions or curtains between the beds. There was a total of four side rooms in the facilities and only a bed in them. Due to the lack of investment and repairs over time, the furniture began to break, resulting in patients' wardrobes, bedside tables and many armchairs

1245 having to be removed for safety reasons. For over a decade patients would have to keep their belongings in refuse bags or plastic bags, storage boxes purchased by their relatives – and he says that we do not care about persons with mental health care problems! This was the Government that allowed the former mental health facility to deteriorate to an extent that it was dangerous, that they could not have the heart to replace furniture that was falling apart and that the service users had to have their belongings in plastic bags – and he stands here today and tells us that we do not care! You just could not make this up! We certainly would have spent 1250 money immediately on being able to make sure that people at least had the dignity of having their clothes in a drawer rather than in a plastic bag, but they did not care. They did not care! Why would they care? They did not.

1255 Indeed, Mr Speaker, if it was just that patients had to keep clothes and their personal possessions in bags, as terrible as that was, if that had been the only thing one could almost – obviously not, but one could almost – forgive them. But the worst thing about this was that, as a result of the layout of the ward, which as I explained was a Nightingale-style open dormitory, all patients, irrespective of their condition, presentation or stage of recovery, would be nursed in the same area. This inevitably placed the more settled and frail patients at risk. Mr Speaker, the House and, I think, the public will want to pause and reflect on what that would have meant for 1260 service users and for the staff – that an admission, independent of his or her state, would have had to have been dealt with, with other service users in the same room. What kind of care was that, Mr Speaker? What kind of co-ordination was there, Mr Speaker? What kind of care package was there, Mr Speaker? What kind of assessment was there, Mr Speaker? None! None.

1265 If this were not so serious, we could laugh about his motion; but it is serious, and they should be ashamed for having brought it.

1270 Queue forward to the New Dawn of 9th December 2011, when we immediately realised that we absolutely needed to radically change our approach to mental health issues. As someone who had visited the KGV, and recently visited the new excellent facility of Ocean Views on a bright new day since 2015, I cannot stress enough the exceedingly high quality of the finish of the new building and the staggering difference in the quality of the mental health care provision.

1275 As you would expect from this Government, the Ocean Views project was undertaken in full partnership with all the clinical teams, carers, service users, non-Government organisations and other professionals. During this period, numerous consultation meetings took place and ... if I may, Mr Speaker, congratulate Dr John Cortes that the building does capture what was needed for the new facility, which is how to provide the best and optimum care in such an environment. Through the design phase and the construction period, 275 people had the opportunity to visit the site to see for themselves the extent of the works and were able to comment or make suggestions during the process. Do you imagine for one second that the GSD would have invited one, let alone 275 people to give them advice on what to do, to make suggestions on what to do, when everything was done by somebody at No. 6? (*Interjection*) 1280

1285 Mr Speaker, they just open themselves up to be reminded that under this Government we do genuinely engage, we do genuinely consult, we actually care about the stakeholders – we know their names, we know their surnames, we know what their concerns are – and we insist from our professionals that they do co-ordinate, that they do speak to each other, that they do share information and that *always*, always front and centre is the main concern of making sure that a person who is experiencing mental health concerns is properly taken care of.

1290 Following the opening of Ocean Views in February 2015, the service has seen a number of major improvements as it settled into a more conducive environment with patients, carers and staff participating in the continued positive changes to the way services are delivered. The design of all wards and departments has dramatically improved the manner in which care is provided. Amongst the many improvements we are experiencing the most tangible is the change of setting, providing a modern, therapeutic and recovery-focused environment to adults experiencing mental health issues with privacy and in relaxed and comfortable surroundings.

1295 Mr Speaker, let me take the opportunity, as this seems to be in vogue today, of quoting some of the staff members. First quote:

The new environment is so much better than the previous KGV and this has made a huge difference for service users. Their surroundings are much more comfortable and pleasant, which gives them more dignity. The facilities are much improved: the garden, the reception area for visitors and the rehab flats. Overall, the patients have benefited immensely from the new facility.

Second quote:

Intact building, not falling apart like the KGV, safer environment, more homely, less institutionalised, much more service-user centred.

Third quote:

More appropriate service-user mix – in other words, all dementia of a similar level together.

Fourth quote:

Greater complexity of physical care'

– which apparently was missing –

and registered mental nurses learning new skills from duly qualified staff.

1300 The last paragraph of his motion says that the House calls on the Government to undertake a review of care in the community to include public consultation with all stakeholders and professionals and publish recommendations to ensure care in the community is adequately provided for. Mr Speaker, I have spent, since I have been on my feet, in fact speaking as to how
1305 the Government is engaged continuously in reviews with professionals. And despite, despite all the great improvements to the Mental Health Services, Government, as I have already said, is never complacent, is far from complacent, and is determined to continue to develop and improve the services available in Gibraltar. And with this saying a review of the community health services as a whole by external professionals has already been factored into the Mental Health Service's three-year strategy and is reflected again in the estimates bid for 2017. Once
1310 recommendations have been received, work would commence in addressing any and all improvements suggested. And of course, as with the Ocean Views project, the crucial piece of work would be done in full partnership with all stakeholders.

Government has never denied the need for supported accommodation. But, the hon. Gentleman will surely appreciate the uniqueness of Gibraltar, but he should know that we are
1315 exploring available approaches to develop a tailor-made model suitable for Gibraltar's needs. These are being reviewed and addressed and it is envisaged, Mr Speaker... I do not want to pre-empt the recommendations that the report may make, but it is, I suppose, possible that they may request that the hours of the facility is open further.

In an endeavour to pre-empt some of the recommendations that this report may make, work
1320 was undertaken at Ocean Views to incorporate a rehabilitation accommodation component within the facility in order to better support service users' reintegration to the community and independent living.

The Government is constantly on the lookout, constantly on the lookout to improve and further develop the provision of services available to the population as a whole. It must be kept
1325 in mind that, despite all of the advances both in the environment and the services available, the Government will continue to invest in the infrastructure, human resources and capital needs of the Mental Health Service.

1330 And so, Mr Speaker, it is with great pleasure, that I suggest the following amending motion. In order to follow a venerable convention in this House, I will suggest that the motion is amended by removing everything after the words 'This House' and say as follows:

Notes the strides in the provision of mental healthcare since the election of the GSLP Liberal Government on 9th December 2011; notes and congratulates the creation and delivery of an entirely fit-for-purpose mental health facility, establishing an optimum environment for patients, carers and staff; acknowledges the many improvements in mental healthcare arising from the new facility, which provides a modern, therapeutic and recovery-focused environment to adults experiencing mental health issues in privacy and in relaxed and comfortable surroundings; laments and condemns the GSD administration for 16 years of neglect and chronic lack of investment in the provision of mental healthcare in general and, in particular, the shocking and deplorable state of the King George V Hospital, which was wholly unsuitable and dangerous for mental health patients; records that the GSD in 16 years of Government spent a total of £73,356 on external aesthetics, with only £5,000 on furniture and with no financial provision for mental healthcare; notes and welcomes the radically new approach by the GSLP Liberals in ensuring a focused, multi-disciplinary professional support, factoring advice from all relevant medical professionals in respect of in-reach and outreach services, assessments and treatment, placing firmly as the most important overriding consideration an individual's mental, physical and social needs; notes that the Government's commitment will rightly be judged by how we take care of the most vulnerable among us; commends the GSLP Liberal Government to continue to relentlessly pursue the improvement in mental healthcare provision by basing its policies on the best medical advice and working hand in glove with professionals and civil society to design and deliver optimum support for persons with mental health issues and further commence the amalgamation of the provision of health and care under one newly created Ministry.

Thank you Mr Speaker.

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

1335 **Mr Speaker:** I now propose the amendment in the terms moved by the Hon. Neil Costa. Does any hon. Member wish to speak on the amendment?

1340 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I will be proposing my own amendment, so if you could just guide me on what stage – *(Interjection by Mr Speaker.)* I intend to propose my own amendment, so I would appreciate your guidance on what stage we are at, at the moment.

1345 **Mr Speaker:** I will tell you what the procedure is. The procedure is that you have to speak on this amendment now before the House – **(Hon Chief Minister:** If she wants to.) if you want to, and in the course of your ... Strictly speaking, you ought to comment about the amendment before the House. It is now Mr Neil Costa's amendment which is before the House. This is now the motion for consideration. You may not wish to say anything about it, if you do not want to, and you can move your own amendment. If you do move your own amendment, then I will invite hon. Members to speak on your amendment and then put it to the vote and we will see then how things transpire. That is by way of guidance. You are able to stand now and speak.

1350 **Chief Minister (Hon. F R Picardo):** Can I get up just to assist but not to speak on the motion?

1355 Mr Speaker, in order to assist Members opposite, because I know only one of them has been here when we have done a lot of these before, this amendment is obviously going to pass because it enjoys the support of this side of the House, so I would suggest that it may be that if the hon. Lady wants to add anything to what it is that the House is going to say, she wait for the

House to pass this amendment, and then with this being the motion, if necessary, she can make amendments to it here, because I assume she has got amendments at the moment to what is the original motion. So I think it is probably better for her to allow this part of the debate to happen and then, once this motion is on the Order Paper and is the one being debated, she can then come in and try and include here anything which may still be relevant to the amendments she might have wanted to make to the original motion.

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Mr Speaker: I imagine the hon. Lady, not having seen this amendment ... the purpose of her amendment, I imagine, is not to amend the Hon. Neil Costa's amendment –

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A Member: Not at the moment.

Mr Speaker: – and therefore, the only way that she could do it would be by again deleting every word after the word 'House' in the Hon. Neil Costa's amendment and moving her amendment. I imagine that is not what she wants to do. I would imagine that her amendment relates to Mr Clinton's motion. Am I correct in saying that? In that case, I think you ought to proceed as the Hon. the Chief Minister, the Leader of the House, is advising you. You will have an opportunity. The stage will be reached when you may have an opportunity to do precisely that. The other thing for you to consider is whether your amendment to Mr Clinton's motion is a small, relatively cosmetic amendment, amending some part of it, or whether it is a wholesale amendment deleting every word after 'House' and proposing your own amendment. That is another aspect you have to take into account.

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Does anybody want to speak on the Hon. Neil Costa's amendment? *(Interjection by Hon. R M Clinton)* You can do so now, straight away, yes. You are able to speak on this amendment. *(Interjection by Hon. R M Clinton)* Eventually, you will have your right to reply, but that will be on the amended motion. You have not got a right to reply on Mr Neil Costa's amendment. You can speak on it now, on this amendment, and any other Member can speak on it, but no right to reply on this amendment. Eventually, if this amendment is carried through and it becomes the amended motion before the House, you will have the last word.

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Hon. Ms M D Hassan Nahon: Mr Speaker, if I may – I am sorry, I am new to this; I feel like I am in a bit of a Monty Python situation here. Have I missed the chance to speak on Mr Clinton's initial motion by Mr Costa raising the amendment?

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Mr Speaker: Well, Mr Clinton's original motion is not now before the House. What is before the House is Mr Costa's amendment. When ... if Mr Costa's amendment is carried through and that becomes the amended motion, you are able to speak on that. Well, we say here in Parliament that it is Mr Costa's original motion, but strictly speaking, in essence, it is not, because it has been entirely amended.

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Hon. Chief Minister: Mr Speaker, I think for the hon. Lady's purposes, when she gets up to speak on the motion as amended she will be able to speak about the motion that was originally put and the motion as it is now amended and tell us what she thinks about Mr Clinton's original motion and what she thinks about the way it has been amended by Mr Costa. She will be able to speak on the whole thing; she is not limited to being able to speak only on the motion then amended. You can give us your views on all aspects of the debate – that is absolutely acceptable.

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Mr Speaker: But having said that, I have not seen your amendment and therefore I am not able to advise you. It will be, therefore, for you to consider whether you think that your amendment can amend Mr Neil Costa's amendment, because that is what will be before the House. Okay?

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Mr Clinton.

1410 **Hon. T N Hammond:** I was just going to ask, Mr Speaker, surely if the hon. Lady – (A Member: Stand up.) Sorry. Surely, if the hon. Lady files an amendment which suggests that everything after this House should be amended on the current amendment that we are reviewing, that then becomes the motion. Am I correct?

1415 **Mr Speaker:** I can see there is a practical difficulty. There is a motion on the Order Paper, which any Member is considering, on the Opposition side ... In her case, being an independent Member, she had in mind to amend it, and therefore had Mr Costa not intervened when he did, had she intervened beforehand, she would have spoken on it and proposed her amendment. That is no longer possible, because Mr Costa has spoken and the amendment that we have is the one of which he has now given notice. It is a practical difficulty and how hon. Members proceed, and in particular the hon. Lady ... She has to take into account – and hon. Members of the official
1420 Opposition – what has happened. She has told us that her intention was to move the amendment. She does not have to speak now. If she wants to, she can. She can react now to Mr Costa's amendment, if she wants to speak on that, and then later on she can express whatever views she had on the original motion. Now how she gets in her amendment, seeing that I have not seen the nature of it, that is another matter. I find it difficult to guide unless I
1425 have seen it.

Hon. T N Hammond: Mr Speaker, doesn't therein lie the fundamental problem we have with amendments that entirely change the original motion? We could end up, on the one hand, talking about a motion on mental health, and because a Member decides to file an amendment
1430 which changes the original motion, we could end up talking about pigs flying, with nothing whatsoever to do with the original subject. So, if the hon. Lady were to now file her motion, saying 'Everything after "This House" is amended', she could even, if she chose, revert back to the original motion, presumably, or file her motion in its entirety, and Government would then have to obviously vote her motion down, but we would not take a vote presumably –

1435 **Mr Speaker:** That is what she had in mind. If what she had in mind was to say ... If the intention of her amendment was to delete everything after the words 'This House', she can do so now, but if her amendment was of a more minor nature – adding a paragraph here or amending some of the words in Mr Clinton's motion – that is another kettle of fish altogether. This is the difficulty.

I would suggest, if I may, that it may be helpful if I were to see the hon. Lady's amendment and advise her.

1445 **Hon. Chief Minister:** The hon. Lady is indicating that she wants to wait and see what the House does and then consider any amendments to this part of the motion, because this is the motion that is going to proceed.

Mr Speaker, the reality is that the Opposition have put a motion, the Government have put a countermotion and this countermotion will be the motion that the House is debating in a few minutes, because – *[Inaudible]*

1450 **Mr Speaker:** The reality is that a Member of the Government, the Minister responsible, has done what we usually expect a responsible Government to do: he has immediately replied to the motion and has moved an amendment. That is not unexpected. *(Interjection)* No, I would say that is par for the course. But obviously the hon. Lady does not have the experience of many years in Parliament. Parliament has not had many motions over the period of time, in any case, to see how the wind blows. *(Interjections)*

What is now before the House is the Hon. Minister's amendment.

1460 **Hon. T N Hammond:** Mr Speaker, I am just going to say a few words on the amendment because it is a pity, I find, that when we move these motions ... and the Hon. the Minister accused us of only doing so for party political reasons – I certainly assure him that that was not the intention. The intention is to raise the particular issue on the political agenda. The Minister will have known through his years in Opposition that people do come to the Opposition and ask these questions. In some areas we will write to Ministers, and I have indeed written to the Hon. 1465 Minister himself and he has been very helpful; and there are other occasions where we, often in conjunction with the individuals, decide that it is appropriate to bring these issues to Parliament for a debate such as this.

I do find it unfortunate that the Hon. the Minister chooses to amend the motion in such terms that are clearly going to be unacceptable to the Opposition so we can never, ever find 1470 consensus. (*Interjection*) So then discussion and perhaps a middle ground can be found where the whole House can find consensus, possibly. That may not be possible on all issues, but just occasionally it would be nice to think that we could indeed find consensus. But clearly that will not be possible on the amended motion, which is very politically pointed indeed, and therefore I have to say those on this side of the House cannot possibly support the amended motion as it 1475 stands.

Hon. Chief Minister: Mr Speaker, this is becoming for the Government also the endemic issue with the Opposition. Hon. Members have been told repeatedly in this House that if they want to move a motion because they say they generally care about a subject, then they should be in 1480 touch with the Government to move a motion in a way that is agreeable to both sides of the House.

The Hon. Mr Hammond's words sound, I must say to him, entirely hollow, coming from a Member of the side of the House that has moved a motion that starts with: 'The House ... is concerned at an apparent lack of care in the community'. (**A Member:** Exactly.) Now, Mr 1485 Speaker, if we want to do things in a collegiate way, if we want to express the concerns of the whole House and if there is an issue coming to hon. Members ... This is the age of e-mail, the age of WhatsApp, the age of Messenger, the age of Twitter messages, the age of easy communications, and yet hon. Members opposite appear to find it impossible to pick up the phone and call their opposite number and say, 'Listen, why don't we move a motion that deals with issues relating to mental health in a way that both sides can feel that they can support it?' 1490

The hon. Gentleman has just told us that when he writes to the hon. Member he finds that he is able to work with him. Well, in that same vein I have said before, until I have been proverbially blue in the face, that if they want to put motions which are not just doing politics, which is what we believe they are doing with these motions ... I believe they must have had an edict from his lordship Mr Feetham, who is not here today: 'Two motions every Parliament on 1495 any subject, the first two past the post are the ones that are allowed.' It is not difficult to work out that that is what they are doing. They are doing it politically, they are doing it in a way that is designed to raise their profile and in a way that is designed to embarrass the Government. That is politics. We have all done politics, we are all in the game of politics, but this is not an area for politics. This is an area for genuine concern together, (**A Member:** Yes.) and therefore if you start with 'is concerned at an apparent lack of care in the community', what you are going to get back is the bible according to the New Dawn. (**Hon. N F Costa:** Absolutely.) 1500

Mr Speaker, I come now to the things I want to say about the outstanding remarks we have heard this afternoon from Neil Costa and the way he has been able to deal with the few points 1505 that have been raised by Mr Clinton in a way that is not just erudite but also passionate and has explained to the House exactly what fantastic work was done by his predecessor, John Cortes – and Samantha Sacramento, because this is an area of interplay between Social Services and Health.

But I must say, Mr Speaker, that I want to start with a personal reflection, because it is 1510 something that has marked me for the rest of my life. On 1st January 2012, as Gibraltar's shiny,

bright new Chief Minister, with his then shiny, bright new Minister for Health – and the Environment, one must never forget – we went to visit KGV, and we have done so every year since then, continuing a tradition from the days that the GSLP was in Government. It was not a tradition that had been pursued in the 16 years that the GSD – the letters that they represent –
 1515 had been in Government.

A Member: This is right; they had not.

Hon. Chief Minister: There had been no visits by a Chief Minister on New Year's Day to KGV, in the time that they had been in Government, by the man who they say is the greatest
 1520 Gibraltarian of all time.

That day, Mr Speaker, I walked into KGV for the first time and swore to myself that it would never stay like that again, that the Government that I led would not put people into the KGV that they put people into. I have no compunction in saying that John Cortes wept, that Fabian
 1525 Picardo wept, and – I say this with respect – Jesus wept. Because the conditions in which hon. Members opposite – and there are two of them who are still in this House, Mr Reyes and Mr Feetham – kept those who were suffering from mental illness was so disgraceful that even a GSD Minister for Health described the KGV that they administered as the Cinderella of the Health Service. It is a word that came out of the mouth of a GSD Minister for Health, but they did
 1530 nothing about it – not one penny of investment, other than painting the outside of the building. That is to say 'the Cinderella of the service, but I wash its face so that I am less criticised and inside I spend nothing' – £5,000, Mr Speaker. It is to their eternal shame and political discredit, (**Hon. N F Costa:** Absolutely!) that what Neil Costa has said is a massive truth. Patients had to keep their belongings in waste-disposal bags, in black bin liners. (**A Member:** Shame!) Do you
 1535 know what it is like to be told by a patient, '*Mira, Fabian, ahí meto yo mis cosas*' – 'Look, Fabian, that is where I have to store my things'? These are people who are not well. They lived, literally, in open wards. Mr Speaker, to be implored, entreated, by the nurses there to please help them was like visiting one of those awful places in the old Eastern Europe where we see children in an orphanage in a *Panorama* programme and we say 'How can that happen?' That was here. That
 1540 was Gibraltar. That was the care that the GSD afforded those who had mental health issues in Gibraltar.

To bring this motion in these terms is not just to ignore that but to ignore the absolutely magnificent and truly vocational work that is done by the professionals in that service, not just at the old KGV, not just at the magnificent new Ocean Views, but in particular at the Community
 1545 Mental Health Clinic. (**A Member:** That's right.) This motion is not just an attempt to chivvy political points, it is not just an attempt to kick the Government because that is what they think they have to do; this motion discredits the fantastic, the fabulous, the second-to-none vocational work done by the people who are those who do the follow-up care, those who do the care in the community, and their motion starts by saying that there is an apparent lack of care in the community of discharged service users of Ocean Views. (*Interjection*) Don't they know that
 1550 there are many thousands of people, even in a community the size of ours, who benefit from the service of the Community Mental Health Group? Don't they know that the people in that clinic are some of the unsung heroes of our Health Service, indeed of our nation? And aren't they ashamed that they did nothing for them in the time they were in office, other than hem them in to where they were and take away some of the services that they could provide to the public? And does this motion not heap further shame on the initials 'GSD', because they have proposed that there is an apparent lack of care in the community and Mr Clinton has come here not having picked up the phone to try and work with his opposite number ... although I lose the notion of who is doing Health. I thought that Health was being taken by the Hon. the Leader of
 1555 the Opposition, but this motion on Health is being taken by the Hon. Mr Clinton. To not have picked up the phone, to not have worked collegiately on the subject, to have put a motion which is so partisan as that motion, to have spent £10 million on a hole in the ground where the
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1565 Theatre Royal was before moving KGV but to have spent only £75,000 on KGV, to have spent £84 million on the new airport before spending a penny on the new mental health hospital ... Mr Speaker, they say that I have to prioritise things and not do No. 6 Convent Place, because I spent £5 million-odd there, and yet they spend £84 million on a new airport and did not spend a penny on mental health. Well, look, to come now with a motion and expect not to be reminded of all of that is really quite something.

1570 This is not politics; this is the one-way politics of 'We'd like to come to the Parliament just to point out things that we think are wrong today in order to gain a few points, but can you please not remind us of what we did wrong.' This is nonsense. And to get up Jeremy Corbyn-style and say, 'Evelyn from Croydon has written to me to say that they have got a problem with a member of their family' ... This is a very sensitive area. That member of the family is an individual who deserves respect, who may or may not agree with those members of the family who are talking to him. They are entitled to be treated as individuals and their care plans are for those
1575 individuals and not necessarily to be shared. Although in Gibraltar we have extended family set-ups – the 35-year-old, the 40-year-old, the 50-year-old is not *el niño*, other than in the lexicon of a loving mother or father (**A Member:** That's right.) – and the first thing you need to do in order to understand how to do mental health is to treat patients with respect and to treat them as
1580 individuals, and not to always consider that they have to be in somebody else's *loco parentis*.

Therefore, Mr Speaker, to have to hear in this House that we are releasing patients without a safety net in the community, without care plans and without reviews is just not true. Now, assuming that the hon. Gentleman has not set out to mislead the House – and I give him the benefit of the doubt that he did not intend to do that – and if the Hon. Mr Costa, as Minister for
1585 Health, has now demonstrated that what he said is not correct, I would expect that he will take it back and he will realise, just as we have had the issue before with others, that they cannot simply come to this House and say 'I have been told ...'; they can ask 'I have been told ... Is this true?' and we will tell them no, it is not true. But he has come here to do something different. He has come here to assert that that which he has been told is the truth, and we have
1590 demonstrated that it is not. And anybody who knows what Ocean Views is like – and I dare say that if he knows anything about Mental Health Services it is current, and therefore he might know something about Ocean Views but he knows nothing about KGV – will know that Ocean Views is designed to produce for everybody a new narrative for life, not to represent a full stop in their life, to introduce them back into community living. There is an apartment inside Ocean
1595 Views in order to be able to show people what it is like to get back into normal life.

I have not heard him say either today or in the lead-up to today, or his Leader in the lead-up to today, that the right thing to do was therefore to create, because of the interaction between Social Services and Care in the Community and Health, a Ministry of Health and Care, but I will take it that they actually support the fact – although the hon. the Leader of the Opposition
1600 reshuffled his cabinet before I had reshuffled mine, so he does not have shadows exactly for the positions as they are today. I will take it that he recognises and congratulates me for having created the Ministry of Health and Care.

Mr Speaker, all of the things that the hon. Gentleman is telling us to do of course – the flats for people to be able to be reintegrated etc. – some of which we might agree with, as the Hon.
1605 Mr Costa has indicated, all of them, cost money, all of them. And given the penny-pinching attitude that he has demonstrated to everything that is done by this Government, I will be surprised if he does not, when we do it, come back and say, 'Why is it costing so much? It should not be costing so much.' Look, things cost money and the provision of care costs money, and we are happy to spend money on the provision of care, in particular on the provision of care of
1610 those most vulnerable in our community.

And so I rise not just in support of the amendment which the Hon. Mr Costa has put, but in defence of the excellent record not just of the Government that I lead but in particular of John Cortes as the Minister for Health, which has the lead in respect of these matters, and of Samantha Sacramento as Minister for Social Services, and in defence of the reputations, sullied

1615 by the hon. Member, of every single one of the professionals of the Gibraltar Health Authority working at KGV, working at Ocean Views, and in particular those most sullied by his motion – those who are in the Community Mental Health Clinic who are responsible for the care in the community, which is not lacking, not even apparently so. (*Banging on desks*) (**Several Members:** Hear, hear.)

1620 Therefore, Mr Speaker, in answer to the things he has said in answer to the things that Mr Hammond has said, it is abundantly clear that this is just a game of motions, that all we are seeing is the presentation of motions in order to have their voices heard. If I may be less eloquent than Mr Costa, one is reminded of the concept of such and ‘I think, therefore I am’ has become in their mouths ‘I speak, therefore I must be’ politically, because there is no apparent reason why they would have done motions in this way and not picked up the phone and tried to seek consensus.

1625 I must say that when it comes to the public, when it comes to the way that the Hon. Mr Clinton has presented in the course of his address the way that the public has come to him, I must tell him that the public of Gibraltar is the most discerning and the most understanding and the most able to see through an attempt to score a cheap political point. And that is why, to me and to Mr Costa and Miss Sacramento – and, I am sure, soon to Neil Costa – the comments and the affection and the understanding of people, in particular in this area of mental health, from parents, from the users themselves and from the families are those of deep recognition of the achievements of this Government and understanding also that we do not pretend that things are perfect. We do not pretend that things will not need further improvement in the future, but that things are one million per cent better absolutely everybody is agreed on that and they would have to be as blind as hon. Members politically are to suggest the opposite.

1630 Can we do more? Always, Mr Speaker – that is why there is a review and that is why we are acting in anticipation of a review. Is the GSD the legitimate advocate of those who say that we must do more? No! No! No! Are we leading on doing more? Yes! Yes! Yes! And that is why, Mr Speaker, I commend the motion as amended to the House. (*Banging on desks*)

Mr Speaker: Does anybody else wish to speak on the amendment?

The Hon. Mr Clinton.

1645

Hon. R M Clinton: Mr Speaker, it is sad to see, yet again, the essence of one of my motions being completely erased.

A Member: It is the *language*!

1650

Hon. R M Clinton: Mr Speaker, I believe I am on my feet, (*Interjection*) and therefore I think I should be allowed to speak.

Mr Speaker: You will.

1655

Hon. R M Clinton: Thank you – completely erased, Mr Speaker, yet again.

1660 Unbelievable as it may be to the Members opposite, especially the Chief Minister, this is not a cheap political point-scoring exercise. Of course, what he fails to understand is the bible according to the New Dawn that he is so proud of may not necessarily deliver everything that he claims is in it. He talks about much weeping, much theatrics – and he accuses us of theatrics. (*Interjection by Hon. Chief Minister*) Yes, well you said it.

1665 Mr Speaker, what I find surprising in the amended motion – and I will speak to the motion – is that they have fallen into the trap, of their own making, of congratulating themselves on the mental health facility, being Ocean Views, which in fact was a project started by the GSD and they have to acknowledge that. (*Interjections*) Mr Speaker, they have to acknowledge that, and if they do not acknowledge that I can easily produce –

1670 **Mr Speaker:** Let me make one thing clear: all the speakers who have spoken so far in this debate have done so without interruption. I expect Mr Clinton not to be interrupted, because there are a number of other Ministers who can participate in the debate and answer him, and of course Mr Costa has the final word on the amendment and he will be able to take him up on any other point.

Hon R M Clinton: Thank you, Mr Speaker.

1675 Their own manifesto acknowledges that the Ocean Views facility was started by the GSD – and yes, they did complete it; that is undeniable – but my original motion is not talking about the Ocean Views facility, it is not talking about the facilities provided within that facility. My motion was specifically looking at the care outside that facility.

1680 The Hon. Mr Costa has been very quick to produce his own quotes about how wonderful this facility is, but again this is not what my motion was about. Indeed, he has produced quotes from members of staff. I would like him to produce quotes from service users and families of service users on aftercare, not on the facility but aftercare.

1685 Mr Speaker, I will obviously not address the full motion at this stage, but I would say, quite simply, that the contributions of the Chief Minister, who seems to find the opinions of service users and families of service users so ‘amusing’ – dare I use one of his words... I can only see it as disrespectful. This is just not what my motion was about. My motion was about aftercare, not about the Ocean Views facility. Indeed, we could probably have a complete debate and motion about Ocean Views and recent events up there, which is not something I wanted to debate in this House, as it is in fact subject to an investigation.

1690 So, Mr Speaker, I personally cannot support this motion. It has changed the language of my original motion into something that is completely partisan and is completely against the original thrust of my motion, and so, for those reasons, I cannot support this amendment. (*Banging on desks*)

1695 **Mr Speaker:** Any other speaker on the amendment?
The Hon. Mr Isola.

1700 **Minister for Commerce (Hon. A J Isola):** Mr Speaker, I did not have any intention of contributing today to this motion, and indeed I do not think there is any real need for me to do so because I think my colleagues, Minister Costa and the Chief Minister, have already dealt with a lot of the issues; and of course, I echo, in every sense, every word that they have said. But I think the real point that is missing here today is that in order to provide care, you have to care, and the real truth of the 16 years of Government of the other side is they actually did not care. (**Several Members:** Hear, hear.) I have never seen a more demonstrable number than the 1705 £75,000 spent on the KGV facility in 16 years, which was decrepit for very much of that time in terms of the condition. When you think about the word ‘care’, it is part of the DNA of the GSLP and it always has been, and it is indeed today part of the DNA of the GSLP/Liberal Government.

1710 In 1992, part of the main thrust and substance of what the GSD was telling the people in the election campaign was caring for the community. It is a very simple set of words, which embedded absolutely everything that the GSLP did between 1988 and 1996. Indeed, in every single sphere of the public service, whether it was health, whether it was social services, whether it was education, housing – in all of those areas, the one thing that the GSLP is able to say proudly is that care is part of the DNA. And what we have seen in the last five years of this Government, in the hands of my colleague John Cortes, in the hands of my colleague Samantha Sacramento and in the hands of my colleague Mr Neil Costa, is that each and every one of them 1715 cares.

So, when Mr Hammond gets up and says it was not the intention that this should be political, it echoes what Mr Phillips said last week. He said he wanted his motion then, on skills and

1720 training, to be taken in the spirit they were intended. Well, we did, because they were intended
to be brutally political. How can you seriously come to this Parliament and say ‘this is intended
to be by consensus, partisan; we have the best interests of the community at heart’, and use
words like ‘the state of our skills and training is at a cliff edge’? It is just not credible, it is just not
real and it is just not serious. As politicians I think we have a duty to be genuine in what we say
when we come to this Parliament and not fall into the trap – and I know Mr Clinton mentioned
1725 the word trap, and I would throw it back – of simply playing politics on each and every occasion,
with every single matter that comes before this Parliament.

Mr Speaker, I sincerely believe... and I recall, at my by-election in 2013, being shown round
the facility and understanding then, for the first time – because, in honesty, I had not before –
that this project that the hon. Member Mr Clinton says that they started, is certainly not the
1730 project that was finished, (**A Member:** Hear, hear.) because if we had finished what they
intended when they started that project, I think they would not come to this House with this
motion today – indeed, they would be embarrassed and humiliated by what they had started to
do. It simply was not fit for purpose.

Indeed, Mr Clinton also said that we only are interested in setting up committees of working
1735 groups on political issues or constitutional issues, nothing on health or education. Well, you just
heard – obviously, you were not aware – that there is indeed a group doing a review into health
issues, and he should be aware that just two or three weeks ago we had a debate in this
Parliament about co-education, where you were told about 15 times that in fact there *was* a
working group already set up, already in operation and already studying the issues linking to co-
1740 education.

So, Mr Speaker, I think a little more preparation and a little more listening would go an awful
long way to making the time of this Parliament very much more effective, and I regret that more
time and more care is not spent in doing those things.

To conclude, it gives me enormous pleasure and pride to be working with a team that cares
1745 and that has continued to care from the day this party started – almost 40 years ago, coming
soon – and will continue for the many years to come.

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

Several Members: Hear, hear.

1750 **Mr Speaker:** Is there any other contribution before I ask the Hon. Neil Costa to reply?
The Hon. John Cortes.

Minister for the Environment, Energy, Climate Change and Education (Hon Dr J E Cortes):
1755 Mr Speaker, I would like first of all to thank my hon. Friends, the Chief Minister, the Hon. Neil
Costa and Albert Isola, for their kind words of support.

It is impossible to comprehend how a Member of the Gibraltar Social Democrats can have the
audacity to bring this motion to this House – impossible to comprehend, given what we have
heard already today about the state of mental health care in Gibraltar in 2011.

1760 My learned friend and fellow thespian, the Hon. Neil Costa, quoted Samuel Beckett’s *Waiting
for Godot*. Many years ago, I took part in *Endgame* and it must be the endgame of the GSD that
they have the audacity and they have the ability almost to expose themselves to the tirade that
they are getting from this side of the House, because they deserve every word that they have
heard. (*Banging on desks*) (**A Member:** *And more.*)

1765 Mr Speaker, I could not believe when the Hon. Mr Clinton got up in his last intervention and
said the words ‘it makes me sad’, referring to the way we conduct some business in this House.
The Hon. Mr Clinton does not know the meaning of the word ‘sad’. Sad is what we saw on
1st January 2012. Sad is this young lady sitting in a room probably not much larger than your
own desk, Mr Speaker, with a loved one in a bed, with the walls falling to bits and the
1770 possessions in a black bin liner – and suddenly he passed away not long afterwards. *That* is sad,

Mr Speaker, and that is what the Chief Minister saw, that is what I saw and that is what the hardworking staff in KGV put up with day in, day out. That is what the residents in KGV put up with and that is what the family had to bear. Please, Mr Speaker, let not the word 'sad' be used in this motion, other than to give thought to what we saw that day. And I do not know whether I
1775 heard wrong, but there seemed to be almost a criticism of the fact that the Hon. Chief Minister admitted – as if there was anything wrong with that – that we were weeping. The Chief Minister was sitting on the bed weeping and I was watching him, weeping too. Mr Speaker, there is *nothing* to be ashamed of.

If I may now go to recall other events, I was General Manager of the Health Authority up to
1780 1991 under the previous GSLP administration. I invested a lot of money in bringing the KGV, which was 20 years younger even than in 2011, to bringing it up to standard. When I went back into 2011 to KGV, I could not believe how it had deteriorated in those 20 years. We have heard there was no investment whatsoever – £73,000 or £75,000 in 16 years! At the first Cabinet meeting after 1st January, we approved £70,000 which was spent in three months, not in 16
1785 years, to bring it at least to an acceptable standard. (*Banging on desks*)

Mr Speaker, many things have been said. I am not going to go over all the ground that has already been covered, but certainly a lot more importance is given now to mental health – they have their own unit manager, the registered mental nurses are in fact in the Estimates Book although they appear as staff nurses because they are that grade, and other things that have not
1790 been mentioned. We inherited two psychiatrists; now we have three full-timers and one part-time psychiatrist, so we have increased the complement there. And let me, please, mention once again the hard work, the committed work, of the team of Community Mental Health. They are extraordinary professionals who are so dedicated to their work. I do not have to repeat that, I don't think.

Mr Speaker, I am going to round up now, but I cannot fail to mention the new Mental Health Act, which had not been brought to this House by the previous administration. That Act, as the Hon. Mr Costa mentioned earlier, included the community treatment orders. That was the work of a full team of mental health professionals. The draft was published as a command paper and discussed with the NGOs in Mental Health, so we have those teams that are alluded to in the
1795 original motion. That Bill was published prior to the last election, but lack of parliamentary time meant it could not be taken then.

But I have to mention one thing, just to expose what the thinking of the GSD – at least that GSD – which they sometimes tend to try and fold as part of their own and sometimes try to push to one side. We expected that Bill to be taken in Parliament some months before the General
1805 Election. As I say, the election was called and we had to postpone it; and it was passed recently. The greatest Gibraltarian of all time, the Hon. Sir Peter Caruana, spoke to me behind the Speaker's Chair – we were having a tea or coffee, as one does – and actually said to me, 'John, I must tell you that I never wanted to bring that Bill to the House, because of the question of community treatment orders, because I do not really think that people with that sort of problem should be housed in the community; they are better off staying in a residential unit.' I just could not believe what I was hearing. I would not even have mentioned it ever, except in my memoirs
1810 perhaps, (*Laughter*) but I have been forced to reveal that today.

I think that I need say no more. I totally support the motion as amended. (*Banging on desks*)

1815 **A Member:** Hear, hear.

A Member: Resign! Resign!

1820 **Mr Speaker:** Any other contribution?

Hon. Chief Minister: They should resign.

Mr Speaker: The Hon. Samantha Sacramento.

1825 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I feel compelled to contribute, (**A Member:** Of course.) given what I have heard from the opposite side of the House this afternoon, because I have to say I am appalled at what I have heard.

The Hon. Mr Clinton said that it was sad. Well, I have to say it is disgusting to have heard what we have heard. What is disgusting, Mr Speaker, is what we found and Mr Clinton is trying to, I think, deviate the attention by saying that his motion is not about the facilities, because we are saying we are reminding people of the appalling facilities that existed, and it is right that we do. And how *dare* Mr Clinton say that we have had to hear theatrics from the Chief Minister! Anybody who experienced the old KGV would have reacted the same – anybody with a heart and with a soul, and anybody who cared. (**A Member:** Hear, hear.) Because I went to the KGV 1835 some seven years ago in my professional capacity and I could not sleep that night after having been in the building and having witnessed and having experienced what I did, because I honestly never thought that those things, those places, existed in Gibraltar. Thankfully, under the leadership of Dr John Cortes, that place no longer exists.

If the Hon. Mr Clinton wants to talk about and wants to criticise the help in the community, 1840 everything that Mr Clinton was referring to really is the situation as it existed before 2011. Honestly, I do not know where Mr Clinton has been in the last five years, but has he not seen the development in health and in care? Has he not heard? (*Interjection*) He says that he has heard from the families of two individuals. Well, clearly, he was never in touch with people before 2011, because more than two families certainly came to us with complaints and with concerns – 1845 and we did not even need the families to come, it was obvious for everyone to see. Is he really trying to really rewrite history, Mr Speaker?

I know that Mr Clinton has only been in this House for a year, but that does not mean that the GSD, which is the GSD that he forms part of, started to exist a year ago. It is the GSD that is responsible for the failures in the whole for the 16 years that they were in Government! It was 1850 them who did not give this important sector of the community the priority and the importance that they deserve. How dare Mr Clinton come and criticise the Government and the people who are working to deliver to vulnerable people! It is the vulnerable people we are here to serve, and it is the vulnerable people whom we are now able to serve – vulnerable people who find themselves in institutions such as Ocean Views and vulnerable people who now receive help in 1855 the community which was never available to them. They are inextricably linked. You cannot talk about community help without talking about the facility, because we have to talk about the person. It is us who introduced person-centred planning – the person can be in a facility, can now be at home with support and may well return to the facility. We have to talk about everything when we talk about mental health. It just shows how little Mr Clinton knows. I am 1860 sure that Mr Clinton is a good man and he is doing this for the right purposes, but he just has not bothered to do his research properly and look at the information and look at the reality.

Let's talk about help in the community. Let's talk about how, since 2011, the Health Service and Social Services now work together. They used to work in complete silos before, and it was not easy, when we started in 2011, to get them to work together, because such was the culture 1865 that had been ingrained in them that they had to defend their patch and their silos and their very limited budget. They were not used to working together, it was more like a scramble, but we have sorted it out. Everything that we do now, in respect of vulnerable people in particular, is at a multi-agency level. And it does not just concern the Health Authority and Social Services – we now involve other agencies such as the Police, such as Housing. We are training other people 1870 in these disciplines so that they are aware of how different people with different needs need to be treated. That is the true inter-agency working that we have introduced.

So let's talk about continuation of care beyond the facilities in the community, shall we? One of the things that we did some three years ago, if I recall, was we increased the complement of Social Services by a growth post for a social worker in the adult team to work specifically with

1875 the hospital. Why? So that there was continuity of care beyond the hospital. What did we do in
 respect of assisting in the community? While, of course, the Health Authority has its structure,
 because it has a department that is called Community Nursing, so where it is appropriate to
 have community nurses you have the community nurses and you have the Community Mental
 Health Team.... It is in the name, Mr Speaker. But beyond that what did we do? Another
 1880 example: we increased the budget for domiciliary care from just over £½ million, which is what
 the budget was when the GSD were in office ... And I know Mr Clinton does not like spending
 money, but we spend money where we need to, and we increased the budget from just over
 £½ million to £2½ million pounds on domiciliary care. Domiciliary care is the title that we use
 when we offer help in the community for a variety of reasons, but some of the people who
 1885 receive domiciliary care are, of course, people with mental health issues, because they are
 vulnerable people in the community and that is what the budget is for. So Mr Clinton on the one
 hand says one thing ... Maybe if the GSD were in office and they did not want to spend the
 money they would not have had the same budget, but I tell you, Mr Speaker, that with £600,000
 per annum on domiciliary care you cannot really help a lot of people and it certainly does not
 1890 reach vulnerable people with mental health issues – but it now does.

Actually, an anecdote on domiciliary care, which is one of the very pivotal manners of
 support that we have introduced: when we came into office and I asked for an assessment of
 the domiciliary care that was being offered, there was not even a database. Perhaps Mr Clinton
 does not know how the GSD managed domiciliary care? Well, I will tell him: the database was a
 1895 plastic bag from Morrisons with papers stuffed in the bag and placed on the floor under
 somebody's desk. (**A Member:** Disgraceful). That is the disgraceful state of affairs, of how
 vulnerable people in Gibraltar's community were treated. And it was just an administration
 exercise. There was a budget of £600,000, and, as a social worker has described it to me, it was
 just filling dead men's shoes. Somebody died, they left a couple of hours, and the next person
 1900 was allocated the hours – regardless of the priority or the need, with no planning, no aftercare
 policy or strategy whatsoever. Nothing!

How does it happen now? We have professionals assessing people. We have social workers
 who assess people, assess their needs, assess their priorities, preparing care plans. I honestly do
 not know where Mr Clinton gets the notion that there are no care plans and no aftercare. The
 1905 GHA, on the whole, refers people to Social Services. Social Services assesses the situation,
 prepares a care plan and arranges for the delivery of the care. That is how it works. That is how
 it works now. What we were hearing from Mr Clinton really is an analysis of how it worked
 before. That is what is so worrying. So, when Mr Clinton said he was sad, I think now he is going
 to be even more sad when he is hearing the truth and not what he thinks is the truth or what he
 1910 wants to pretend to be the truth, or the history that he is trying to rewrite. Does he think
 everybody else is stupid? Does he think that people do not remember? Mr Speaker, this is a *very*
serious situation. People's mental health and people's welfare is very serious.

Let's carry on reminding Mr Clinton of the reality of how things have changed and how
 people are now supported in the community. For example, we work alongside Clubhouse. Who
 1915 does Mr Clinton think is the principal source of funds for Clubhouse? Well, it is the Government.
 Of course it is the Government! It is *this* Government, because their Government did not help
 them. (*Interjection*) I will tell you that one time in the summer of 2012 I dropped in to visit
 friends at Clubhouse for a cup of tea. Back then, they were in the premises that had been
 1920 allocated to them by the GSD at the Toc 'H' Mr Speaker, which I can only describe as a dungeon
 – an archaic, historic, dilapidating building which, as you entered, had a cavernous room to the
 right which was full of damp, full of mould and stinking. Then, Mr Speaker, I walked through the
 corridor to another room. It was in the middle of summer – it was boiling hot, and while I had
 my cup of tea with my friends from Clubhouse, within half an hour one of the members fainted
 from the heat. That is the help and the support that the GSD gave Clubhouse in the community.
 1925 And how many members did they have back in 2012? No more than a handful, Mr Speaker.
 Since then, in the last three years, Clubhouse has alternative premises which are a hundred

1930 times better than the Toc 'H' and Government is working with them to find them suitable alternative premises. But they receive an annual grant – previously from my Department and now will receive from Minister Costa – and in the last three years they have received ... The first grant that I gave them, which I think was in 2013, £25,000; and then in the last two years, £35,000 in each financial year. In addition to that, there have also been two additional payments of a further £35,000 and, in addition, there are seconded members of staff. How do they think Clubhouse operates? It would not operate were it not for the support of the Government. But which administration? This one, because it assists people in the community. It is all part of the plan, Mr Speaker. There is now a plan, which is the difference. There was no plan before. Before, you go to KGV, you put your clothes in a bin bag...

1935 That, Mr Speaker, is what made me go into politics: when I saw the state of Social Services, when I saw how vulnerable people were suffering in our community, so neglected by the GSD; and, as Minister Isola said, people who did not care. How disgusting!

1940 Really, Mr Speaker, at this stage I do not think there is more that I could add, given what my wonderful colleagues have already contributed to this debate, other than of course I will support the amendments to the motion, because this is what it is, and not the motion that is proposed by Mr Clinton. I cannot really put it eloquently because I do not know what planet Mr Clinton is living on when he says the things that he is saying. He does not live in reality, he cannot, because 1945 it is not a true reflection of Gibraltar now. He is talking about the Gibraltar of over five years ago: the Gibraltar where vulnerable people were neglected by the Government. That is not the case today, Mr Speaker.

Thank you. (*Banging on desks*)

1950 **Mr Speaker:** I call on the mover to reply, the Hon. Neil Costa.

Hon. Neil Costa: Mr Speaker, if I may first address the comments made by the Hon. Mr Hammond. The Hon Mr Hammond during the course of his brief intervention, at least conceded that every time he has called me and asked for assistance I have been able to assist 1955 him, and I have always attempted to assist any hon. Member opposite who does contact me, because of course they do so on behalf of people who go to them for whatever issue it is that they are facing.

This is why I have said, Mr Speaker, that it is not credible for the Hon. Mr Clinton to stand in this House and pretend that he brings the motion as a result of concern, because as I said, if he were truly concerned about the people whom he quotes, he would have picked up the phone, he would have sent me an e-mail and he knows, from speaking to his colleagues, that I would have moved immediately to be able to resolve any issues, if indeed any of those issues were issues that had to be addressed. But of course – and I have made the point before in this House – how do the hon. Members opposite expect us to be able to have a meaningful discussion with 1960 them when they just give us a quote – without, of course, giving us the names across the floor of the House, because it would be highly inappropriate to do so. But if he had written to me, if he had asked me to assist, if he had given me the details, if he had actually been concerned, we may have been able to have either drafted the motion differently, or – which I hope was a reason why he mentioned them at all – actually help them, if there was a need to do so. But he did not do that. It is all theatrics, it is all politics, it is all partisan. He does not know what he is talking about. The language bears consideration. He says there is a lack of care. Had he said that there was room for improvement, that processes may have to be reviewed in this particular aspect, that perhaps we should employ an *additional* mental welfare officer, then that is something we could have worked with – we could have worked on the language. But he talks of 1970 a lack of care as if to suggest that there is no care provided in the community. We have spoken about the post-facility care – has Mr Clinton not been listening? I have read to him three or four pages written to me. Does he think that I invented these things?

1980 I read to him what the professional staff wrote for me in respect of the post-facility
community care that is provided. I gave him names, professionals, multi-disciplinary teams,
locations, care plans, assessments, reviews, processes – and he stands up and he says again that
we have not dealt with his motion. But I have just told him! Has he not been listening? That is
why I say, Mr Speaker, that it is all a farce for them. It is sad indeed that something as serious,
something that merits meaningful, discreet discussion, meaningful consultation behind the
Speaker’s Chair, in private, should be instead ventilated by this very general motion that makes
1985 generic comments with no substance.

And then, Mr Speaker, what would be funny, except of course that it is not, is that he
pretends to be mortally wounded that we should remind him about the state of the KGV, that
we should tell him how we have drastically improved the post-facility services in the community.
I do not know why he is so upset. He has set himself up to be reminded of everything they failed
1990 to do and everything that we are doing. Does he not realise that that is what he is setting himself
up to do? Of course, Mr Clinton is an intelligent man: he has to know that he is setting himself
up for that. That is why I therefore come to the conclusion that there has to be some hidden
political mechanism of wishing to mark a difference between the time of Sir Peter Caruana and
their time now, as if to pretend that there is some magical, ethereal disconnect between the
1995 GSD that they represent and the GSD that was in government for 16 years. It is just not credible.
It is just not honest. It is theatrics. It is partisan.

And then I heard him complain – I could not believe this – that I should have sought and
quoted the views of the staff. Do their views not matter? Are they not important? Why must he
take issue with a fact that I quoted ... And I only made four quotes. I had an e-mail this long this
2000 morning with all of the quotes, and because of prudence I decided only to mention four. If the
hon. Gentleman really wants me to obtain quotes from service users, the Hon. the Chief
Minister has already received one during the course of this intervention; but, unlike him, I will
not talk about service users because it is confidential, because it is private, because it relates to
their families and individuals, because we care about protecting their identities.

2005 **Hon. Chief Minister:** You can share with him that it is not complimentary, what they have
said.

2010 **Hon. Neil Costa:** Mr Speaker, my hon. and learned Friend Samantha Sacramento has made
the point that some of the associations and civic societies that we deal with, in particular
Clubhouse, do receive material support from this Government because they do *excellent* work in
the community and they really care. And the way that a Government – as the hon. Gentleman
made the point before – which does not enjoy professional expertise in mental healthcare ... the
2015 only way to be able to show our support is by providing financial, material support, which is why
we fund Clubhouse to the degree that we do, which is why we have invested so much in capital
and infrastructure, which is why the Hon. Dr John Cortes spearheaded and led and gently
pushed the Mental Health Act team to work diligently to bring in an architecture that would, for
the very first time, enable community treatment in statute, in black and white. We brought that!
They did not! They had 16 years in which to do it, and to somehow absolve them of that neglect
2020 he gets up and says, ‘But we started Ocean Views.’ Oh, well done, after 16 years, for starting a
project which was, I can assure him, if anything, at its most nascent stages and which the
professionals have told me personally the little that they did they entirely disagreed with. Of
course, Dr John Cortes took the advice of the professionals and that is why we have an excellent
facility today for mental health issues.

2025 So I leave the hon. Gentleman with a thought: that although he clearly did not listen to my
contribution, because his reply to my amended motion proved exactly that, he will at least rest
easy knowing that tomorrow he will have his two-inch columns in the *Chronicle*. (*Banging on
desks*)

2030 **Mr Speaker:** I now put the amendment to the motion in the terms moved by the Hon. Neil Costa. Is a division required? No. Those in favour? (**Several Members:** Aye.) Those against? (**Several Members:** Nay.) The motion is carried by a majority.

The position now is that the amendment becomes the motion, and there are Members who have not spoken who are able to speak if they so wish. If not, I will call upon Mr Clinton to reply.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I would like to start off by commending my Opposition colleagues for lending their weight towards drawing attention to the issue of mental health services in Gibraltar. It was barely a month ago that I stood here, seemingly on my own, asking questions of the Government on precisely this important matter. I am therefore encouraged to see them follow my lead in pursuing this further. (**Several Members:** Hear, hear.) (*Banging on desks and interjections*) (**A Member:** It is not the first time.) (**Hon Chief Minister:** She is leading.) (**Hon Miss Sacramento:** Again!)

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Today, for me, Mr Speaker, is not the time to point the finger at where our local mental health services might be failing our community. Instead, and after much extensive research with mental health professionals and users, it is a chance for me to offer reflections and helpful suggestions on how we can upgrade the process. I think this is a perfect opportunity to propose clear solutions and strategies and suggest how improvements can be made. It is not for me to pick holes but to find ways to fill them. It is the difference between being critical and being constructive.

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I would like to engage with Government to ask them to consider the views of these professionals, all in the interest of formulating strategies to develop local services further, all in the benefit of our community. It is in this light, Mr Speaker, that I decided to propose an amendment that avoids vague targets but that instead presents purposeful and pragmatic suggestions that would lead to an already effective and efficient Mental Health Service taking even further steps in the right direction. These steps try to meet the precise demands of a challenging issue, posing clear objectives and measurable targets. I hope that the unveiling of my ideas will receive the support of my parliamentary colleagues and that of the community at large. My amendment is as follows:

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This House acknowledges the efforts of this Government in improving and developing services in mental health; asks Government to immediately consider making public the mental health data gathered and collated to assist stakeholders in using this data to assess how mental health issues are affecting Gibraltarians while also enhancing accountability; recognises that Government currently employs a structured and multi-agency approach to mental healthcare and that it partially uses the care programme approach NHS(UK) model, but invites Government to consider implementing it in its entirety, in the same way as the approach works in the United Kingdom in order to achieve maximum efficiency of care; notices the existence of the Educational Psychologist department, but asks Government to consider placing a mental health specialist within the department and to explore the possibility of establishing a bespoke school-based mental health support programme as per current UK models; asks Government to establish a direct crisis line system for the patient who may need it when in crisis and which leads the patient or his/her family to the dedicated care programme as a matter of urgency.

I shall expand on my amendment now and the reasons for the points I have raised.

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Mr Speaker, the statistics make staggering reading. Over 850,000 school children in the UK – that is three in every classroom – suffer from mental health problems. Suicide is the biggest killer among men aged between 18 and 45. Dementia is now the biggest cause of death in Great Britain, accounting for one in every eight deaths. The implication is simple but no less terrifying: mental health is the silent wolf that stalks modern society. It is the taboo of the new millennium, the unspoken reality that we try to deny to ourselves, because to do otherwise would mean

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accepting an unbearable and frightening truth. But pretend we must not. It is not an issue that will go away on its own, but one to be understood, to be acknowledged and to be confronted. We ignore it not just at our peril, but also at that of future generations of our community.

2070 It would not be fair to accuse the Government of ignoring the issue. Indeed, I must rightfully recognise their commitment to tackling this complex question. The Government is right to be proud of the Mental Health Act, the completion of Ocean Views and other commitments that we will hopefully see come to fruition soon, like the much-awaited Alzheimer's and Dementia Centre. But just because some initiatives may promise many improvements, it does not mean there is not much more to be done, and in matters of mental health it is imperative that we get
2075 on with newly identified priorities as soon as we possibly can.

Mr Speaker, I have spent the last few months engaging in a productive discourse with professionals from the mental health field. They have shared with me their thoughts and observations about the current service. They have enlightened me on the strengths of the structures presently in place, while drawing attention to their weaknesses. These conversations
2080 have formed the basis for my amendment, which shares these reflections with those here present. As a Member of the Opposition it is my duty to critique, but I should not do so for its own sake. Anyone can highlight a problem, but it is far more constructive to the democratic process to suggest solutions – solutions which take on board the views of those who are in the trenches and who are most affected by these problems. If these suggestions go some way
2085 towards bettering the life of just one person, then we should consider this process more than worthwhile.

Some of these proposals deal with prevention rather than cure, to curb problems at the root before they become an increased strain on the individual, on families, on the Health Service and on public finances. They call for Government to consider appointing a mental health specialist as
2090 part of the Educational Psychologist department with the specific brief of providing support to the students with mental health issues. The current staff does an admirable job dealing with barriers to learning, but this is a very wide-ranging focus that does not fully address the greater prevalence in mental health issues among young people.

Our youngsters are growing up in a complex world, where factors such as family breakdown, materialism, increased social networking, body image, bullying, cyber-bullying, early sexualisation, the media, violence and exam pressure, as well as many others, are all combining to impact on young people in many different ways. A lack of specialist support in early years could exacerbate the problem in future years, while a targeted approach would not only help deal with prevention but also make individuals affected more likely to access them in future,
2100 should it be necessary.

Early diagnosis and support is key and we should provide our children with the right professionals to help them through the world they live in and the many challenges it can throw in their paths. And while I recommend the appointment of a mental health specialist within the Educational Psychologist department, there is also the angle of referring to counselling services
2105 available in schools, to once again prevent future problems by providing mental health support to children at a young age. Such an in-house service will enable educationalists and counsellors to liaise and adopt appropriate strategies for students, thereby delivering a supportive environment that will impact on all aspects of learning and formation.

While counselling services are offered to local students by the GHA and other external agencies, these can be restricted in terms of accessibility, continuity in care and the finger on the pulse of what is happening inside schools. Counsellors can deal with issues on a more urgent and proactive basis, especially given that difficult situations can regularly require instantaneous involvement by mental health professionals, rather than by teachers. The best service currently offered focuses more on behavioural issues and deals with underlying mental health issues only
2115 where these affect student behaviour. Deeper and wider problems do not tend to be tackled by BEST, but could be by a counselling service that focuses on the needs of affected students.

2120 A preliminary contact has already been made with one of the directors of a leading mental health charitable organisation in the UK that offers similar services in schools across the UK. Interest has been expressed in exploring the possibility of establishing such a presence in
2125 Gibraltar schools, with the organisation able to provide training and resources. At the very least, a study visit could be arranged in order to ascertain how an organisation of this type could benefit local schools, enabling affected students to access a counselling service that could help increase awareness.

2130 Earlier on, Mr Speaker, I quoted some statistics to place mental health issues in context. These figures apply to the United Kingdom. Unfortunately, I was unable to provide statistics with a local relevance, essentially because they are simply not accessible. I can say for a fact that at the moment the statistics office does not provide data relating to mental health issues. These relate to, for example, hospital admissions and re-admissions on mental health grounds, rates of suicides and attempted suicides, amount of individuals receiving long-term treatment, national
2135 diagnosis statistics, etc. As a result, it is difficult to obtain a detailed picture of how mental health issues are affecting Gibraltarians. This picture is important in gauging the impact of mental health services, as well as providing valuable data for budgeting and resourcing. Statistical trends can be more closely monitored, leading to further investigation where necessary. Additionally, access to more information will greatly aid mental health professionals and organisations in how they consult the Government on these issues. By extending this further to include appraisals, results of complaints procedures and user valuations, the service can benefit from quality assurance and, where necessary, be held accountable for underperformance.

2140 My amendment therefore proposes that the Government considers more precise and comprehensive recording, publication of and access to statistics related to mental health issues, enabling all relevant stakeholders to take maximum advantage of the benefits of this data, while providing these parties with a comprehensive snapshot of the context and progress of mental health services from a local perspective.

2145 Furthermore, at this moment it is felt by some members of the mental health profession that current structures offer inadequate long-term care programmes for patients. The present situation is seen somewhat as inconsistent, unstructured and often on an *ad hoc* basis, dependent on the individual care worker. As a result, this leads to a revolving door where problems perpetuate themselves. Long-term continuity of care can be limited and patients can encounter problems with returning to reality after treatment. These problems often cause the
2150 initial mental health issues to resurface. Therefore, a structured and co-ordinated multi-agency approach, similar to the care programme approach offered by the UK's NHS, should be made available in its entirety here in Gibraltar. And, while I do acknowledge that currently parts of the UK CPA model are being adopted here, we should aim, as I said, to adopt the plan here wholly. By fully taking on this CPA, specific services can be assessed, planned, co-ordinated and reviewed, with the programme serving as a one-stop shop for stakeholders. Bringing the service offered by all associated agencies under one umbrella will minimise confusion and enhance communication, providing a more supportive environment for patients. This will help to prevent reoccurrences, with individuals less dependent on health care services while reintegrating more successfully.

2160 Lastly, Mr Speaker, I ask and urge Government to establish a direct 24/7 crisis line system for the patient who may need it when in crisis, and which would lead the patient, or his or her family, to the dedicated care programme as a matter of urgency. At the moment, the mental health patient in crisis does not have a dedicated help line which would direct them accordingly. If that were introduced, then it could direct the patient swiftly to the relevant next point of
2165 assistance and care.

I feel, Mr Speaker, that the proposals I have presented are constructive and viable as a starting point towards a better package for mental healthcare. They benefit from prolonged dialogue with mental healthcare professionals, service users and families, all of whom have a

legitimate interest in improving the services which they either provide or on which they rely.
2170 This discourse has led to the exchange of ideas to examples of successful practice being shared
with me and to me gaining a thorough understanding of the needs of these stakeholders.

The proposals are not intended to undermine current practices but indeed complement them
and enhance them, so I hope that my amendment can find some middle ground with Mr Costa's
2175 own amendment and that we will be able to work as a team here in Parliament on such a vital
and sensitive subject, which we all want to get right in our community.

I therefore urge both the Government and the GSD Opposition to vote in favour of them for
the benefit and betterment of our community –

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2180 **Chief Minister (Hon. F R Picardo):** Before the hon. Lady finishes, would she just give way, just
for a moment?

Hon. Ms M D Hassan Nahon: Yes.

2185 **Hon. Chief Minister:** Mr Speaker, I know that she was coming to the end of what she was
going to say and I would not interrupt her in the context of a motion if it was not for a reason,
but the hon. Lady's proposed amendment has got our attention and there is a lot in it that we
think we may be able to support. So, what I would do is I would suggest that, if possible, the
House recess for 10 minutes before the hon. Lady sits down so that we can discuss with her,
2190 before she has finished her speech, what the terms of the amendment might be, because she
might find that she is pushing at an open door with the Government and that some of what she
is proposing – in fact, a lot of what she is proposing – may be accepted by the Government in the
context of our own motion being amended with some of the less palatable aspects, that she
might find she was not able to support, removed, and some of that included.

2195 So, Mr Speaker, if the hon. Lady just indicates to me that she is agreeable to that, I would
move that the House recess for 10 minutes to consider the terms of the amendment.

Mr Speaker: I think the hon. Lady should finish her contribution so that the amendment is
formally before the House.

2200 **Hon. Chief Minister:** Mr Speaker, on a procedural point –

Mr Speaker: And then, if there is a consensus, somebody else can move the consensus. She
cannot do it.

2205 **Hon. Chief Minister:** She cannot do it. That is why I was proposing –

Mr Speaker: If there is a consensus, once she finishes, an attempt can be made to have a
consensus of motion and some other Member can propose it.

2210 **Hon. Chief Minister:** Mr Speaker, that is another way of doing it and I have no difficulty with
that, but we are going to get into amendment-to-amendment territory (**Mr Speaker:** Yes.) and I
wanted to avoid that. But it is absolutely also possible to do it in that way.

2215 If the hon. Lady wants to finish, we recess for 10 minutes and we may be able to come back
with an amendment to her amendment that she can support and we can support, and perhaps
even others might be able to support. But she has got our attention: it is entirely up to her
whether we do it one way or the other.

2220 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I was pretty much finished. I was just trying to say ... and I appreciate why the Chief Minister has asked to be given way, but I was just hoping that the Government and Opposition would go with my points and vote in favour of my amendment, because I believe that effectively it is a win-win strategy and points for the whole of the community and not just this Parliament.

2225 **Hon. Chief Minister:** Well, Mr Speaker, she has finished her speech. I propose that the House should now recess –

2230 **Mr Speaker:** Before you do, what the hon. Lady is proposing now would be an amendment to the motion as it has been amended – in which case, after her, anybody else can speak on this amendment.

Apart from endeavouring, trying to come to a consensus motion in a short period of time, I should point out to hon. Members that there is another avenue of approach. The other avenue of approach is to defer any further consideration of the motion to another meeting. There are precedents for that. There have been precedents when it may not be easy to arrive at a consensus in 10 minutes, but if there is an *animus negotiandi* something can happen over a longer period of time. As I say, there have been precedents where a motion was left for another meeting of the House and then taken up where it left off; it is deferred to another meeting.

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2245 May I also comment that, given the reaction of the Chief Minister that there is a possibility of a consensus, it would have been far better if the hon. Lady had spoken and moved her amendment before Mr Costa took part in the debate. I am saying that for guidance if on another occasion something similar develops, because if the reaction of the Government is that there is quite a lot in the hon. Lady's amendment that they could have agreed to, perhaps if she had tabled the amendment beforehand it might have been easier either to have accepted it or to have added a few paragraphs. I think that would have been a better procedure than where we are now. But definitely, no problem, the House will recess.

2250 **Hon. Chief Minister:** I think, Mr Speaker, that it is possible that we may be able to reach an agreement in respect of the parts that we accept quite quickly and I think that if we start that process we may be back by 8.15 and we will be able to proceed today.

Mr Speaker: Very well, we will do that. The House will now recess to 8.15.

The House recessed at 8.00 p.m. and resumed its sitting at 8.15 p.m.

**Mental Health Service –
Care in the community for discharged service users –
Debate concluded; amended motion carried**

Mr Speaker: Following the recess, I understand that the Chief Minister wishes to propose a further amendment on the basis of a consensus.

2255 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, we have been able to reach a consensus with the hon. Lady in respect of the things that she said that we felt we could agree.

There is one aspect of what she said in relation to the Educational Psychologist aspect which my hon. Colleague Mr Cortes, the Minister for Education, will speak on.

2260 We will therefore propose to the House what, if I may say so, is a composite motion between the motion as it was after the amendment by Mr Costa and parts of the motion that the hon. Lady put, which I said had got our attention, and which I think produces a rounded motion that

2265 deals both with the issue that we passionately believe must be reflected, which is the work that has been done since we were elected in December 2011 in respect of which we have already, I think, in a fairly cathartic way, spoken, and also reflects the issues the hon. Lady has put, and takes out some of the more partisan aspects of what we had proposed in our original motion in deference to the way that the hon. Lady has proposed that the House should consider these issues. But at the same time it does recognise the work that has been done and is being done by the Government, which the hon. Lady said in her speech she was prepared to accept and therefore it made sense to us could be reflected.

2270 I think hon. Members now have the proposed amendment to the amendment, which includes much of what was in the hon. Lady's amendment. I do not propose to say more than that, but I would say that it would be a fine thing indeed if this motion could be accepted by the whole House. Hon. Members opposite, of the GSD Opposition, have not indicated whether they are able to support it or not. I would urge them to support it, although it does reflect the excellent work that has been done since December 2011. In politics what you cannot do is go against reality, and this is an important issue on which the whole community will, I think, commend us if we are able to come out with a unanimous consensus; otherwise, at least there will be an element of consensus across the floor.

2280 I therefore move the amendment to the amendment in the terms which have been circulated to hon. Members, which, given the hour, I do not propose to read out.

Mr Speaker: What it would seek to do, effectively, is to delete everything after the words 'This House' and replace it by the consensus which has been arrived at.

2285 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, may I just add very briefly an explanation as to how we have agreed on one particular paragraph, which is the penultimate paragraph of the hon. Lady's original amendment, which recognises the fact that there are some steps already being taken in improving child and adolescent mental health – for example, the training of a third educational psychologist and other steps taken. The hon. Lady has kindly agreed to reflect that in that paragraph and hence the consensus is that that paragraph is slightly amended from her original one.

2295 **Mr Speaker:** Any hon. Member from the Opposition wish to participate now on the amendment to the amendment?

2300 **Hon. Ms M D Hassan Nahon:** Mr Speaker, Minister Isola said something before which made me think – and it is true, of course, and it is a beautiful play on words that in order to provide care you have to care. So, if the GSD Opposition side of this House cares – and I know that they do, because everybody cares and everybody has their own different reality ... perhaps their own different appreciation of what each party has done in the past and what they have meant to do or their intentions. We all have good intentions, but at the end of the day this motion aims to look forward and to take notable strides in mental healthcare. It is only positive and constructive and that is why I urge both sides of the House – obviously, the Government side will be supporting it – but I urge both sides of the House, in the interests of real care, to please go with this motion because it can only be constructive for the community and there would be no reason to really oppose it if you really care.

2310 **Mr Speaker:** The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, while of course everybody in this House no doubt identifies with the sentiment expressed by the hon. Lady, as much as we would like to support this consensus motion between the independent Member and the Government ... and I did attempt

2315 to arrive at a consensus position with the Government, although there did not seem to be much
appetite to consider it, in that certainly elements of this motion are blatantly partisan. Now, if
those partisan elements were removed, we might be in a better position to, as the hon. Lady
says, provide something that shows that we all care, on paper. But this paper reflects a political
reality in which, unfortunately, the Government are stating their political position at the expense
of ours. For those reasons, we cannot really support the motion in the terms worded.

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Mr Speaker: Any other contributor to the amendment? The Hon. Neil Costa. (*Interjections*)
Sorry, I caught the eye of the Hon. Neil Costa beforehand.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, once again – and I hope
2325 it is the last time – I rise to disagree with the hon. Gentleman, Mr Clinton.

I do not know how he can say that the creation and delivery of Ocean Views, which is entirely
fit for purpose, is partisan or political. It is, as far as we are concerned, a question of fact.

It also notes that the motion will commend the Government for amalgamating healthcare
and social care. The hon. Gentleman will of course reflect that, as he protested a few minutes
2330 ago, his main points he said were about co-ordination for community care, and of course it
makes sense therefore, given the synergies between the provision of healthcare and social care,
that there should be one Ministry amalgamating those responsibilities.

So, given the contribution made by the hon. Gentleman, I do not agree that this is a partisan
or political motion, other than the fact that it is made in the House of Parliament, which is
2335 ultimately partly political, to the extent that all contributions will be drawn from political sides.
Therefore, Mr Speaker, I am very grateful to the hon. Lady for, I have to say, a breath of fresh air
in being able to bring a motion that talks about improving where we can and about wanting to
be constructive with the Government and working where we can. She knows that I always
extend to her my hand of friendship and of support in whichever way she feels she can be of
2340 most effect to the people who go to see her.

For all of those reasons, Mr Speaker, I commend the composite motion to the House.

Mr Speaker: The Hon. Trevor Hammond.

2345 **Hon. T N Hammond:** Thank you, Mr Speaker.

I stand here a little disappointed, because I think an opportunity has been missed by this
House to indeed find a consensus position. I think Mr Speaker's suggestion before the recess,
that perhaps the motion was deferred, would have allowed time to find a position which both
sides of this House could indeed have agreed upon. Because of course, were the Members of the
2350 GSD sat on this side of the House to vote in favour of the motion, we are indeed voting in favour
of the entirety of the motion, and I regret to say we are not able to do that because of certain
provisions within the motion. I do believe that perhaps we have missed an opportunity and with
a little more time available to us ... bearing in mind it is already late at night and we are not here
to rush or bustle things through – we want to make sure that the words of motions are correct
2355 and reflect the opinions and views of those in the House, and certainly a motion that is passed
unanimously must reflect the views and opinions of everyone in this House. Unfortunately, we
have not quite reached that position with this motion. Perhaps, given more time, we could have
reached that position with this motion, but as the motion stands at this moment it is just simply
not possible for the Members on this side of the House, excepting the hon. independent
2360 Member, to support the motion as it stands.

Mr Speaker: If there are no other interventions, then I will call on the Chief Minister, the
mover, to reply.

2365 **Hon. Chief Minister:** Mr Speaker, yes, I agree with the Hon. Mr Clinton: this is a missed opportunity; it is a missed opportunity for the GSD Opposition. It is a missed opportunity because they came here with a motion and they had obviously come here without realising, I imagine – otherwise, they would have been absolutely volent – that they were going to get the reality of the past five years of work and the reality of the former 16 years put back at them.

2370 They need to do more research before they bring motions. They should not just bring motions for the purposes of hearing their voices. They need to contact us before they put motions, so that if they want the opportunity of the Parliament working together they have our opinions, because at the end of the day when they put a motion what they want is our vote. They want us to vote for their motions; otherwise, they are putting motions which they are going to lose, and those missed opportunities have been, as they have been in respect of their other motions, entirely of their own doing.

2375 This is not a cheerleading motion on the Government anymore, as it is proposed, because the hon. Lady would be uncomfortable cheerleading the Government; but she, rightly, I think, is comfortable recognising some aspects of what the Government has done and she calls upon ...
2380 and the Government will support some of what she calls upon us to do, which is to further what is, in their view, the partisan aspect of this motion – I think they say it is the first two lines – which is actually the reality of what has happened on the ground. That is why our mobile devices are ringing with the messages of support from the people who have been through KGV and Ocean Views now, and the Social Services before and during the time that we have been in Government. That is why, Mr Speaker, I commend the composite motion as it is to the House.

Mr Speaker: I will now put the consensus amendment to the vote. Those in favour? (**Several Members:** Aye.) Those against? (**Several Members:** Nay.) The motion is approved with the Government and the hon. Lady voting in favour and the official Opposition against.

2390 We are now at the situation where we have the original motion as amended before the House. If there is no other speaker, I will call on the Hon. Mr Clinton to exercise his right to reply.

Hon. R M Clinton: Mr Speaker, after a long debate I can say I am actually glad that we have had this debate and we have discussed the very serious issues surrounding mental healthcare in this House. And whereas as much as I would have loved to support a composite motion, we on the official Opposition could not support the motion as worded for reasons I have already stated. However, having said that, I am glad that we have on the public record now the views of the Government and the stated policies of the Government as to what they believe is being provided to this community, to service users and to the families of service users.

2400 I brought my original motion in good faith, as much as the hon. Members opposite may think it was just in search of soundbites or columns in the *Chronicle*, or anything else, but as I freely admitted, when I stood up, in my opening address, this is not my comfort zone and this is not an area in which I have cumulative knowledge. So when I brought this motion it was because I had genuine people who have said to me, 'Look, these are the issues.' I stood as their voice. If they could not get satisfaction from the normal channels, I will obviously try and reach across the floor and speak to the Hon. Mr Costa to see if they can get some help. But that should not be the way things happen in Gibraltar. There should be a system in which people can go through that system and get the help they need without recourse to those of us in this House who have the power to do things or move things along. There should be no need for Members on this side to consult or to tell people on that side, 'Look, can you see so and so, because they need your help?' The system should work on its own two feet without any political interference from anyone in this House, including the Minister for Health.

2410 Mr Speaker, the former Minister for Health made a great play of the introduction of the Mental Health Act, and I believe he said that he missed getting this in before the election because he ran out of parliamentary time. Well, I just find it a bit surprising, seeing as this was so far up his agenda and so important to this community, that in fact this was only gazetted on

27th April 2016. In fact, I have gone back to the parliamentary agenda for the very first meeting of this House, on 18th January 2016, and the only Bill standing in his name is a Bill to amend the Animal and Birds Act. This Mental Health Bill was so important to the Minister for Health at the time that for him amending the Animal and Birds Act was more important than the Mental Health Act. *(Interjection)* I am sorry, but that is the reality. If he said to this House that this Bill was ready for passing, and the very first thing he did not do was put this on the agenda ... *(Interjections)* That is a fact: gazetted on 27th April 2016.

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2425 I still have not heard anything from any of the Members opposite in respect of the section 117 aftercare which exists in the UK, and I trust no doubt they will enlighten us and the community in due course.

The Members opposite seem to think that I live in a time warp, in that the people I speak to are reliving events of five years ago. No, these are people who are living events here and now and today, not five years ago. The system needs to improve.

2430 I find it surprising that having made this Mental Health Act such an important piece of legislation – and which we freely supported when it came to the House; it is an important piece of legislation ... But again, the new Minister is saying hopefully it will come in in the first quarter of 2017 –

2435 **Hon N F Costa:** I did not say that, Mr Speaker. I said it *will* come into effect in the first quarter, not *hopefully*, which is an entirely [*Inaudible*].

Hon. R M Clinton: Well, either way it was still three months away from implementation –

2440 **Hon N F Costa:** Better than 16 years.

Hon. R M Clinton: Well, look, you could have brought it in on the very first day of the Parliament.

2445 **Mr Speaker:** Please, do not talk across the floor of the House unless you are prepared to give way.

Hon. R M Clinton: And so, Mr Speaker, in terms of priorities they seem to have slightly missed the boat on this one. Mr Speaker, there was one comment which, and again, if we were given more time to achieve a consensus motion, maybe we could have come up with something that we could have all agreed on. There was one comment which I heard in this place for the first time, and that is that there will be a review undertaken – which in fact was the basis of my original motion. So I would encourage the Government to make public the process for this review: how this review is going to be undertaken and by whom; when is the report due; and, of course, no doubt this report will be made public. Because at the end of the day, as the hon. Lady has quite rightly pointed out, we seem to be sadly lacking in information and statistics. It is very hard on this side of the House without access to the information that the hon. Members on that side have, to determine whether in fact we are meeting the needs of our community.

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2460 And so, Mr Speaker, it is really unfortunate that we could not arrive at a consensus, but at the end of the day we have aired the topic and we have given it justice, I believe, tonight; and so, Mr Speaker, I have nothing further to say. Thank you.

Mr Speaker Before we take the vote, I am going to read out the motion which I am putting to the vote, because otherwise it will not appear in the *Hansard*.

This House:

Notes the notable strides in the provision of mental healthcare since the election of the GSLP Liberal Government on 9th December 2011; notes the creation and delivery of an entirely fit-

for-purpose mental health facility, establishing an optimum environment for patients, carers and staff; acknowledges the efforts of this Government in improving and developing services in mental health; asks Government to immediately consider making public the mental health data gathered and collated to assist stakeholders in using this data to assess how mental health issues are affecting Gibraltarians, while also enhancing accountability; recognises that Government currently employs a structured multi-agency approach to mental healthcare and that it partially uses the care programme approach NHS(UK) model, but invites Government to consider implementing it in its entirety, in the same way as the approach works in the United Kingdom, in order to achieve maximum efficiency of care; notes the existence of the Educational Psychologist Team; welcomes the fact that a third educational psychologist is being trained and asks the Government to continue to consider additional ways of dealing with child and adolescent mental health issues and to explore the possibility of establishing a bespoke school-based mental health support programme, as per current UK models; asks Government to establish a direct crisis line system for the patient who may need it when in crisis and which leads the patient or his/her family to the dedicated care programme as a matter of urgency; notes that the Government's commitment will rightly be judged by how we take care of the most vulnerable among us; commends the Government to continue to relentlessly pursue the improvement in mental healthcare provision by basing its policies on the best medical advice and working hand-in-glove with professionals and civil society to design and deliver optimum support for persons with mental health issues; and further commence the amalgamation of the provision of health and care under one newly created Ministry.

2465 **Mr Speaker:** I put this motion to the vote. Those in favour? (**Members:** Aye.) Those against? (**Members:** Nay.) The motion is supported by the Government and by the hon. independent Lady, and the official Opposition are voting against.

**North Front Cemetery –
Maintenance –
Amended motion carried**

Hon. T N Hammond: Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

This House:

Laments the present poor condition of the North Front Cemetery and believes that the place in which our loved ones are laid to rest, as a sign of the respect in which we continue to hold those loved ones, must be better cared for and maintained.

2470 Mr Speaker, I assure the Hon. the Chief Minister we do not have a quota of motions which we have to get in every parliamentary session, and indeed the reason we, as an Opposition, are tabling these motions is very much on the advice of Mr Speaker himself, who has demonstrated his aversion to Question Time turning into a debate, and therefore these motions allow us an opportunity to genuinely debate issues that have been raised with us, issues of public concern,
2475 and a wide range of different issues indeed.

No one can dispute the truth that the cemetery at North Front is a place unique in our community; a place where, as a community, we give expression to emotions of grief and sadness nowhere else felt; a place where we lay to rest our loved ones, and in doing so are subjected to that singular sensation of sorrow that can be felt only on these most desperate of occasions; a
2480 place where we return time and again to express a continued love and respect we have for those

loved ones – mothers and fathers, wives and husbands, sons and daughters, family and friends – people who, in their absence, continue to have a special place in our hearts and who deserve to have a special place in which we can show our love and respect.

2485 Herein lies the crux of this motion and the reason for lament, because at present the only thing especially unique about the cemetery is its state of decrepitude and dilapidation.

I would be both surprised and disappointed should anyone in this House argue the contrary to anything I have said thus far, because the weight of public opinion would be very much against them. I receive complaints almost daily about the condition of the cemetery. Indeed, there have been petitions against the condition of the cemetery. Many of the complainants ask me if I can do anything about it. I see concerns expressed on social media, I see petitions being raised asking for improvements, and yet I see no significant steps being taken to affect that improvement.

2490 As leaders of this community, we all share to a lesser or greater degree the shame of having allowed this situation to arise, and I am proud to move this motion as a positive action in at least getting this House's acknowledgement that this is an issue, that many people feel let down and that improvements must be made.

I was recently in Trafalgar Cemetery for the Trafalgar Memorial Service, a very moving service when placed in its historical context. It was an appropriately gloomy day, so the cemetery was not at its verdant best, but still one had the sense that with its well-manicured pathways, tended shrubs and shade trees it was a place well looked after, kept in a condition appropriate to its status and hopefully out of respect for those who lie there, rather than simply because it lies on the tourist trail.

2500 Compare and contrast with the cemetery at North Front, with its sun-bleached and broken pathways, damaged drains and leaky taps, unkempt and uncared for vegetation. While Trafalgar Cemetery has an air of quietude and solace, North Front conjures a sense of desolate abandon. We cannot allow this to remain.

So what can be done to change this? Well, firstly, of course, we must acknowledge and accept that North Front Cemetery is not as we would wish it to be. We cannot live in denial of the palpable facts there to see by anyone taking the time to do so. Having acknowledged and accepted the disservice to our community that the present lamentable condition of the cemetery represents, I do not believe that lavish sums need to be expended to bring about improvement. Indeed, this should be avoided. However, more effective use of the available resources needs to be considered and we need a plan – not one that will take four years to formulate, but one that can be swiftly actioned to set about changing the ambiance of North Front Cemetery into one of appropriate dignity.

2510 Mr Speaker, I hope to receive unanimous support in this House for this motion without amendment. It will show our community that its politicians are listening and do hear their concerns, and significantly both care about those concerns and will act upon them.

2515 Thank you, Mr Speaker.

2520 **Mr Speaker:** I now propose the motion in the terms moved by the hon. mover. Does anyone wish to...? The Hon. Dr John Cortes.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
2525 Thank you, Mr Speaker.

I am afraid to disappoint the Hon. Mr Hammond in one respect, as I am going to be proposing an amendment; but not in another, as I am not happy with the state of the cemetery. I have never said that I am happy with the state of the cemetery and it is certainly not as I would wish it to be. It is, however, very much a work in progress. At least there is work in progress, which there had not been before we came into Government, because the complaints about the cemetery and the state of the cemetery go back for decades, right through the time of the previous administration.

Mr Speaker, many things contribute to the state of the cemetery, not just workforce issues, not just vegetation management issues, but also legislation and structures which were in place. 2535 For many years, North Front Cemetery was abandoned. In fact, the Superintendent of Cemeteries who was appointed at the time of the GSD was almost sent there as an outcast into a backwater and given very little, if any, support by that administration, despite the fact that he is dedicated – and certainly the aspects in relation to burials, to being available virtually seven 2540 days a week and almost 24 hours a day is something that is not cause for complaint and there are very few cemeteries anywhere in the world as accommodating to respond to the distress of families who are bereaved in ensuring a speedy burial is effected. So there are lots of things that come into play in this.

If I may, Mr Speaker, just refer to the complexity of North Front Cemetery, the cemetery complex consists of a perimeter wall, the footpaths leading to the various plots, the public toilet, 2545 freshwater points in a number of locations, and so on. I am pleased to report on that in recent years we have, in fact, invested more in the cemetery in a certain number of respects. The materials, tools and equipment budget of the cemetery was around £10,000 and it is now nearly £20,000 every year. The perimeter walls are regularly painted – as we saw, they were particularly painted after a regrettable instance of vandalism that we had a couple of years ago. 2550 The footpaths are maintained and whenever there is need to remove some of the footpaths to access the vaults at the edge of the plots, these are immediately reinstated. The toilets are also well maintained and clean at all times. We have also introduced the marking of the plots, so they are all designated and therefore much easier to find – and the map at the entrance, which is also very helpful to the users. We have also increased the number of cemetery keepers to two, as 2555 opposed to one that was in place in 2011 when we came into Government. All the water points are now working – we do not go to taps anymore and find that there is not any water, and if there is it is very quickly repaired – and the drainage is currently being upgraded.

The problem perhaps is twofold: the clearing of growth around the vaults – you cannot compare the maintenance of the windswept, sandy North Front Cemetery to Trafalgar 2560 Cemetery, which is in a sheltered area and is much more similar to what you would need to do in the Alameda Gardens, and therefore much easier to maintain than North Front Cemetery because of the climatic conditions and the poor nature of the soil.

The question of maintaining of vegetation is the one that causes the greatest of concern. The vegetation maintenance was carried out – and this was instigated by the previous administration 2565 – by a small group of workers from the then community projects. These workers have now largely left the organisation and, as was mentioned here not a week ago in Parliament, the Government put out a tender in order to see whether it could carry out the maintenance of the cemetery in a different way. Unfortunately, none of those tenders were considered to provide value for money and the Government then started to look at other alternatives. So it is not that 2570 nothing has been done at the time. The alternative has included extending the duties of people who look after the burials to cover vegetation management, and for a period of time it seemed to have been working relatively well. In the last year or two, because of increased pressure on burials and other changes in the organisation, this has not quite worked so well, so we have tried to get other bodies of workers to deal with it. At the moment, the situation is that we are 2575 actively considering a management programme which will either be using existing resources working elsewhere for the Government, or the possibility of issuing a new tender, which will be structured in such a way that will allow seasonal work, rather than a *[Inaudible]* and that might actually bring down the costs and increase the value for money element. Let me explain, Mr Speaker. The critical time for the growth of vegetation is now, just after the first rains, and 2580 therefore there will be more work, for example, in the autumn than if it is being properly maintained in the summer, because there will not be that much growth to work with. Therefore, we are working on the possibility of either redeploying current resources to there with that management programme, or issuing a tender with that management programme, because I do

2585 repeat that has to be tackled. I am not happy with the state of the cemetery – let me insist on that.

There is another issue, Mr Speaker, which is one that people may not realise, and that is the question of dilapidated vaults. The Government is not responsible for those vaults, but it is the leaseholder who is responsible and this is stated under the Cemetery Act, and Government may only intervene and demolish these vaults when they exceed 100 years. In such cases, the remains within the vaults are placed in a common grave and recorded as such. So the Government, similar to the fact that it could not act in certain areas of mental health because it was restricted by the law, cannot deal with certain vaults until they are of a certain age, and therefore it is something that the Government cannot act upon.

2595 The Cemeteries Act, Mr Speaker – or Ordinance, as it was when it was passed – is not dating from 1968, like the Mental Health Act that we were discussing before; it actually dates from 1889 and is 127 years old. I am glad to be able to say that we are finishing a process of consultation in which we are going to shortly be publishing a command paper with a revised Cemeteries Bill, which will deal with a lot of these issues. One of the issues will be the question of when Government can intervene to deal with a vault not being properly maintained, which it now cannot do.

2600 Among the changes that the Act will bring is that it will not be limited to the cemetery at North Front, but will be able to apply to other cemeteries in Gibraltar which are under the control of the Government, and a Cemetery Authority will be created, which will be responsible for the general management and supervision of the cemetery and the registration and control of burials.

2605 The board of visitors, when I came into office, had not met for several decades. I was told, incidentally, by one of the appointees of the former board that when he enquired as to how often they would have to meet when he was approached by a former Government, he was told 'Don't worry, you are not expected to meet, but I have to have names in the *Gazette*.' So, Mr Speaker, it had not met for decades. I reconstructed that board of visitors. Sadly, the Chairman who was appointed, David Hoare, did become ill shortly after that and was ill for a considerable period of time, which rather upset the work, and sadly, as we all know, David passed away quite recently. It has now got a new Chairman, and with the new Acts it will no longer be known as the board of visitors; it will be known as the Cemeteries Board, which will have the ability to be involved in directing and advising on all aspects of the work of the cemetery.

2615 Mr Speaker, the definition of burial rights and who may construct a grave or vault is also going to be dealt with, and offences will not be taken as lightly as they are. You can imagine that in 1889 fines were not as high as you would want them to be. Any person who creates a disturbance or nuisance, for example, at this point in time would be afforded a £5 fine; this is going to be increased to a level 3 fine.

2625 So, as you see, Mr Speaker, there is a lot of work going on in the background in and around the cemetery. Because of all the different things we have tried, particularly from the point of view of management, we are not there yet; I absolutely accept that. Work has to be done and it is my intention that before this term of office is out the work will have been completed.

Therefore, Mr Speaker, I am proposing that we amend the motion as follows, and I hand this over to the usher.

Replace after 'This House':

Recalls that North Front Cemetery is the place where our loved ones are laid to rest; considers that there has always been room for improvement to the condition of North Front Cemetery and that this has been the case under successive Governments; notes the importance of continuing maintenance and to the state of the cemetery, recognising the efforts presently being made in that direction; and supports the Government's plans to review relevant legislation and to provide a management programme for the maintenance of the cemetery.

2630 Mr Speaker, this, I am hoping, will allow us to work towards a cemetery that our community requires, demands, and in fact deserves, so I commend the amendment to the House. (*Banging on desks*)

Mr Speaker: I now propose the amendment in the terms moved by the Hon. Dr John Cortes.

2635 **Hon. R M Clinton:** Mr Speaker, I entirely identify myself with the comments made by the Hon. Minister: I think that we all know that North Front could be a much better place.

2640 I will let my hon. colleague Mr Hammond give his view as to the official Opposition's position on the amended motion, but there was one comment that the Hon. Minister made in respect of the legislation of the Cemeteries Act, and certainly it does date back to 1889 – with consequential amendments, of course. He said that he may have been told – and I am not sure this is right, but that the burial vaults the Government had no ability to do anything about and that they had to be more than 100 years old before they could be touched. I cannot find anything in the legislation that says that. In fact, under section 6(1) of the Cemetery Act it actually says – and this is something the Minister may want to consider in preparing the Bill for the new Cemetery Act. It says, under 'Powers of Superintendent for maintaining good order and appearance of the cemetery':

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- 6.(1) The Superintendent may for the purpose of maintaining the good order and appearance of the cemetery exercise the following powers:–
- (a) to remove stones, bricks and other material of monuments and memorials of the dead, which have fallen from their places;
 - (b) to remove rails which surround or form part of monuments and memorials of the dead, which are in a ruinous condition;
 - (c) to arrange the materials of monuments and memorials of the dead, which have become ruinous or dilapidated so as to render them less unsightly in appearance.

And so, Mr Speaker, I would ask the hon. Member to perhaps go back to his source and double check the point about something having to be 100 years old before they could be put right. Again, as a layman reading that, it would appear that the Superintendent of Cemeteries already has that power and no doubt that will be reflected in the new Act.

2650 Though there is room for improvement in the cemetery and we all recognise that, certainly we will give good consideration to his proposed amendment.

Thank you Mr Speaker.

2655 **Mr Speaker:** The Hon. Trevor Hammond.

Hon. T N Hammond: Well, Mr Speaker, I am very glad that I did not take the Hon. the Chief Minister up on his suggestion to defer this motion, because the amendment that the Hon. Dr Cortes has proposed would appear to me to be perfectly acceptable, and therefore I think we are in a position where actually we can achieve consensus in this House.

2660 We all appear to agree that the cemetery is very much a work in progress. I would ask perhaps that that work is accelerated as far as possible. I appreciate the resource issues, but it is a place that the people of our community do, on sad occasions, congregate to and it is a place where, clearly, when people are there and they look around themselves they feel, at the very least, disappointment at its condition.

2665 But in terms of the constituent parts of the proposed amendment, there is absolutely nothing objectionable to those on this side of the House and I very much feel that we can support the amended motion.

Mr Speaker: Any other contributor?

2670 I call on Dr John Cortes to reply.

2675 **Hon. Dr J E Cortes:** Mr Speaker, first of all, I am grateful for the comments of the Hon. Mr Clinton. This is the advice I have been given by the appropriate civil servants. It may be that that is covered by the rules rather than the Acts – I would have to go back to that – but certainly there will be provision in the new Act, which, as I say, will be published as a command paper with ample time for comments.

2680 There have been issues, curiously enough, and the Hon. Mr Clinton will appreciate that – certainly before my time – in which the Heritage Trust was concerned at what the Superintendent of Cemeteries may or may not do with certain monuments, and that will be covered as well.

I must say that when I reconstituted the board of visitors I included a representative of the Heritage Trust and of the National History Society as well as other denominations, including non-Christian denominations, as members of the board.

2685 I am particularly pleased to hear the response from the Hon. Mr Hammond, and in view of the fact that we are expecting consensus without amendments to amendments to amendments, I have nothing further to add and commend that this amendment now be put to the vote.

Mr Speaker: I will now put the Hon. Dr John Cortes' amendment to the vote. Those in favour? (**Members:** Aye.) Those against? Carried unanimously.

2690 That now becomes the motion as amended and therefore I will ask is there any other person who wishes to speak on the motion as amended; otherwise, I will call upon the Hon. Trevor Hammond to exercise his right to reply.

The Hon. Trevor Hammond.

2695 **Hon. T N Hammond:** Mr Speaker, like the Hon. the Minister, I will not take up much of this House's time now.

2700 I think we very much are singing from the same song sheet here. The Minister has expressed that he is not happy with the present condition. He has said it is a work in progress. I think we have all acknowledged that responsibility is shared throughout, through previous administrations – just the North Front Cemetery has not been a focus of attention.

2705 I thank my hon. Friend Mr Clinton for his contribution with respect to the Act, and if indeed if that is what the Act says perhaps we can speed things up. If it is indeed secondary legislation that is preventing improvements being made in terms of the tombs themselves, then perhaps secondary legislation can of course be amended directly by the Minister. But of course when the Government eventually bring a new Act to this House I certainly hope that we will be able to also support that Act.

So, on that note and on that note of consensus I end my intervention. Thank you Mr Speaker.

2710 **Mr Speaker:** Before I put the motion to the House, may I comment that I am glad to see that hon. Members have been guided by the principle *de mortuis nihil nisi bonum*.

I will put the motion to the house. Those in favour? (**Members:** Aye.) Those against? Carried unanimously.

ADJOURNMENT

Mr Speaker: The Hon. the Chief Minister.

2715 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, exactly one year after the last election we are in this House dealing with issues, some by consensus, some not, but I think we can all agree that it is appropriate to deal with a motion on the cemetery on the graveyard shift.

At almost nine o'clock this evening, Mr Speaker, I move that the House should now adjourn *sine die*.

Mr Speaker: The House will now adjourn *sine die*.

The House adjourned at 9.06 p.m.