



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 7.10 p.m.

Gibraltar, Thursday, 25th February 2016

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<i>The House adjourned at 7.10 p.m.</i>	74

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

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

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

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Thursday 25th February 2016 – Order of Proceedings.
Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on
20th, 21st and 22nd January 2016.

5

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

Mr Speaker signed the Minutes.

PAPERS TO BE LAID

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to
be laid – the Hon. the Chief Minister.

10

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the Table the
Consolidated Fund Supplementary Funding – Statement No. 2 of 2014/2015; and the Audited
Accounts of the Gibraltar Regulatory Authority for the year ended March 2015.

15

Mr Speaker: Ordered to lie.

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.

Questions for Oral Answer

CHIEF MINISTER

Q252-254/2016

Naval Ground car park – Details

20 **Clerk:** We commence with Questions to the Chief Minister.
Question 252/2016, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, further to Questions 688/2014 and 75/2015, can the
25 Government advise what the cost of the construction of the car park at the Naval Ground is?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with
30 Questions 253 and 254.

Clerk: Question 253, the Hon. T N Hammond.

Hon. T N Hammond: Can the Government advise how many of the parking spaces at the
35 Naval Ground car park are, or will be, available to the public and whether this is free parking or
paid parking?

Clerk: Question 254, the Hon. T N Hammond.

Hon. T N Hammond: Can the Government advise how many charging points for electric cars
40 will be made available at the Naval Ground car park?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the Government is not building the car park at the Naval
45 Ground. This is being constructed by a private company, Midtown Coach and Car Park Holdings
Ltd.

The Government through one of its companies established by the former GSD
Administration, namely Gibraltar Car Parks Ltd, will acquire the coach and car park once this is
complete.

50 The coach and car park is expected to be completed for a cost of £21.3 million.

It is envisaged that there will be free day parking for residents using the new ID card and paid
parking for non-residents, as well as overnight covered parking for taxis and local coaches.

A fuller statement will be made in due course as to the exact nature of the arrangements for
parking at this excellent facility which will be very welcome by the whole community no doubt,
55 in particular, people living in the town area and those wishing to visit our city centre and the
traders who depend on them.

There are a total of 45 charging points for electric cars in Midtown parking. More can be
added in the future.

60 **Hon. T N Hammond:** Mr Speaker, if I could just ask the Chief Minister whether those electric charging points are metred and paid for or whether they are freely available to members of the public who may own electric cars?

65 **Hon. Chief Minister:** Well, Mr Speaker, he and I and everybody else who is listening, are the only owners of an electric car in Gibraltar. The Taxpayer owns the Tesla P85 G1 vehicle, which is the only electric car in Gibraltar at the moment. The hon. Member will be able to see that from statistics he was given at the last meeting of the House. So G1 could be charged there and any other vehicle could be charged there in the future.

70 Whether we will be charging for the electricity, or not charging, is a point the Government is considering to see whether that might encourage people to continue to purchase electric vehicles, as the Government has demonstrated is a very positive and possible way of running a car like G1.

Q255/2016
Marriott Hotel plans –
Commencement of works

75 **Clerk:** Question 255, the Hon. L F Llamas.

Hon. L F Llamas: Can Government confirm if the Marriott Hotel plans approved by the Development Planning Commission back in March 2014 are still going ahead; if so, when are the works scheduled to commence?

80 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo) Well, Mr Speaker, this is not a Government project. It is a private sector project for which planning permission has been obtained. The Government continues in discussion with developers in respect of this and other ongoing hotel projects.

85 **Clerk:** Question 256, the Hon. R M –

Mr Speaker: Yes, the Hon. the Leader of the Opposition.

90 **Hon. D A Feetham:** Mr Speaker, just in relation to that – and if the information is already in the public domain, my apologies – but it would be helpful if the Hon. the Chief Minister were to also inform this House as to whether the land on which the Marriott Hotel is to be built is owned by the Government and whether that has already been sold and that sale has already gone ahead. If it has, what is the consideration for the sale?

95 **Hon. Chief Minister:** Mr Speaker, the sale has not yet been finalised.

Hon. D A Feetham: And is there a consideration that has been agreed, even though the sale has not been finalised?

100 **Hon. Chief Minister:** Mr Speaker, as I understand it, the consideration was agreed by the former administration.

105 **Hon. D A Feetham:** That may be so, but the Hon. the Chief Minister must have the
information available to him, and I would appreciate it if he would provide the information.
What is the consideration for the sale of this particular piece of land?

110 **Hon. Chief Minister:** Mr Speaker, I have from memory so I will not be held to it, the figure of
£5 million having been agreed by the former administration of which he was a Member, so I am
surprised he is asking me for that information.

Q256/2016
Coaling Island development and reclamation project –
Details

Clerk: Question 256, the Hon. R M Clinton.

115 **Hon. R M Clinton:** Mr Speaker, can the Chief Minister please advise details of the proposed
Coaling Island development and reclamation project mentioned in his 2015 Budget Speech,
including the size of any likely premium?

Clerk: Answer, the Hon. the Chief Minister.

120 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government will make a statement in
respect of this project in due course.

125 **Hon. R M Clinton:** Mr Speaker, that is a very short and precise answer, but does he have any
idea of what the nature of what the project entails, what side of the Coaling Island the
reclamation is meant to be?

Hon. Chief Minister: Yes, Mr Speaker, and I will make a statement about that in due course.

130 **Hon. R M Clinton:** Could the hon. Member perhaps expand on what he means by due
course? Are we talking about weeks or months?

135 **Hon. Chief Minister:** Well, Mr Speaker, as the hon. the politician formerly known as Sir Peter
Caruana, until he became known as the greatest Gibraltarian of all time in the lexicon of the
Members opposite, indicated to us in the context of parliamentary debates, in this place 'soon'
means when the Government is able to do it and 'in due course' means when the Government
does it.

140 **Hon. R M Clinton:** From that statement, Mr Speaker, I take it that we are not going to see any
money this side of the financial year?

Hon. Chief Minister: Well, Mr Speaker, he might think so. I could not possibly comment.

Q257/2016
Rooke development proposals–
Details

Clerk: Question 257, the Hon. R M Clinton.

145 **Hon. R M Clinton:** Mr Speaker, could the Chief Minister please advise details of the proposed Rooke development and the size of any likely premium?

Clerk: Answer, the Hon. the Chief Minister.

150 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has issued a number of press statements in respect of the proposed redevelopment of Rooke already. Further details will be announced in due course.

Q258/2016
Eastside 'Bluewater' project –
Whether going ahead

Clerk: Question 258, the Hon. R M Clinton.

155 **Hon. R M Clinton:** Mr Speaker, can the Minister for Inwards Investment, please advise if the Eastside 'Bluewater' project is still going ahead with the chosen developer, Camoren Holdings Ltd?

Clerk: Answer, the Hon. the Chief Minister.

160

Chief Minister (Hon. F R Picardo): Mr Speaker, the answer remains as set out in answer to Question 117/2016.

165 **Hon. R M Clinton:** Mr Speaker, I am sure we all remember that exchange last month, in which an announcement was imminent and would be reaching a climax in due course. I would be grateful if the Chief Minister could perhaps enlighten us as to whether this project is indeed going ahead or not. There are people who have put their names down for affordable housing and they would like some indication.

170 **Hon. Chief Minister:** Well, Mr Speaker, the people who have put their names down for the affordable housing which was announced by the GSLP/Liberal Government will be very happy to know that they are going to be able to purchase properties in very short order and that those affordable housing projects are going to continue to be of the standard that has been developed by my Government in its first term in office, which by all accounts, is one with which everybody is very happy, given that people are already moving into the development at what used to be known as the Aerial Farm and will soon be moving in to the magnificent development in the area known as Mons Calpe Mews.

175 But, Mr Speaker, I do not think that I am going to be persuaded to give the hon. Gentleman a blow-by-blow account of what is happening in the negotiations with Camoren.

180

Hon. R M Clinton: Mr Speaker, that is a shame. Perhaps he could tell us if he has had the £83 million premium, yes or no?

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

Hon. R M Clinton: Mr Speaker, I take that to be no.

190 **Hon. Chief Minister:** Well, Mr Speaker, if he can read, he can go back and read what the answer to Question 117/2016 was and he will then be able to work out whether the answer is yes or no. I am not here to answer questions on the basis of yes or no, or in any other terms that the hon. Gentleman might wish me to answer. I will answer them in the way that I wish to answer.

195 **Hon. R M Clinton:** Well, Mr Speaker, I am afraid I do not have the answer to that question in front of me, but as I recall he said that at this moment in time the premium has not been paid. Does he stand by that statement?

200 **Hon. Chief Minister:** I do not, Mr Speaker, because that is not what I said. If he is going to ask questions which follow up on earlier questions, he should check what he was told then. I told him that the premium was not yet due.

205 **Hon. R M Clinton:** Thank you, Mr Speaker. From that statement I take it that it has not been paid.

Hon. Chief Minister: Mr Speaker, playing ping-pong from one side of Parliament to the other is not edifying and Mr Speaker, if that is what the hon. Gentleman wants to do, I am quite happy to carry on serving him volleys.

210 It is very simple. If a premium is not due in answer to Question 117/2016 and the answer remains as it was in respect of 117/2016, it is still not due now. He can make of that answer what he likes, as I am sure he will.

Q259-260/2016
Public finance and public debt –
Written advice

Clerk: Question 259, the Hon. R M Clinton.

215 **Hon. R M Clinton:** Mr Speaker, can the Minister for Public Finance please provide details of any written or verbal guidance or recommendations given by the Foreign Office or any other UK Government Agency to Her Majesty's Government of Gibraltar, in respect of the management of Gibraltar's public finance or public debt?

220 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question 260.

225 **Clerk:** Question 260, the Hon. R M Clinton.

230 **Hon. R M Clinton:** Mr Speaker, can the Minister for Public Finance please confirm that the Financial Secretary is in agreement with the proposed removal of the reference to a recurrent revenue limit in the Public Finance (Borrowing Powers) Act and that he has issued a written advice to that effect?

Clerk: Answer, the Hon. the Chief Minister.

235 **Chief Minister (Hon. F R Picardo):** Mr Speaker, neither the Foreign & Commonwealth Office nor anyone else has tried to tell us how to manage Gibraltar's public finances or Gibraltar's public debt.

Mr Speaker, no Government has ever kept the Opposition informed of what instruction it gives or does not give, or what advice it seeks or is offered by the Financial Secretary or any other civil servant as to what needs to be done or not done to give effect to Government policies.

240 That said, and given that the Member opposite is asking about the proposed Borrowing Powers Bill, in anticipation of a debate on another item on the Order Paper, I feel I should put his mind at rest.

245 I want it to be clearly understood that the Financial Secretary has not felt any need to give any views that suggest that the proposed change should not be made. In fact, it would have been surprising if he had, given that *he* suggested that the change in question should be made.

Having said this, I also want to make clear that this is not a precedent nor a change in the policy of all previous governments and administrations not to share advice referred to Ministers by civil servants or advisors in confidence.

250 I have answered today simply to put the record straight and so that further false information is not propagated by the Members opposite outside this House.

Hon. R M Clinton: Mr Speaker, I do not know whether this may be in or out of order, but could the Chief Minister elaborate what he means by 'false information'?

255

Hon. Chief Minister: Mr Speaker, outside this House, Members opposite have made statements about the state of Gibraltar's public finances which are, in the view of the Government, false and we believe that this question was designed to try and bolster that series of falsehoods.

260

Hon. R M Clinton: Mr Speaker, I can only deny whatever the Chief Minister imagines, but I thank him for his answer.

265 **Hon. Chief Minister:** Well, Mr Speaker, I will make my own assessments as to his denials, but I am grateful that he acknowledges that I have answered his question.

Q261-262/2016

Drug Rehabilitation and Justice –

Opportunity for site visits for shadow Opposition Members

Clerk: Question 261, the Hon. E J Phillips.

270 **Hon. E J Phillips:** Mr Speaker, can the Minister for Drug Rehabilitation confirm that the Opposition Member of Parliament with shadow responsibility for Drug Rehabilitation will be afforded an opportunity in the next month to have a familiarisation visit to Bruce's Farm Rehabilitation and Gladys Perez Centres?

Clerk: Answer, the Hon. the Chief Minister.

275

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question with Question 262.

Hon. E J Phillips: Mr Speaker, can the Minister for Justice confirm that the Opposition Member of Parliament with shadow responsibilities for Justice will be afforded an opportunity to

280 have a familiarisation visit to Her Majesty's Prison Windmill Hill, during the course of the next month?

Clerk: Answer, the Hon. the Chief Minister.

285 **Chief Minister (Hon. F R Picardo):** Mr Speaker, no sir. The Hon. Member is not the Governor and we are too busy working to do organised tours.

Hon. E J Phillips: Well, that is an unhelpful reply to the question, *(Laughter and interjections)* I think he will agree with me, but since we have had a number of them this morning, I would like
290 to ask the Chief Minister this question. Does he not think it is helpful that someone who is serving this community should be able to visit some of our institutions which would allow him to look at the issues that are involved in Bruce's Farm and also the Prison?

Does he not think it helpful that someone who, although does not have 70% as he likes to keep pointing out to us, still represents a number of people in this community that would like
295 him to visit the state of the Prison and Bruce's Farm to ascertain for himself whether there is any need for improvements?

Hon. Chief Minister: Well, Mr Speaker, he likes to ask questions he knows the answers to. I suppose that is the training of the advocate, because you are always taught not to ask a
300 question unless you know the answer, because the obvious answer to that question is no, given the first answer that I gave him.

Now, Mr Speaker, it is not no because we are trying to be unhelpful – although it would be helpful if he told me where it was that he was getting answers this morning, and so that I might
305 find out why it is that he thought we were being unhelpful this morning. I thought we were being quite helpful this afternoon, the hon. Gentleman sitting next to him has just thanked me for answering his question.

Mr Speaker, the facilities that he is talking about are not a zoo. They are not there for him to visit and see and for us to organise a tour for him, Mr Speaker. Look, if he wants to see a facility which is open to the public then he is able to access that facility. If he wants to see a facility
310 which is a working Government facility, well, Mr Speaker, the position has been of successive administrations that you are not able as a Member of Parliament who is not in Government, to visit a Government facility.

Mr Speaker, if he thinks I am being unhelpful, then he needs to ask himself whether he is sitting with the right party, because when the GSD was in office and I was elected as a young
315 whipper snapper on the opposite side, *(Laughter)* I asked to spend a night on patrol with the RGP and a night with the Fire Service to understand the challenges that they face. This is the very helpful reply, Mr Speaker, I was then provided with by Mr Ernest Montado, the excellent Chief Secretary of the time, fondly remembered by anyone who has had the chance of working with him, and I have had an opportunity of working with him professionally. Mr Speaker, he said
320 this:

'Dear Fabian, I am sorry it has taken me so long to reply to your letter of 5th October 2004 which in turn referred to correspondence with the Commissioner of Police and the Chief Fire Officer going back to 30th August 2004. I hope you will understand that I have been heavily engaged on other matters these past few months involving extensive travelling which has resulted inevitably in a backlog of correspondence in the office.'

And, Mr Speaker, only Ernest would be as polite and elegant in dealing with a newly elected MP's letter.

'I should explain that it is normal procedure for Heads of Department to refer to me requests to visit Government Departments which have been received from persons or organisations outside of Government. Having regard to the nature and purpose of your proposed visits as set out in your letters, I have to say it would not be appropriate to accede to your request.'

This is the head of the administration, not a politician.

'It would not be acceptable for an Opposition politician to spend time with public officers, let alone officers in the essential services whilst they are engaged during working hours in carrying out their duties. You are at liberty of course to raise issues concerning the workings of Departments or terms and conditions of employment of staff directly with the Minister responsible, either by approaching him/her directly or by raising questions in the [then] House of Assembly. Moreover, it is open to you also to raise such issues with the relevant trade unions or staff associations and/or their staff representatives directly.

I trust that this clarifies the position.'

Mr Speaker, I trust that this clarifies the position.

325

Hon. E J Phillips: Mr Speaker, I am glad to see then that nothing has clearly changed with the New Dawn Government.

I refer the Chief Minister to a statement in the manifesto of 2000 in which his Deputy Chief Minister said:

'We will be absolutely implacable in the pursuit of changing the political system.'

330

Is it right then if you are happy to change the system, implacable in changing the system, that you should be offering me the opportunity to go and visit our institutions to assist our community in understanding what is done there, what effective treatments are being offered at Bruce's Farm? (*Interjection*)

Have you finished?

335

Hon. Chief Minister: Have you finished?

Hon. E J Phillips: No, not yet I was just being rudely interrupted, I would like to know. (*Interjection*)

340

I have the floor?

Mr Speaker: Let me make one thing clear. There are occasions when comments are made on both sides of the House, and they may or may not constitute an interruption. It is for me in the final analysis to decide whether it is an interruption or not, and whether it is out of order or not.

345

So please continue.

Hon. E J Phillips: I am grateful, Mr Speaker. That is my question.

350

Hon. Chief Minister: Well, Mr Speaker, I am grateful that he reminds us of the provision set out in our New Dawn manifesto. It was a manifesto that seven out of ten people in the last General Election believe we had delivered with such vigour and so magnificently that they returned us to Government with a renewed and stronger mandate, under a manifesto to strengthen the foundations of this community.

355

We were in fact, Mr Speaker, implacable in the pursuit of change; or is it that the hon. Gentleman does not know of all the changes that we implemented to the way our democracy works? He himself was able to write to the Chief Secretary and to have access to the civil servants in the 90 days before the last General Election, something which I was denied, Mr Speaker – I have the letter here – on 25th October 2011 by the former Chief Secretary, because the previous administration, the one that he represents – he needs to be reminded of that, I think – did not think that that was appropriate.

360

So, Mr Speaker, many things that the GSD were doing, we have changed. Some we have not changed. Some of them, Mr Speaker, are just constitutionally as they were and will be. The ten people on this side are Ministers; the seven people on that side are Opposition Members. Mr Speaker, they have a role to play. That role is not to visit Government facilities and inspect them

365 in order to ask us questions about them. It is to receive the concerns of people who may use those facilities, as was so eruditely set out in the letter from Ernest Montado

But, Mr Speaker, not implacable in change, not a New Dawn administration. Well, Mr Speaker, he is on television today because of the New Dawn administration. He gets to ask us questions once a month except for the Easter break and the summer break because of the New Dawn administration. I wonder what he would have made of the GSD administration that called three meetings a year, sometimes two meetings a year? Oh hang on! He opposed them too, he was in a different party! (*Laughter*) He was making the same argument we were making. It is only now that he sits under the same initials of those he used to criticise that he believes that he should defend what they used to do in Government. (*Banging on desks*)

375

Hon. E J Phillips: Mr Speaker, we welcome the institutional changes and the cosmetic changes to Parliament. I have something else to say about that, but that can wait until the Freedom of information Bill is presented.

Mr Speaker, I think it is right that a shadow representative in relation to the Prisons and in relation to Justice and in relation to rehabilitation of offenders is afforded an opportunity to visit these facilities. I take it from his answer that he is refusing. His Government is refusing me access to those two places.

Hon. Chief Minister: No, Mr Speaker, that is not right. If he wants me to arrange for an extended stay in the prison facility, I will talk to the Minister for Justice and see what we can do!

I am only joking, I am not pretending to incarcerate the hon. Member, I would miss out on all my fun in Parliament.

Mr Speaker, the Opposition remains, as has been the case in respect of all previous administrations – in other words, Government facilities which are not open to the public are not open to Members of the Opposition. It has ever been thus, it is not a question of change for the sake of change that we believe in. We believe in change for the purposes of ensuring transparency and accountability to our people, so that people can see what is going on in the heart of Government.

Look, a prison and a facility like Bruce's Farm are not a place, Mr Speaker, where we can, and I say organise tours; this is a place where people are either receiving treatment or it is a place of incarceration where people can have an element of shame because they are there. Mr Speaker, even when I have visited and I *am* in Government, I have visited once, I have been very careful. It has caused logistical problems for the prison staff because they need to ensure I am able to see areas and prisoners are moved etc.

Look, this is a small community, I know people who are there. I may have acted for them, I may know them in another way – it is very embarrassing for them. Others might welcome the contact; not all of them would.

And so, Mr Speaker, this is not a frivolous no. This is a well thought out, careful no. And Mr Speaker, believe me, I examine my conscience before I give these answers, I remembered the letter from Ernest, I checked the letter from Ernest, I tried to understand the issues in the letter from Ernest, which I had accepted at the time I must say, and I checked once again with the Chief Secretary. He gave me the same conclusion that the former Chief Secretary had given to me when he wrote to me, Mr Speaker.

This is about ensuring that those facilities are able to continue providing the service that they provide, and look Mr Speaker, it is not as if this is a place where if there is a problem in the Prison or in Bruce's Farm, he is not going to be told by someone who is going to go and tell him, 'Look, I have been up at Bruce's Farm and they have not changed the duvets for 15 years.' He is going to find out those issues. This is not a community where he needs to come and carry out an inspection.

415 For those reasons, Mr Speaker, having thought it through very carefully, we stand by the position set out in the letter of the then Chief Secretary of 9th November 2001. I am quite happy to give him a copy if he wishes.

Hon. E J Phillips: I am grateful for the answer to that question. I only have one further question and that relates to an issue that has arisen in this exchange relating to contact with civil servants. The Chief Minister is aware that, as he said in one of his answers, the candidates were allowed the opportunity to contact civil servants, have a discussion with them about certain policy areas to help the civil servants in the event of a change in Government.

I did also follow that up very shortly after the election with a letter to the Chief Secretary, to ask whether we could review the position, or the Government would review the position, in relation to contact at pre-election time. I still have not yet had a response to that letter to the Chief Secretary, but I understand that he is in regular contact with you about this issue. As the Chief Minister will be aware, in the United Kingdom the length of time for contact varies from six to twelve months before a general election. I wonder whether we can have a commitment from the Chief Minister that he will review that with a view to increasing the time period allowable to candidates in general elections so they can have contact with civil servants. I am sure he will find that will be a helpful suggestion to those standing for election so that they can have that contact with civil servants.

Mr Speaker: I am only allowing that supplementary because of course the Chief Minister himself raised the issue of the contact period before a general election, otherwise it would not be relevant to the original question.

Hon. Chief Minister: I am grateful, Mr Speaker, and I am happy to answer the question. Mr Speaker, this is something I feel very strongly about. I introduced the issue when I was Leader of the Opposition and I followed through as Chief Minister to ensure that the contact was possible.

Mr Speaker, as I understand it, the convention in the United Kingdom is 90 days, I do not think it is longer. But, Mr Speaker, there needs to be an appreciation that in Gibraltar we tend not to have candidates for election 90 days before a general election, let alone a year before. In the United Kingdom, the position is that constituencies will, for parties, elect a person who is going to be *the candidate*, sometimes up to a year before and that person will be a *candidate* notionally. You could have political parties doing the same thing here but you do not have candidates for a general election in Gibraltar until 21 days before the poll. There are not candidates in the general election until 21 days before the poll.

And so therefore, Mr Speaker, we have to be very careful how we deal with this issue because anybody could say 90 days before a general election – I am not suggesting the hon. Members would. They are a political party, we are a political party or two and we are established, but anybody could say, ‘Well, I intend to be a candidate in the next general election, I would like to sit down with this civil servant and discuss something with him’, and that person might not have any intention whatsoever of being a candidate because it is not until the ink crystallises 24 hours after you have signed on here, as you know, that you become a candidate in the general election.

I do not know if the hon. Gentleman is a veteran, he has lost one or two in the past, but he knows what the process is, and therefore we have to be very careful how we calibrate that. I believe it is right that if you have got people standing for election, the judgement in a general election is made by the public, people in the run-up to the election should be able to speak to members of the Civil Service, test their policies, discuss with them what they would do if they were elected etc; but the period, which I understand is 90 days in the United Kingdom, is not in my view one that should be changing.

The hon. Gentleman has said it fluctuates and up to a year in the UK. I have not seen any evidence of that. If he writes to me, I am quite happy to investigate whether there have been further reforms in the United Kingdom in that respect. This is a practice in the United Kingdom that dates from the late 1960s. I know that the Blair Government made some amendments to it, I believe those amendments were simply about how the contact was established, but that the period was still 90 days.

Answering his question, I understand that the Chief Secretary wants my input in respect of the answer to his letter. He has not yet formally sought it, although I know he is going to send me a memorandum asking me for a policy decision in respect of one part of his letter which requires a policy decision.

Hon. E J Phillips: I am grateful for the answer to that question. Just to be helpful, the background to this in the International Commission document that is attached to my letter would be helpful to the Chief Minister. The Chief Secretary has all that already, so there is no reason to write to the Chief Minister formally, but I will just refer to that letter.

I am grateful.

Hon. Chief Minister: Is the hon. Gentleman happy that the Chief Secretary should show me his letter? I mean usually the Chief Secretary would simply refer to me any part of a letter that requires a policy input. He would not share with me a piece of correspondence with an Opposition Member unless there was a good reason to do so.

Hon. E J Phillips: I am very happy for the Chief Secretary to share that letter with the Chief Minister.

But I would just like to pick up on one single point that he raised. I had a contact visit with the Social Services Department, Mr Bruzon, Mr Montegriffo, and the Chief Secretary himself, in relation to the rehabilitation of offenders and that only came two or three days before the General Election. I am very grateful to them to organise that at very short notice but in terms of testing our policies it is very, very difficult.

I am sure that the Chief Minister will agree that two or three days before the General Election was insufficient time for me to have a thorough meeting with them insofar as communicating our policy and that is why I raised the issue with the Chief Secretary, not to criticise the process because I welcomed the process that was introduced to have that month period, but I was simply asking for a longer period so that we could test those policies, as you referred to.

Hon. Chief Minister: Well, Mr Speaker, I detect in there the fact that the hon. Gentleman realises that this is a change we made which is a change for the better. The first time it operated was during the last General Election. It may be that it needs to be improved. I know that for the Civil Service in Gibraltar it was a new thing. I think that guidance was sought from the Cabinet Office in the United Kingdom as to how they should handle the matter and I think it is something that can only improve.

The political pendulum swings, it is not all that it should and we might be sitting on the other side at some stage in the next 100 years, and we might need access to the civil servants before a General Election.

Mr Speaker: The hon. Member may derive some consolation from the fact, if I inform him, that back in 1972, the Minister with responsibility for the Prison could not, according to the Superintendent of the Prison, visit the Prison unless there was permission given by the Deputy Governor and after clearance with the Head of Special Branch.

Needless to say that by 1981 the matter had been put right. *(Laughter)*

Hon. Chief Minister: I am surprised Special Branch agreed that you should visit, Mr Speaker!

520 Can I just make one final point to try and be helpful, Mr Speaker, as the hon. Lady has reminded me? When someone is admitted to Bruce's Farm for therapy, they are guaranteed anonymity. That is why we do not tend to visit Bruce's Farm. It is a facility that is always in use and they are guaranteed anonymity. We meet with people who have responsibility for Bruce's Farm, we are shown photographs of what needs to be repaired etc. but the hon. Lady goes when she is able to visit and not affect that guarantee of anonymity.

525 So this is not something which is, as we say in Spanish, *coser y cantar*. This is not just sew and sing; it is actually a very complex thing to organise.

Q276/2016
Drugs crime –
Prevention measures

Clerk: We move to Question 276, the questioner is the Hon. E J Phillips.

530 **Hon. E J Phillips:** Can the Minister for Justice confirm what measures the Government will introduce to keep Gibraltar as drug free as possible and take the toughest possible action against drug pushers?

Clerk: Answer, the Hon. the Chief Minister.

535 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the fight against drugs is a serious community concern and, as such, figures prominently in the RGP's Strategy Document 2015-18 and in the Gibraltar Police Authority's Annual Police Plan every year.

540 To deal with the drug problem, the RGP operates a three pronged approach encompassing education awareness and enforcement. The school liaison officers deliver talks in school supported by Drug Squad colleagues and, importantly, by reformed addicts. There are numerous awareness campaigns throughout the calendar year with the flagship event being the Mini-Olympiad.

545 From an enforcement perspective, the targeting of drug trafficking offences is a key performance indicator. Dedicated resources in the form of Drug Squad officers are permanently allocated to this duty. The fight against drugs is a force-wide task and as such, all officers are charged with dealing with this community concern. Law enforcement in this area is intelligence led, targeting identified hot spots and individuals.

550 Additionally, the Government has now commenced the Proceeds of Crime Act, which enables the seizure and confiscation of assets arising from criminal conduct, even where no criminal proceedings are brought against an individual. This builds upon the provisions for drug-crime-related confiscation that existed before and is part of this Government's commitment to hit criminals where it hurts.

555 From a Customs perspective, enforcement controls have been increased. Her Majesty's Customs are in the process of setting up a dedicated flexible team to tackle the illicit importation of drugs. In this sense, the employment of 60 additional Customs officers will no doubt be very welcome by the community, despite some criticising the growth in the public sector; as are the new marine assets purchased by the Government for Customs which provides them with resources they did not previously have at their disposal.

560 Indeed, Mr Speaker, it is worth repeating that until we were elected into Government, the RGP and the Customs department had only vessels confiscated from drug traffickers with which to do their jobs. That changed after our election and with the important investment we made in safe and faster vessels for both of these law enforcement agencies, despite the repeated

complaints by some who do not seem to want to see us invest public money in our public servants.

565 Another important factor is the work done by the Drug Rehabilitation Services. Their work is focused on continually addressing all the different facets of drugs misuse within our community. This includes ensuring that all students from middle school onwards receive drug education. This involves joint presentations from the Care Agency and the Royal Gibraltar Police. For older pupils, recovering addicts also deliver very powerful first-hand testimonies on the dangers of
570 drug abuse. Over the past year alone, they have delivered awareness programmes in such diverse settings from youth clubs to all new Her Majesty's Customs and Royal Gibraltar Police recruits. Only this past week the service has conducted three of these presentations. We must thank the recovering addicts for bravely doing this work for the community.

575 Additionally Drug Rehabilitation Services conduct various drug and alcohol awareness campaigns during key times of the year, such as during National Week and over the Christmas season. On the rehabilitation side since 2011, the service has witnessed the highest occupancy rates at Bruce's Farm over the past decade. Drug awareness programmes have been extended to Her Majesty's Prison where any inmate wishing to undertake a rehabilitation programme can see a counsellor who will work with them whilst in custody and beyond release.

580 The service also provides support for the families who have to contend with the consequences of addiction of a loved one. In short, they provide the network of support to ensure that anybody who needs help can readily access the service.

The Probation Service also works closely with the courts to ensure that any drug offenders given community services are dealt with in a manner that both deters them from further
585 offending and supports them to maintain drug-free lifestyles.

To this effect, the courts have recourse to impose Drug Treatment Requirements, among a range of other community services. The Probation Service also regularly supervises convicted drug offenders released on parole. This ensures that any risk these may pose to the community is kept to a minimum.

590 I recently supported the 'stay clean' campaign together with Minister Sacramento at a public fund-raising event at the Piazza. I look forward to the work I will be doing with that fantastic and brave group of people.

But this is only the beginning of a strategy that the Government is developing in this field to further improve the work done in this area. That is why I am taking responsibility for the Drug
595 Abuse Control Prevention and Cure aspects to No. 6 Convent Place. Mr Speaker, the fight against the illicit trade in drugs and their abuse is a multi-faceted, multi-agency one. I want to thank all those involved at every level in this pernicious battle.

I want to highlight in particular the work of our lead agencies, the Royal Gibraltar Police and Customs. Only this week they have once again thwarted the drug traffickers out of £5 million of
600 drugs in street value terms and the work of the agencies that deal with addicts is no less important. The GHA is often the first point of contact. The Care Agency is usually the authority to which addicts are referred to its Drug Rehabilitation Services and if necessary, families. A sincere thank you from all our community to all of these agencies for their hard work. I look forward to working with them in developing even further how we can join our strategies and do more.

Q263/2016
ID cards –
Printing and distribution

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Clerk: We now move back to Question 263, the Hon. Ms M D Hassan Nahon.

610 **Hon. Ms. M D Hassan Nahon:** Mr Speaker, can Government confirm whether there have been any issues with the printing or distribution of ID cards within the last couple of months, and if so, why?

Clerk: Answer, the Hon. the Chief Minister.

615 **Chief Minister (Hon. F R Picardo):** Mr Speaker, in the last two months there has only been an issue with one of the printers. This was resolved within a week.

620 **Hon. Ms. M D Hassan Nahon:** Mr Speaker, I wish to inform the hon. Gentleman, the Chief Minister that I have received many complaints from people living in Gibraltar, international, possibly many high net worth individuals who contribute a lot to the local economy, and they are complaining of months and months and months of back log.

So I would just like to make him aware, I would not like Gibraltar's image to be tarnished over such a basic administrative fault that, like the hon. Gentleman has said, can be fixed quite easily and is likely to give us a bad name.

625 Thank you.

Hon. Chief Minister: Mr Speaker, I am very grateful for the hon. Lady telling me that. If she indicates to me who it is that has been waiting for months, I will personally ensure that I look into the issue.

630 I certainly do not understand that that is the case and I will tell her why. At the time that I was elected, I had received many tens of complaints from category 2 individuals and from run-of-the-mill Gibraltarians like she and me, that the process of ID card renewal was taking very long and for category 2 individuals, it was taking very long for the cards to be issued.

635 I looked into it, I ensured that that particular section had the support it needed and the problem had gone away. If it has come back I want to know how it is that it has come back and when it has come back so that I can address it immediately.

I believed then, that this was an issue that had to be dealt with and if it is happening now, I have not changed my mind in that it has to be dealt with. If the hon. Lady is able to do so, I look forward to having a discussion with her and she can point me in the direction of those who might have had this problem so I can fix it.

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Hon. Ms. M D Hassan Nahon: Thank you, I am grateful for that. I will let you know on a confidential basis.

Thank you.

Q264-265/2016

Gibraltar Entertainment Network; Gibraltar Broadcasting Corporation – Board members; independence

645 **Clerk:** Question 264, the Hon. Ms. M D Hassan Nahon.

Hon. Ms. M D Hassan Nahon: Mr Speaker, does the Gibraltar Entertainment Network still exist and are its board members still those who were constituted in 2011?

650 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 265.

Clerk: Question 265, the Hon. Ms. M D Hassan Nahon.

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Hon. Ms. M D Hassan Nahon: Is GBC ever going to be as financially independent as was promised in 2011?

Clerk: Answer, the Hon. the Chief Minister.

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Hon. Chief Minister: Mr Speaker, the answer remains as set out in answer to Question 185/2015.

Q266/2016
MOD workers' safety net –
Kings Lines Oil Fuel Depot

Clerk: Question 266, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, can the Government please confirm that their manifesto commitment in respect of the safety net guarantees to MOD workers or workers of companies working for the MOD, extends to those employees of the Kings Lines Oil Fuel 'Depot'?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): I think it is 'Depot'. We do not intend to deport any of them!

Mr Speaker, yes sir, as the gentlemen who work at the Kings Lines Oil Fuel Depot know.

Q267-272/2016
Public sector posts –
Recruitment; retirement; substitutions; agency workers

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Clerk: Question 267, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many vacancies currently exist in the public sector and since when have they been vacant?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 268 to 272.

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Clerk: Questions 268, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, Government advertised AA vacancies in June 2015: please disclose at what stage of recruitment they currently are, how many candidates have been interviewed and found suitable for the jobs and whether successful candidates, if any, were already working in the public sector via a recruitment agency or company, giving details of the recruitment agency or company.

Clerk: Question, 269, the Hon. D A Feetham.

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Hon. D A Feetham: Can Government please provide details of how many workers since December 2011, working within the Civil Service structure, have been re-engaged after having retired, giving details of post or job description being undertaken, terms and conditions, salary, date retired and post retired from, reasons for re-engagement or contract given, dates re-hired by way of employment or contract?

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Clerk: Question 270, the Hon. D A Feetham.

Hon. D A Feetham: Can Government provide explanations as to the long-term substitution circumstances in relation to the following Heads of Department posts: Human Resources Manager; Commissioner of Income Tax; Director of Employment; and Principal Housing Officer; and what measures, if any, are in place to ensure these posts are eventually occupied on a permanent basis?

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Clerk: Question 271, the Hon. D A Feetham.

Hon. D A Feetham: Can Government explain the long-term substitution of the following posts: Senior Executive Officer, Culture; Instructional Officer, Economic Development; Health and Safety Officer Grade 3, Employment; Personal Secretary, Environment Ministerial Office; Senior Finance Centre Executive (Financial Services), Finance Centre; Senior Executive Officer, Human Resources Department; Human Resources Officer, Human Resources Department; Personal Secretary, Justice Office; Administrative Officer, Number 6; SPTO, Technical Services?

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Clerk: Question 272, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, do workers from recruitment agencies or companies working within the public sector sign the Officials Secrets Act declaration?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the vacant posts within the Civil Service are those set out in the schedule with the information requested.

The vacancies for Administrative Assistant were advertised simultaneously both within the public sector and to the general public. The internal public sector recruitment process was undertaken in September 2015, whereby applications were invited throughout the Civil Service in all Government Agencies, Authorities and Government-owned companies. A total of 31 applicants were interviewed of which 24 were successful and have already taken up appointment.

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The external recruitment process is ongoing.

I now hand the hon. Member a schedule with the information requested in respect of re-engaged civil servants.

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The vacant Head of Department posts to which the hon. Member is referring to, with the exception of the post of Commissioner of Income Tax which is not vacant, have remained vacant as a result of planned or ongoing Departmental reviews.

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The post of Personal Secretary in the Environment Ministerial Office has been regraded to an Administrative Officer post and has been filled. The post of Senior Finance Centre Executive has been abolished.

The following posts – namely, Senior Executive Officer, Culture and Heritage; Senior Executive Officer and Human Resources Officer, Human Resources Department; Personal Secretary, Justice Office; Administrative Officer, No. 6 Convent Place; and Senior Professional

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and Technology Officer, Technical Services Department – are all vacant as part of a process of ongoing Departmental reviews.

In respect of an Instructional Officer, Economic Development, these posts are vacant due to officers covering for the vacant post while in the process of obtaining the required qualifications.

750 In respect of the Health and Safety Officer in the Employment Department, there is already an ongoing recruitment process.

Finally, Mr Speaker, I can confirm that all employees from our recruitment agencies or companies working within the public sector sign the Official Secrets Act declaration.

ANSWER TO QUESTION 272/2016

Answer to Question No 267/2016

Civil Service

<u>Number of Vacant Posts</u>	<u>With Effect From</u>
1	01/08/2006
1	01/11/2007
1	01/03/2009
1	03/08/2010
1	11/02/2011
2	01/04/2012
1	29/06/2012
1	02/07/2012
1	26/11/2012
1	01/09/2013
1	27/10/2013
1	07/12/2013
1	25/02/2014
1	26/02/2014
1	01/04/2014
2	30/04/2014
1	06/09/2014
1	14/11/2014
2	19/11/2014
1	11/12/2014
1	31/12/2014
2	04/01/2015
2	05/01/2015
1	13/01/2015
1	19/01/2015
1	21/01/2015
1	02/02/2015
1	18/02/2015
1	26/03/2015
1	30/03/2015
6	01/04/2015
1	17/04/2015
1	01/05/2015
1	13/05/2015

<u>Number of Vacant Posts</u>	<u>With Effect From</u>
2	27/05/2015
1	16/06/2015
1	02/08/2015
1	11/09/2015
1	15/09/2015
1	20/09/2015
2	30/09/2015
1	01/10/2015
1	02/10/2015
1	05/10/2015
1	15/10/2015
1	20/10/2015
2	21/10/2015
1	26/10/2015
1	01/11/2015
1	12/11/2015
8	18/11/2015
2	24/11/2015
2	30/11/2015
1	04/12/2015
1	07/12/2015
5	14/12/2015
1	17/12/2015
1	26/12/2015
9	04/01/2016
1	05/01/2016
1	12/01/2016
2	14/01/2016
1	17/01/2016
1	21/01/2016
1	26/01/2016
1	05/02/2016
1	08/02/2016
1	16/02/2016

GIBRALTAR PARLIAMENT, THURSDAY, 25th FEBRUARY 2016

ANSWER TO QUESTION 272/2016

Answer to Question 269/2016

No.	Grade	Salary	Date Retired	Details of Post	Reason for re-engagement	Contract Given	Date re-hired	Status
1	Consultant	£75,964	31/08/2012	Specialist in Public Finance	To assist the department	Contract	01/09/2012	
2	Administrative Officer	£28,042	21/08/2014	Administrative	To complete an exercise which she had originally started (Widows and Orphans Pensions)	Contract	03/09/2014	
3	Clinic Manager	£30 per day	30/06/2013	Specialist	To set up the Hepatitis 'B' Clinic	Contract	17/03/2014	
4	Part-time Handyman	£18,256	01/01/2012	Handyman	To assist the department	Contract	02/01/2012	
5	Supply Driving & Vehicle Examiner	£33,558	17/10/2006	Technical	To assist with the demands of the department	Supply Contract	23/04/2014	
6	Supply Driving & Vehicle Examiner	£33,558	30/06/2013	Technical	To assist with the demands of the department	Supply Contract	23/04/2014	
7	Supply Teacher	£33,980	06/01/2013	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	01/09/2014	
8	Supply Teacher	£33,980	02/09/2011	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	09/03/2012	Resigned
9	Supply Teacher	£33,980	01/09/2015	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	02/09/2015	
10	Supply Teacher	£33,980	01/09/2007	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	22/02/2016	
11	Supply Teacher	£33,980	01/09/2015	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	22/02/2016	
12	Supply Teacher	£33,980	06/01/2014	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	02/09/2013	
13	Supply Teacher	£33,980	07/01/2015	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	02/09/2015	

No.	Grade	Salary	Date Retired	Details of Post	Reason for re-engagement	Contract Given	Date re-hired	Remarks
14	Supply Teacher	£33,980	01/09/2004	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	02/03/2015	Resigned
15	Supply Teacher	£33,980	02/09/2012	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	18/03/2015	
16	Supply Teacher	£33,980	30/09/2013	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	03/03/2015	
17	Supply Teacher	£33,980	14/01/2015	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	23/03/2015	
18	Supply Teacher	£33,980	01/09/2005	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	10/03/2015	
19	Supply Teacher	£33,980	07/01/2013	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	02/03/2015	
20	Supply Teacher	£33,980	01/09/2014	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	22/02/2016	
21	Supply Teacher	£33,980	06/01/2015	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	27/02/2015	
22	Supply Teacher	£33,980	14/10/2012	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	01/09/2014	
23	Supply Teacher	£33,980	01/09/2015	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	02/09/2015	
24	Supply Teacher	£33,980	06/01/2014	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	01/09/2014	

No.	Grade	Salary	Date Retired	Details of Post	Reason for re-engagement	Contract Given	Date re-hired	Remarks
25	Supply Teacher	£33,980	02/09/2012	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	22/02/2016	
26	Supply Teacher	£33,980	01/09/2013	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	08/04/2015	
27	Supply Teacher	£33,980	09/01/2011	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	03/09/2012	
28	Supply Teacher	£33,980	07/01/2016	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	22/02/2016	
29	Supply Teacher	£33,980	06/01/2013	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	01/09/2014	
30	Supply Teacher	£33,980	01/09/2013	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	18/03/2015	
31	Supply Teacher	£33,980	31/05/2010	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	16/03/2015	
32	Supply Teacher	£33,980	01/09/2015	Teaching	Needs of the Service (i.e. sick leave and short term absences)	Supply Contract	02/09/2015	

Mr Speaker: The Hon. T N Hammond.

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Hon. T N Hammond: Mr Speaker, if I may just ask the Hon. the Chief Minister when those Departmental reviews which are currently underway are likely to be concluded?

Hon. Chief Minister: As soon as possible, Mr Speaker. This is a process that involves the administration, the political Government and the unions.

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Hon. D A Feetham: Mr Speaker, just on Question 267, to start off with – and, Mr Speaker, there is a lot of information here that the Opposition is going to have to digest and it may well be that we ask questions next time round in a month's time, because the schedules are very lengthy.

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But in relation to Question 267 and the schedule that the hon. Gentleman has provided in relation to that question, I see that there are vacancies that go back to the GSD administration 2006. Indeed, there is a vacancy in 2006; there is a vacancy as from 2007; there is a vacancy from 2009; another one from 2010; another one from 2011; there are about five from 2012; three from 2013; and about ten from 2014; and a considerable number from last year.

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Now, Mr Speaker, how can the hon. Gentleman explain those vacancies going back that length of time, in the light of page 13 of the 2011 discussion document that the hon. Gentleman circulated with the Civil Service, which read and I quote:

'We believe that all posts that become vacant should be filled as soon as possible'

Hon. Chief Minister: Well, Mr Speaker, I trust the hon. Gentleman is not asking me to justify what happened between 2006 and 2011, and why they did not fill the post of Health and Safety Officer Grade 3 in the Employment Ministry from that date, or any of the others that go back. For example, the Senior Professional and Technology Officer in the Technical Services Department that goes back to 2007; or the Industrial that goes back to 2009. I assume that he is asking me about vacancies that have arisen since 2011.

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But of course, Mr Speaker, the information that he has asked for is about vacant posts. He does not have the information – and in fact, Mr Speaker, he may have asked for it before, he may wish to ask for it next time, it may be in fact very, very voluminous indeed – about all the vacancies that have been *filled* since 2011. Because you see, Mr Speaker, one of the problems that I have with the question that he is asking today is that the thrust of his criticism usually is

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785 that we have employed *too many* people in the Civil Service and in the public sector. Today he seems to be asking me why we have not employed more!

I suppose today, Mr Speaker, he is told the Chamber of Commerce and the GFSB not to tune in and he has told a union to tune in. I do not understand the dichotomy in approach, but so be it.

790 Mr Speaker, where there have not been vacancies filled since 2011, it is very likely that this is part of the reviews that we are undertaking with each of the Departments in order to try and understand how certain Departments should change and how they should evolve.

And therefore, Mr Speaker, in terms of what we said in 2011 and how we delivered in respect of our relationship, not just with the Civil Service but with the public sector as a whole, Mr Speaker, I think the fact is that we have worked very hard indeed on the review of the Civil Service that we have undertaken. That has not been something that we have been able to do in the time that we thought it could be done. It is a very complex issue involving more than one union and involving difficult assessment by the administration of how things are changing in terms of e-Government etc. and for that reason, in some instances vacancies have not been filled. But very, very, *very* many vacancies have been filled, many more than have not been filled.

800 But, Mr Speaker, he was in Government between 2007 and 2011. Can he explain to me why they did not employ a Health and Safety Officer Grade 3 in the Employment Department?

805 **Mr Speaker:** The Hon. the Leader of the Opposition does not have to answer that question. *(Laughter)*

Hon. D A Feetham: Yes well, Mr Speaker, I was about to suggest that this is going to turn into the famous Monty Python exchange about the dead parrot, and I certainly do not want that to happen!

810 Mr Speaker, does the hon. Gentleman not recognise that he has been in Government, as he delights in reminding certainly those on this side of the House, since 2011 – that he has now had six years – **(Mr Speaker:** Five.) five years, I beg your pardon Mr Speaker, yes of course, five years – in order to examine the reasons why there are vacancies going back to 2006 that have not been filled, and it is simply not acceptable for the Hon. the Chief Minister to give me a reply saying, ‘Well, why were those vacancies vacant from the period 2006 to 2011?’

Surely the Chief Minister ought to take responsibility for his five years that he has been in office.

820 **Hon. Chief Minister:** Four years and three months, Mr Speaker. **(Mr Speaker:** Correct.) Four years and three months – not six, not five, but four years and three months.

825 But, Mr Speaker, I commend to the hon. Gentleman the *whole* series of the *Flying Circus* *(Laughter)* because every time he refers to Monty Python, he always refers to the same sketch, the dead parrot sketch. There is a whole wealth, Mr Speaker, of sketches that he should be watching, especially Mr Speaker, the Ministry for Funny Walks, as the Hon. Mr Linares, the Minister for the performing arts has reminded me!

830 Look, Mr Speaker, the hon. Gentleman says it is not acceptable. Well, not acceptable to who exactly, Mr Speaker? Not acceptable to him? Well, Mr Speaker, it may not be. Is it acceptable to the people who are working in the Employment Ministry and who are working with us in the review of that Ministry? Well, clearly it is, Mr Speaker, so I am going to continue working with the people who are doing the hard work of reviewing the public sector in Gibraltar with us.

835 The unions that are relevant, members of the administration that are relevant, the Members of my Government that are relevant with all our good faith in order to ensure that we have a public sector that is the size and shape it should be going forward, and not take any lessons from people who when in Government allowed the number of vacant posts to grow far beyond the amounts that they are looking at now – *far beyond* the amounts that they are looking at now –

and especially given the number of posts that we *have* filled in the past four years and three months, Mr Speaker.

840 So frankly it is not acceptable, Mr Speaker, that he should come here to quiz us on issues like this when they have such a bad record in Government themselves.

Not acceptable to who? Well, not acceptable to me, in the same way as I suppose my statements are just not acceptable to him.

845 **Hon. D A Feetham:** Yes, Mr Speaker, it *does* remind me of the dead parrot sketch because I am saying it is a dead parrot and he is saying it is a live one, when clearly it is dead, Mr Speaker!

Mr Speaker, the policy that was described by his party to the Civil Service in the 2011 discussion – and I will quote again – was:

‘We believe that all posts, *all posts* that become vacant should be filled as soon as possible.’

And there are vacancies that go back to 2006. There are vacancies that go back to 2007, vacancies that go back to 2009, 2010, 2011 and 2012.

850 Does he feel comfortable, in the light of that, that he is honouring that very clear commitment that he gave to the Civil Service in 2011?

855 **Hon. Chief Minister:** The other very good sketch, Mr Speaker, is the one about that book, *Ethel the Aardvark Goes Quantity Surveying*. Mr Speaker, I think the hon. Gentleman has embarked on the search for that book, *Ethel the Aardvark Goes Quantity Surveying* – the book that they could not find, Mr Speaker, in that particular sketch.

But I do fear, Mr Speaker, that he is caught in that other sketch about whether the office the gentleman had walked into was the Office for Arguments, and immediately to be told by the person behind the desk, it was not, to which he reposted that it was, and the argument ensued.

860 I do not want the argument to ensue, Mr Speaker. I have told him already we are working with the unions, we are working with the administration and with the good faith of the Government in order to continue the review that the same document he is looking at says we will undertake. If we have not been able to finalise it, it is not because we were not able to finalise it because of our good will, but because of other reasons, Mr Speaker.

865 Because you know this is a complex process and, Mr Speaker, is it not incredible that he is the only one raising these issues, because the unions are not raising these issues with us; the unions are *working* with us on these issues. In terms of the vacancies that there were, Mr Speaker, that we promised to fill, I put it to him, Mr Speaker, that we probably filled them all and that is why he could only spot three or four that date from their time, some of them going back five years even in their time, Mr Speaker.

870 So, Mr Speaker, obviously he is not going to agree with me. I do not think that is a good reason for us to continue to just have an argument about this, and we want to continue with the work of delivering a public sector that is as it should be for this community in this century, Mr Speaker. He spends his time criticising us for having grown the public sector. Today he seems to be criticising us for not having grown it enough. Well look, Mr Speaker, just do not stone me every time I say ‘Civil Service’.

880 **Hon. D A Feetham:** Well, Mr Speaker, can he just confirm that in fact there are 21 vacancies that remain unfilled that date back to at least 2014?

Hon. Chief Minister: Well, Mr Speaker, I assume that figure comes from his counting when he was in a sedentary position or one of his colleagues counting. I have given him the numbers, I am not going to accept his addition or anybody else’s. The numbers are set out in the schedule.

885 If that is the number, Mr Speaker, then I would be very proud indeed if that were all it was because when we were elected, I can guarantee him that it was very, *very* many more. So I will take it as a backhanded compliment for the excellent work that we have done.

890 **Hon. D A Feetham:** And indeed, Mr Speaker, that there are 68 vacancies that remain to be filled overall.

Hon. Chief Minister: Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago and I will also take that as a backhanded compliment; but I do not know which of the compliments he is trying to pay me.

895 Is he trying to pay me the compliment of having filled many more vacancies than they used to fill; or is he trying to pay me the compliment of not having filled them when he puts on his hat of wanting to reduce the size of the public sector?

Mr Speaker, I just do not know because with him it is always one day left, one day right, one day yes, one day no, one day GSLP, one day Labour Party, one day GSD.

900 **Hon. D A Feetham:** Mr Speaker, he seems to forget that he has his roots in the Liberal Party and went to the GSLP partially via the Labour Party, and he and I know what the private story in relation to that is.

905 But Mr Speaker, turning to Question 268, Mr Speaker, the question asked about people working within the public sector and recruited via a recruitment agency or company and I have said, 'giving details of the recruitment agency or company'.

910 Now, he has bunched a number of answers together and the answer he gave me in relation to that was that there had been 31 applications and 24 had been successful. But what he did not give me was how many of the successful ones related to a recruitment agency or company and which recruitment agency and company, which is the question that was posed.

Hon. Chief Minister: Well, Mr Speaker, it is not such a private story any more is it, what happened at the time. But let us just be very clear, I am switching lanes in the dual carriageway that is the relationship between the socialists and liberal parties –

915 **Hon. D A Feetham:** Ah, is that what you call it!

Hon. Chief Minister: Yes, and he is doing a U-turn, Mr Speaker! He is doing a U-turn from facing left to facing right. That is the difference between our positions, Mr Speaker.

920 And on the question, Mr Speaker, on the question that he has posed, the answer is there, Mr Speaker, I will just read it to him again. The internal private sector recruitment process was undertaken in September 2015 whereby applications were invited throughout the Civil Service and all Government agencies, authorities and Government-owned companies *only*, Mr Speaker – and 31 applicants from those, not from any recruitment agency etc. applied and 24 were successful.

925 **Hon. L F Llamas:** Mr Speaker, I would just like to pick up on one thing back from 2011 and that was basically that the GSLP did say that they would not allow people to fester in acting posts. Looking through the list we got last month, there seems to be a lot of people there being allowed to fester into these posts. Does the Chief Minister accept that there has been festering in posts, so much so that people are retiring from these posts and even people who may have been wait-listed to certain grades are not being given the opportunity of getting the vacant posts whilst the process and the review is being undertaken?

935 **Hon. Chief Minister:** No, Mr Speaker, I do not accept that. I do not accept that for one minute because the number of people who are waiting to take up a post is not what it used to

be. We are not having to extend those lists in the way that the hon. Members used to have to do when they were in Government. People are able to move, perhaps not on the day that they get their promotion but within a reasonable period of time.

940 People who are acting sometimes are acting for a good reason and they are acting because there are reviews ongoing and they want to act, Mr Speaker. I do not want people to act for longer than they have to act, but I have to respect the fact that we are trying to work together to produce a better Civil Service, a reviewed Civil Service and in many instances, Mr Speaker that means that people are acting. And in many instances, Mr Speaker, the hon. Gentleman needs to also understand that people are happy to act.

945 **Hon. D A Feetham:** Well, Mr Speaker, people may be happy to act but it was their policy not to have long-term substitutions, not to have long-term acting within the Civil Service, and there is a plethora of statements that they made from 2011, in fact continuing through their administration, and I can quote them but I am not going to do so.

950 But, Mr Speaker, in relation to the Commissioner of Income Tax, he said that the Commissioner of Income Tax, there was no substitution in relation to that particular post, but there is somebody that is acting as Commissioner of Income Tax whilst the Commissioner of Income Tax is at No. 6 Convent Place. Can he explain the situation there?

955 **Hon. Chief Minister:** Mr Speaker, the position is that the Commissioner of Income Tax post is not vacant. Mr Carreras, as he knows, is at No. 6 Convent Place but the position is not vacant. That is why there is somebody acting in his post but it is not a vacant post. He has moved to No. 6 Convent Place to do a particular role but he is still the Commissioner of Income Tax and somebody is assisting him and acting in his post.

960 **Hon. D A Feetham:** Mr Speaker, how long does the Government envisage that that situation is likely to prevail? Because inherent in the answer is that Mr Carreras, who is the current Commissioner of Income Tax, spends most of his time at No. 6 Convent Place on his duties at No. 6 Convent Place, not on his duties in relation to Commissioner of Income Tax that somebody is acting there and of course, it is not fair for the person who is acting, who may be long-term acting without any prospect of actually taking the job on a permanent basis. I wonder whether he can provide some information as to how long he envisages that situation to continue.

970 **Hon. Chief Minister:** Mr Speaker, I think it is very unfair that we are talking about an individual in Parliament. I think it is very unfair that we are talking about a post which has been filled. The hon. Gentleman had said the individual who is acting in that post, Mr Speaker, and I think it is very unfair to be talking about that individual or any other.

975 Mr Speaker, the Government believes that this is something that will be resolved in the next six months.

Hon. D A Feetham: Mr Speaker, there is a lot of information here. We have got to analyse it and then we will come back next month.

Mr Speaker: Next question.

Q273/2016
Public sector post/service –
Recruited or contracted without advertising

980 **Clerk:** Question 273, the Hon. D A Feetham.

985 **Hon. D A Feetham:** Mr Speaker, can the Government please provide details of any person or entity who has been recruited, promoted or contracted to provide services for over £2,000 within the public sector since December 2011, without the post or service having been advertised?

Clerk: Answer, the Hon. the Chief Minister.

990 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, this question is insufficiently precise for Government to provide an answer as no range is set for the £2,000 benchmark, making it impossible for an answer to be provided.

995 **Hon. D A Feetham:** Mr Speaker, I do not agree. I think the question is sufficiently precise. But why can't he answer for example, rather than the service part of it, the post part of the question and post within the public sector that has been filled without that job or post having been advertised. I mean surely he must have the information, knowing as I do how Civil Service operates at Question Time; the Chief Minister should have that information available to him in order to be able to answer proper supplementaries, as this one is.

1000 **Hon. Chief Minister:** Well, Mr Speaker, I do not, for the simple reason that his question is one that is really at large.

Look, Mr Speaker, the answer to him could be every single person in the public sector. Because every single person in the public sector, in the period since December 2011, has very likely had pay rises between now and then in excess of £2,000 and those have not been advertised, Mr Speaker. So they will have had an increase in their remuneration, Mr Speaker, or promotions which could involve in excess of £2,000.

1010 So, Mr Speaker, the advice that I have from the civil servants who very carefully prepare answers and read them very carefully in order to prepare Ministers is that this question is incapable of being answered. And, Mr Speaker, I can understand why because if you say £2,000 but you do not say £2,000 a year – you just say £2,000 in the context of the past five years, Mr Speaker, or four years and three months as we worked out that it is, Mr Speaker – somebody who might have had very little money indeed in the past 50-odd months would come within this range, Mr Speaker.

1015 So, Mr Speaker, I am advised it is impossible to answer. I am quite happy for the hon. Gentleman to rephrase it and let us have it again next month, but he needs to understand that we are trying to answer his questions but when they are this 'at large' it is just not possible to do so.

1020 **Hon. D A Feetham:** Mr Speaker, I just simply do not accept it and I am going to re-read the question, so that those listening understand it.

1025 Can the Government please provide details of any person or entity who has been recruited (1), promoted (2), or contracted to provide a service for over £2,000. The service relates to the £2,000. We are talking about people who have been promoted, recruited or have had contracts for over £2,000 within the public sector and they have not been advertised. That is what it is about.

1030 Now, I could have understood, and I have to say I could have understood him coming and saying there are an awful lot of people and I came prepared to receive this answer. I have given him the benefit of the doubt, there are an awful lot of people that have provided contracted services for over £2,000 without being advertised, since December 2011. Why does he not increase the threshold of £2,000 and then perhaps we can reduce the numbers? But surely he can provide the answer as to how many people have been recruited or promoted within the public service – certainly recruited, there is absolutely no excuse for that – since December 2011

without the post having been advertised! And at least part of this question, there is absolutely no excuse for the hon. Gentleman not answering it.

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Hon. Chief Minister: Mr Speaker, when the hon. Gentleman gets in a hole and he makes a mistake, what he does is continue to dig. He does not simply say, 'Well look, fair enough, I understand the issue I will try and be more precise in what I am asking and then the civil servants will be able to prepare an answer for you.'

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Mr Speaker, recruited: look you can understand that recruited is a particular thread of this question, but he does not just ask about 'recruited'. He asks about 'recruited, promoted or contracted', Mr Speaker, in a period of 48 months.

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Now, Mr Speaker, 48 months means very little money per month in that period. That is in four years. It is longer. It is 53 or 51 months, Mr Speaker. It is therefore almost impossible to answer because people may have got promotions and, Mr Speaker, when there are promotions, things are not advertised. They are advertised internally but they are not advertised externally so what does 'advertised' mean?

Several Members: Oh, come on!

1050

Hon. Chief Minister: Well, Mr Speaker, come on, no. Read the question that you put, Mr Speaker. Read the question.

1055

Does a bulletin mean either internal or external? Well, Mr Speaker, this does not say internal or external. Is a bulletin of circulars inviting applications for promotions something that has been advertised? The hon. Gentleman is going to say to me, that is not an advertisement. These days, Mr Speaker, the bulletin of circulars is an e-mail and a memo that goes round. So has that been advertised, Mr Speaker?

1060

This is just an impossible question to answer. Look, he knows what my position is, so can he just come back with a more precise question and we will answer it, but he needs to be precise in what he is saying.

1065

Is he saying who has received an extra ... I don't know, £50 a month in the past 53 months, which would get us to the £2,000? Does he mean £2,000 a year? Does he mean £2,000 a month? If he tells us what he means, if he is humble enough to read and stop digging, he might actually get the answer to the question that he wants answered.

1070

Hon. D A Feetham: Mr Speaker, the only person who needs to stop digging is the hon. Gentleman and this is precisely, Mr Speaker, why we do not accept for a moment his assertions that things have become more democratic during his time as Chief Minister. Because there is no point in having more meetings of the House if he continues to behave in the opaque way that has become his trademark over the last four years and two months, as he reminded me, that he has been in office.

1075

But, Mr Speaker, you can see from this question, when you are talking about recruitment, it means somebody like for an example ... I will give him an example of a post that has been recruited without having been advertised, Senior Administrator. I am told a post at £90,000 was not advertised and there are more that I have listed here. That is one of the areas that I am interested in.

1080

Now, if he wants me to just simply ask him the question because this is disjunctive – in other words it is separate, each one is separate, it is disjunctive: 'recruitment', comma, 'promoted', then there is the use of the word 'or' – that is disjunctive as well – 'contracted to provide services', so three items here. If the hon. Gentleman wants me to separate it item by item in three separate questions so that he can then come back and tell me who has been recruited within the public service without that post being advertised, internal or external – 'advertised' is an ordinary English word, Mr Speaker – then I will do so.

1085 But I repeat, if he has any information there, well perhaps he can provide me with some information so that we can then get on with it, and then we can move on to something else.

1090 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has the ability to demonstrate what in Spanish is known as his *prepotencia* every time that he gets up, Mr Speaker. His lecture on what disjunctive means is not one that is necessary on this side. Perhaps that is how he lectures his fellow members of Parliament as to how they should put questions. But, Mr Speaker, I must say they are the ones who should lecture him. They have put better questions than him and many of them have just been elected.

1095 Does he not understand, Mr Speaker, that it is because 'recruited, promoted or contracted' is disjunctive that I explained to him that that was one thread, Mr Speaker? But has he not done the maths, Mr Speaker? Because I will do it for him. It is not four years and two months; it is four years and three months, Mr Speaker. That is 51 months, Mr Speaker. If he divides £2,000 by 51 – I am not going to do it like he did the disjunctive bit, I am not going to say 'two, zero, zero, zero divided by 51', I do not think he needs to be spoken to like that, although he thinks he should speak to me like that, Mr Speaker – the answer is £39.

1100 His question in effect is whether anybody has had £39 a month without that being advertised because he has not said a range. The £2,000 could be over the whole five years as he said – sorry four years and three months, 51 months. That is what makes it impossible to answer, or does he not understand it, Mr Speaker? I do not think I have to speak to him like he tries to speak to me because he seems to think I have such a low IQ that he has to speak to me in that way.

1105 Well look, Mr Speaker, it is clear that he has a view about my IQ, I have my views about his.

Mr Speaker: Next question.

Q274/2016
Gibraltar Football Association –
Loan provided

1110 **Clerk:** Question 274, the Hon. D A Feetham.

Hon. D A Feetham: Yes, Mr Speaker.

1115 Mr Speaker, further to Question 119/2016, can Government provide details of the terms of the loan or loans provided to the GFA of £929,176 including the terms of repayment, interest, the term of the loan, the identity of the borrower if not the GFA and any other salient term?

Clerk: Answer, the Hon. the Chief Minister.

1120 **Chief Minister (Hon. F R Picardo):** Mr Speaker, a temporary advance of £929,176 has been provided by Government from the Consolidated Fund to the GFA. The purpose of the loan was for the GFA to meet preliminary expenses in connection with the proposed new national football stadium.

1125 The term of the loan is for a maximum repayment period of 10 years, commencing October 2016, which is when the repayment starts. Interest is charged at the rate of 6.5%. The borrower, as I indicated, is the GFA itself.

Q275/2016

**Government commitments for next four years –
Those not included in the GSLP/Liberal manifesto for 2015**

Clerk: Question 275, the Hon. D A Feetham.

1130 **Hon. D A Feetham:** Mr Speaker, can the Government provide details of their commitments for the next four years not included in the GSLP/Liberal manifesto for 2015 but which were promises made in public or private letters from the Hon. the Chief Minister to members of the public; for example, letters to private and Government estates and some teachers in respect of their pensions?

1135 **Clerk:** Answer, the Hon. the Chief Minister.

1140 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Chief Minister made no promises in private or in public letters to members of the public, in private or Government estates or to any teachers – disjunctive. (*Laughter*) The letters the Leader of the Opposition refers to were from the Leader of the GSLP.

Hon. D A Feetham: I am sorry if he has got upset about my disjunctive comment, it was not my intention to upset him this afternoon!

1145 But, Mr Speaker, well, I know the hon. Gentleman is answerable in his capacity as Chief Minister and not leader of the political party, but the importance of the question is that of course he is now elected, he is now the Chief Minister of Gibraltar, he in his capacity as Leader of the GSLP/Liberals had a manifesto and then had these side letters that were issued to various people in Gibraltar, and therefore presumably, those side letters have become Government policy, and I want to know what of those promises and those side letters have actually become
1150 Government policy and we can expect the fruits of within the next three years – and I think it is in his calculation – nine months?

1155 **Hon. Chief Minister:** No, Mr Speaker, because he obviously does not know the Parliament Act well enough to know that that is not how you calculate the lifetime of the Parliament, it is actually longer.

But, Mr Speaker, he does not upset me. I mean there is nothing I enjoy more than seeing him perform in Parliament, believe me. That is why, Mr Speaker, I wish him to remain Leader of the GSD for as long as possible. I am sorry to disappoint the others around him, but they shall not be receiving my backing.

1160 Mr Speaker, let us be very clear. These are not *side letters*, Mr Speaker. These are not side letters, these are not agreements with side letters. These are commitments of the political party that I represent outside of this House in respect of issues of policy that are put to me much as they are put to him.

1165 Mr Speaker, I saw some *side e-mails* from Members opposite in relation to the premises for the darts club. I mean I am not going to refer to those as side letters – those are commitments which they are acquiring in the context of a General Election campaign and those commitments are delivered in Government, Mr Speaker. And as we have demonstrated, we deliver in Government the commitments that we enter into with the general public in our General Election campaigns in a way that I think is admirable.

1170 Mr Speaker, seven out of ten people at the last General Election agreed (*Laughter*) and I have no doubt, Mr Speaker, that at least when it comes to delivering on our commitments, when it comes time for the next General Election, people will see that we deliver on all of them whether contained in a side letter, a manifesto or even a personal commitment given verbally to any

1175 particular member of this community, whether or not they are a voter, Mr Speaker, because that is not the issue.

So, Mr Speaker, he can expect the fruits as he described it, of our policies to be delivered in respect of all the commitments we entered into as a political party.

1180 **Hon. D A Feetham:** Mr Speaker, the day that this party wins a General Election with me as Leader, his entire world is going to collapse around his ears, Mr Speaker, because he seems to have quite a concern about that.

1185 But, Mr Speaker, returning to the matter at hand, can he at the very least tell us how many of these side letters the hon. Gentleman wrote to people in Gibraltar, giving commitments that were not in the manifesto? And it is a serious point and it is an important point. Mr Speaker, the hon. Gentleman has been quite willing to answer questions about manifesto commitments, despite the fact that those manifesto commitments have been provided in his capacity as the leader of a political party and he now is Chief Minister of Gibraltar, and if one bears in mind that surely those side letters must also be of equal force, because he is not going to be making promises without an intention of not fulfilling them, well then, he cannot be reticent of answering questions about those letters as well as he is not reticent of answering questions in relation to the manifesto.

1190 At the very least can he tell me how many of those side letters the hon. Gentleman issued at the last election? (*Interjection*) For the avoidance of doubt, Mr Speaker, I am not talking about letters to every single household; I am talking about how many individual letters that went out, individual promises – the promise he has made that was not in the manifesto.

Hon. Chief Minister: At the moment after he sees the party he presently leads win the General Election, he will wake up!

1200 Mr Speaker, look, this is very simple. I sent out approximately 13,000 letters, Mr Speaker, setting out my position in respect of certain issues to individuals in estates etc. in my capacity as the Leader of the GSLP. I have no doubt the hon. Member has copies of each of them, I assume he has got at least one supporter in each estate and therefore he knows what they say and he can ask me about them in respect of the position of the Government. But I am not going to list for him what letters I have sent because some of the people I have sent them to might not like him to know, Mr Speaker.

1205 But I will deliver in respect of each of those commitments, because they are now, as he rightly says, the policy of the Government. And as we deliver, he will know what our commitments are. But if what he is saying to me is 'recite your policies', I am going to sit here and read him my manifesto, Mr Speaker. I am not going to recite policies, he will realise that we are delivering on our commitments, whether contained in our manifesto, whether contained in letters, whether contained in verbal undertakings or whether we acquire commitments after the General Election to do things.

That is how we do Government, Mr Speaker. We deliver.

1215 **Hon. D A Feetham:** Mr Speaker, the question itself refers to promises made to some teachers in respect of their pensions. Now as I understand it, I have not got any correspondence to wave in front of the hon. Gentleman so to speak to tell the hon. Gentleman, 'Look, this is the promise that you made', but my understanding is, and I would like him to confirm that, that certain promises were made to school teachers that were recruited post-2011, who were the teachers who had been working on supply pre-2011, in relation to their pensions – that they were effectively promised that they were going to be put on the final salary pension scheme as it was prior to 2011, many civil servants are obviously still on that pension scheme, rather than the contributory pension scheme that everybody was put on post-2011.

1225 **Hon. Chief Minister:** Yes, we will be talking a lot about pensions in the coming meeting, Mr Speaker. There are no such letters, Mr Speaker. There is a letter to the Gibraltar Teachers' Association dealing with that issue. There is also a letter to the GGCA dealing with a similar issue which does not relate to teachers.

1230 **Hon. D A Feetham:** Yes, well in relation to that, that is helpful and if I can pull at that particular thread and ask the hon. Gentleman what is that particular promise in relation to those teachers and their pensions? I take from the answer that he has given me that he agrees with the supposition on which my question is based, that we are dealing with those 45 teachers, I think it was, that they promised to make permanent prior to the 2011 election, because they
1235 had been on supply prior to 2011 and they were made permanent after 2011 and therefore the Party opposite promised that should they be elected, that those teachers would be placed on final salary pension schemes rather than the contributory pension scheme, despite the fact that they were only made permanent and pensionable after 2011.

1240 **Hon. Chief Minister:** No, Mr Speaker, that is not how the issue is played out. There is a claim from the Gibraltar Teachers' Association for some time, Mr Speaker, in respect of those who have been employed before 2012 – *before* 2012 – because they were on permanent supply.

In other words, the hon. Members opposite when they were in Government had people employed doing the contradictory 'permanent supply' in a number of areas and one of them
1245 being the teaching profession. Those who had therefore begun work before the closure of the final salary scheme would be in the final salary scheme because it would be terribly unfair for people in fact who have started going to work each morning in 2009 and be dealt with as if they had first been employed in September 2012.

The same is true, Mr Speaker, not just of teachers but of people who were employed as civil
1250 servants but whose probationary year was up after 31st December 2011. And I took the view, Mr Speaker, after taking representations from the unions about two years into our first administration, but we had not been able to resolve it by the end and that is why as Leader of the Party, I wanted them to know that we continue that consideration and it would be a positive one.

1255 That it would be grossly unfair for somebody to start work on, say, 2nd January 2011 to then hear the Chief Minister of Gibraltar get up in March or May 2011, I cannot quite remember the date and say that 'As from 1st January 2012, it is the end of the final salary scheme and you have been working for three months already. You signed up as a Government employee, there is a probationary year but there is an assumption that you are going to be able to continue and you
1260 are not going to get the final salary scheme.' Well, Mr Speaker, it would be grossly unfair for that to have happened and that is why we took the view that it should not continue.

Of course, Mr Speaker, people who after 1st January 2012 enter into public service know that that is going to be the position and I would be very surprised if anybody were to ask me to continue for public servants the final salary scheme in respect of public servants who started
1265 after 1st January 2012.

But I have come to expect everything in this life.

Hon. D A Feetham: Mr Speaker, no I have absolutely no qualms with the hon. Gentleman's
1270 promise in that regard and indeed I am very grateful to the hon. Gentleman for explaining his rationale in relation to why he thought it was inappropriate to apply the contributory pension scheme retrospectively. No doubt it is something that the Government will bear in mind in the future in dealing with anybody else whose rights are going to be affected in that way.

Hon. Chief Minister: Yes, indeed Mr Speaker, that is why we must move quickly to ensure
1275 that in the same way as those civil servants were being dealt with and others, that they should be able to contribute very quickly indeed to a contributory scheme and some people may even

find, Mr Speaker, that instead of having to wait, for example 90 months for a pension to vest, they will have a pension vest immediately and that they will not have to do a period of service as extended as that in order to have a small nest egg for their service between the period that they start employment and that they are going to not continue in the public service.

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But I have no doubt, Mr Speaker, that there will be no-one so bold as to ask me to continue a final salary scheme when it has been undone for everybody else in the public sector.

Clerk: That concludes questions to the Chief Minister.

BUSINESS AND EMPLOYMENT

Q128/2016

**Unemployment figures –
Numbers registered**

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Clerk: We now return to Question 128, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Minister for Employment confirm the number of people registered unemployed as of 18th February 2016?

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

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, the hon. Gentleman may not be aware that it is the practice of successive Employment Ministers to relay unemployment figures on a quarterly average basis.

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In accordance therefore with this established practice, I am happy to note that the quarterly average for registered unemployed at the end of December 2015 was 255.

SPORTS, CULTURE, HERITAGE AND YOUTH

Q129/2016

**Central Police Station in Irish Town –
Development plans**

Clerk: Question 129, the Hon. R M Clinton.

1300

Hon. R M Clinton: Mr Speaker, can the Minister for Heritage please advise what are the latest plans for development of the Central Police Station in Irish Town?

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

1305

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, expressions of interest were invited for the development of the Central Police Station. HM Government is in negotiations with the preferred bidder but plans have not been finalised.

Q130/2016
Northern Defences –
Stoppage of works

1310

Clerk: Question 130, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Heritage please confirm if works have been stopped on the Northern Defences by the chosen contractor and if so, why?

1315

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the first phase of the Northern Defences project has been completed and therefore works have ceased until Her Majesty's Government takes a view on access and management. Further phases will focus on areas such as the King's and Queen's Lines.

1320

We would like to take this opportunity to thank the Royal Engineers who have once again assisted in cleaning out the Queen's Lines this month.

The Government would also wish to thank the Heritage Trust, for their volunteers who continue to provide excellent walking tours of the completed works despite the weather.

1325

These works are something the Government is justly proud of, having brought to life an area which had been abandoned for years. No doubt the hon. Member will want to congratulate the Government on this magnificent work.

1330

Hon. R M Clinton: Mr Speaker, could the hon. Member please advise if the second and third phases that he mentions would be undertaken by the same contractor?

Hon. S E Linares: Mr Speaker, the second and third phases have not yet been concluded and therefore I am not in a position to say whether it will be done with the same contractor or any other contractor.

1335

Q131/2016
Gibraltar Music Festival –
Money from pre-paid wristbands

Clerk: Question 131, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Chief Minister advise the amount of money retained on the Gibraltar Music Festival pre-paid wristbands and whether the Government has made a decision to refund, retain or donate the money to charity; and if a donation is to be made to charity, how is that charity to be chosen?

1340

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

1345

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the amounts retained on the pre-paid wristbands at the Gibraltar Music Festival is £23,250.67.

Government is considering which charity or charities should receive all or parts of this amount. An announcement will be made in due course.

1350

Q132/2016
Gibraltar Music Festival 2015–
Total costs

Clerk: Question 132, the Hon. R M Clinton.

1355 **Hon. R M Clinton:** Mr Speaker, further to Oral Question 1/2016, is the Minister for Public Finance now in a position to advise the income generated, expense incurred and thus a total net cost of the 2015 Gibraltar Music Festival?

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

1360 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the answer to this question remains the same as that to the answer to Question 1/2016.

1365 **Hon. R M Clinton:** Mr Speaker, does the Member opposite find it acceptable that given the time that has elapsed since the Music Festival, which I believe was in September last year, although we know the income and expenditure of the Literary Festival which was in November, we still do not know the income and expenditure of the Music Festival in September?

Chief Minister (Hon. F R Picardo): Mr Speaker, the size of the Music Festival is very different to the size of the Literary Festival.

1370 Mr Speaker, the hon. Gentleman has in effect asked a question which is the same question that he asked last month and, Mr Speaker, we are not going to be able to answer the same question every month.

1375 There is a rule that you should not ask the same question every six months for more...without an interval of at least six months. Mr Speaker has allowed the question because I am sure it was not an identical question, but the purpose of the rule is so that there is –

1380 **Mr Speaker:** On the other hand, just adding the words ‘further to Oral Question number so and so’ does not change the fact that it might be an identical question. I mean the addition of those words does not alter the question in substance.

1385 **Hon. Chief Minister:** Indeed, Mr Speaker, and what I want to say to the hon. Gentleman is that we are not always going to insist that something be asked only after every six months. It is the rule in Gibraltar and in the United Kingdom because there may be an issue of general public importance and we can agree with Mr Speaker that something be put although it has not been put before.

But in this case, Mr Speaker, the hon. Gentleman knows that accounts take time to be prepared. This is a very big event, Mr Speaker, and he will be surprised to hear that there are still bills coming in. So it is not as if the Government is not able to account for things; it is that the Government knows and is in contact with people who are still sending us bills.

1390 Artists are notoriously difficult and their management companies are notoriously difficult and so, Mr Speaker, he will understand that it is one thing to account for a Literary Festival, it is quite another to account for an event that involves 13,000 to 14,000 people at the Victoria Stadium and all the logistics that that involves.

1395 Therefore, Mr Speaker, we are perfectly comfortable with the fact that it is taking time to prepare these accounts.

Hon. R M Clinton: Mr Speaker, first of all I am grateful for your guidance, but I would make the point that if in answer to any general question the answer is ‘not yet’, and the answer to

1400 that question in following up is still 'not yet', at what point do we get an answer? Are we to effectively be satisfied with 'not yet' as an answer? Is that even an answer, Mr Speaker?

Mr Speaker: For guidance, I would say that if a question is answered and the answer is 'this information is not yet available', it is legitimate to ask some time later, and not necessarily wait for six months to ask 'is the Government now in a position to provide such an answer?' I would allow that because it is the same subject matter but the 'not yet' is elastic and therefore I think we do not have to wait six months for a Member of the Opposition to try to pursue the matter.

1405 But just the addition of those words 'further to' does not change it of course. But if the answer was an interim reply that he received, I think an hon. Member of the Opposition is entitled within those six months to try and pursue the matter. That is a ruling that I would give.

1410 **Hon. Chief Minister:** I am grateful, Mr Speaker, not that you have been asked for a ruling but if you had been asked for a ruling, it would have been a ruling sought on an unfair and incorrect premise. Because the *Hansard* of the proceedings, Mr Speaker, demonstrates that the answer was not 'not yet'; the answer was actually a much fuller answer, Mr Speaker.

1415 The hon. Gentleman was told this:

Mr Speaker, full details of payments and income generated from the 2015 Music Festival have not been finalised. Government will be publishing the details once everything has been finalised.

So the hon. Gentleman (a) was not told 'not yet', he was given a full answer; (b) he was told that they would be published when the time came, Mr Speaker.

1420 The hon. Gentleman asked again 'does the Minister have any idea as to how long that will take?' and there was a further answer, Mr Speaker, which I thought was a very helpful one where it said:

Mr Speaker, it will definitely be before the estimates are prepared, which should be by April. That means by 31st March which is the end of the year, so I reckon that by then we should have final figures.

and the exchange continued.

1425 And so, Mr Speaker, it is not correct for the hon. Gentleman to characterise the answer in the way that he did or to suggest that his question was being kicked into the long grass. He knew by when we expected to have the final accounts prepared and he also knew that we expect to publish that when it was prepared.

I hope that is helpful, Mr Speaker.

1430 **Hon. R M Clinton:** Mr Speaker, thank you very much for your ruling, whether it is a ruling or not, and I will obviously in future, where I do not feel I have had an answer to a question, I will run it by you first for guidance as to whether that would fall within the six-month rule or not.

1435 But coming back to the question of the accounts, Mr Speaker, I find it somewhat incredible that the Chief Minister characterises Gibraltar Music Festival as a matter of great complexity requiring great financial engineering in order to arrive at a P&L. I trust he has better luck at running the finances of the Gibraltar Government as a whole before the financial year, where the numbers are substantially bigger. *(Laughter)*

1440 Mr Speaker, in relation to the Principal Auditor's Report from last year 2014, the Principal Auditor says the original estimates for 2014 were £300,000, the outcome was £1.4 million. That is, Mr Speaker, where I am coming from: we need to get a sense of whether they are on budget or not, but obviously Mr Speaker, they will not answer that question.

Hon. Chief Minister: Mr Speaker, delighted to answer that question – even with what appeared to be an attempt at humour at the beginning, Mr Speaker. I heard some 'Snickers' on

the opposite benches, I wonder whether they are being recalled like Mars Bars or not, Mr Speaker. *(Laughter)*

1445 Look, Mr Speaker, we are very proud of the Gibraltar Music Festival. We think it is an excellent event, it attracts many tourists to Gibraltar and the value of it is well beyond the balance sheet, something perhaps the hon. Gentleman might not understand. It attracts also many businesses to Gibraltar who may have head offices here who bring many of their people from around the world to have meetings in Gibraltar at the time of the Gibraltar Music Festival.

1450 And, Mr Speaker, you know what? Given the performance of the Gibraltar economy in the past four years, I think that we as a whole have done quite well with the P&L accounts of the Government of Gibraltar. We have done quite well with the promotion of Gibraltar internationally. We have done quite well with the growth in our economy and I think that a little dig from somebody who has been a banker until a few months ago is not really going to hurt.

1455

Hon. R M Clinton: Mr Speaker, I am glad we are not causing any offence and I trust the P&L of the Music Festival will be as impressive as he suggests.

Hon. Chief Minister: I have no doubt it will be, Mr Speaker, but I did not detect a question there and in this House, at this stage, we are here to hear questions from the other side.

1460

Q133-134/2016
Lift components –
Adequate storage near Retrenchment Block

Clerk: Question 133, the Hon. E J Reyes.

1465 **Hon. E J Reyes:** Mr Speaker, can Government give details of the circumstances which led to the storage of lifts' parts/components in the vicinity of the Retrenchment Block together with details of which project these lifts' parts/components pertain to?

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

1470 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 134.

Clerk: Question 134, the Hon. E J Reyes.

1475 **Hon. E J Reyes:** Can Government provide details of what measures have been taken to ensure and guarantee that lifts' parts/components recently stored in the vicinity of the Retrenchment Block are fit for purpose and not suffering from corrosion or other possible defects due to their exposure to the elements of inclement weather before installation?

1480 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, on a temporary basis the contractors were given authorisation to store the lift components at the facility of the Retrenchment Block. These components appertain to the Government Estates' beautification projects of Moorish Castle Estate and Laguna Estate.

1485

The measures to ensure and guarantee the lifts' parts/components are the responsibility of the contractor. On installation, the Government's technical staff, along with a specialist consultant will examine and evaluate each part and works prior to its commissioning. If defects

1490 are identified, it is the responsibility of the contractor to put these right at no cost to the Government.

Hon. E J Reyes: Mr Speaker, would the Hon. Minister happen to know who the contractor is, the one who was given permission to store these in the vicinity of the Retrenchment Block?

1495 **Hon. S E Linares:** Mr Speaker, I understand it was GJBS.

Hon. E J Reyes: Mr Speaker, one further question in my non-expert construction thing. The purpose of my question is to allay fears among the residents of the estates. Now we know it is Moorish Castle and Laguna where these lifts are going to be installed, but in my preliminary sort of pre-empting the Ministers answer, my preliminary explanation to this constituent, I said 'Yes, but surely I know that before a project is handed over, the Government will have their own people who go and check on the parts and see that it is properly done and so on.'

1500 This concerned resident has come up with further concerns and saying, 'Yes, if these are metal parts that are the ones that suffer from rust as a result of their exposure to the weather elements and so on, and are then encased within what is traditionally a brick or concrete casing, who is going to be able to see the amount of rust that is there, even before the lift has been installed?'

1505 Is the Minister aware, given the circumstances of the unfortunate exposure to the elements whether inspections are taking place even before they are completely encased in the building that will house the lift? Is there an extra measure, an extra that we can give?

At the end of the day the Minister and I should both share at heart that what we want to do is give as big an assurance as possible to the residents of these estates.

1515 **Chief Minister (Hon. F R Picardo):** Mr Speaker yes, and the residents can be *fully* reassured because, Mr Speaker, you see it would be really quite nonsensical for the check of the lift to be after the lift has been installed, for the Government's expert to go into the lift to say that it looks very nice indeed and that it is very clean. That is not how we do the checking.

1520 Mr Speaker, there is a 75-point checklist in respect of every lift installed under this administration in respect of these refurbished estates. The 75-point checklist deals with every part that is installed, as it is being installed, so long before it is encased in concrete. Mr Speaker, that checklist is provided not just to GJBS; it is also provided to the Housing Authority which is the entity that has contracted GJBS to do this work.

1525 So it is very, very thorough indeed and we would be dealing with issues that affect the structural integrity of the lift as well as every other aspect of the working of the lift. Now, Mr Speaker, in respect of these particular lifts, they are going to transform people's lives in many areas. They are very difficult to install in some areas. In some instances the issue with installation relates to the requirement for three-phase electricity and that is why a delay has been occasioned in the installation.

1530 But, Mr Speaker, the hon. Member can go back with confidence and tell the person who raised the concern with him that there is a 75-point checklist and it is all carried out long before anything is encased in concrete.

Hon. E J Reyes: Mr Speaker, the Chief Minister's addition to the supplementary certainly goes a long way to allay fears and so on.

1535 I may or may not have come to the wrong conclusion: I think the Chief Minister was also referring to something that could be an online list or something. Is there a place online that residents may look at to refer to these 75 points or is that something that is private between the contractor and so on?

1540 **Hon. Chief Minister:** Well no, Mr Speaker, the next thing the hon. Gentleman opposite is going to ask me, is there a camera in my office, and next in my bedroom!

1545 Mr Speaker, this is a mechanical engineering report which is provided to the Government – well, which is provided to the contractor which provides it to the Housing Department that is the contracting authority. It is a mechanical engineering report; we receive many reports in respect of each different area of expertise. It is not online and is not the sort of thing that would ever be put online by any administration.

1550 **Hon. E J Reyes:** Mr Speaker, may I just add to clarify on a point, I would like the Chief Minister in future to interpret my questions in the spirit in which they are meant. That was to allay fears on behalf of the residents of that area, not because they are particularly interested nor would I certainly not entertain putting a camera into the Chief Minister's office, nor even ask him what brand of soap, whether it is liquid or a bar of soap, he uses in his bathroom.

1555 **Hon. Chief Minister:** Well, Mr Speaker, unfortunately Head and Shoulders because I am getting old – and he can have that information, I am quite happy to provide it.

But, Mr Speaker, I fully understand the spirit in which he asks questions, despite the dulcet tones in which he asks them – put it that way.

1560 **Mr Speaker:** Next question.

Hon. T N Hammond: Mr Speaker, if I may?

Mr Speaker: Yes – the Hon. Mr Hammond.

1565 **Hon. T N Hammond:** Mr Speaker if I just may take a slightly different tack with the storage of the lift materials in the area of the Retrenchment Block. It is the case that these materials have been stored there for quite some time now – six months, probably more. I do realise there is turnover in the material, but a lot of the packaging is plastic, a lot of it has already broken up and it is in very close proximity to nature reserves in that area and indeed those plastics, being a generally very windy area as Windmill Hill is, are contaminating those areas.

1570 Is there any move on the part of Government to ensure that the contractor involved, GJBS as I understand it, will make sure that the area is properly cleaned up?

1575 **Hon. Chief Minister:** Yes indeed and something that concerns us as much as it concerns the hon. Gentleman, and I thank him for the opportunity to clarify the position.

So much so, Mr Speaker, that it is something that is being pursued by the Government even now, because we have great concerns about that area, Mr Speaker, in particular should anybody ever have the opportunity to create a power station with three huge chimneys, which would completely destroy that area and the nature reserve adjacent to it.

1580 **Hon. T N Hammond:** Sorry, I did not quite get the...out of the ... The answer is then yes, that GJBS will be taking responsibility for cleaning up the area, regardless of what its future intended use may be – power station, football pitch, obviously?

1585 **Hon. Chief Minister:** Yes, Mr Speaker, the answer is yes, GJBS will be fully taking responsibility for that. We are already asking them to do so because we really value the area and we want it to remain an area which can continue to complement the nature reserve, not detract from it, as would have been the case – and this is the bit that I was trying to emphasise to the hon. Gentleman – as would have been the case, if they had, perish the thought, won the election and erected a power station with three stacks pushing out grimy, smelly diesel into the nature reserve, killing our partridges and all the other wildlife in the area.

1590

I am surprised, Mr Speaker, and very disappointed indeed that since Mr Netto left the Opposition benches, we have not been asked about the Barbary Partridge, (*Laughter*) but he should know that it is doing remarkably well.

1595

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

Mr Speaker: Next question.

Q135/2016

**Gibraltar Sports and Leisure Authority –
Three staff vacancies**

1600 **Clerk:** Question 135, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide updated details in respect of the three staff vacancies which are currently being reviewed within the Gibraltar Sports and Leisure Authority as stated in answer to Question 3/2016?

1605

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the vacancies remain the same as per the answer provided in Question 3/2016.

Q136/2016

**Hosting sports and leisure events –
Grants provided**

1610

Clerk: Question 136, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure provide details of all grants made since the answer to Question 4/2016 in respect of hosting of special sports and leisure events?

1615

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, grants awarded for the hosting of special sports and leisure events since my answer to Question 4/2016 are: Tradewise Chess Festival, £185,000; Gibraltar International Snooker Open, £15,868.21; Gibraltar Backgammon Championship, £25,000; Gibraltar Darts Trophy, £170.

1620

The GSLA's website is currently undergoing reconstruction works. While this is being finalised, all this information will be available on a monthly basis on the GSLA home page.

1625

Mr Speaker: Perhaps it might help new Members if I were to give a little bit of guidance as to why this question is perfectly alright, even though the hon. Member originally asked the same question last month.

The view that I have always taken, even before I was Speaker, was that the answer is not the same. He is trying to find out updated information in respect of a particular item, so 'can the Minister provide details of how much has been given in respect of such and such?' – but the answer is not the same if there has been further progress.

1630

Therefore I take a liberal view, because I think hon. Members of the Opposition have a job to do, that that question is perfectly legitimate.

1635

Q137/2016

**Gibraltar Open Chess Championship and Backgammon Tournament –
Grants provided**

1640

Clerk: Question 137, the Hon. E J Reyes.

Hon. E J Reyes: Can Government provide details of all grants made in favour of the recently held Gibraltar Open Chess Championship and Backgammon Tournament?

1645

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, in respect of grants made in favour of the recently held Gibraltar Open Chess Championship and Backgammon Tournament, I can confirm that the Gibraltar Open Chess Championship received a grant of £185,000, which I have just mentioned.

1650

The Gibraltar Backgammon Tournament has received a total grant, which is different to what I have just said because it is the update, of £51,249.80. This includes assistance provided to the Gibraltar Backgammon Association in securing full membership to the European Backgammon Federation.

1655

Hon. E J Reyes: Yes. Thank you Mr Speaker, just for my own satisfaction and clarity, the £51,249.80 for the Backgammon, is that inclusive of or in addition to the £21,000 that comes under the subhead of Special Sports and Leisure Events. Just for the sake of clarity due to my still ineffective hearing.

1660

Hon. S E Linares: Well no, as Mr Speaker stated, that is why the question is different because what you asked in the previous question was an update, which is what I gave you. That is why the figures are different. But in this question you are asking for the total, as in the cost of the whole tournament. So you can assume that something was paid before, then the addition of what you asked in the next question adds up to what I have answered just now, if that is clear.

1665

Q138/2016
Chess in Gibraltar –
Mr Stuart Conquest

Clerk: Question 138, the Hon. Ms M D Hassan Nahon.

1670

Hon. Ms M D Hassan Nahon: Can the Minister for Education reveal what is the nature of the contract between the Government and Stuart Conquest?

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

1675

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, there is no contract between Mr Stuart Conquest and the Government.

1680 **Hon. Ms M D Hassan Nahon:** Could I ask, if it was my understanding that he was a Government employee, where is he receiving his remuneration? Because from what I understand he was contracted to help with chess in Gibraltar. Could you point me in the right direction, perhaps?

Thank you.

1685 **Hon. S E Linares:** Well, Mr Speaker, what happens is usually sports have officers themselves who they send into schools – I can give you an example, cricket. The Cricket Association pays someone to go into schools and then the Department of Education, as the previous Minister for Sports knows, there are many associations that have different officers who would go and tap into, go into schools helping children or helping the teachers to teach children on particular sports.

1690 We have got a case with hockey, a case with rugby, with cricket and this is the case with chess, where Mr Stuart Conquest goes to school to help with the development of chess.

Q139-141/2016

Converted to written questions

Clerk: Questions 139 to 141 have, at the request of the Hon. T N Hammond, been converted to written questions.

TOURISM, HOUSING, EQUALITY AND SOCIAL SERVICES

Q142/2016

Life plans for the disabled – Assessment of individuals

1695

Clerk: So we now move to Question 142, by the Hon. L F Llamas.

1700 **Hon. L F Llamas:** With regard to individual life plans for the disabled, can Government provide details of those individuals who have been assessed since December 2011, giving details such as sex, age, condition/conditions and date of assessment and those waiting to be assessed, detailing sex, age, condition/conditions and expected date of assessment?

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

1705 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, as answered in Question 372/2015, the Disability Action Plan will outline a holistic approach to life planning for people with disabilities and will contain the following features: education; employment; income; health and wellbeing; choice and control; and inclusive communities.

1710

Hon. L F Llamas: Therefore, does the Minister confirm that no person has yet been assessed?

Hon. Miss S J Sacramento: Mr Speaker, the hon. Gentleman is assuming that there will be separate assessments for this purpose.

1715

Hon. L F Llamas: Well, I am actually going by what was in the 2011 manifesto, that is that a programme will be made for the life planning of disabled persons. When I assume life planning, I presume that this would be for each individual person and not for a group, as each person is completely separate and a different case to any other.

1720

Hon. Miss S J Sacramento: Mr Speaker, the point is – and I am afraid it is lost on the hon. Gentleman, I have answered the question and of course there is a reference in the manifesto to life planning – but the point is, that the departments themselves will communicate to each other, Mr Speaker, so that when a person is assessed with a disability, then he will have the relevant departments at their disposal. It is not a question of having one central register for the purposes of the Disability Action Plan. It is to ensure that the resources, the policies and the strategies are available in the relevant departments, because not all departments will be relevant as part of the Disability Action Plan. It is just making sure that the availability is there. One person may not necessarily go to every department but every department will have the strategy as part of its policy.

1725

1730

Hon. L F Llamas: Is there a timeline set to commence with these assessments?

Hon. Miss S J Sacramento: Mr Speaker, I have not said that there will be assessments. The hon. Gentleman, I said, is assuming that there will be assessments. It is not a question of an assessment for the purposes of the Disability Action Plan; it is a question of having the policies and the resources in place, Mr Speaker.

1735

It is not about assessments. He has it in his mind that there will be assessments and I am telling him there will not be an assessment for the purposes of the Disability Action Plan. It is about having the resources available, Mr Speaker.

1740

Q143-144/2016
People with disabilities –
Assessment details

Clerk: Question 143, the Hon. L F Llamas.

Hon. L F Llamas: How many people have been assessed as being disabled, although not born disabled, since December 2011, providing details of sex, age, condition/s?

1745

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 144.

1750

Clerk: Question 144, the Hon. L F Llamas.

Hon. L F Llamas: What is the process to assess people as to whether or not they are disabled, providing details of people who are involved during the process?

1755

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the premise of the hon. Gentleman's question is impossible to understand and specifically in what context he is referring to.

1760

Hon. L F Llamas: Well, I am asking to know how many people have been assessed as being disabled, I think the question is quite clear, although not having been born disabled. Have there been any people assessed? I think the question is quite clear.

1765 And then the second question is, what is the process to assess these people and who are the people involved during the process?

Hon. Miss S J Sacramento: 'These people' as he puts it, Mr Speaker, I am assuming are people with disabilities, but he...again Mr Speaker, the premise –

1770

Several Members: Oh! (*Interjections*)

Hon. Miss S J Sacramento: No, Mr Speaker...!

1775 **A Member:** Who are they?

Hon. Miss S J Sacramento: Who are they? Mr Speaker, it is the respect to which I deal with people with disabilities, Mr Speaker – it is not '*these people*'. It is people with a need, Mr Speaker.

1780 But the point I am getting at, Mr Speaker, is that the question is so broad and so wide that I just do not understand it. If the hon. Gentleman could be a bit more specific, because people are not assessed as disabled because people may require certain facilities or assistance on account of their disability. But there is not a place where people go and say, 'Hello, I want to be assessed as disabled.' The GHA will assess people as disabled for certain things, other Government
1785 Departments may assess people so that we can help for their needs.

But what I am saying, Mr Speaker, is that the way that these questions are phrased and are worded are so wide, so vague, so ambiguous that I am unable to provide an answer because I cannot understand what the hon. Gentleman is getting at.

1790 If he could elaborate ... well not elaborate, in fact if he could make his question more concise and more specific, I may be able to answer it but certainly not in the way that it has been asked because it is just simply too vague. There is not one mechanism for assessing someone as disabled. There is not a central register where people go to be assessed as disabled. There is a collection of all the registers of people who are disabled, but 'disabled' will have different definitions, different tests, different results, depending on the individual, and that is what I am
1795 trying to explain to the hon. Gentleman.

Mr Speaker: In order to enable me to monitor the exchanges a little bit more closely, could I ask the Hon. Minister a question myself.

1800 Is the term 'disabled' actually being used, or in medical circles that is no longer used and disability is the term that is in fact, is used?

Hon. Miss S J Sacramento: Mr Speaker, you are entirely right. The actual correct reference is to 'people with disabilities'. In fact it may go further to people with learning disabilities, to people with physical disabilities but that is the more appropriate definition.

1805 Certainly not 'these people', Mr Speaker.

Hon. L F Llamas: Mr Speaker, if I may, is it possible to bring this question back on the next session in a far more detailed manner?

1810 **Mr Speaker:** Absolutely, and if the hon. Member wishes to have any assistance from the Clerk or myself, we are always only too happy to assist in any way that we can, okay?

Q145-147/2016
Care Agency and Social Services–
Training for workers

Clerk: Question 145, the Hon. L F Llamas.

1815 **Hon. L F Llamas:** How many workers are currently undertaking, or have successfully undertaken since December 2011, the NVQ course in Health and Social Care, giving details of the Department the worker is from, the post held by the worker, together with the date commenced and completed?

1820 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 146 and 147.

1825 **Clerk:** Question 146, the Hon. L F Llamas.

Hon. L F Llamas: What training is available to care staff in Social Services?

Clerk: Question 147, the Hon. L F Llamas.

1830

Hon. L F Llamas: What level of training is received by recruitment agency company workers working within the Social Services umbrella?

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

1835

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, since 2011, 13 care workers from the Social Services Department of the Care Agency have completed the NVQ.

1840 There are two types of training delivered to staff in Social Services, these are mandatory training and needs led training and they are in addition to each other, they are not in substitution of. We do the mandatory training first and then the needs training.

The Care Agency is not responsible for the training of staff it does not employ, but it is satisfied that anyone who is contracted to provide a service has received mandatory training, Mr Speaker.

1845

Hon. L F Llamas: Are there any mechanisms in place to ensure that these workers have undertaken the appropriate training prior to working for Government in effect?

1850 **Hon. Miss S J Sacramento:** Mr Speaker, when people are sub-contracted to provide services for the Government, we of course have policy documentation and contractual requirements with the employer of these workers to ensure that people provided to undertake the service are of a satisfactory standard and of course, they need to be vetted etc. So it is the responsibility of the employer but notwithstanding, what we do is, we do undertake quality assurance and spot checks on a very regular basis, to ensure that the standard of care being provided by employees of the sub-contracted agency are of course of a safe and satisfactory standard.

1855

Q148-149/2016
Social Services workers –
Details of contracts and posts

Clerk: Question 148, the Hon. L F Llamas.

1860 **Hon. L F Llamas:** Can Government provide details of workers, since December 2011, working under the Social Services umbrella, giving details of date commenced and date terminated, where applicable, area/department assigned, with a break-up of, for example, Care Agency into Dr Giraldi Home, Tangier View etc?

1865 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 149.

1870 **Clerk:** Question 149, the Hon. L F Llamas.

1875 **Hon. L F Llamas:** Can Government provide a detailed organisational chart of people employed by Social Services as at 31st December 2010, 31st December 2011, 31st December 2012, 31st December 2013, 31st December 2014, 31st December 2015 detailing the sections and detailed post held by each employee?

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

1880 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, between December 2011 and February 2016, those who worked within the Social Services departments of the Care Agency are as follows: 27 in Social Services; 62 in Disabilities; 16 in Children's Residential; and 3 in Rehabilitation.

Between this period, between December 2011 and February 2016, the following have finished: 9 in Social Services; 14 in Disabilities; 11 in Children's Residential; and 1 in Rehabilitation.

1885 In answer to Question 149, Mr Speaker, no. The complement of staff is as it appears in the Estimates Book of Revenue and Expenditure.

Q150/2016
Care Agency and Social Services–
Contracts with recruitment agencies

Clerk: Question 150, the Hon. L F Llamas.

1890 **Hon. L F Llamas:** Can Government provide a copy of the contract/s signed for the service of workers provided by recruitment agencies to Social Services, including the Care Agency?

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

1895 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, no.

Hon. L F Llamas: Can I ask the reason why you cannot provide this information?

1900 **Hon. Miss S J Sacramento:** Mr Speaker, first and foremost, these are internal documents and of course they may be commercially sensitive and it is therefore inappropriate for these to be disclosed.

1905 **Hon. L F Llamas:** If they are internal documents which may be sensitive, I could understand when Government has not done this in the past, but if Government has done this in the past like the Financial Secretary's memo on the Domsday, why cannot we see this internal document?

1910 **Hon. Miss S J Sacramento:** Mr Speaker, I think the comparison is completely inappropriate because it is completely different, we are comparing apples and pears here, Mr Speaker. And in fact I am taking the same line that has been taken in relation to other questions, in relation to commercial documents, Mr Speaker. The answer is no. *(Interjection)*

1915 Yes, Mr Speaker and I remind the hon. Gentleman that of course the Domsday memo can only be sensitive to the GSD, Mr Speaker, because it embarrassed them but it is not the same kind of document, Mr Speaker. We are talking about contractual documents which are in fact confidential to begin with, but in any event, it would not be appropriate to disclose, Mr Speaker, because of commercial sensitivities.

Q151/2016
Care Agency –
Permanent and pensionable posts/positions

Clerk: Question 151, the Hon. L F Llamas.

1920 **Hon. L F Llamas:** Within the Care Agency, can Government confirm whether the employees are permanent and pensionable in the post or position they are undertaking; if not, provide details of the post/position each employee is permanent and pensionable in and what post/position the employee is currently undertaking, since when and for how long is this situation expected to continue?

1925 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, there is no such thing as permanent and pensionable posts in the Care Agency.

Q152/2016
Care Agency –
Independent review

1930 **Clerk:** Question 152, the Hon. L F Llamas.

Hon. L F Llamas: Has the independent review of the Care Agency been conducted as stated in the GSLP/Liberal Manifesto in 2011? If so, will it be published in full?

1935 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, independent reviews have been conducted on different areas of the Care Agency. These are ongoing and will not be published, Mr Speaker – not at the present time.

1940

Hon. T N Hammond: Sorry, Mr Speaker, then to confirm as described in the manifesto these reviews will be conducted presumably at some point in the last term of office, those reviews have not then been completed during that period of time and are still ongoing. Is that correct?

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Hon. Miss S J Sacramento: No, Mr Speaker, I said independent reviews, there are more than one. Some have been conducted, others are ongoing. There are different types of reviews, reviews in relation to standards, reviews in relation to working practices, reviews in relation to employment conditions. There are all sorts of reviews going on in parallel. Some are self-contained, very easy to undertake and are on very nett issues which we have done and have done very quickly.

1950

But it is a question of, Mr Speaker, certainly what I embarked on was a complete review of the service with a view to improving it. So yes it continues and no matter how many reviews we undertake, we always have to continuously have reviews in services such as these, services which are always expanding and services in which the area is always progressing and for which there will always be room for improvement as we become more and more professional, Mr Speaker.

1955

Hon. T N Hammond I absolutely agree that obviously reviews in all sorts of areas, and particular in services as sensitive as these should be ongoing, should be continuous.

1960

Understanding that perhaps the detail of every review cannot and indeed should not be published because there may be sensitive information contained therein, would it be possible to at least have recommendations that come from these reviews published in some form so that the public or those members of the public particularly interested in these services, can assess what improvements may be targeted, what goals are being set and indeed, if those goals are being met?

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Hon. Miss S J Sacramento: Mr Speaker, certainly at this stage I do not think that would be appropriate. It may be that at a later stage it would be, but certainly not in relation to the reviews that have been conducted so far.

1970

Hon. T N Hammond Mr Speaker, I cannot understand why it would not be appropriate to publish recommendations. There is no other way for the public or any Member on this side of the House or indeed anywhere in Gibraltar, there is no way for people to understand what good work is no doubt being done, what targets are being set, what we are trying to achieve through these services and it would be a very normal practice to at least publish objectives, recommendations, an agenda that we are heading towards, we are trying to achieve to improve these services.

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It strikes me as odd that the answer should simply be a straightforward 'no, it would be inappropriate.'

1980

Hon. Miss S J Sacramento: Mr Speaker, there are various reasons for the decision as to not to publish. In fact, Mr Speaker, I could even take the opportunity of the reviews and the recommendations to make a lot of political capital, because certainly a lot of what was done initially was in fact very, very damning of the service which we inherited from the GSD.

1985

But there are various reasons not to make that public and it will continue to be an internal document, not least because of criticisms that have been made of staff, of internal practices and things which probably if they were to be made public would probably have more of a

detrimental effect on the service and people who work within the service than the value that it would have for it to be made public.

1990 But the irony is, Mr Speaker, that if I wanted I could make a lot of political points as a result of it but it is not something that I want to do because my focus, Mr Speaker, is on the future as it has been from day one. It is not about looking backwards, it is about going forwards and it is about improving the service, a service which was very, very lacking in 2011, a service which was everybody, I think, referred to as the Cinderella of all the services because of the lack of investment and the lack of focus that there was.

1995 We are moving forward. We are improving, we are improving continuously and I think we have improved significantly, Mr Speaker and the position remains, Mr Speaker, that reviews that have been undertaken so far will continue to be internal documents for our own internal purposes, so that the professionals can continue to implement these and look at recommendations and review the Departments themselves.

2000 And all reviews are ongoing. It may be that it might be appropriate for some of the reviews once completed to be made public. It may be, Mr Speaker that at the end there can be a wholesale summary of all the reviews that have been undertaken. I am not categorically saying no to the future, I am saying no in relation to the answer to this supplementary and no at this stage. That is my answer, Mr Speaker.

Hon. T N Hammond: Mr Speaker, if I may, I think it is important to point out that no-one on these benches has tried to make any political capital out of this issue; it is very much trying to understand the developing situation and how the services are being improved. I am sure the services are being improved and that is why we would appreciate greater visibility of the reviews that are being undertaken. I understand if that is not to be made public, that is fair enough.

2010 If it is not to be made public, can the Minister say whether there are any other external audit processes which would look at these reviews and therefore hold those who are required to deliver recommendations of such reviews to account?

2015 **Hon. Miss S J Sacramento:** Mr Speaker, I think that yes, the hon. Gentleman I think makes a valid point and I would be very happy to make an announcement each and every time there is an improvement in the service, so I will bear that in mind and I am happy to make a public announcement every time that we make a change – and obviously when we make a change we think that it is for the better and that it is an improvement.

2020 Sometimes we make announcements of what we do. I think more often than not, we are actually so caught up in the day to day running of this service which is so acute, Mr Speaker, unfortunately it is one where professionals are incredibly busy that I think that too often they forget to sit back and actually reflect on the good work that they do.

2025 So I will take that on board and I will ask all my Heads of Department within Social Services to prepare for me when appropriate, and obviously not referring to individuals, announcements each time that we have a benchmark improvement.

Hon. T N Hammond Mr Speaker, that was not actually the supplementary question. I am well aware that the Government is impeccable in its ability of publicising all the good work it does – we see that every day in the *Chronicle*.

2030 However, my question was, due to the fact that the information that is being put out by these reviews, the recommendations put out by these reviews is not in the public domain, are there other audit mechanisms, ISO 9001 standards, whatever may be appropriate to ensure, still, that those responsible, including the Minister, for delivering what recommendations may come from these reviews are being delivered and that there is a record of that, rather than just the Minister's say-so where we do not get an answer one way or the other of either what the recommendations are or whether they have been delivered?

2040 **Hon. Miss S J Sacramento:** Mr Speaker, I am not quite sure what the hon. Gentleman is alluding to but we certainly engage with our relevant stakeholders, as it were, whether it is by way of employees or service users or their families, and they are certainly kept up to date in terms of developments and improvements.

2045 We are where we are, Mr Speaker, if the hon. Gentleman is referring to external bodies to which the organisation as an organisation is accountable to, then the answer is no, it does not exist. It has never existed in Gibraltar and in fact it was much less transparent and accountable in days gone by, Mr Speaker. But I do not want to look back and I am moving forward.

2050 In terms of this there is a statutory responsibility for a third party to oversee these organisations, no, not in Gibraltar and that is not something that has ever existed. Whether there is a need for it going forward, it may be something that we have to consider, but certainly in-house we have a Department which is dedicated to clinical standards which is somewhat separate to the clinical practitioners in the service and that person is at a very senior level and oversees the clinical standards of the Departments and ensures that quality assurance is undertaken.

2055 So in a way, while that post and that Department is internal to the agency, it is quite a big statutory body and the structure of the way that is set up is that in a way everybody, all the managers, have to report to that person and that person is independent of all the other heads of service. So in a way, within the organisation everybody has got to report to a particular person in addition to the Chief Executive Officer which of course is the person who oversees the smooth running and the quality assurance of all the services that we provide.

2060 **Hon. T N Hammond** Mr Speaker, quality assurance aside and obviously that is a very important element of the provision of services, the more human side of the services still may need or may be up for some kind of auditing. It is certainly something I would invite the Government to consider. Obviously that can be done on a completely confidential basis. There is no need for that information to be made public, but at least it would provide the Government a means by which it can have a service independently assessed, not necessarily by those providing the services. Not that those providing the services are not necessarily providing those services in the most excellent way possible, but having that done independently rather than internally, can certainly provide assurances that that is the case or otherwise.

2070 **Hon. Miss S J Sacramento:** Mr Speaker, I thank the hon. Gentleman – there was no question there, so shall we carry on?

Q153/2016
Learning Disability Services Multi-Disciplinary Team –
Details

2075 **Clerk:** Question 153, the Hon. L F Llamas.

2080 **Hon. L F Llamas:** According to Government Press Release 65/2015 dated 5th February 2015, a multi-disciplinary team had been established. Can Government provide details of who forms part of this team and how many times has the team met, detailing dates and minutes of each meeting?

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

2085 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, a specialist Learning Disability Services Multi-Disciplinary Team, and let's call it MDT for

short, was established and consists of the following professionals: a consultant psychiatrist, a learning disability nurse, the Head of Disability Services who is a nurse, the occupational therapist, nurse and a social worker.

It formally met 22 times in 2014 and 29 times in 2015.

2090 It would not be appropriate for me to share the specific minutes due to their sensitive and confidential nature.

Q154/2016
Care Agency –
Chief Executive Officer

2095

Clerk: Question 154, the Hon. L F Llamas.

Hon. L F Llamas: Who is the Chief Executive Officer of the Care Agency and when was that person appointed?

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

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Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Chief Executive Officer of the Care Agency has been substituting in that post since 14th December 2015. As is the practice adopted in the past, it would not be appropriate to name the individual in Parliament.

Hon. L F Llamas: I was not suggesting that the actual person be named, I am just trying to create a style, learning bit by bit how the Minister would want her questions.

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I would like to know what is the actual plan in advertising this post or in actually is it under review or is this person going to continue substituting for an extensive period of time?

2115

Hon. Miss S J Sacramento: Mr Speaker, before I get to the substance of my reply to the supplementary, the question clearly asked *who* the Chief Executive Officer of the Care Agency is and I cannot see that there can be any other interpretation other than asking me for the name of the person who is currently substituting.

2120

As I informed the hon. Gentleman in an answer to a question last month, in relation to vacancies in the Care Agency, I informed him that we review posts as and when vacancies arise as to the optimum structure that we should have in place and whether the post, because of course restructures cannot take place until posts are vacant, and what we do is we take the opportunity once posts are vacant to see whether they should remain the same or whether they should be somehow approved or amended with a view to improving the structure.

2125

At the moment the substitution of the post at the Care Agency has been for a very short period, in fact it has only been just over two months and I am working very closely with the Senior Management Team to see how we can best restructure this organisation to benefit the running of it and ultimately its service users and of course its staff, going forward.

Q155/2016
Team Leader of the Disability Team–
Recruitment to post

Clerk: Question 155, the Hon. L F Llamas.

2130 **Hon. L F Llamas:** What has been the reason for the delay in recruitment to the post of Team Leader of the Disability Team within the Care Agency?

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

2135 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there has been no delay in the recruitment of this post.

Clerk: Question 156, the Hon. L F Llamas.

2140 **Hon. D A Feetham:** Mr Speaker, may I come back to that please.

Mr Speaker: Yes.

2145 **Hon. D A Feetham:** Just for the avoidance of doubt, is the hon. lady saying that this post has already been recruited – or the person has been recruited for this post, I should say?

Hon. Miss S J Sacramento: No, Mr Speaker.

2150 **Hon. D A Feetham:** Does the hon. Lady have the exact date since when this post has actually been vacant?

2155 **Hon. Miss S J Sacramento:** I do not, Mr Speaker. I do not have the exact date since it has been vacant. But, Mr Speaker, someone has been acting in this post for a considerable period but that is not to say, Mr Speaker, that there has been a delay in recruitment because there was a conscious decision, because of the high turnover and particularly because of the problems that the Disability Services within the Care Agency were suffering, when we took office in 2011, and in fact they were acute, the person who was covering this post in fact retired, I think at some point in 2011 before we took office, and the post had not been covered. It was not being covered; it was being rotated with people acting up. *(Interjection)*

2160 Mr Speaker, I think I know my service and certainly I have a duty to Parliament when I say that it was not being covered substantively at the time. When the incumbent retired at some point in 2011, someone was asked to cover for a defined period of a couple of months and thereafter, people were rotating and acting up and covering for this post *ad hoc*.

2165 When I took responsibility for this service in 2011 we took the decision – I took the decision with the senior management team – that we needed some stability in this service which had suffered so much criticism for a long time and because no-one from within the service wanted to act up in this post, someone was seconded to it to help us review the post and stabilise the whole service, which in fact has been achieved and has been accomplished.

2170 I have to thank and congratulate the person who has done it because the service, the Disability Service in particular I think has been turned around in a way that is now unrecognisable to what it was four years ago. But that person was only coming in to assist, was seconded for a specific period and that period has elapsed. When the individual informed me that he no longer wanted to continue in the secondment then the post was advertised and the recruitment has been ongoing for a while.

2175 Of course, Mr Speaker, these posts are very specialist posts and it is one of those which for the time being, we have already recruited internally and we have already recruited locally and we have not really had an interest in these posts which is why we need to recruit from the UK. And because it is such a delicate post and such an important post, we are undertaking the recruitment process very, very carefully.

2180 But that is different to say that the recruitment process has been delayed. We have had someone seconded to the post for a specific period of time and we are now in the process of recruiting for it, now that that person will no longer be acting in the post.

2185 **Hon. D A Feetham:** So just so that I absolutely understand it, the hon. Gentleman has asked what have been the reasons for the delay in recruitment to the post of team leader. The answer from the hon. Lady is that there has been no delay to the recruitment. We were about to leave it, I stand up and I say, 'Well, has this particular post been filled?' and we find out that that post has been filled on a secondment, on an acting basis, for four years – correct? (*Interjection by Hon. Miss S J Sacramento*)

2190 **Chief Minister (Hon. F R Picardo):** Mr Speaker, that is not correct because this is not a court room and he is not here to cross examine. What is correct is what the hon. Lady has set out. The very careful process has been undertaken to ensure that the service has a person in post for all the reasons that she has dealt with, which indicate that it would not have been appropriate to simply fill the post overnight in a way that would have been not to fulfil the requirements of the role.

2195 And she has detailed exactly what the Government has done in order to ensure that there has been *no vacancy* in the post, that we have been able to work with the professionals in the field to ensure that we do the right thing about a future incumbent in the post having the necessary qualifications and that therefore this is not a question of any delay in recruitment.

2200 That is what has happened, Mr Speaker, that is what has been said.

Hon. D A Feetham: Mr Speaker, it is a very simple question. Can the hon. Lady confirm that this post has been filled on an acting basis for four years, or just over four years?

2205 **Hon. Miss S J Sacramento:** Mr Speaker, for all the reasons that I have explained, this post has been vacant for over four years because it was first vacant when the incumbent retired, I cannot remember precisely but I think it was in May 2011, so it was when the GSD were in office.

2210 But, Mr Speaker, because of their lack in succession planning, this person retired and everybody knew this person was going to retire, but nobody took any steps to have the appropriate training for the person who would take over for this person.

2215 So lo and behold, this person retired in May 2011, in what is probably the most important and most delicate service of the Care Agency, with no-one to cover. Someone acted up in that post for a few weeks, I think, or maybe a few months, I do not know because that was before my time and then people were rotating in the acting post.

2220 So yes, the post has been vacant since 2011, but for some four years now, possibly under four years, I cannot remember the exact date when the current incumbent commenced ... In fact when the current incumbent was seconded to this post, the intention was that he would not be there for so long but the difference that he has made to the service and the improvements that he has made and in fact the positive feedback that we have had from absolutely everybody, not just people from inside the Care Agency but also the service users and their families, that the position has been reviewed periodically and it was decided to extend this period.

2225 The specific question, Mr Speaker, was whether there has been any delay in the recruitment of the post. The recruitment of the post commenced a couple of months ago, Mr Speaker, and it is ongoing. Mr Speaker, as you know in the public sector when someone is recruited for a post, there are various procedures which we must follow. First of all the post is advertised internally, then the post is advertised locally, and then if it is not successful then we have to recruit from elsewhere.

So therefore, Mr Speaker, the minute that senior management and I decided to recruit for the vacancy in this post, the procedures have been followed and therefore there has been no

2230 delay, Mr Speaker, hence my reply to the question. A question was put to me and my reply has been on the basis of the question.

Had a different question been put to me, then the reply would have been different, Mr Speaker. But of course there are always opportunities to ask supplementaries, to which of course answers have now been provided. But it is about answers to the questions being posed.

2235

Hon. D A Feetham: Mr Speaker, I am surprised that the Hon. the Chief Minister chastises me for asking questions as if I am cross-examining the Hon. the Minister, when she answers questions with the technicality of a legal contract. Because what she really is doing is she is not looking at the spirit of the question, she is looking at the precise question, 'Let us see from a legal point of view how I can possibly get out of this.'

2240

This is the problem here and this is why I have actually risen when she gave the answer, to make absolutely certain, because the hon. Lady has done it before.

Now the hon. Lady said that there were people acting on a rotating basis. Does this mean that for the period of four years, is more than one person that was acting in this particular post, or have I misunderstood the hon. Lady?

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Hon. Miss S J Sacramento: Mr Speaker, I am not sure whether I should apologise for my technical approach to things when I answer. I do have a very good memory, Mr Speaker, and I do know and care for my Department a lot, Mr Speaker, which is why I know the information in the depth and detail to which I know it. And if I should apologise for having such an in-depth knowledge for my Department, I do not know if the hon. Gentleman expects any less of me, but I think he knows me well enough to know that I take my job very seriously.

2250

I think that he has misunderstood my reply when I explained the acting. Initially – this is as I think it was because this was before my time, Mr Speaker – the previous incumbent retired at some point I think it was in May 2011, there was no succession planning and people were just covering on an *ad hoc* basis, on a rotational basis.

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Then someone was seconded in to cover for that, for a period of I think it may have been six weeks, it may have been two months, but again this was in 2011 and it was before my time.

After that, it was being rotated on an *ad hoc* basis, just acting up I think by other Heads of Department from other services or possibly other social workers acting up.

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So when I took office, we took office in 2011, a few months in I realised that I had inherited quite an acute problem in the management of this very important service and the decision was taken, initially to second someone in for a shorter period in which they have been in.

So initially, I cannot remember the exact date when this person started, it was in 2011 – *(Interjection)* Sorry 2012 and I cannot remember whether it was March, whether it was May, I cannot remember when in 2012 it was. It was not immediately, it was not January and it was not February but it was somewhere I think towards the middle of the year and that person has been ... his secondment has continued since that date.

2265

Initially we intended it to be for six months for the Department to settle down, but because, for continuity, I think that because he was doing so well in the job and actually took the service to another level because of the way that the whole Department was professionalised and because of the positive feedback, then we decided to extend the secondment to ensure that there was continuity in management, to ensure that the Departments within the service settled down and we are left in a way where he could walk away feeling satisfied that he left a safe and a functioning Department which his successor could inherit properly.

2275

Because we felt we were at that stage last year, last year we commenced the recruitment for that post. Insofar as the recruitment, we have recruited as quickly as we can. But we are recruiting.

Q156/2016
Care Agency –
Out-of-hours workers

2280 **Clerk:** Question 156, the Hon. L F Llamas.

Hon. L F Llamas: How are out-of-hours workers in the Care Agency remunerated and what are their terms and conditions when working out of hours?

2285 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, out-of-hours workers in the Care Agency are remunerated by the payment of the hours that they work.

2290 Staff salaries are shown in the Estimates Book of revenue and expenditure, and the rate of remuneration remains as it was prior to December 2011, with of course the benefit of public sector pay increases for Government employees.

2295 **Hon. L F Llamas:** Can the Minister simply expand a little bit more on the actual terms and conditions in the sense of whether they work one week on, one week off – the actual terms and conditions on which they work out of hours?

2300 **Hon. S J Sacramento:** Mr Speaker, I have to confess that I am a bit confused with actually initially the question and certainly that supplementary. The Care Agency runs a couple of services which are 24-hour services, and therefore people are remunerated accordingly if they are working at various hours of the day beyond the nine to five.

If the hon. Gentleman has a specific question, then I would be grateful if he could be a bit more specific because it is a very big service, and I just do not understand what information it is that he is asking for.

Q157/2016
Men in need –
Resources available

2305 **Clerk:** Question 157, the Hon. L F Llamas.

Hon. L F Llamas: What additional resources have been made available to men in need since December 2011 and what plans does Government have to expand this area?

2310 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

2315 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I was waiting for a specific question as a supplementary to the previous question, but it seems like I will not have one.

But in answer to this question, Mr Speaker, we have a manifesto commitment to provide a half-way house for men. This will happen during this term in office. And since 2011 and before then, men in need who have become homeless have been housed in the Government hostel, as well as in flats which women in need have at their disposal from Government.

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2325 **Hon. L F Llamas:** Can I just ask, from what I have been told by my predecessors, there was actually a facility being built for men in need in Gibraltar before the 2011 General Election and that was apparently stopped. Now you recognise that this is a sorely needed facility and can you be a bit more specific as to the timeline, apart from saying this will happen in the next four years. Is there a premises identified, you know just expand on it in general, please?

Hon. Miss S J Sacramento: Mr Speaker, I am so sorry to burst the hon. Gentleman's bubble if he thinks that something was being built because it was not, Mr Speaker. And if he can identify a building that he knows was being built, perhaps he can show us, but certainly – (*Interjection*)

2330 Mr Speaker, I know from when I took office that there was talk of plans being planned, but as I recall there were not even plans, let alone a thought process or a building. And I do not know how the hon. Gentleman jumps from one thing to the other and the assumption that he has made that we recognise this and we recognise that. Mr Speaker, we do recognise that Gibraltar is a community where people are vulnerable and people need help and as and when people need help, we help them, Mr Speaker.

2335 I have answered the question that has been asked to me, Mr Speaker, whether we will help men in need. Of course we will help men in need. We will help men in need, we will help women in need and we will help children in need and people who are in need generally. We have short-term plans, medium-term plans and long-term plans but of course it is a manifesto commitment and like all our manifesto commitments, these will be delivered in this term of office. And I am surprised that after the submission made by the Chief Minister in Parliament last month, that the hon. Gentleman is asking me for a timeline.

2340 So for the avoidance of doubt and in case he did not hear the Chief Minister last month, all our manifesto commitments will be delivered in this term of office. Unless they are timed, the timeline is they will be delivered in this term of office.

2345 In fact, Mr Speaker, if I could have a second so that we can check whether this was a specific manifesto commitment of theirs, if it was a manifesto, Mr Speaker –

Mr Speaker: A pamphlet commitment.

2350 **Hon. Miss S J Sacramento:** A pamphlet commitment, yes Mr Speaker, as I recall, I cannot remember.

Q158/2016
Women in need –
Properties identified

2355 **Clerk:** Question 158, the Hon. L F Llamas.

Hon. L F Llamas: Can Government disclose how many properties have been identified for women in need and what is the expected timeline in handing over these properties?

2360 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, we continue in discussions with Women in Need in identifying additional properties which are being considered as and when they become available.

2365 **Hon. L F Llamas:** I am not going to ask for a time line. I am just going to ask if any have actually been identified as of today.

Hon. Miss S J Sacramento: Yes, Mr Speaker, from memory I recall there has been one recently and I know that as Minister for Housing I am aware of that one, so I can certainly confirm that there has been at least one.

**Q159, 163-164, 169 & 183/2016
Government debtors –
Unpaid debts and rents**

2370

Clerk: Question 159, the Hon. L F Llamas.

Hon. L F Llamas: In relation to Mid-Harbours Small Boats Marina, can the Government confirm that debtors have to pay their debts in full and not just enter into repayment agreements with Government, Government-owned companies, authorities and/or agencies?

2375

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 163, 164, 169 and 183.

2380

Clerk: Question 163, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Minister for Social Services confirm how many people underwent a programme of drug rehabilitation (*Interjection*) – Sorry 163, my apologies. In fact I do have a point on that other question but that can come later.

2385

Can the Minister for Housing confirm what legislation it intends to bring before the House to extend the limitation period in order to recover rental arrears that are older than six years?

2390

Clerk: Question 164, the Hon. E J Phillips.

Hon. E J Phillips: Just for the benefit of the laughter opposite, Mr Speaker, this question was put before the hon. Lady issued a press release in relation to the amendment –

2395

Mr Speaker: There are five related questions which she is going to answer together and therefore, unfortunately we are not dealing with just one Member of the Opposition questioning, but more than one.

So this one 164, and then there is 169 and 183 as well.

2400

Hon. E J Phillips: Understood.

Mr Speaker: So read out 164.

Hon. E J Phillips: Can the Minister for Housing confirm what measures are currently in place to recover rental arrears from Government tenants?

2405

Clerk: Question 169, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide full details of how much has been written off in respect of unpaid rents pertaining to Government rental homes since the answer given to Question 47/2016?

2410

Clerk: Question 183, the Hon. D A Feetham.

2415 **Hon. D A Feetham:** Mr Speaker, can the Government please state how many tenants of Government housing stock currently owe the Government more than three months in arrears of rent?

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

2420

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, before I commence to answer this question, in relation to the previous question I am very grateful for the Chief Minister who has looked through the policy leaflet brochure that the GSD had for the last General Election and there is no mention here of any commitment for helping men in need, so I just wanted to remind the hon. Gentleman of their non-commitment in this respect. *(Interjection)* So see who it is now who has discovered to help men in need but in any event, Mr Speaker, two bubbles burst this afternoon.

2425

But in relation to the answer to Question 159, no berths will be allocated to anyone who is in arrears with the Government, Government-owned companies, authorities or agencies.

2430

In relation to Questions 163 and 164, the Government has established a Central Arrears Unit to prioritise the collection of all debts owed. In addition to the standard notification by the Housing Department of debts, all those who owe arrears of rent shall receive official notification from the Central Arrears Unit which will pursue all options open to us.

2435

A Bill to amend the Limitation Act is already in the public domain and the Limitation Act was published on 18th February 2016, the contents of which is public information and this will remove the time limit as a defence to the payment of debts to the Government.

2440

Entering into arrears agreements is essential for those who are unable to pay the full sum owed. A new arrears agreement has been prepared and debtors are now required to enter agreements and make payments. In addition, we have been working on updating all our systems with current information so as to enable recovery of rent arrears faster and more accurately.

2445

We have also changed working practices and introduced a new billing format which highlights all rent arrears. Insofar as public sector employees are concerned, we shall deduct arrears at source.

2450

Of course we shall implement all legal mechanisms available to recover arrears in the cases of those who do not wish to pay as opposed to those who cannot pay.

2455

Finally, people who are in arrears will not be able to avail themselves of the following advantages: of course, applications for berths at the new small boats marina, but also for parking permits and sheds offered by the Government of Gibraltar, exchanges, inclusions and exclusions on housing tenancies and non-essential repair works.

2460

Other measures are also being considered and further announcements will be made in the future in this respect.

In answer to Question 169, the answer is none. In respect of Question 183, 981 tenants of the Government housing stock currently owe the Government more than three months arrears in rent.

2465

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, can I just add one matter just for clarification purposes, because the hon. Lady has referred to the Limitation Bill which was published on 18th February. Just for clarification there was a Bill published on 18th February, that contained an error and that Bill was in fact withdrawn and the Bill was re-published on 19th February, so the one on the Order Paper is the one that was published actually on 19th February.

2470

I just thought I would clarify that small point.

2465 **Hon. D A Feetham:** Mr Speaker, the hon. Lady has very kindly given us the figure of tenants who are in arrears for more than three months and I have to say it is a staggering 981 tenants.

Can the hon. Lady confirm that that is just under a quarter of all Government tenants? My understanding is that there is about 4,000 Government tenants. If the hon. Lady says 5,000 then it is a fifth. But does she not agree with me ... ?

2470 Well, first of all, what is her understanding of the amount, the number of Government tenants? Does she not agree with me that that is a staggering proportion of all people who are currently on Government tenancies?

2475 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, it is a staggering proportion and what is even more staggering, Mr Speaker, is that some people have owed rent for almost 20 years, Mr Speaker.

But, I have some very good news, Mr Speaker. Since we started our new strategy at the beginning of the year, we have already had 100 people react to, just in relation to the new billing format alone, (*Banging on desks*) and my Department, who are delighted actually to be able to now have the ability to recover these rent arrears, because they are very hard working people in my Department, Mr Speaker, who since I think 2002 were not really allowed to vigorously pursue arrears of anybody and therefore, Mr Speaker, unfortunately the systems in place just fell away, the information was not there, the information in the computers was not really up to date, so the mechanisms were not there.

2480 But we have been working on it, Mr Speaker, I certainly made it one of my priorities when I was reshuffled into this portfolio just over a year ago. (*Laughter*) Yes, reshuffled – at the great reshuffle, Mr Speaker, where I had the bonus of the two additional portfolios, two very important additional portfolios which I am very happy to hold. And I am grateful to my predecessors, both Ministers for Housing who prioritised the acute problems that Gibraltar Housing had and the Housing Department had, which was of course the shortage of housing and because they had already dealt with these problems, when I came in, I was able to prioritise the remaining issue, which was the recovery of the arrears. It has taken us about a year to have the systems in place and have the new letters and documents and computer systems and we were able to really kick off in earnest in January. Since then, and in the last month, people in my Department have been extremely busy seeing people who are coming forward wanting to pay their arrears. People have paid them in full, people who cannot have entered into arrears agreements – our new arrears agreements – and now we have been contacted by 100 people and that is only in a month, Mr Speaker.

2490 So yes of course the amount of people who owe rent is very high but in only one month of our new strategy, Mr Speaker, we have already had 100 people come forward. Just imagine, Mr Speaker, if the mechanism had not been stopped in 2002, we surely would not have had 900 people today and yes, we have 900 people today and I am sure we will not have 900 people in the next six months, and less so in the next year. We certainly will not let it fester for 16 years, like others allowed it to do, Mr Speaker. (*Banging on desks*)

2505 **Several Members:** Hear, hear.

Hon. D A Feetham: Mr Speaker! I mean I have to say, Mr Speaker, the hon. Lady provides value and entertainment this afternoon, Mr Speaker. (*Laughter*)

2510 Mr Speaker, we have gone from “blame the GSD” to “blame Minister Balban”, Mr Speaker! Because in her answer she said when she had been reshuffled she found that the systems that were in place were so awful that she had to change them, but of course the systems in place were there three years into – (*Interjections*) Mr Speaker –

2515 **Hon. Miss S J Sacramento:** Point of order.

Hon. D A Feetham: Point of order – no, no I will sit down. The hon. Lady feels she needs to make a point of order, I will sit down and allow it.

Hon. Miss S J Sacramento: Mr Speaker, that is certainly not what I said.

2520 We inherited these systems that did not exist. *(Banging on desks)* We inherited them, Mr Speaker. And because the Hon. Mr Balban and the Hon. Mr Bruzon before him first of all prioritised the acute needs that Gibraltar had, which were the huge housing problems that we had, the huge problems that we had in relation to maintenance of Government stock, all the pending works that we had in Government stock, all those empty flats that were all over
2525 Gibraltar creating the housing problem that we had, it is thanks to the Government, this Government, that we have repaired all those flats that have had outstanding works for so long, made so many flats for elderly people accessible. Because how many pending works were there from bath to shower conversions? I forget now but I think there were over 200 works pending, which means that there were over 200 elderly people suffering. But we dealt with all that, Mr
2530 Speaker, so it is thanks to the work that was prioritised by my friend, my colleagues, the Hon. Mr Balban and the Hon. Mr Bruzon, because they dealt with that, because they had to deal with that first because it was right that they deal with that first.

Of course, the first thing we had to do was set off and build the houses that we have built and completed in record time, Mr Speaker, we have just seen people receiving the keys to their
2535 new flats at Beach View Terraces, Mr Speaker. We have built more houses in four years than the GSD ever did in 16 years, Mr Speaker. So that is why we prioritised that, and thanks to that hard work, Mr Speaker, I was then able to deal with what was left.

Mr Speaker: Will the Hon. Minister come back to the point, instead of delivering a – The General Election was last December, please come back to the business in hand. *(Interjections)*
2540

Hon. D A Feetham: Mr Speaker, that was all extremely, extremely, *extremely* interesting I have to say. But I thought there was going to be a point of order in all that and I have not heard a point of order. I have courteously sat down, *(Interjection)* tried to listen for a point of order in
2545 order to respond and the hon. Minister has been a Member of this House for four years and must know that a point of order, when she calls for it, must follow. *(Interjection and laughter)*

But I must attribute–

Mr Speaker: Order, order!

2550 **Hon. D A Feetham:** Mr Speaker, I must attribute that to her obvious nervousness at being probed about this particular issue.

Mr Speaker, if they inherited a problem, Mr Speaker, they have been in Government for four years. Is it not the case that the hon. Lady could have, if these procedures were so awful and that they inherited in 2011, could easily have dealt with them earlier than they did and therefore
2555 the problem must be at least partly of their making, Mr Speaker, and not of the GSD's making, which is what they delight in suggesting at every single opportunity.

And when she answers that, I have got another more important supplementary really, because she is leading me to ask her this, when I really want to probe the hon. Lady on something far more important than that.
2560

Chief Minister (Hon. F R Picardo): Mr Speaker, what the hon. Gentleman did and what the hon. Lady dealt with in her point of order, was entirely mischaracterised what she had said as if she had blamed the Hon. Minister Balban for the time that he had been in Housing for the arrears.
2565

Only, Mr Speaker, a person with complete political short-sightedness could stand up and make that point, because of course to suggest that the arrears are down to the person who spent a year in post would be absolutely and utterly ridiculous.

2570 And when the hon. Gentleman says that the hon. Lady is getting excited because she is nervous and says that she is entertaining, I suppose Mr Speaker, he is just doing that which the proverb I am often reminded of by a good Jewish friend of mine says, which is that you see in others your own sins and you reflect them onto others in what you say about others. Because there is absolutely no nervousness on this side, Mr Speaker, and no desire to provide anything which is akin to entertainment. This is a very, very serious issue.

2575 The arrears of rent that have accumulated, which amounted to an increase of 600% in the 16 years that they were in Government, must be recovered, Mr Speaker. They *must* be recovered because those who pay do not deserve that those who do not pay be tolerated. (*Banging on desks*) (**Several Members:** Hear, hear.) And in all areas...And in all areas where we inherited this sort of neglect, we are working, Mr Speaker.

2580 In Housing, and these are housing arrears, Mr Speaker, the first thing we had to deal with was the very long housing waiting list and the lack of affordable housing that we had to provide. That is what the first order of business was when Charles Bruzon, may he rest in the peace that he deserves, arrived at that Ministry for Housing and started work on. And the work started, Mr Speaker, on those estates when Paul Balban was Minister for Housing and shortly before the
2585 General Election, Samantha Sacramento took over and we were dealing with a whole list of works to be done on people's houses, on existing tenants houses and this was an important issue, Mr Speaker, which we did not get round to dealing with in our first term.

But to attribute the arrears to us, Mr Speaker, is just absolute mathematical *nonsense*! To say that we did not deal with it in the first four years, absolutely right. The retort is: because you left us such a mess of a housing list, of people without affordable homes, of homes that required work that we had to deal with it first.
2590

But now that we are dealing with it and having said that they want to support us on it, to come to this House to try and pretend to score political points on this fundamentally important issue, which as far as the Government is concerned goes to the fundamental fairness of people paying their way when everybody else does, is absolutely incredible, Mr Speaker.
2595

The only person who is entitled to say that they have constantly been highlighting this is the Principal Auditor, who dutifully has put it in his report every year. And we have been dealing with issues in the Principal Auditor's report and this one we have not dealt with. And there are some others that we also have not dealt with, Mr Speaker, like, for example, an issue which I have flagged up to deal with, that the loan which the Government gave and the Principal Auditor is still trying to have information on, and it is a loan given at the time when they were in office and has been marked as unpaid.
2600

And I myself am pursuing exactly what the information is behind that loan which they gave when they were in Government and was not paid, and it is not the OEM loan because they have not just lost £4 million of Taxpayers' moneys on bad loans and they have not failed to recover £4 million in rent. There are other loans which we are still looking into that they gave when they were in Government and the party that they all represent gave when they were in Government, which have been impaired and which have not been paid. That, Mr Speaker – those secret loans, because I found out about them reading about it in the Principal Auditor's report – will all be brought to light and the arrears will be paid, Mr Speaker, because we are putting in place a strategy which in effect goes back to the strategy that they dismantled in 2002, when they dismantled the Central Arrears Unit.
2610

Now, Mr Speaker, if in months to come – in fact, I think they have got to be a little bit more generous than that – they are going to pursue where we are with the arrears, that is very welcome, that is part of their job and if we fail to get the arrears down, then Mr Speaker, we shall have to be accountable for that. But to try and blame us for the accrual of the arrears is frankly, Mr Speaker, something that beggars political belief.
2615

2620 And what the hon. Lady is doing is not providing entertainment; she is doing the hard work that the Members opposite, or at least the Government that they represent with the initials of their party failed to do and in so doing failed this community.

So what the hon. Lady deserves is respect and support for the work that she is doing and she has it from all of her ministerial colleagues, and I trust she will have it across the floor of the House. (*Banging on desks*)

2625 **Several Members:** Hear, hear.

Mr Speaker: Of course, may I draw attention of hon. Members that they are now debating. These exchanges are not questions and answers, this is a debate.

2630 **Hon. D A Feetham:** Mr Speaker.

Mr Speaker: I am going to allow the Leader of the Opposition to make a short exchange unless he has a supplementary on any of the other questions because we are dealing with five of them. Otherwise we are moving on.

2635 **Hon. D A Feetham:** Yes, Mr Speaker, thank you very much.

I do thank the Hon. the Chief Minister for that very long political speech and excuse as to why the arrears of rent went up from £3.6 million in 2011 when they first came into office to £6 million, £6 million today, Mr Speaker. (*Banging on desks*) Now I know that mathematics and the public finances of Gibraltar are not his forte, hence the state of public finances today, but Mr Speaker, even he ought to understand that he and his Government must be partially to blame, which is the word that I used, for the increase in arrears from £3.6 million to £6 million.

2645 Now, Mr Speaker, if I can get to the question that I was going to ask. The hon. Lady spoke about the Central Arrears Unit and indeed the Hon. the Chief Minister has also decried the dis-assembly of the Central Arrears Unit when we were in Government. Now, when was the Central Arrears Unit set up by the hon. Lady's Government and why wasn't it set up earlier, given the importance attributed to it by the Hon. the Chief Minister?

2650 **Hon. Chief Minister:** Mr Speaker, I shall repeat my political speech which is not an excuse; it is an explanation of what happened and I shall do some mathematics with him, because in the same way as he tried to explain to us the meaning of a word before, and I said that when I was doing the mathematics, I did not think I had to explain the division to him, I will unfortunately have to do it for him. Or does he not realise, Mr Speaker that they presided over an increasing rent arrears of £3.6 million, whilst the amount that we are responsible for, without considering that part of it may be interest on the amount that they accrued, is £2.4 million, Mr Speaker. (*Interjection by Hon. D A Feetham*)

2655 Mr Speaker, look and do they not understand, Mr Speaker that this amount is a cumulative amount that is increasing all the time and it is going to increase more in one year now than it did in one year before, Mr Speaker.

2660 But to say that we are making excuses and to ask us the question that he is asked again is simply to demonstrate that what they have alighted on, they think, is a point where they can make political capital and all they are interested in doing is pretending that they now have an interest in doing that which they were not doing. Well, I will tell him again what happened, that we inherited a housing ministry where the principal issue had to be dealing with –

2665 **Mr Speaker:** Now, now I must –

Hon. Chief Minister: He has asked a question, Mr Speaker, you should give him the answer.

2670 **Mr Speaker:** Well there was a specific supplementary. The specific supplementary was referring to the Central Arrears Unit. He made a comment that rent arrears had increased from £3.6 million to £6 million. The Chief Minister can answer that comment if he so wishes. Then he asked a supplementary regarding the Central Arrears Unit – the dates.

2675 **Hon. D A Feetham:** Yes, Mr Speaker.

Hon. Chief Minister: No, Mr Speaker, he did not ask for a date. What he asked was – *(Interjection by Hon. D A Feetham)* No, Mr Speaker. Mr Speaker, what he asked for was why –

2680 **Hon. D A Feetham:** Point of order!

Hon. Chief Minister: No, Mr Speaker, it is not a point of order, I am dealing with the question that he asked. *(Interjections)*

Mr Speaker: Will the hon. Members please sit down, both of you!
2685 Now, my understanding is that a question was asked. When was the Central Arrears Unit – that is what I heard.

Hon. D A Feetham: Yes I did, I did.

2690 **Mr Speaker:** That is what I heard.

Hon. Chief Minister: Mr Speaker, as *Hansard* will show, because thankfully we have something that records what is said, what he asked was ‘why was it not set up earlier?’

2695 **Hon. D A Feetham:** Two – I asked for two things.

Hon. Chief Minister: Well I will answer the first one. I will answer the first one.

Hon. D A Feetham: Mr Speaker –
2700

Hon. Chief Minister: Mr Speaker, if he asks a supplementary which has two limbs, it is surely up to me to decide which limb I answer first.

Hon. D A Feetham: Perhaps the Chief Minister did not understand the question that I asked
2705 and you know, I accept that and it sometimes happens. I have been in court the whole week –

Mr Speaker: Repeat it please.

Hon. D A Feetham: I am going to repeat the question.
2710 When was the Central Arrears Unit set up and, given the importance that the Government attributes to the Central Arrears Unit, why wasn’t it set up earlier?
That was the question.

Hon. Chief Minister: Exactly, Mr Speaker, exactly. Why wasn’t it set up earlier?
2715 Because when we were elected, the Minister for Housing had a priority which was the huge housing waiting list that we inherited. The second priority therefore was the creation of affordable homes. The third priority: the repairs to Government tenancies which were in their thousands, Mr Speaker, in their *thousands* – thousands of jobs that had not been done, and Mr Speaker, because the Principal Auditor is rightly pointing it out, now the collection of arrears.

2720 When was it done, Mr Speaker? It was done in this term of office, we have been in office for less than 100 days and we have already started the process of collecting these arrears and we have set up the Central Arrears Unit. That is why it did not happen before and that is how it has happened, Mr Speaker, since we were elected this time.

2725 But I will let the hon. Gentleman know this: we were looking at this for some time before the General Election and the hon. Gentleman cannot pretend that he does not know that, for the simple reason we have been debating in this Parliament whether or not it is possible to collect rents which are older than six years. We have been debating in this Parliament the said creation of a Central Arrears Unit in the last six months before the General Election and it is there in *Hansard*.

2730 So he cannot pretend that we were not dealing with it and he cannot now simply look at the Principal Auditor's report and say 'You failed to do something about it', without at least saying, Mr Speaker, without at least saying we are responsible for it. We disbanded the Central Arrears Unit and we allowed the rental roll to become a debt to the Government of £3.6 million – although, Mr Speaker, I have to tell him that I do not accept that the differentiation is exactly that because I would have to check what the amount was on the day that we took over because
2735 the Principal Auditor's report for 2012 will reflect the picture for that year or perhaps the year before. So even that I am going to check to make sure that we know what amount we are responsible for and what amount we are not responsible for.

2740 But in any event, the amounts that we are responsible for are within the six-year limitation period and they can be recovered, even without a change in the law. To recover the amounts they allowed to accrue, we are going to have to change the law.

Hon. D A Feetham: No, Mr Speaker, that was going to be my last supplementary but I cannot allow the Chief Minister to get away with that.

2745 No, Mr Speaker, how can the Chief Minister know that the debts that have been incurred during his time in office have not been statute barred during his time in Office? He cannot possibly know that because he cannot possibly have the knowledge in respect of every single one of these debts.

2750 Mr Speaker, he must know – he is a lawyer. He must know that you can have a debt outstanding, for example, for three years in our term in office and three years in his term in office and it becomes statute barred in his term of office and therefore I would ask him to correct the record.

Hon. Chief Minister: No, Mr Speaker, because he is a lawyer and he should know –

2755 **Mr Speaker:** Now, since both Members are debating –

Hon. Chief Minister: Well, Mr Speaker, am I able to answer the question?

2760 **Mr Speaker:** I am going to allow you to make the last point and then we are moving on. And if we do not move on, I will suspend the sitting. It is as simple as that because I have been here three and a half hours, for three hours everything has gone right, but now hon. Members are beginning to get under my skin.

2765 **Hon. Chief Minister:** Well, Mr Speaker, unfortunately parliamentary debate requires that one robustly defends one's position.

Mr Speaker: Parliamentary debate is not to be conducted during Question Time. Those are the rules.

2770

Hon. Chief Minister: Well, Mr Speaker, in that case answering questions is something that has to be done in a way that ensures that the truth comes out and that one does not allow that the way that questions are put somehow puts a gloss on things which are not correct, Mr Speaker.

2775 What the hon. Gentleman should know, given that he is also a lawyer, is that debts which have accrued in the time that we have been in office are debts which are within the current limitation period.

In other words, any liability that accrued after 9th December 2011 is a liability that is within six years. You do not need to be a lawyer to do that. As long as you know that the limitation
2780 period is six years, you just have to count back to six. And therefore, Mr Speaker, every penny that has become due and owing to the Government of Gibraltar – every penny that has become due and owing to the Government of Gibraltar in respect of rent – since 9th December 2011 is within the six-year limitation period and I would have thought that given that he is a lawyer, he would have been able to work that out – unless of course it is because he cannot count back to
2785 six.

Mr Speaker: Does any other hon. Member have a supplementary arising out of any of the other questions.

2790 **Hon. R M Clinton:** Mr Speaker, with your indulgence, just one.

There has been a lot of talk about the Central Arrears Unit and I have one question for the Chief Minister. The Principal Auditor, our long-suffering Principal Auditor (*Laughter*) who constantly every year makes reference to the arrears regardless of Government – and I think he is entirely correct, as we must all share some blame for this – he expressed – (*Banging on desks*)
2795 (**A Member:** Hear, hear!) In his report of 2014 he expressed grave concern that the receivers of revenue are not priorities in the revenue, the arrears collection and monitoring function, mainly due it appears to lack of human resources.

He then went on to say on 16th July 2015, the Accountant General formally should discuss the setting up of a properly resourced Central Arrears Unit with the Financial Secretary, either as
2800 a unit within the Treasury or a separate unit, in order to tackle the increasing arrears situation.

My question, Mr Speaker, to the Chief Minister is: is this unit going to be within the Treasury or a separate unit and how exactly has he resourced it?

Hon. Chief Minister: Mr Speaker, I think you will find that those remarks are made by the
2805 Principal Auditor year on year. And, Mr Speaker, thank you for the confirmation by the hon. Gentleman, in fact the Central Arrears Unit was something already being dealt with then. It is being set up in the Treasury, Mr Speaker.

Hon. R M Clinton: With how many staff, may I ask?
2810

Hon. Chief Minister: Mr Speaker, that is not a matter which I can give him an answer on today. I can get the information from the Financial Secretary if he wishes so that he can have it, but it is not an issue where we are being involved, we are simply ensuring that they have the resources they need in order to do the job that they need. But this work will also include the
2815 Departments chasing debts, at least initially.

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

Hon. E J Phillips: Yes, Mr Speaker. In relation to the comment by the Minister for Housing on
2820 keeping all options open, will that also include an option to evict or an application to the court to evict those tenants who are in arrears that do not – to use her words exactly – wish to pay?

2825 **Hon. Miss S J Sacramento:** Mr Speaker, of course eviction is an option open to us, but of course evicting somebody can only be something that can be done as a last resort. And I have to confess that I am very, very surprised (**A Member:** Hear, hear!) (*Banging on desks*) that a lot of what we hear from the benches opposite is an emphasis on eviction. (**Several Members:** No!) Because, Mr Speaker, yes, it is in every single press release that is issued by the Members opposite.

2830 Because, Mr Speaker, we have to remember that the person who may have accrued the arrears will be the tenancy holder. That tenancy holder may well have a family, may well have children so what do we gain by evicting a family where the tenancy holder is in arrears?

2835 So in answer to that, Mr Speaker, evictions is an option because it is an option that exists and that has always existed. It is a legal tool that is there and it is there at our disposal, but it will only be used as a last resort and in the appropriate circumstances.

Hon. E J Phillips: Mr Speaker, I thank the Hon. Minister for that response. Just in relation to a point of order, there has absolutely been no reference to eviction in any of the last press releases that I have issued from this side of the House at all. I will show those in the next question we put before this House, in the next session next month.

2840 We entirely agree, Mr Speaker, with the answer that eviction should be the last resort, should always be the last resort, especially when young children and families are involved.

2845 My question that I would like to pose now is in relation to the repayment agreements. I have spoken to a number of individuals who are concerned about repayment of their debts. They have spoken to me on a very confidential basis and they are being told by the Minister's Department that these will have to be paid within a strict three-year period. Can the Minister confirm that the repayment agreements that the Minister has referred to in her response to the general questions put to her, that a three-year period on the repayment will be applied?

2850 **Hon. Miss S J Sacramento:** Mr Speaker, what my office is doing – and it is not strictly the Minister's office, it is the people who work in the Housing Department and they are of course two separate offices – is that we have a specific team dedicated to the collection of arrears now and they are meeting with people individually to look at repayment options.

2855 Now, when these options are reviewed and considered, they take into account ... well, they ask for information so that they can take a view in how to calculate the repayment of arrears and it all depends on the amount of arrears that are available as well as the income that the person has at their disposal. Because what we cannot have, Mr Speaker, is an arrears agreement which is not interest based, so it is just a repayment agreement where people want to pay next to nothing on the never, never.

2860 It needs to be finite, it needs to be strict, it may be a coincidence that your clients, or people who have spoken to you, have been advised that three years is the period. There is no rule in that people need to pay within three years. People may be asked to pay within six months, people may be asked to pay within a year, people may be given four years in which to pay. It depends on the individual because some people may wish to extend the period of the arrears agreement for ten years so that they can go on a Caribbean cruise, but that would not be acceptable, Mr Speaker. So we try and keep the period of repayment as short as possible and of course we now also have a mechanism so that if people default on the payment of arrears, it is flagged up immediately.

2870 **Hon. Chief Minister:** If I can be of assistance to hon. Members, given their new-found desire to review the accounts of the Principal Auditor or the report of the Principal Auditor, I refer them to page 55 and in particular the paragraphs at 3.4 of the Arrears Report for 2011-12, which is the year for which they were responsible and which they will not find very enjoyable reading. In fact the amounts being written off in respect of the time, in the report for the following year

2875 in respect of the time that they had been in office, amounting to almost £800,000 in just one particular year.

2880 **Hon. Miss S J Sacramento:** And on that note, Mr Speaker, I also want to add that when I was preparing for a debate on GBC recently, I had the opportunity to review the Auditor's reports all the way back to 1998 and as from the year 2000, Mr Speaker, the red flags and the alarm bells were being very, very loud and noises were being brought to the attention by the Auditor but specifically in the period between 2000 and 2002 which funnily enough, or disturbingly enough, is when the Central Arrears Unit seemed to have been disbanded.

2885 But certainly, Mr Speaker, this, the Auditor's Report in the last few years contains the exact same phrases that it has, certainly since back to 1998.

2890 **Hon. D A Feetham:** Mr Speaker, will the hon. Lady undertake to go back and to check her facts in relation to this? I personally do not know them, but I am informed by my hon. Friend, Mr Llamas who worked in the Tax Office – (**Hon. L F Llamas:** Treasury.) the Treasury, he has come from the public service, that in fact the Central Arrears Unit was there until 2006. That is the question I am asking: will she undertake to go back, because she has repeated this on a number of occasions, and have a look at it?

2895 But in any event, Mr Speaker, I also want to say this. That certainly on this side of the House nobody shirks responsibility for debt during 16 years of Government. We do say that of course in four years, it has gone up from £3.6 million to £6 million, that we would congratulate the Government and congratulate the hon. Lady for any steps that she takes in order to make sure that the Taxpayer of Gibraltar is not short-changed and also to make sure that what is clear, (*Banging on desks*) Mr Speaker, a culture of entitlement to the tune of a quarter of all Government tenants ... that that ends, because at the end of the day, that is not good for Gibraltar and is not good for this community. (*Banging on desks*)

2900 **Hon. Chief Minister:** Well, Mr Speaker, I am very pleased to see that the hon. Gentleman is going to be prepared to give us credit when it is due.

2905 But, Mr Speaker, this is not about a culture of entitlement; this is about people not having been chased, Mr Speaker. This is about people having been allowed to fall into arrears, Mr Speaker. This is about the Government in particular, they have now accepted, the Government, the record of which they are defending not even having sent out letters in respect of arrears, which is what the Principal Auditor refers to. So this is not about the culture of entitlement; this is about a Government failing repeatedly to bring to the attention of people that the debts they were accruing will be chased and that it is not acceptable that some believe that they can get away with it, Mr Speaker.

2910 I have full confidence that the work that the hon. Lady is going to do in respect of housing, but not just work in respect of housing but the work that also the Financial Secretary and the Central Arrears Unit will do in respect of all other liabilities to Government – because if hon. Members look at the book it is not just rents that are in arrears – will soon be where it should be. Of course they will likely never be zero, but everybody who is able to pay will pay, Mr Speaker, and there are a number of ways in which that is going to be the case, and some of them may require us to bring legislation to the House or other mechanisms to the House to ensure that people realise what their obligations are.

2920 **Hon. Miss S J Sacramento:** Mr Speaker, I will be very quick, just on the point that the hon. Gentleman raised, it may be that the Central Arrears Unit was disbanded in 2006 and not in 2002. I go by what I am told, but I certainly recall in my former life having conversations with Mr Llamas in relation to the Central Arrears Unit, because of the nature of my profession. But nonetheless, Mr Speaker, whether it was in 2006 or two thousand and whatever, we have an

2925 acknowledgement from the other side that the Central Arrears Unit was disbanded, certainly approximately 10 years ago.

But what I am told, Mr Speaker, in my Department is that there was some kind of a policy direction not to pursue debtors and people in arrears of rent, sometime in the region of 2002/2003. So it is a different point to the disbanding of the Central Arrears Unit, and if I am
2930 wrong and it was not disbanded in 2002 and it was disbanded in 2004 or 2006, then that may well be the case and it is not something that I want to ... it is a debate that I would rather leave here. But it is a separate thing that I referred to when I know that in the Housing Department there seemed to have been a reluctance to pursue arrears a little bit earlier than when the Central Arrears Unit was disbanded.

2935 **Hon. E J Phillips:** Mr Speaker, just one question in relation to the arrears. Of course it is right that all parties and all administrations should shoulder the blame and responsibility for those arrears but one cannot forget, and by reference to page 53 of the Principal Auditor's Report, I know the Chief Minister has referred to others pages, but he has not referred to 3.4.5 which
2940 demonstrates – and my question will go, I am just referencing this point – that in 2009 under a GSD administration, in fact arrears went down by 1.4%. They went up 2.2% the year after, 6.5% the year after that, 7.4% when they took office, 9.6% in their second term of office, second year, and 8.2% in 2014 and in 2015, between March 2015 and December 2015, they went up 14%.

2945 Now, can the Chief Minister or the Minister for Housing explain to me why they do not shoulder the blame for that 50% increase over that period of time? It is right that the Government should shoulder some responsibility; they should be magnanimous in showing to this House that there was an increase of 50% in rental arrears. I think it is only right that Members of this House should in fact shoulder that responsibility.

2950 **Hon. Chief Minister:** Well, Mr Speaker, I will explain to him why the amounts of arrears went up and it is unrelated to a General Election in 2015, as I have heard the Hon. the Leader of the Opposition mutter under his breath.

It is very simple, the arrears went down when they started the process of handing out homes in a new Government Estate, in respect of which, Mr Speaker, they entered into arrears
2955 agreements with a large number of people. A large number of people, Mr Speaker, who did not keep even, in some instances, to the first repayment under the arrears agreement and subsequently thereafter have continued not to make payments in respect of those arrears agreements.

2960 So look, we failed to chase them for those years but they are the ones who entered into the agreements that were with people who had failed to pay their rent before and did not give those who had been paying their rent the opportunity to move into new homes, Mr Speaker. That is what happened and that is how the rent arrears go up in that period.

2965 **Hon. E J Phillips:** Mr Speaker, if that was wrong at the time, or if that was a mistake by a previous administration, why is the current Government repeating the same process with repayment agreements? Surely there are other measures that would be just as effective.

2970 **Hon. Chief Minister:** Mr Speaker, he does not get it. The Government is not repeating the issue with the repayment agreements. We are dealing with these issues in a number of different ways.

People who have previously not had repayment agreements are entering into repayment agreements and are paying on them. Many people who have arrears agreements are paying on them, but a large number of people who entered into arrears agreements only to move to the new estate, stopped paying as they had been doing before – in other words they failed to pay,
2975 they entered into arrears agreements to move and then stopped paying their rent and the

arrears agreement and that was not on our watch, Mr Speaker. That was on somebody else's watch.

2980 And when we have got into Government, Mr Speaker, when we have got into Government, we have given the priority that we have already referred we have given to issues in the Housing Department. But it seems to me, Mr Speaker, that despite saying that they want to share the burden of blame, that they want to work with us to collect the arrears, all they are interested in doing is using this as a rod with which to win political points.

2985 And this community is too clever for that! This community will see through this. This community will see a Government dealing with people who fail to pay, will see us correcting the situation, will understand that the priority we had to give to other housing matters was given, and will see that the product of the work that the hon. Lady is going to do, and that the people in the newly created Central Arrears Unit are going to do, is one that should never have been undone in 2006 or in 2002, and that we should never have got to the situation to which we have got, Mr Speaker. That is the position.

2990 And that I think is very clearly is what is going to happen and I will tell the hon. Gentleman for nothing, he can reply to me if he likes but people talk to the Government and people talk to the individuals that make up the Government and they do say to us that of all political complexions, what a hard face and little shame the Members of the GSD have to criticise you for this when they were the ones who disbanded the Central Arrears Unit and have seen the increases in arrears in their time.

2995 And if they are saying it to both sides, Mr Speaker, well then a pox on both our houses, but we are the ones in the driving seat now, we are the ones who are going to correct the position and we are the ones who are going to make sure that what was said by the Principal Auditor, repeatedly year after year and was not dealt with, is now dealt with. And if we have not dealt with it for four years because of the priorities that we had, we will deal with it now.

3000 And what the hon. Members are perfectly entitled to do, is to follow up on whether we are doing what we said we would. But as they will see, we always do what we say we will do.

3005 **Mr Speaker:** I realise as Speaker, I am not supposed to get involved but Members have been speaking, the Chief Minister and the Leader of the Opposition of two sides, GSLP and GSD. Now there are three sides. There was an AACR Government for 16 years and during that time rent arrears increased. The increase was probably due to the fact that in the late 1970s the grade of rent collector was phased out, because no analogue could be found in the parity agreement.

3010 So instead of having rent collectors knocking at the doors of people in Government housing every week asking for the rent, and if they did not pay it was very awkward because the neighbours would get to know, that post ... and I remember when that happened, when the grade of rent collector was phased out, the Father of the Gibraltarians, the Hon. Sir Joshua Hassan predicted that there would be an exponential increase in rent arrears. And that happened during the time when we were in office until 1988 and it has continued.

3015 Another point I want hon. Members perhaps to reflect upon, when were rents last increased? The AACR increased rents in 1982-83. Have they been increased since then? And if they had been increased, would the arrears now be £6 million or £16 million? Think about it.

3020 **Hon. Chief Minister:** Mr Speaker is absolutely right that his role is not to become involved in the debate in this way, because Mr Speaker is not representing any side and the parliamentary process is about Government and Opposition.

3025 But I am grateful for the information that Mr Speaker has provided and I would reflect, Mr Speaker, that another important aspect of this, is management of the accounts and there may be people who fell into arrears in the 1970s when the rent assessor disappeared, who have since passed away and whose debt is still on our balance sheet, Mr Speaker. And we need to understand that as well and we need to ensure that the amount that we are talking about is the real amount. There is no point having the fantasy that you have got if you are any business, that

you have got £6 million out that people owe you, if in effect £3 million worth of creditors have since passed away or are companies that have gone into liquidation, etc.

3030 So, Mr Speaker, it is essential that we get this right for the whole of our community and there are modern methods to ensure that people pay their rent, not necessarily the rent collector, with direct debits, etc. One of the things that people will find us very harsh on indeed, is that people who have fallen into arrears, in particular public servants, Mr Speaker, will be required to pay their rents through direct debit, Mr Speaker. Well, in fact they will almost be garnisheed at
3035 source. And those who are not public servants will certainly be encouraged to pay, in fact not required to pay, by direct debit, so the rent collector knocks on the door of their bank account at the beginning of each month and takes the money by way of direct debit from their account. Because it is just *not fair*, Mr Speaker. It is not fair on those who pay.

3040 And if I can end, Mr Speaker, because it is my intention to adjourn now, on this basis I hope bringing some conciliation –

Hon. D A Feetham: Will he give way?

3045 **Hon. Chief Minister:** Let me say something first. Some conciliation to today's debate to an extent, it is good that we all feel so passionately about these arrears and that we want to ensure from different sides of the House, apportioning blame or not as is part of the political to and fro, but that we should feel very strongly about the collection of this arrears and that we should together ensure, with our respective roles, that this is an issue that becomes history as soon as possible. Because it is otherwise totally unfair to other Government tenants, to members of our
3050 community who are otherwise subsidising people's houses, in the same way as happens in business, Mr Speaker, where one business pays its PAYE, pays its Social Insurance, pays all its rent and rates, and the guy next door pays none of it and in effect is subsidised by the guy who is paying.

3055 So I think the passion that we have seen injected into this debate must be something that we should be trying to harness for the purposes of delivering to this community the collection of these arrears, ensuring that the balance sheet reflects the reality of the arrears and that together we move forward so that the next Principal Auditor's report – though that one will deal with the position two years ago, not with the position from now – but the next one dealing with the position from now is one which is much more salutary in its approach to the work that will
3060 have been done.

And before I sit down, I give way to the hon. Gentleman.

3065 **Hon. D A Feetham:** Yes, I am very grateful to the Hon. Chief Minister, and he is absolutely right. There are a lot of passions running in relation to this particular issue because it is not only the fact that Government tenants, the people who pay, the Government tenants who pay are subsidising the Government tenants that do not pay.

3070 As Mr Speaker has rightly pointed out, rents have not increased the AACR Government and what we have in Gibraltar today are an awful lot of people who have got private accommodation, who have taken out mortgages, who work very, very hard in order to pay for those mortgages, they take their children to school every single morning on the school run in order to then go to work in order to pay for those mortgages and it is simply not fair, Mr Speaker, it is not fair to then have a situation where there are hundreds of people in Government tenancies who are in arrears, bearing in mind not only the fact of those arrears but the fact that Government rents have actually not increased since the 1980s.

3075 So I think that Mr Speaker's comments have been very apposite. Certainly from this side of the House, we have since I became Leader of the GSD, been very vociferous and very vocal and we will continue to be vociferous and vocal in attempting to deal with this culture of entitlement and although there is a disagreement between us in relation to whether this is a culture of entitlement, I think it is squarely a culture of entitlement when 981 tenants, roughly about a

3080 quarter or a fifth of all Government tenants owe more than three months in arrears of rent, and that has to end.

And I will say this to the hon. Gentleman, any help, any assistance that the hon. Gentleman needs in relation to this by way of political support and cover for the decisions that he takes, in order to ensure that the Taxpayer gets the value for and that these monies are paid, he will receive it. Because of course, short of sharing our ideas – and we have offered to sit down with them and share ideas in relation to how these arrears can be recovered – I am also offering the hon. Gentleman the political cover that there will be no criticism from this side of the House for the steps and the measures that his Government takes in order to make sure that this situation ends, which is unsustainable and unfair to Gibraltar as a whole. (*Banging on desks*)

3090

Hon. Chief Minister: Well, Mr Speaker, we are going to end on a much more conciliatory note than we started and can I just thank him for that offer of help, and perhaps he might agree to handle just the evictions for us! (*Laughter*)

Mr Speaker, the hon. Gentleman is right that the rents have not increased, we sometimes say since 1988; in fact the last rent increase was in 1984, Mr Speaker and that is why, during a General Election campaign, during a General Election campaign, when I was asked whether rents would go up I said that they would, that they should go up at least by the rate of inflation so that they caught up in real money terms, Mr Speaker.

And I repeat that today and the hon. Gentleman in one of the things he said, 'Oh, because there was an election on', look, even in an election you have to be honest and tell people what is going to happen and when I was asked, I made that clear.

Mr Speaker, the figure of 980 which has been given is not a figure that has moved very much indeed. The hon. Gentleman can look at the Principal Auditor's report and see that it has always been, unfortunately, quite that high. That is why I say this is not about the culture of entitlement but about people not having been chased and then having got used to it.

But, Mr Speaker, I think it is possible today, before I move the adjournment, for the House to adjourn on a House of accord and not of discord. And, Mr Speaker, that I sincerely, sincerely welcome. As I have often said in my Budget Speeches, my Government is here to help those who go out to work every morning, those who have obligations to meet and go out and meet them, the hard working people in this community who are the ones who make us tick and who deliver the success that we are today, and not to perpetuate those who seek handouts or fail to pay. That is who we represent, those who put their hands out to work, not who put their hands out to receive only when they are able to pay, and that is who we will chase more than anybody else – those who can pay and do not pay, not those who cannot pay.

With that, Mr Speaker, I would move that the House do now adjourn, unless somebody has any other supplementary on this subject, until tomorrow morning at 10.00 a.m.

Q160-161/2016

Procedural

Mr Speaker: Before we adjourn, there is another *mea culpa* on my part.

Question 160: would hon. Members please have a look at Question 160? I think it would be useful I think in order for Members to have guidance.

When questions are handed in, my staff here, the Clerk in particular are under great pressure because there is only a short span of time, as hon. Members know, from time immemorial, five working days and they try to get the questions to the relevant Government Departments and Ministers as soon as possible. And I delegate to the Clerk so that he has the first look at them, obviously I cannot be here all the time when questions are coming in he has the first look, sends them on to the Departments so that they have as much time as possible, unless he has some

doubt about some particular question. If something arises which he wants me..., he will then phone me and tell me or I will come down and have a detailed look at any particular question.

Now, Question 160:

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

3130 That question in my view, should not be on the Order Paper because the present Government do not have the responsibility for anything that went on between 1996 and 2011, so they are not required to answer questions for which they have no responsibility. If they wanted to, yes it is statistical information that is being asked for perhaps, so the information can be given.

3135 It is now on the Order Paper, I am not going to remove it, but if I had seen that question, I probably would not have allowed it, on the basis that you cannot ask a Government that came into office in 2011 to answer for something that went on 15 years before or during the time of the AACR. I mean, that is common sense.

3140 **Hon. D A Feetham:** Mr Speaker, may I intervene at this stage. I agree with Mr Speaker, and I will explain why this has crept in, but on different grounds.

Mr Speaker, the Government constitutionally is a continuous entity, so despite the fact that there was a GSD Government from 2007 to 2011, there was a GSLP Government from 2011 to 2015, Government is a continuous constitution, there is never a gap in Government effectively,
3145 between one and the other.

So, Mr Speaker, it is perfectly legitimate to ask about something that occurred pre..., and there may well be circumstances in which it is legitimate to ask for a question and seek information about something that happened pre-2011, which is when they got elected. That is my own view, Mr Speaker, but of course I defer to any ruling Mr Speaker makes in relation to
3150 this.

This particular question has crept in, I personally would have taken it out and unfortunately, Mr Speaker, it is entirely my fault because I have been engaged in a trial the entire week and I was not able to look at every single question before they went out. I think where the question perhaps is objectionable is in actually the scope of the question in terms of the information that
3155 is being sought. I think that it is too wide and certainly on this side of the House, we have absolutely no hesitation in accepting that we have made a mistake.

Mr Speaker: I think hon. Members of the Opposition, particularly those who were here during the previous three years will confirm I hardly ever, we hardly ever turn a question back. It
3160 is a very rare occurrence for me to rule out a question.

Chief Minister (Hon. F R Picardo): But, Mr Speaker, can I be of assistance to hon. Members so that they can have an idea of the issues. We spotted this question because obviously it came to us and we had to try and deal with it. Also the size of the data requested is very difficult to
3165 compile in five days, even if we had been the Government that had been in place since 1996.

In some instances it is very easy because it may be something that has been compiled before and may be data that is kept by the Civil Service, but if you have got to go back and recreate the data, then it becomes impossible to provide in the time available.

But can I just suggest to the hon. Members opposite in a way that might be helpful to them –
3170 whether or not they had been in Government in that period, but in fact they had been in Government in that period, some of them for some of that period, I think none of them since 1996 but they have colleagues in their parties who were – that of course it is always open to them, if they want to get information which they then can trust to the period that we have been

3175 in office, to write to the Chief Secretary and ask him, 'When I was a Minister can you tell me, can you just remind me of this or that?'

That of course is something they are entitled to do and can sometimes be more helpful to them than asking the question only at Parliament time. The questions they can ask the Chief Secretary in respect of the time that they were in office, they can put at any time and they can be provided with the information and in that way, I think they might find it easier to do the job which of course they want to do and it is perfectly normal of contrasting things that happened in their time with the things that happen or are happening in our time.

Mr Speaker: Let me just, before the Hon. Mr Elliott Phillips stands, let me just read out to Members the Rule in question. Rule 15 – Matters to which questions must relate:

Any question addressed to the Chief Minister, or a Minister shall relate to the public affairs with which he is officially connected or to a matter of administration for which the Government is responsible.

3185 Clearly the present Government are not responsible for what went on between 1972 and 1988.

Hon. D A Feetham: No, Mr Speaker, when it talks about Government, this is what I am ... but again I do not want this to be contentious, but when it is talking about Government, and I am not sure that this is contentious between myself and the Chief Minister. When one is talking about Government, one is not talking about the current Government because Government is a continuous entity constitutionally and therefore it reaches back. That is why constitutionally it is a perfectly legitimate question to ask, and Mr Phillips is now going to explain the reason why he asked it.

3195 When I saw this, and I have explained I have been preparing for a very long trial that I had and I could not vet every single question and this one I did not vet. My concern with this question when I read it today was that it says 'to confirm how many people underwent a programme of drug rehabilitation from 1996 to 2011.' I thought that is an awful lot of people – that is the reason why I, in the back of my mind I thought well actually if I had seen this before, I would have certainly spoken to Mr Phillips.

3200 Unfortunately, Parliament is always the third week of every single month which would have been last week, that is why the trial was listed this week and it has actually coincided and it has been very difficult to basically read every single question and it is entirely, entirely my fault.

3205 **Mr Speaker:** And mine.

Hon. D A Feetham: But, Mr Speaker, Mr Phillips says that he has a reasonable explanation for this.

3210 **Hon. Chief Minister:** Can I just speak?

Hon. D A Feetham: Yes, of course, I give way.

Hon. Chief Minister: Well, I don't think you have to – you are going to sit down.

3215 But, Mr Speaker, can I just thank the hon. Gentleman for that because it is not contentious for us. In instances where only statistical information is being sought we will of course try and provide it, but going back to 1996 is well nigh impossible, Mr Speaker, we are talking about 20 years.

3220 But not just that, Mr Speaker, as hon. Members will know or should know, of course drug rehabilitation was not done by the Government until 2009, it was done by an independent trust which the Government supported and it was in 2009 that the former administration took over

the running of Bruce's Farm, which had previously been handled at arm's length through a charity.

3225 So in any event, in respect of this matter, it would have been impossible for us to provide the information for that reason as well.

Hon. E J Phillips: For the avoidance of any doubt and in order to explain why I asked that question and also the following question, it was as a result of the Minister Sacramento's comment, and I will refer to it in *Hansard* at 124 page 33 on the morning of Wednesday, 20th
3230 January, in which she said, 'When I looked at the statistics' – when she entered office – 'it was clear there was no-one there, Mr Speaker.' And she went on to refer to how many people would be undergoing treatment and how many did undergo treatment before her time in office.

Therefore I think it is quite right and prudent and proper for the Opposition to ask questions that lead on from her statement, which has caused much controversy amongst a former
3235 Member of this House, regarding who had undergone a rehabilitation programmes – not who, the amount of people that had undergone a rehabilitation programme and those who were successful.

It is only right and I am grateful for Mr Speaker to confirm (*Interjection by Hon. Miss S J Sacramento*) that the question can stand. It is only as a result of the exchange that I had with
3240 Miss Sacramento where she described Bruce's Farm as a crack house when she entered, which was a very unfortunate use of words.

But, Mr Speaker, that is the reason and that is a reasonable explanation in my view for asking this question and the following question, that is why I am asking for a response.

Mr Speaker: I think therefore that I should give an explanation as to why it is on the Order
3245 Paper. Question 161 is similar, it is on the Order Paper, I am going to allow them tomorrow. It is for the Government to decide how they answer them, but I just warn hon. Members that on another occasion, we might not allow it for the reasons that I have explained, okay?

Thank you very much.

3250

Hon. Chief Minister: Yes, Mr Speaker and that makes perfect sense, although I will tell the
hon. Member that the words used by the Hon. Minister were words which adequately described the state of the place as we found it. And I know that the issue that his party colleague had was
3255 to say that when he left it, it was not in that state. But he might want to reflect on the fact that there was an interim period between our arrival in office and Mr Corby's departure from responsibility in respect of this particular facility and we were not the ones in office in that period.

Hon. E J Reyes: May I Mr Speaker, in keeping with that, I am not disputing what the Chief
3260 Minister said but I must also declare a vested interest. I personally succeeded Hubert Corby before my life in Parliament as Chairman of Bruce's Farm, so it is not just Mr Corby who took certain, perhaps displeasure, at the words but I also on behalf of those who were on the Board of Trustees with me.

Hon. Chief Minister: And that, Mr Speaker, is exactly the point. Because the hon. Member
3265 then became a Member of Parliament after that and there was a period when it was being run by the Government, the GSD Government, he was not the Minister responsible and then we took over. Then the description is about what we inherited, not from him or Mr Corby as trustees, but from the GSD.

3270

Mr Speaker: The House will now adjourn until tomorrow at 10.00 a.m.

The House adjourned at 7.10 p.m.