



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.09 p.m. – 6.03 p.m.

Gibraltar, Thursday, 27th October 2016

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The Gibraltar Parliament

The Parliament met at 3.09 p.m.

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

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

Questions for Oral Answer

TOURISM, HOUSING, EQUALITY AND SOCIAL SERVICES

Q607-608/2016

Drug addiction and rehabilitation – Further supplementary questions

Mr Speaker: There was a supplementary that was left pending yesterday evening.
The Hon. Elliott Phillips.

5 **Hon. E J Phillips:** I am grateful, Mr Speaker.

Yesterday, in response to Questions 607 and 608, there was some discussion about the Inter-Ministerial Committee that had been established, that I think the Chief Minister referred to a week ago in respect of drugs and that important issue.

10 One of my concerns about that response was that the Government had established on 26th June 2013 an Inter-Ministerial Committee in relation to drugs and rehabilitation; what I would like to know is what progress has been made in relation to that Committee? It has now been reconstituted with different Members – the former Minister for Justice is now out, as we know – but what were the terms of reference for that Committee in 2013 and how have they changed now, some three years later, and what progress has been made with that Committee?

15 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the hon. Member is absolutely right, I did set up an Inter-Ministerial Committee in 2013 to review the matter of drugs in Gibraltar. If the hon. Gentleman, as I am sure, has read the press release relating to that, he will see that the result of the Inter-Ministerial Committee was to form a Drug Strategy Committee. In fact the members of the Strategy Committee are listed in that press release, and the result is that the Committee was born from the Inter-Ministerial Committee, and the Drug Strategy Committee is one that was working and working very well since 2013, and one that will continue.

20 Now that I am once again the Minister responsible for drugs, it may be that ... The new Inter-Ministerial Committee, I am sure will continue the work. It may be that the first Inter-Ministerial Committee will really continue as the new Inter-Ministerial Committee. It is the same Ministers wearing different hats.

25 Well, obviously the first one was not chaired by the Chief Minister, and it is important that the Chief Minister chairs the new Inter-Ministerial Committee. There were other Ministers in my original Inter-Ministerial Committee, but I am sure that they will be called upon when the
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relevant issues to those portfolios arise. But it is about the work that flows from the Inter-Ministerial Committees because of course the Ministers at that level set the policy. The policy was that we develop a strategy, and it is the work of the Strategy Committee really that will give us the overall product that we want.

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Hon. E J Phillips: I am grateful for the answer to that question.

I think that the hon. learned Member will understand what I am getting at and that this is a Government that has established a Committee to establish a sub-committee, effectively, that is dealing on the ground with it and then, once a reshuffle happens, develops another Committee to do something else.

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Frankly, we would like to know what the results of the Drugs Strategy Committee are and what has been happening on the ground, because I think this side of the House and members of the Committee could care less really about the constant establishment of committees on committees, on committees, but really want to know what is happening in relation to the Government's policy in relation to drugs, and what efforts are being made and what conclusions are being drawn from that Committee.

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I take the point that the Chief Minister clearly has an interest in drug rehabilitation and drugs and the strategy moving forward, and I commend him for that. I also commend him for suggesting that he does not have, really, the time to deal with it because he is dealing with bigger issues such as Brexit; but, look, we need to know in this House how this Drug Strategy Committee is moving forward, what decisions are being made, how they are tackling drugs in our streets, and crime relating to it. I would appreciate a little bit more information about how the Government intends to pursue its policies in relation to drugs moving forward.

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Hon. Miss S J Sacramento: Well, Mr Speaker, I can say that I am absolutely delighted to be the Minister with the constitutional responsibility for drugs, as from last Thursday. I have been the Minister with responsibility for drugs for approximately two years and I cannot wait for next week where I have already convened a meeting of my new drugs team to make sure that we progress everything in relation to drugs as much as possible as much as we can.

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Hon. Ms M D Hassan Nahon: Excuse me, we still have not had an answer on what has been achieved in the last ministerial committees and pre-committees until today. What can we see that is palpable? Can you give us any information on what actually has been achieved in these committees?

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Hon. Miss S J Sacramento: Mr Speaker, a lot has been achieved by having a focus on drugs in the last five years. We have developed policies and what is the most important thing, particularly in relation to drugs, given that it straddles so many Departments and so many areas in life, is that I think the most important thing to come out of it is the fact that we are now working in an inter-departmental and inter-agency way as has never been seen before because we have the most relevant Departments working together, because we have the Police working with the Social Services, with the drugs rehabilitation facilities, with Education, with Justice and all the different spheres.

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What we have achieved through the Committee is two things: one is that we are looking at each Department individually to see how each Department can improve the way that it deals with the drugs problem in Gibraltar and then what we have been doing is working together to see how, together, we can improve the way that we work together in relation to the drugs problem in Gibraltar. So what we look at is improving each individual Department, so each individual Department will see how it can restructure itself and do things better.

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Speaking from my experience in the facilities that I have been responsible for up to date, which is of course Bruce's Farm, Drug Awareness and Drug Rehabilitation in the Community, looking for tangible pointers and evidence as to the improvement, we can see that our

85 occupancy levels at Bruce's Farm are up. I have said in this House before that Bruce's Farm
occupancy levels were at an all-time low in 2011, and they have now been extremely high – in
fact at the point where a couple of months ago I was called and I was told, 'Minister, we have a
problem. Bruce's Farm is full.' So I said, I am delighted to have this problem because it means
that the Strategy is working and that we are getting people with a drug problem into the rehab
facility where they ought to be.

90 Just because a rehabilitation facility is empty does not mean there is not a drug problem in
Gibraltar. A drug problem exists in Gibraltar as it exists everywhere in the world and what our
duty to do as a Government is of course to reduce the problem. But there are people who are
victims of addiction, because no addict wants to be an addict, so we have to make sure that we
are there to support the addict, try to help the addict from become free of the addiction and of
course be there to support their families as well, and do as much as possible in terms of
95 awareness to hopefully make sure that people do not fall into the problem of addiction –
whether it is through drugs, alcohol or other addictions – and by working together, of course our
aim is to tackle the drugs problem in Gibraltar. It is not a simple thing to do; it is not something
that we can do overnight and while we aspire to not having a drugs problem in Gibraltar, it is
something that we need to be constantly aware of and constantly working with all the relevant
100 sectors, to do as much as we can to prevent it and to support people who have the problem.

Hon. E J Phillips: Mr Speaker, just to follow up – (*Interjections by Hon. Miss S J Sacramento
and Hon. Chief Minister*)

105 I did not know the Chief Minister had a preference on who speaks first; I thought it was Mr
Speaker. I am on my feet. Mr Speaker, I am on my feet. (*Interjections*)

Mr Speaker: Order!

110 **Hon. Ms M D Hassan Nahon:** It was because it was my question.

Hon. E J Phillips: It is a supplementary on a supplementary on a supplementary.

Mr Speaker: Order. The Hon. Elliot Phillips.

115 **Hon. E J Phillips:** I am grateful.

I thank the Minister for her response but it seems to be a lot of air and not a lot of action in
respect to the policy on drugs. (*Banging on desks*) There is not one answer to the question.

120 My hon. Friend, Ms Hassan Nahon has asked the question: what specific areas and tangible
benefits have arisen out of the Drug Strategy Committee? There is nothing. There is clearly no
strategy by this Government in relation to drugs, apart from establishing committee upon
committee.

I am grateful the Chief Minister has the time to concentrate on this area and now say that he
actually cannot concentrate on it and therefore it has to go back to Miss Sacramento, the
Minister for drugs, but what action has been taken by this Government in the last five years?

125 People are entitled to know this information. We have a drugs problem on our streets and
this Government is failing to deal with it.

Mr Speaker: You have asked a supplementary: what action has been taken in the last five
years?

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Chief Minister (Hon. F R Picardo): Mr Speaker, I am surprised that the hon. Gentleman is not
going to be, in this House, somebody that we can regard as somebody who is going to allow, for
example, the hon. Lady to continue dealing with her supplementaries as she allowed him to

135 finish his line of supplementary questioning before she got up – because I think all that is going to happen is that it is all going to get very mixed up.

We have just had a Member for the GSD get up and follow up a question of the independent Member in respect of the information that has been provided to her. I do not think that is helpful, but if the hon. Gentleman simply wants to jump like a nervous jack-in-the-box to be the first one to answer or to ask a further supplementary, it is a matter entirely for him, but I commend to him a more measured way of pursuing questioning. He might not then find that he has to ask to once again put to a witness something that he should have put earlier – but anyway.

145 Mr Speaker, in terms of the question that the hon. Gentleman has now asked and the question that the hon. Lady asked, the Minister is giving the information. It is just that they do not like to hear it, Mr Speaker. Is having Bruce's Farm empty an indication that there is no drug problem in Gibraltar? Look, Mr Speaker, I think objectively anybody will accept that that is not the case. It is a question of rehabilitation having not had the support it should have, and that is why Bruce's Farm was empty.

150 Or is it that the hon. Gentleman is going to make the case that on 9th December 2011 Gibraltar did not have a drug problem?

He might, because there are two ways for governments to deal with the issue of drugs. The first, which is actually commended to governments around the world by public relations officers for governments, is to say, 'Well, look we do not recognise that we have much of a drug problem. Some people are caught with drugs but Gibraltar does not have a drug problem.' That is one way of dealing with the issue of drugs.

The other way to deal with it, which is harder but is in my view absolutely the right way to deal with it, is to say, 'Gibraltar, like every other state in the world' – and the hon. Lady has put it better than I can – 'has a drug problem and we are trying to deal with it.' The first way to do that is to acknowledge the existence of a problem.

160 The hon. Member should go back and try and find in *Hansard* a moment when the former administration got up and did that. They never did. Certainly not in the time that I was here. So step 1 in dealing with the problem: acknowledge that you have it. That is the first thing that we are doing in respect of this matter.

165 Step 2: deal with the obvious parts of the problem – i.e. those who have been convicted in respect of the possession or misuse of drugs and those who have got an addiction problem that they want to see dealt with. In relation to the second, the issue of Bruce's Farm is one on which Mr Corby led, and in relation to which Mr Joe Caruana, with Camp Emanuel, had been dealing before when the former administration was not prepared to assist. But look, the former administration dealt with it when it created Bruce's Farm.

170 When Mr Corby leaves Government, Bruce's Farm is ignored for many years. So what have we done, tangibly in respect of the issue of drugs? Once again ensured that Bruce's Farm is available to deal with those who have an addiction problem.

175 The best possible commendation of what this Government is doing, which is not 'air', Mr Speaker, is the work that Steven Linares and Samantha Sacramento have done in respect of ensuring that Bruce's Farm is available to be used, and people who go through the system say thank you for making Bruce's Farm available once again, because it was falling into disuse because the resources were not there before 9th December 2011, although it had been the creation of a GSD Minister.

180 The other issue, which is the issue of dealing with those who have offended: does the hon. Member not know that we put great emphasis in respect of the rehabilitation of offenders?

Mr Speaker, do you want to say something?

185 **Mr Speaker:** Yes. I would like you to bring your answer to a conclusion, because I have a comment to make.

Hon. Chief Minister: Mr Speaker, I am quite happy to –

Mr Speaker: I will allow you to ...

190 **Hon. Chief Minister:** So, dealing with the rehabilitation of offenders who have been
convicted of the misuse of drugs in a more effective way; dealing with those who are addicted in
a more effective way; creating an Inter-Ministerial Committee, which was something that was
already working before the reshuffle and the new Committee that I have created, where I will
continue to be involved in that way rather than the way that I wanted to be directly involved.
195 Well, Mr Speaker, if the hon. Gentleman wants to pretend that that is ‘air’, well look, he had
better explain to us what it is that he breathes. Because what we have done in respect of dealing
with people with a drug problem is *certainly not* air.

Mr Speaker: From a simple supplementary question, we are now, as is very often the case,
200 having a debate on the general drugs problem. And it all arises from two questions: 607, ‘does
the Government think it is time to migrate drug addiction issues from the Social Services
Ministry to the Health Ministry?’; 608, ‘would the Government agree that detoxification of drugs
should stop being undertaken at Ocean Views and carried out at Bruce’s Farm?’ Two fairly
specific questions, and now we begin to have a debate on the drugs problems generally.

205 A very important issue for Gibraltar, and I invite Members, if they so wish, to bring a motion
to Parliament and debate the drugs problem in a general sense, and then you have every right to
ask the Government to explain what they have been doing for the last five years.

Hon. E J Phillips: Mr Speaker, I am grateful for that intervention, because I think that is right.
210 Our supplementary question was in relation to the Inter-Ministerial Committee that was
established by the Government and what developed from that was: what tangible benefits have
been derived from that Committee, which I think is a natural logical conclusion to these
questions.

215 But I take the point that the Chief Minister’s response has now gone into swings and
roundabouts about their policy – but there we go.

Mr Speaker: What develops from that is a general debate and of course, the usual practice
that a supplementary becomes a pretext for a debate.

TRANSPORT, TRAFFIC AND TECHNICAL SERVICES

Q652/2016

Taxi fares –

Increase in unit rate

220 **Clerk:** We now move to Question 652, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can Government say on what basis the decision was made
to increase the unit rate for taxi fares from 20p to 30p for journeys under eight miles?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the
increase arose as a result of a request originating from the Gibraltar Taxi Association.

230 **Hon. T N Hammond:** Mr Speaker, I take it from that answer that the Government found an increase to the fare of 50% was a reasonable increase. Could the Minister tell me when the previous increase might have occurred, if he has that information available?

235 **Hon. P J Balban:** Mr Speaker, the previous increase occurred sometime in 2013, and it was felt reasonable, that an increase from 20p to 30p for these journeys, at the time that we decided to go ahead with it.

240 **Hon. T N Hammond:** Mr Speaker, bearing in mind the general rise in cost of living from 2013 to the present day is nothing like 50%, on what basis did the Minister consider that to be a reasonable increase in fares?

245 **Hon. P J Balban:** Mr Speaker, we did not feel that the actual percentage increase was relevant. It was just an increase of 10p. If we had gone up from, say, £1,000 to £1,500 then you would say, well, it is quite a significant difference in money; but when we are talking of 20p to 30p, we are talking about 10 pence. It did not come across at that moment in time as a huge increase.

250 **Hon. T N Hammond:** Mr Speaker, I have to disagree with the Minister in terms of it not being a significant increase, because it is a 50% increase, and well above inflation, and certainly pensioners for instance with their pensions, would love to receive a 50% increase, but certainly have not done so over the same period.

Was there any requirement in terms of service delivery imposed on the Gibraltar Taxi Association in order to implement this increase?

255 **Hon. P J Balban:** Mr Speaker, the service provided by the Taxi Association is a metered service, so they have to be actually there to be able to gain the benefit of that increase. That is the reply.

260 **Hon. T N Hammond:** Mr Speaker, what I am referring to: is there any requirement imposed in terms of the availability or improvements to the taxi service? We know the city service is frequently criticised. Was there any discussion between the GTA and the Government in terms of service delivery improvements, or any metrics in that regard for this increase?

265 **Hon. P J Balban:** Mr Speaker, the only way (*Interjection by Hon. Chief Minister*) that a taxi driver can actually gain the increase, as the hon. Gentleman has mentioned, is if they are there actually giving the service, so it is an incentive and so right for taxi drivers to be there, working, to be able to benefit from that 10p increase. If they are not there, they do not get the increase. So it is an incentive for them to work.

Q653-655/2016

Company enforcing parking regulations – Government arrangements

270 **Clerk:** Question 653, the Hon. T N Hammond.

275 **Hon. T N Hammond:** Mr Speaker, can Government say whether any Government or Government-owned company assets were transferred to the company now enforcing parking regulations and if so, whether there was any consideration paid for these assets?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 654 and 655.

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Clerk: Question 654, the Hon. T N Hammond.

Hon. T N Hammond: Can Government say what arrangements are in place between themselves and the company now contracted to enforce parking regulations with respect of collection of fines imposed by that company?

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Clerk: Question 655, the Hon. T N Hammond.

Hon. T N Hammond: Can Government say whether it has imposed any quotas with respect to parking fines on the company now responsible for enforcing parking regulations?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, in answer to Question 653, Gibraltar Car Parks Ltd (GCPL) has provided the company with the equipment for the period of the term of the contract and on a loaned basis. On termination of the contract, the company has an obligation under the contract to return to GCPL all such non-consumable items of equipment.

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There was no consideration paid.

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During normal working counter hours for Government, members of the public who are fined pay at the offices of Gibraltar Car Parks Ltd.

Payments received by the PMOs are handed in to Gibraltar Car Parks Ltd the following working day and processed accordingly.

And finally, in answer to Question 655, no quotas are imposed on the company.

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Hon. T N Hammond: Just coming back to Question 653, Mr Speaker, I understand then that the equipment has been loaned to the company. Is the Minister aware of what the length of the contract to that company is?

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Hon. P J Balban: Mr Speaker, the length of the contract is five years, I believe.

Hon. T N Hammond: So presumably, Mr Speaker, there is effectively a cost to the Taxpayer in terms of the depreciation of the assets, because over five years, if it is a vehicle, for instance, clearly it will be five years older and worth less. Is it correct to say that there is certainly no contribution on the part of the company in terms of depreciation of the assets that they have been loaned for free?

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Hon. P J Balban: Mr Speaker, in answer to the question, yes, clearly the goods will depreciate, but no different rate than they would have, had they remained with the company. They are being used by the new company, so the depreciation is the same. The arrangements are exactly the same arrangements as that agreed by the previous administration with Master Services cleaning, so I do not see how there is any problem with the way things have been done.

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Hon. T N Hammond: Mr Speaker, just for the record, I have not said there is a problem. I am just trying to establish the process by which the arrangements have been made with that company. The Minister seems to have become somewhat defensive on that issue, but he has clarified the point and I am grateful for that.

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Mr Speaker: The Hon. Roy Clinton.

330 **Hon. R M Clinton:** Mr Speaker, as in any commercial contract, I imagine there will be some incentive involved for the company. Could the Minister advise the House if the company get any share or some kind of percentage of the fines raised?

335 **Hon. P J Balban:** Mr Speaker, that was exactly the question that was asked by the hon. Gentleman: whether there was any incentive to fine. The reply to that question was no.

They get agreed amounts of money for the contract and the services they provide, and that is their incentive: what they get paid.

Q656/2016
Clamping of vehicles –
Monthly figures since 2015

Clerk: Question 656, the Hon. T N Hammond.

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Hon. T N Hammond: Mr Speaker, can Government say how many clamps in order to disable vehicles have been placed, by month, since January 2015?

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

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Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Gentleman is as follows: January 2015, one; February 2015, zero; March 2015, one; April 2015, zero; May 2015, one ; June 2015, one; July 2015, five; August 2015, one; September and October 2015, both zero; November 2015, one; December 2015, all the way to August 2016, zero; September 2016, 341.

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Hon. T N Hammond: Mr Speaker, can the Minister explain why the sudden and very dramatic increase in clamping of vehicles has occurred and is this now Government policy to enforce parking through a clamping policy?

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Hon. P J Balban: Mr Speaker, the law provides for the clamping of vehicles. Remember one thing must be noted, that the clamping of vehicles is done strictly to vehicles who would otherwise get that fine from the windows, screw it up in a ball and throw it away in the bin and not come back into Gibraltar, for example.

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The reason why there are so many clamps, is the only way that we can ensure that an offending vehicle which is not locally registered can pay their dues like any other person. So it is actually a matter of equality.

Hon. T N Hammond: So the Minister is saying there has been a change of policy and the intention is now going forward.

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Presumably there has been a change of policy, because from January 2015 to August 2016, there were fewer than 10 vehicles clamped, and then in September there were 341 vehicles clamped. So I presume that the Government's policy on enforcing of parking or the enforcement of parking measures has changed and it is now the intention to impose and use clamps as a means to enforce illegal parking.

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Hon. P J Balban: Mr Speaker, it is not a new policy. It has always been there – the facilities have always been there. Cars can be clamped or towed away, depending on the circumstances. It is just that local cars are not clamped or towed away. There is an FPN, as we call it, a fixed penalty notice is affixed to their window. It is only the vehicles that cannot or we suspect do not have to come back to pay this fine: it is the only method that we have to be able to ensure that they pay. This is also the case in every other country.

Hon. T N Hammond: Just coming back on one thing that the Minister said, is it the case, then, that of those 341 vehicles not a single local vehicle has been clamped?

Hon. P J Balban: Mr Speaker, no, that is not correct. Well, yes ... as far as I am aware, and I would have to come back to him, because obviously that is a very specific question which I would need to ask you to give notice to, or I can provide an answer at another time. I am of the opinion that – it is my understanding that – the clamps have probably all been issued to vehicles that are not local.

Now, tow-aways are a different story, because there could be a vehicle which is causing obstruction, and regardless of where the origin of that vehicle is, then that vehicle needs to be removed.

Hon. T N Hammond: Mr Speaker, I can inform the Minister that local vehicles have certainly been clamped, because I have been approached by many people who have been clamped in this way, particularly in Grand Parade, as it happens, and are actually finding it quite difficult at the moment, if they live in, for instance, Alameda Estate, to find parking, because they are actually terrified of being slightly off the white line and parked. So I can inform the Minister that certainly, of that 341, at least a proportion – I cannot say how large a proportion – has been clamped.

Hon. P J Balban: I have not heard any question coming from that, it has just been a statement. But I will find out. I thank the hon. Gentleman for that information. Again, I am of the understanding that is not the case because we have fixed penalty notices, but again I will find out and revert if necessary.

Hon. R M Clinton: Mr Speaker, I would be grateful if the Minister could clarify for me, what is the difference in the fine level between a fixed penalty notice and a clamping fine? And, does the clamping fine accrue to the Government or Gibraltar Car Parks, or does that go to the company which is doing the clamping?

Hon. P J Balban: Mr Speaker, there is absolutely no difference in the fine between a clamp and a fixed penalty notice. It is just the mechanism that we have to ensure the fine is paid. So, if it is a fixed penalty notice we give the person adequate time to go and pay, and the clamp is just a method that we can ensure that same payment. But there is not an increase in payment in that respect.

And, no, the hon. Member is asking the same question but from a different angle and I have already said that there is no incentive to the company apart from what the agreed sum is per contract for them to clamp more vehicles, or tow away more vehicles or fine more vehicles. I think I have adequately answered that from every angle now.

Hon. L F Llamas: Mr Speaker, I have got a supplementary to do with looking at this from the tourist angle.

Obviously the majority of these vehicles are coming from abroad and it is right that they have to respect where they should be parking. However, recently, only two weeks ago I saw a foreign registered car being clamped in the residential area of Alameda Estate and the person who was

clamping was not even aware that there is no such thing as a residential scheme and in Humphreys are yet to be implemented, and obviously nobody has an updated disc because it has not been renewed in quite some time.

Is the Government aware that this is an issue which has to be raised with the company in order to ensure that people are not unfairly clamped?

Hon. P J Balban: Mr Speaker, the hon. Gentleman is stating ... well, I assume that he is clear on what he is saying. *(Interjections)* Well, I will inform the hon. Member that there is no such residential scheme in the Alameda Estate, so that is not the case.

Now, where there have been clamps is when there has been a cleaning operation that has taken place and I am not sure of the days, but one time it is the north side, then it is the south side and car owners who fail to recognise that are clamped. So, if someone has been clamped that does not sound right because there is no residential scheme – *(Interjections)*

Mr Speaker, the hon. Member mentions the word ‘fear’, the fear of people regarding being clamped. It depends on which side you are on. If you are looking for a parking space and you are trying to find – as has everyone who has tried to find a car-parking space – this scheme of street-cleaning, not only does it do what the word states, which is clean the area, but it also serves a very, very important secondary function, and that is to allow for the circulation of vehicles. As we all know people, unfortunately, leave vehicles parked for weeks on end, if not months on end if there is no such scheme in place and, in effect, what they are doing is just taking a parking away from other potential users.

So, really, I think it is just a question of respect and these cleaning campaigns help not only to clean places, but for drivers to be respectful of others who may also wish to use those parking spaces. When parking enforcement was lower, people were saying it is not fair because they are not being targeted enough; and now, when it is better, it is not fair because it is too much. Whichever side you look at it, you are damned if you do and damned if you don’t.

I think this is a fair system, it ensures that indiscriminate owners who park their vehicles illegally at the expense of others are reprimanded in that respect.

Hon. L F Llamas: Yes, but my question specifically deals with the fact of a car which was parked and it had nothing to do with the cleaning and, when explained to the company employee, he actually did remove the clamp. I am asking Government if they can please ensure that this does not occur because it gives rise to tourists –

A Member: Put some signs up!

Hon. L F Llamas: – being clamped unfairly when they should not have been. That is the question I want to ask.

Hon. P J Balban: Mr Speaker, the hon. Gentleman is speaking completely about one case in question. If that is the case, there are mechanisms where the person can appeal that.

Mr Speaker: There is no need for an appeal, it was removed.

Hon. P J Balban: Oh, it was removed? Ah, right. *(Interjections)*

Hon. L F Llamas: It was removed because I happened to be there and tell the company employee that he could not clamp it because there was no such scheme in Alameda; and, obviously, the tourist would be none the wiser to be able to appeal if he had found the clamp.

So what I am talking about is the mechanism from Government’s point of view needs to be addressed with the company to ensure that tourist cars are not unfairly clamped when they should not be, and they are only clamped when they should be.

475 **Chief Minister (Hon. F R Picardo):** Mr Speaker, look, the Government of course seeks that the
company should only enforce the laws of Gibraltar and, if an over-zealous member of the
company thought he was doing something which was beyond the laws of Gibraltar, if that is the
case – because we are taking the hon. Member at his word – we will check with the company to
see on what occasion a person had a conversation with the hon. Gentleman who has become
480 the advocate of foreign drivers in Gibraltar. I hope he gets many votes from them, Mr Speaker!
(*Laughter*) The advocate of foreign drivers in Gibraltar will see what it is that he was advocating
on that day!

But look, a company that has a Government contract to enforce parking laws cannot enforce
laws that do not exist. But we will follow up with the company to determine what it was that
485 was happening in that particular case.

Hon. T N Hammond: Just coming back on the answer that the Hon. the Minister has given in
terms of whether it is a change of policy or not: am I correct in my inference that what is
happening is that the Government is trying to educate drivers? In that case it would imply to me
490 that there has been a change of policy and that we see better behaviours around parking, with
people not taking a parking space up for several weeks; in which case, it would seem to me that
local vehicles are being clamped because, clearly in order to enforce that policy of education on
our roads for local drivers, you would have to clamp local vehicles.

495 **Hon. P J Balban:** Mr Speaker, persons can be educated by being taught how to read signs and
obeying them, or by the placing of a fixed-penalty notice, or via clamping, or by towing away.
This is a process whereby we have to address it, and I think everyone will agree the dire situation
that is to do with parking. So, either we address it or we do not address it; and this is what we
are doing. (*Interjection*)

500 It is a dire situation of illegal parking, yes, everywhere in Gibraltar. Things are much, much
better now, but that is the issue we are trying to address.

Q657/2016
Right-hand drive vehicles –
Importation numbers

Clerk: Question 657, the Hon. T N Hammond.

505 **Hon. T N Hammond:** Can Government say how many right-hand drive vehicles have been
imported by month since January 2014?

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

510 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, the
Department has never kept statistics on right-hand drive vehicles registered in Gibraltar.

Hon. T N Hammond: Mr Speaker, I could be wrong on this but does not the logbook of the
vehicle indicate whether it is a left-hand drive or a right-hand drive vehicle?

515 **Hon. P J Balban:** Not that I am aware of, Mr Speaker, no. As I said these statistics have never
been kept in Gibraltar.

Q658/2016
Paving stones in Main Street –
Filling in the gaps

Clerk: Question 658, the Hon. E J Phillips.

520 **Hon. E J Phillips:** Mr Speaker, I ask this question on behalf of all the ladies that wear high heels in our community.

Can the Government confirm the position as regards the Government's commitment to filling in paving stones in Main Street?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, this was actually placed in our Manifesto directly as a result of our concerns for ladies who do wear high-heeled shoes, who were informing us and complaining of injuries sustained because of the works carried out to Main Street by the previous administration, that did not cater for their needs.

530 During the 2015-16 Financial Year, the Government filled the gaps between the paving stones at the northern end of Main Street from its junction between Cooperage Lane up to the junction with Engineer Lane, a length of approximately 100 metres.

535 During the current financial year a similar phase of works will be carried out to tackle those areas where open joints are causing a problem. The areas are currently being identified and works are earmarked to commence before the end of this year.

Hon. E J Phillips: Mr Speaker, I find that quite surprising, given the statement made by the Government on 8th May 2016 in which they confirmed that the phase should take place within five weeks to complete, in respect of filling in paving stone joints; and it was with much fanfare that the Government announced they would complete this process. And yet five months on there is no end in sight in relation to filling-in of paving stones.

540 Can the Government confirm what the hold-up is in relation to this matter, given the clear health and safety risks that have been referred to by the Government in relation to ladies' tripping over these paving stones? It is clear that the blame game continues with the GSLP blaming the GSD administration in relation to not filling them in in the first place.

545 But the question I would like to put to him is: why is it taking, when the initial estimate was five weeks and now we are five months on, is there still no progress? We have done 100 metres of Main Street and there is no end in sight.

550 Can the Government explain the delay in relation to that?

Chief Minister (Hon. F R Picardo): Mr Speaker, this is not a blame game; this is a reality check. This is a reality check that hon. Members are responsible for the works that caused this problem. It is a reality check that the hon. Member is getting up and acknowledging that there is a problem with a project that, previously, was a fanfare project for the GSD. This is a reality check that this side of the House is dealing with the problem. A reality check that we have started to deal with it, and a reality check that the works are going to be done in the context of the timetable that the hon. Gentleman has disclosed. That is what is happening, Mr Speaker.

555 Now, look, as a husband who suffers the beration of a wife who wears high heels, for not having yet sorted out the huge problem that the GSD created, I acknowledge that we have to complete this project and we will. Because they created the problem, which they have now accepted in the line of questioning that the hon. Gentleman has pursued, and we will finish fixing it, Mr Speaker. It is that simple.

565 I am sorry if the hon. Gentleman has ‘tripped up’ over policy on this one, but he should have seen it coming!

Hon. E J Phillips: Mr Speaker, I have one supplementary and I will give way then to my hon. Friend.

570 It just strikes me that you have a situation where the Government commit to doing something in five weeks, and five months later there is still no progress. They like to... It clearly is the blame game, Mr Speaker. But in their statement, and Mr Balban in his press release, said the following: ‘It gives me great satisfaction to announce the commencement of a paving repair programme as part of the Government’s continued commitments following extensive trials over
575 the last two years.’

How long is it going to take for this Government to solve the health and safety risks that are presented in relation to paving stones? It is two years of trials – *extensive* trials by the Government’s own admission – to now, and January is when we start filling in the gaps.

Mr Speaker, there is just no explanation for it.

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Hon. Chief Minister: I am delighted, Mr Speaker, to be able to join the dots for the hon. Gentleman.

He has just said something really quite remarkable and, as a result, I think the Government will have to consider how it acts in what was a flagship GSD project is actually a health and safety risk. When he goes back and reads his *Hansard* he will realise that he has now put the
585 Government on notice that the GSD’s project to put those paving stones in Main Street which, as we have had to hear from the GSD before, was a flagship project, is a health and safety risk to ladies.

So we will take that under advisement and we will consider how we deal with this magnificent admission from the GSD through the mouth of Mr Phillips, that this is a health and
590 safety risk.

The Government is dealing with a problem that we identified from opposition, and which we are fixing, which is not an easy problem to fix. You cannot just cement, because you sometimes need to undo these stones, they are not made to be cemented in, it is complex and there have
595 been delays and there have been alternatives considered. But look, Mr Speaker, we are on the verge of being able to resolve it. The hon. Gentleman has said so.

But the admission that this is a health and safety risk created by the hon. Members opposite, is one that I am very grateful for. I am genuinely grateful for the candour that the hon. Gentleman has brought to this House about the *abysmal* record of the former administration, and we shall pursue that carefully to understand what other health and safety risks this may
600 create for our community in general.

Hon. E J Phillips: Mr Speaker, if it is a health and safety risk as the learned Chief Minister says, why has it not been done before? It is going to take three years to fill paving stones.

605 My understanding is that the real issue for the Government here is the cost and actually removing each one of these blocks and cementing round it. That is the real issue, it is costing them too much and they cannot afford it!

Hon. Chief Minister: Mr Speaker, that is another demonstration of the nonsense that comes out of the hon. Gentleman’s mouth.

610 If he thinks that the Government of Gibraltar cannot afford that somebody remove a brick, clean it and put it in cement, he has got to persuade the Hon. the Leader of the Opposition that we are not actually in the good financial state we are in, because the Leader of the Opposition has already said that we are never going to go bankrupt – something that I was grateful he had
615 realised.

But it is not the Government that believes that this is a health and safety risk. The Government believes it is an inconvenience in particular for those who wear high heels. It is that the hon. Gentleman has got up and said today something really quite impossible to believe. He has got up and said that this is a health and safety risk!

620 Now, nobody has ever said that before; he is the first person to say it. So in the context of him saying it we are going to go away and consider how we deal with it. Everybody just thought it was a nuisance and an inconvenience until he got up and said that the flagship GSD project of the repaving of Main Street has created a health and safety risk. We will look at that.

625 Until then we are the practical ones; we are the ones dealing with the problem. We identified the problem which they did not say existed. We are dealing with that problem and look, Mr Speaker, when there is a Government project that is not in their manifesto for 2011 or in their manifesto for 2015 ... so it is not as if it is something they had not identified before, but when we identified it they supported it. We are dealing with it; we are the ones pragmatically dealing with the problem.

630 We are not going to accept hon. Members coming here and become the timers of when we are doing it. We are doing it. We will deliver the result before the next general election, of something that we said was a problem. They did not say it was a problem, they said it was something magnificent. So there is going to be a bit of a reality check here. This is not just ding-dong, GSD-GSLP. This is not just politics. This is us delivering a real result on the ground –

635 literally – for those who find this an inconvenience.

He is the one who has raised it to the level of a health and safety risk.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I may, I have to declare I have an interest here because I tried to wear high heels (*Laughter*) in town and it is very inconvenient! Yesterday, alone, I was literally stuck in a little pothole – I had to drop my bag and get myself out of it. It is something that plagues us women who like to wear heels.

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Mr Speaker: And men if you watch the television, the adverts, there are a lot of men wearing high heels these days! (*Interjections*)

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Hon. Ms M D Hassan Nahon: Whatever goes, Mr Speaker, but everyone should be entitled to wear heels.

I mean, yesterday we passed a very important piece of legislation on equality and anybody who wants to wear heels, man or woman, should be entitled to and should be feeling safe enough to do so in Main Street.

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The point here is that we do not. And I, personally, from this little side of the House do not care about GSD/GSLP, it is irrelevant to me. I am a woman, I wear heels, I cannot wear them in Main Street and I want to know how soon these streets are going to be able to be fit for us women and men, or whoever, to wear heels, please?

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Mr Speaker: Last supplementary that I am allowing on the issue of stiletto heels.

Hon. Chief Minister: Well, Mr Speaker, the hon. Lady has to acknowledge that she is in this House because she fought a general election with the GSD.

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The GSD did the works that created the problem. The GSD did not recognise that there was a problem. The GSLP Liberals said this has created a problem, and started the process of fixing it and are continuing the process of fixing it. So I will take from her statements today, *commendation* of the GSLP Liberals that we identified where she glibly did not at the last election, a problem; *commendation* that we are the ones fixing it and commendation that we should do so as soon as possible. So I will thank her for the backhanded compliment.

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But I will remind her, Mr Speaker, that section 15 of the Constitution availed us both of a very useful argument in respect of the right to equality to marry; but I have yet to find in the

Constitution, in respect of any particular aspect of attire, a right to wear anything. I think, unfortunately, there is a requirement that we wear *something* but not a right to wear anything.

670 But, having been the party that identified this nuisance, which we do not think is a health and safety risk, as the hon. Gentleman has in his usual hyperbole elevated the matter, we will continue to be the ones to deal with it timelessly. And I thank the hon. Lady for recognising that we were the first to realise this, we have been the ones to deal with it and we will be the ones to finish dealing with it, so that anybody can wear whatever they like in Main Street within the rules of public morality.

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Q659/2016

**Temporary mini-roundabout –
Permanent replacement**

Clerk: Question 659, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm how long the temporary roundabout at the junction between Glacis Road and Bayside Road has been in operation and when a permanent roundabout will be put in place?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the temporary mini roundabout at the junction of Glacis Road and Bayside Road was launched as a pilot scheme in April 2015. It will remain in place until the Ocean Spa Plaza development is completed, at which time a permanent roundabout will be constructed and the road resurfaced. The completion of the development is estimated to be around January 2018.

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Hon. E J Phillips: Mr Speaker, with respect to the Minister, that is an incredibly long time. Glacis Road is, as you know, an artery for incoming traffic, particularly tourist traffic and I think it is important that reflects it. Is there something can be done to beautify, effectively, or to make it look more pleasing to the eye for our tourists who spend their money in our jurisdiction, so that one of our arteries can be brightened up?

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Hon. E J Phillips: Mr Speaker, with respect to the Minister, that is an incredibly long time. Glacis Road is, as you know, an artery for incoming traffic, particularly tourist traffic and I think it is important that reflects it. Is there something can be done to beautify, effectively, or to make it look more pleasing to the eye for our tourists who spend their money in our jurisdiction, so that one of our arteries can be brightened up?

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It just looks terrible to have that rather odd plastic roundabout on which the markings are still unclear for incoming tourists and residents alike.

Hon. P J Balban: Mr Speaker, the roundabout is working tremendously well and it does not make any sense whatsoever for us to resurface the road at great expense to the taxpayer and build a roundabout which is clearly going to be destroyed because of the work vehicles.

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The only reason why we have not completed it, is not because we do not want to complete it – yes, plastic bricks are not ideal – but it is because the damage sustained by the contractors would mean that we would spend a lot of money in repairing and making it good now, and then we would have to do the same works again in the future.

So it does not make sense. The roundabout is working well and our Highways Engineers are always constantly on top of it because the lorries themselves create potholes. Most of the damage that we see appearing at the roundabout is as a direct result of the HGV heavy goods vehicles that use the roundabout, many of which access the construction site.

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Hon. E J Phillips: Mr Speaker, we have HGV vehicles travelling all over Gibraltar, particularly in different areas where there are building sites. (*Interjection*) But, look, this is an artery to

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Gibraltar, it is the front of house for our jurisdiction, for tourists and for residents and it just looks appalling, with the greatest respect to the Minister.

715 Surely something can be done, without great expense, to improve the quality of that roundabout so that people do not see Gibraltar just as a built-up area where construction is going on all the time? I think we really need to look at the aesthetics of the problem here.

Hon. P J Balban: Mr Speaker, on this side of the House we do not agree with that way forward. Our way of looking at it is that it is a roundabout that works tremendously well; it has
720 proved it is no longer a pilot roundabout in that respect. It is something that will stay.

It is a roundabout that gives a driver many different options to be able to turn left and right, where before every vehicle was shunted towards Waterport roundabout, creating many more traffic problems. So our plan is when the time is right and when the building construction is over, we will fix a roundabout at once and it will be fixed and be there to enjoy by drivers for a long
725 time.

We are not going to spend money now and then have to spend it again. I do not think that is prudent use of taxpayers' money.

Hon. E J Phillips: I think, with respect, there should be a reassessment of that position
730 because there is no left turn now into Bayside Road – that is blocked by the hoardings for the Ocean Village development. So there is no movement down Bayside Road, so therefore it makes pointless the purpose of having the continued pilot roundabout.

I have seen no traffic and I travel up that street every day, in fact, because I am going to watch my son train at 7 p.m. every evening, although I will not be there tonight. (*Interjection*)
735 Well, some reconsideration of that then, because aesthetically it looks bad and I think there is no traffic – that is my understanding and I have been going up there every day, as I said.

Hon. P J Balban: Mr Speaker, it is a great thing that I was a taxi-driver and I have driven through Gibraltar's streets and I know, and I take an active interest in our roads in Gibraltar. And
740 on many days I actually go up there and look at things for myself, because that is what I really enjoy doing.

I disagree with the proposal by the hon. Member that we might as well remove the roundabout until 2018, by which time we can replace it again; that would be totally wrong in my opinion. He is right in terms that you cannot go into Bayside Road, but lots of taxi drivers especially will use that to access Ocean Village gym, the Ocean Village Sunborn and the Ocean
745 Village complex to pick up clients. If they could not do that they would have to go all the way to Sundial Roundabout and come through Bayside Road to access the Sunborn and to access the gym. Many people, especially after bingo nights at 11 o'clock at night, I still recall, are picked up at that point and without that roundabout they could not do that.

750 Now, the other thing they have to take into consideration is that when you exit Bayside Road, before you had to go straight on to the Waterport Roundabout even if you were going to Four Corners or even if you were going to the East Side, you would turn left there as it avoids having to get into that traffic jam.

755 So I do not agree with the hon. Gentleman and what he has said. I think that it serves a very good purpose at the moment and so we will not remove the roundabout, and we will stick to our grounds and fix it once and for all in 2018.

Q660/2016
Gibraltar Taxi Association –
Service Agreement

Clerk: Question 660, the Hon. Ms N D Hassan Nahon.

760 **Hon. Ms M D Hassan Nahon:** Is the Government happy with the city service provided by the Gibraltar Taxi Association following the agreement signed in 2013?

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

765 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** No, Mr Speaker.

Hon. Ms M D Hassan Nahon: Would the Government concur with the Chamber of Commerce that it is, quote, 'giving a very damaging image of Gibraltar to visiting business people and tourists alike'?

770 **Hon. P J Balban:** Mr Speaker, objectively I think we would all agree that the taxi service is not perfect. Now, whether that it is causing a damaging effect to Gibraltar that is, I suppose, a matter of opinion and one that has been expressed by the Chamber of Commerce, and which they have a right to express.

775 I would be foolish to stand up and say the taxi service is perfect in Gibraltar because that is not correct. There are a lot of things that can be done to improve it and they, themselves, are the best advocates, and they are self-critical of their efforts and they are the ones who often propose solutions themselves as to how things can be improved.

780 That they are a long way from achieving that, perhaps so; but that they are damaging to Gibraltar, I do not agree.

Hon. Ms M D Hassan Nahon: Would the Government agree with the Chamber's suggestion then, that without competition the service will never improve? Or is the Government looking into the possibility of issuing new licences as a means of improving the service?

785 **Hon. P J Balban:** Mr Speaker, it is not the intention of this Government to offer new licences. I recall the Chamber of Commerce meeting before elections where the GSD in fact said that if they won the next election they would consider granting 50 more licences. But we have no intention of doing so; in fact the number of taxi licences in Gibraltar is perfectly adequate in our opinion.

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A Member: Mr Speaker –

Hon. Ms M N D Hassan Nahon: Mr Speaker, can I please finish?

795 If the Government is saying now that they are not looking into new licences and we are not talking about competition either, what kind of mechanisms does the Government have in order to improve the service?

What is the Government thinking as a means to improve the service?

800 **Hon. P J Balban:** Mr Speaker, there are a number of issues that affect the taxi service in Gibraltar and none is more important than the traffic situation itself. And although everything cannot be blamed on the traffic but it is a considerable problem that taxi drivers face, and reasons why they cannot get from A to B in that respect.

805 So there are many, many factors which affect the quality of service in Gibraltar but the number ... and we expect that, once the tunnel under the airport is completed, then this will solve many of the issues.

Now, if what the hon. Lady is saying is it would be a great idea to offer more licences, then the moment that this traffic gets better, what do we do with these cars? There is absolutely no need for new licences. One hundred and twelve taxi licences in Gibraltar is adequate enough.

810 That cars cannot get to places quick enough, perhaps: that there are times of the year where there is a greater demand; we have days where cruise ships come in; we have a lot of influx of tourists across the border. Clearly, in any part of the world, in any city of the world, there will be times when it is not possible to get an adequate service, and that happens. I have spent time in Victoria Railway Station in London and other parts of the world where it is impossible to get a taxi within 45 minutes. Then there are other times, when you go to Casemates here or you go to
815 the Airport, and there are loads of taxis and not enough clients. Again, you cannot – just because there are no taxis in one given moment in time – you cannot just go and say, ‘Well, let us give out more licences’ and aggravate the situation when there are. That is it.

Hon. Ms M D Hassan Nahon: Mr Speaker, the only thing I have heard from the hon.
820 Gentleman are reasons like traffic and the tunnel not having been completed. For example, at two in the morning, I and friends, and people, and also, yes, you hear it on Facebook, there is a general complaint that taxis take sometimes 30 to 45 minutes to come. There is no traffic and it is absolutely tumble-weeds around Gibraltar. In that case, the traffic excuse, I just do not think is good enough.

825 The tunnel: who knows when that tunnel is going to be built? We cannot all keep our hopes up that the taxi service runs well the day that tunnel gets finished.

Furthermore, to say that you are not preparing any solutions like any more licences and the issue of creating a competitive environment just shows me that there is no solution coming forth from Government at the moment. Let us not get into the, ‘It started with the GSD’. I have also
830 lived through problems with the taxis as a child when more licences were issued, so I know about the sensitivities with the Taxi Association.

But I must say that Gibraltar is growing, thankfully. We have a very upper middle class population coming into Gibraltar all the time. We have business, trade and industry and we need to know if and when –
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Mr Speaker: Try to ask your question.

Hon. Ms M D Hassan Nahon: – does the Government have a solution for the taxi service.

840 **Mr Speaker:** Try to ask a question, please.

Hon. Ms M D Hassan Nahon: We need a solution now and it rests on the Government to give us a solution, so please tell us what the Government is doing about it?

845 **Mr Speaker:** What is the Government doing about it?

Hon. P J Balban: Mr Speaker, traffic is not the only problem. I have said the traffic is not the only problem. The tunnel: you say that we do not know when the tunnel will be built, but if you read Government press releases we have categorically stated that in November 2018 the tunnel
850 will be built, so by that moment in time we will see an improvement.

It is not all about traffic – you are right. At three o’clock in the morning there is no traffic, but there is a big demand for taxis and we cannot oblige drivers to be out there all the time. There are not that many drivers working at three o’clock in the morning.

855 Again, as I have given the example of problems you face when you travel to other busy parts
of the world where there is an inevitable wait, unfortunately there is a wait for taxis at any one
given moment in time during the day. But, needless to say, the Government is very aware of all
issues. I, myself, am very aware of all the issues and we are working with the GTA to find
solutions, which I will assure the hon. Lady of. She has experience of this in the past. We have to
look carefully at how to make things better, but we have accepted and I have said clearly that
860 the Government is not happy and we are working to find solutions to make things better, but
those solutions will not come as a result of giving extra licences. That is one thing that this
Government is adamant will not happen.

Mr Speaker: I am very sorry but I have to tell Members that we have been an hour here and
865 nine questions are what we have dealt with! If we have 127 questions to deal with, that is – nine
into 120 – 14 hours! That is not good enough. I do not think a parliament of this size anywhere in
the world sits for 14 hours dealing with questions. (*Interjection*)

I want hon. Members on both sides to keep that in mind. The Opposition, they have a job to
do: to get information, to urge Government to take action and find out what the policies are.
870 You can do that by asking short, sharp questions with a point.

The Government: make your answers short; deal with the question that you have been asked
and do not express opinions and debate. I must urge Members to do that, unless they do not
mind being here for 14 or 15 hours.

I am in the fortunate position that I can be here 14 or 15 hours because I have nothing else to
875 do other than the fact that I am Mayor of Gibraltar, and my commitments here are beginning to
interfere with the work that I need to do as Mayor. Other than that, I have no family or
problems why I cannot be here, but if that is the position with all Members: Members in
Government, who are very busy at this time of the year and Members in the Opposition who,
when all is said and done, this is a part-time job and they have other responsibilities ... I have to
880 tell you that these are the realities. It is up to you. I can only try to implement the Standing
Orders, but I do have to draw your attention.

An hour for nine questions – nine simple questions, not terribly controversial; just you wait
until we get to the controversial ones – that is not good enough. It is up to you.

885 **Hon. R M Clinton:** Mr Speaker, if I may ask the Minister: he stated that the Government is
not entirely happy with the taxi service provided at the moment and he said he is looking at
solutions with the Taxi Association. Could the Minister advise if one of those solutions is actually
providing legislation to ensure that holders of licences actually do provide a service and, if they
do not provide that service, then the licence is removed?

890 **Hon. P J Balban:** Mr Speaker, no. The law actually states that a driver has to conform to
certain days of the week for city service. At any given day of the week, you will find around 18 to
19 vehicles on city service – that is imposed upon them. They do that for five days. Added to that
you have the licences which are radio taxis and those radio taxis provide the radio service. That
895 adds another 15 to 20 vehicles that are doing a radio service as well. But those do it because
they want to – that is their shift; they choose to do that.

Those 18 to 19 vehicles or drivers that I have already mentioned are the ones who have to
commit for a shift of five days and then the next shift comes into play. We actually give them
times, so they have to provide a service. I am speaking from memory so I apologise if I am not
900 entirely correct. But I think I is from eight or nine in the morning until, I think it is something like
eight o'clock in the evening that they have to be there, with one hour break for lunch, etc. At
weekends, I think they are allowed to start a little bit later, so I think on a Sunday they start at
10 o'clock if their five day shift encompasses or covers a Sunday.

So the law ... This is not, 'I will go down to work when I want to' or 'I feel like doing a bit of
905 city service today' or not. They cannot do Rock tours every day of the week. They have to

provide a service to the community. That is in legislation. If they do not comply with that, then the transport inspectors – of which there are seven – they will fine them, not only for those purposes but for purposes like not displaying taxi insignia on the cars, not displaying the licence numbers, not having a fare table visible to everyone. So there are many, many reasons why, and they are policed in that respect. We do ensure that taxi drivers – which is the most important point that you raise – are there doing their shift when it is their turn.

Mr Speaker: Next question.

**Q661/2016 –
MOT appointments –
Waiting time and online booking**

Clerk: Question 661, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Government explain to this House how long it is taking for car owners to obtain an MOT appointment and why it is no longer possible to obtain them online?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the next available appointment is for the 3rd January 2017.

The online MOT booking service is available and has been available throughout. However, some months ago one of the three lanes was closed due to staff shortage. As a result, the number of available bookings in the system has been reduced by a third. With fewer bookings available but the same number of MOT certificates expiring, the rate of bookings has not slowed down. This means that the waiting time for an appointment is constantly being pushed further and further into the future. This has had an impact on the online application. In order to keep performance of the Vehicle Road Worthiness Test booking system to an acceptable level, the calendar was originally only loaded with two months' worth of bookings.

When we were notified that no bookings were available during the two-month period, the window of appointments was increased to display three months, and later four months. The extra load created by checking four months' worth of bookings has resulted in the system being slowed down. However, while this may test the user's patience, the booking does get made if the user is willing to wait a few minutes and, of course, if there is an available slot within the four-month period.

Hon. Ms M D Hassan Nahon: I am sorry, Mr Speaker. I just want to say that at the time that I wrote this question, the online was not working, so if it is now I apologise for the question but at the time it was not working. That is all I wanted to say.

Hon. P J Balban: Mr Speaker, if the online booking system was down at that particular moment in time, obviously that may have been the case, but as far as I am informed, the reason is it has mainly been a slow-down more than it not working. As far as I am aware, it is working.

EDUCATION AND JUSTICE & INTERNATIONAL EXCHANGE OF INFORMATION

**Q662/2016 –
Gibraltar Fire and Rescue Service and LNG –
Training and additional equipment**

Clerk: Question 662, the Hon. T M Hammond.

Hon. T N Hammond: Can the Minister say what, if any, training or additional equipment has
950 been provided to the Gibraltar Fire and Rescue Service in order to deal with any incidents
involving LNG and, if none, whether any training or additional equipment has been programmed
or will be purchased?

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

955

**Minister for Education and Justice & International Exchange of Information (Hon. G H
Licudi):** Mr Speaker, the Gibraltar Fire and Rescue Service has been proactively engaged in
ascertaining its operational training requirements since the initial stages of this project. Regular
consultation and conference meetings have been held with professional representations from
960 outside and local agencies to confirm the proper training and equipment needed for the GFRS to
deal with any incidents involving LNG.

Numerous training providers have been identified and contacted. These include the Fire
Service College in the UK and the Flack Fire Academy in Rotterdam. Last month three officers of
the GFRS attended the Emergency Services Show in Birmingham, UK, at which they met with
965 representatives from Emergency Services Training Institute in Texas, US. This organisation is
globally renowned for excellence in LNG training, offering these courses in mainland Europe.

Also, during the GFRS visit to the Emergency Services Show a meeting with Mr Chris Caswell
from the UK Fire Service National Operational Guidance Programme was arranged to obtain
970 advice for the GFRS on the proper manner in which to formulate the emergency action plans for
Gibraltar's LNG Plant. I am informed that Mr Caswell has formulated the original action plans for
incidents at the UK LNG Isle of Grain Terminal.

Furthermore, the GFRS Hazardous Material and Environmental Protection Officer, with the
Senior Officer of Operations and Training and the Chief Fire Officer, recently conducted a
familiarisation and fact-finding visit to the LNG Terminal itself in the Isle of Grain in the UK. The
975 interaction with experts here is intended to contribute in determining the GFRS action plans,
training and possible equipment needs. This visit was organised in partnership with Kent Fire
and Rescue Service who provided the GFRS with an insight into their method of operations at
the LNG Terminal. In this connection, the brigade has also been in contact with their Norwegian
counterparts to explore their approach to LNG incidents.

980 As the hon. Member will see from that response, there is already quite a lot of initial work
and contact that has been established to precisely plan out the training requirements and the
equipment requirements of GFRS in this matter.

**Q663-664/2016 –
HMGOG and the University of Gibraltar –
Funding arrangements and self-sufficiency**

Clerk: Question 663, the Hon. E J Phillips.

985 **Hon. E J. Phillips:** Can the Government confirm what funding arrangements are in place between Her Majesty's Government of Gibraltar and the University of Gibraltar?

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

990 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I will answer with Question 664.

Clerk: Question 664, the Hon. E J Phillips.

995 **Hon. E J Phillips:** Can the Government confirm when the Government expect the University of Gibraltar to be self-sufficient/self-funded?

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

1000 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, funding arrangements for the University of Gibraltar are a matter of public record. On 4th September 2014 a Bill to appropriate the sum of £10 million in order to fund the University of Gibraltar was published. That Bill was debated and passed by this House on 17th October 2014.

1005 As I have previously explained, Mr Speaker, the Government envisaged that the £10 million would fund the set-up costs to the tune of approximately £6 million, leaving around £2 million per year for the first two years of operation.

Section 35(2) of the University of Gibraltar Act provides that:

... the University shall use its best endeavours to become and remain self-financing.

1010 That is a statutory obligation on the University and the Government has every expectation that the University will comply with its obligations.

The University has been operational for just over a year. It is therefore too soon for the Government to say when it expects the University to be self-financing.

1015 **Hon. D A Feetham:** Mr Speaker, am I right in saying that the Government expects – and I think that the hon. Gentleman has mentioned this before, and if he has could he confirm that continues to be the present intention – that the University will break even at year three and will be self-financing by year four? That has been my understanding, but I will be corrected if I am wrong.

1020 **Hon. G H Licudi:** No, Mr Speaker. I do not believe I have ever said that. I have said that we have put together funding arrangements for the University up to year three, the first three years, as I have already explained. I do not believe and certainly I have no recollection of ever having said, after that the Government expects the University to be self-financing.

1025 As I have explained, the University has a statutory obligation to 'use its best endeavours' and the Government fully expects that statutory obligation to be complied with. That does not mean that it is going to be self-financing next year or six months thereafter. That means it has to use its best endeavours to comply with its statutory obligations, and we expect it to do so.

1030 **Hon. E J Phillips:** Mr Speaker, I have just one further supplementary, hopefully. Are there any other capital projects that are envisaged in relation to the University itself? I have in mind, of course, the accommodation block – particularly in relation to that. Could the Government clarify that?

1035 **Hon. G H Licudi:** Yes, Mr Speaker, that is indeed a capital project that is envisaged for the University, but it is not a Government project. That would be a University project. What we have done – and as I believe I have already said – we have made available the land to the University for the use of the accommodation block. It is for the University to now develop its plans and arrangements to actually build that accommodation block.

1040 **Hon. D A Feetham:** But, Mr Speaker, in any venture of this nature that is going to be costly – and of course we have already passed a Bill in this House for the initial funding for the University to the tune of £10 million; that is a cost to the taxpayer – there must be a business plan that must have been drawn up when the Government decided to create the University showing at what point the Government expected the University to be self-financing, bearing in mind that
1045 there is a statutory obligation as well on the University ‘using its best endeavours’ to become self-financing.

Is the hon. Gentleman telling me that really there is not a business plan showing to the Government when it expects it to be self-financing?

1050 **Hon. G H Licudi:** Certainly when the Government set up the University it did not carry out a projection as to when it would be self-financing. What I did say – and I have said many times: this is a University which was brand new; it was going to start in a small scale and it needed to develop and evolve over time. It was impossible to predict how the University was going to evolve and develop in any particular year to be able to say with any degree of accuracy or
1055 certainty, other than simply being speculative or hypothetical and say, ‘Well, I want it to be self-financing in five years or ten years.’ We could have plucked a figure out of the air. We have not done so and now it is for the University to develop its own business plans, having regard to the fact that it has been operational for a year and now knows its business and where it can obtain its funds from.

1060 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister. He stated that land had been made available to the University for the accommodation block. Could he advise the House whether that land has been legally transferred to the University and, if so, when?

1065 **Hon. G H Licudi:** Mr Speaker, no, the land has not been legally – as far as I am aware ... Certainly I have made no arrangements, nor do I believe my colleagues have, for the land to be legally transferred. The land has been identified and earmarked and essentially made available to the University but not in a legal sense because the legal document still needs to be provided, but we have identified and earmarked that particular piece of land for the accommodation block
1070 of the University.

Mr Speaker: Next question.

**Q665/2016 –
University of Gibraltar –
Cost and staffing of kitchen and canteen**

Clerk: Question 665, the Hon. E J Phillips.

1075 **Hon. E J Phillips:** Can the Government confirm the cost of the kitchen and canteen installed at the University and the number of catering staff permanently employed to operate the kitchen and canteen?

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

1080

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the kitchen and canteen are part of the fabric of the University. There is a building cost which is part of the overall building costs, and certainly we do not have a building cost per room of the University. It was just a general project.

1085

But in terms of equipping and fitting – which is what, perhaps, the hon. Member is getting at – the cost of equipping and fitting the restaurant kitchen, the training kitchen and the canteen – because there are three elements: there is a restaurant kitchen; there is a training kitchen and there is a canteen at the University of Gibraltar. That cost was £256,042.55.

1090

The engagement of staff is a matter for the University of Gibraltar and not for the Government.

Mr Speaker: Next question.

**Q666/2016 –
University of Gibraltar –
Department of Education oversight or involvement**

Clerk: Question 666, the Hon. E J Phillips.

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Hon. E J Phillips: Can the Government confirm what oversight or involvement the Department of Education has in respect of the University of Gibraltar?

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

1100

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, section 19 of the University of Gibraltar Act sets out the composition of the Board of Governors. One of its members, by virtue of his post, is the Director of Education. That is the extent of the oversight and involvement of the Department of Education through its Director as a member of the Board of Governors of the University.

**Q667-670/2016 –
Five new schools –
Building stage, consultation, plans for Bayside School**

1105

Clerk: Question 667, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm the exact stage reached by the Government in relation to the building of each of the new five schools?

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

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I will answer together with Questions 668 to 670.

1115

Clerk: Question 668, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm whether parents, students and teachers have been consulted in relation to the plans to rebuild the five new schools?

1120 **Clerk:** Question number 669, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government confirm whether or not Bayside School will be rebuilt?

1125 **Clerk:** Question number 670, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government explain how it is envisaged that Bayside School will include, within the existing footprint of the school, playing fields for rugby, football and hockey?

1130 **Clerk:** Answer, the Hon. the Minister for Education and Justice.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the position remains as stated in answer to Question 474/2016. May I just say, Mr Speaker, that question was answered on 30th June 2016, so the position remains as stated in that answer.

1135 **Hon. E J Phillips:** As far as I recall from memory – and correct me if I am wrong, I am sure the Minister will – the position is that you are undergoing preparatory stages in relation to each of the schools. So insofar as the answer is concerned, you have not arrived at anything different as to the position? You are still in a preparation period for each of the new five schools? Is that correct?

1140 **Hon. G H Licudi:** That was the thrust of the answer given in June, so the preparatory work has commenced, consultation has commenced. A significant amount of preparatory work before bricks and mortar are actually laid is required, so that process is continuing. I am not saying that the process stopped in June because the answer is the same. The process of the preparatory work is continuing.

1145 **Hon. E J Phillips:** Mr Speaker, I am not too sure that 670 was answered in the last question in relation to the existing footprint and playing fields: rugby, football and hockey. There was some discussion in supplementary relating to that question but there is nothing more than that.

1150 I think the Chief Minister mentioned the playing fields, 'Why should not Gibraltar have the playing fields of public schools in the United Kingdom here?' I think that was referenced by him but there was no specific answer to that specific Question 671. I may be wrong. I know he may have it with him.

1155 **Hon. G H Licudi:** Mr Speaker, I do have *Hansard* with me. I do not know and I cannot recall whether that was specifically mentioned at the time but everything to do with the schools, Bayside and the others, and what will be contained in the footprint of those schools, are certainly part of the preparatory work that is being done at the moment.

1160 **Hon. E J Phillips:** One further supplementary in relation to that section of questions: it is right, then, that Bayside will be rebuilt? I just wanted to clarify that because it is not very clear from the answer that he is referring to and the one now whether it is going to be rebuilt. I just really need the answer to that very specific question.

1165 **Hon. G H Licudi:** Mr Speaker, part of the preparatory work involves precisely identifying how the project is going to be carried out and what the elements of the project will be. I did say at the time, I seem to recall, that it involves a very careful logistical exercise as to how it needs to

1170 be done. So those questions about rebuilding: which parts are rebuilt and which parts may not
be rebuilt; whether the whole thing is rebuilt are certainly questions that the preparatory work
will raise.

1175 **Hon. E J Phillips:** I think I will ask a very direct question, a very simple question. I know I am
taking much of Mr Speaker's time in relation to this point, but the question I am getting at is that
the Government's manifesto – the Strongest Foundations Manifesto – refers to – and most of
the glossy pictures demonstrate – an entire rebuild of five new schools in our community. What
people expect to know is, is this going to be a lick of paint refurbishment of Bayside School or is
it going to be rebuilt? That is the question I am asking and I would appreciate the answer.

1180 **Hon. G H Licudi:** Mr Speaker, what you get in manifestos are artist's impressions giving an
idea of what is envisaged. The hon. Members will recall that the final product may not be exactly
the same as that artist's impression; it may actually be better. The hon. Members will recall that
in 2011 we published a manifesto with a 700-berth marina, which has nothing to do – except for
the location which is very close – with the marina that we actually built. The marina that we built
1185 is much, much better than the artist's impression in 2011 would suggest. Therefore, the fact that
there is an artist's impression is simply for guidance. It does not tie down the Government to
what it needs to do and how it needs to do it. All these things need to be assessed and
determined and the Government will take its time and will deliver its commitments as set out in
the manifesto before the end of this term of office.

1190 **Hon. E J Phillips:** Mr Speaker, the answer to that question really demonstrates – and I put the
question very succinctly – a real lack of vision and lack of preparation in relation to this –

1195 **Mr Speaker:** Look – and I have to issue a word of warning to the hon. Member. He is not
going to be able, unless he is very careful, to ask further questions arising from these five next
month. He may have to wait six months before he does so, according to the Rules, because we
are talking of *progress*. That is what he is seeking, right? Therefore, having asked the question,
having been told that the position is exactly the same as it was last June, in a way he has pre-
empted himself from asking questions that he was perfectly entitled to in January, but now that
1200 we are in October, that has been moved to about April. I think I should issue a word of warning.

Now, carry on with the question on Bayside.

1205 **Hon. E J Phillips:** The reason why I say that is because clearly one of the questions that was
put in this House today was about the roundabout at Bayside junction. If we are going to have
heavy lorries moving down through Bayside Road where the new school is going to be rebuilt, it
clearly shows a lack of vision and lack of preparation between my learned and hon. Friend across
the floor and the Minister Balban in relation to that. Clearly, there is no planning here. A school
is going to be rebuilt from the ground up and they are not even thinking about the roundabout
on Bayside Road. This school is going to be complete, they say, in three years' time, so we are
1210 looking at 2019, 2020.

I put it to him that we would at least like some indication as to how he is going to rebuild the
school.

1215 **Hon. G H Licudi:** Mr Speaker, to say that I am flabbergasted by that supplementary is the
understatement of the year! To suggest that the Government has not got vision because it has
not discussed the issue of a roundabout in the area not even outside Bayside ... He is talking
about Bayside and rebuilding Bayside, and now he turns to a roundabout which is 500 metres
away and suggests there is a lack of vision, lack of foresight and lack of planning because I have
not consulted with Mr Balban as to what will happen to the roundabout. The hon. Member has
1220 been given a clear position on that roundabout: it will be ready and resurfaced when the

building adjoining the roundabout is complete. That has absolutely nothing to do with Bayside, and therefore what the hon. Member is raising is quite simply a red herring.

1225 **Hon. D A Feetham:** Mr Speaker, what I am interested in, quite apart from the answers to the question that my learned and hon. Friend, Mr Phillips has asked, is whether the Government intends to rebuild Bayside School or whether it is just going to be an internal refurbishment of Bayside School, because the impression that clearly the community had at the last election was that Bayside School was going to be rebuilt. That is what I am interested in, in the supplementary that I am asking.

1230

Hon. G H Licudi: Mr Speaker, the excellent plans for the new Bayside Schools will be announced when the Government is ready to do so.

1235 **Hon. D A Feetham:** Mr Speaker, that may be so. I am absolutely certain that they are going to be excellent plans, of course –

Mr Speaker: He said for the ‘new’ Bayside School.

1240 **Hon. D A Feetham:** Yes, Mr Speaker, but of course one can call something ‘new’ by just simply refurbishing it on the inside. The question is: is it going to be rebuilt, or is it going to be a refurbishment job? That is basically it. That is a really simple question that the hon. Gentleman ought to be, in his capacity as Minister for Education, able to answer.

1245 **Hon. G H Licudi:** The position is very simple, Mr Speaker. We have certain requirements and we have given certain commitments. The professionals are now going to be looking at how those commitments and those requirements of the different schools... because we are not just looking at Bayside, we are looking at other schools, so the preparatory work is in respect of the other schools, and whether it is a complete rebuild or almost a complete rebuild, or a major refurbishment plus rebuild, the outcome will be a new school for Bayside, as we do have already
1250 two new St Bernard’s schools on the site of an old building, with magnificent facilities. Have those been rebuilt? Are they refurbished? What are they? It does not matter what the label is. Labels do not matter. What matters is the outcome and the product, and the product will be just as good as the new schools we have already delivered in our last term of office.

1255 **Several Members:** Hear, hear. (*Banging on desks*)

Q671-672/2016

Bayside School –

Conversion of timeout and sixth-form common rooms

Clerk: Question 671. The Hon. E J Phillips.

1260 **Hon. E J Phillips:** Mr Speaker, can the Government confirm why the timeout room at Bayside School was converted into a classroom and why the new timeout room was incorporated into the study hall?

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

1265 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I will answer this question together with Question 672.

Clerk: Question 672. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm why Bayside School has removed the sixth-form common room and converted it into a classroom?

1270

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

Hon. G H Licudi: Mr Speaker, this was done in order to create additional classrooms required due to an increase in the number of students.

1275

Hon. E J Phillips: Doesn't the hon. Gentleman agree with me that the longstanding common room that many of us in this House have enjoyed over the time of our studies at Bayside should be maintained in some form? It gives the opportunity for students to clearly have timeout space – I am not referring to the time out, but time to study privately in the common room – and have a break from their studies, so removing the common room has had an effect on students and some of them have approached me with this issue.

1280

In relation to the timeout room, my understanding from people who have spoken to me is that it has been converted into a classroom and that the new timeout room has been incorporated into a study hall. The timeout room is specifically, to my knowledge, being used for the purposes of time out for certain students who have had some difficulties, and therefore it just seemed the wrong process by which to increase rooms. I understand the need to increase rooms, but the maintenance of a common room is also important in Bayside.

1285

Hon. G H Licudi: Mr Speaker, if the hon. Member believes that individual Ministers sit down and determine what each room in every Government building is used for, then he has got a different notion to being in Government than what we have experienced in the last five years. These are decisions for the professionals. They have got the building, they have got a fabric there, they have got to make the best use of an educational facility to provide the level of support, learning and teaching that is required. So, if they decide that the best use... 'best' use, because there may be choices to be made: do you leave it in this use, or do you use it in this other way? The hon. Member may disagree, but the professionals who know about these things are the ones who take these decisions and they have decided that this is the best use for these particular facilities. Therefore, I bow to the professionals and not to the hon. Member.

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1295

Hon. E J Phillips: Mr Speaker, of course I understand the professionals are in situ and therefore they conduct what they believe is the best use of these rooms, but we also have to consider the significant number of students in sixth form that use the common room and have an interest in maintaining the common room. I understand that difficult decisions have to be made at that level, but I think we should also consider those students who require that facility. We have all used it – I have used it and I am sure all of us in this room who were at Bayside have used the common room.

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Hon. G H Licudi: Yes, Mr Speaker, and I am sure the professionals who took these decisions have considered those matters and have determined what the best use is, but in any event I am sure that all these matters will again be considered in the context of the new Bayside School, in the same way as we considered all of these matters in the context of the new, excellent and magnificent St Bernard's schools.

1310

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

1315

Hon. E J Reyes: Mr Speaker, I do not think I have got to declare my interest that I do come from the teaching profession, but I will.

1320 I am grateful to hear the Minister saying that he has left the matter in the hands of professionals. I take it by that he can either mean the profession in general, or perhaps by representation through the Teachers' Association or with the senior management, the headteacher, his deputies and so on. And of course consultation is great and helps Ministers, whatever political party they come from, to carry out their duties in the best manner possible.

1325 Can the Minister now confirm whether there has been any consultation whatsoever as well with the sixth-form students, who are the parties directly involved?

1330 **Hon. G H Licudi:** Mr Speaker, I have no idea. It has not been a ministerial decision. I have not even been consulted on this. It is not a matter for the Government or for the Minister to interfere in these matters. It is a matter for the professionals, and by 'the professionals' I would expect the head of the school and the senior management of the school to discuss it with the Department of Education and come to a view as to the best use of the facilities they have for all the students and all the staff.

1335 **Hon. E J Reyes:** Mr Speaker, taking on board what the Minister has just said, is there any Government policy as to whether there should or should not be a sixth form in any of our secondary schools?

A Member: Common room.

1340 **Hon. G H Licudi:** Mr Speaker, this is not a matter of whether there is or there is not a policy. There was a sixth-form common room. Would we like to see one in the schools for the secondary? Yes, absolutely, the Government would certainly like to see common rooms for the sixth form in the secondary schools.

Q673-674/2016
Truancy rates –
Rates by school

Clerk: Question 673. The Hon. E J Phillips.

1345 **Hon. E J Phillips:** Can the Government confirm truancy rates at each school operating under the auspices of the Department of Education?

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

1350 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I will answer this question together with Question 674.

Clerk: Question 674. The Hon. E J Phillips.

1355 **Hon. E J Phillips:** Can the Government confirm what measures or procedures are in place for reducing truancy?

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

1360 **Hon. G H Licudi:** Mr Speaker, truancy rates at all schools, barring Bayside and Westside, stand at 0% of the school population. At Bayside the truancy rate stands at 2.2% of the school population; the figure at Westside is 1%.

1365 School registers are checked daily and weekly. The school then endeavours to engage with
parents when children playing truant are flagged. Meetings are set up in school with the parents
in order to try and ascertain why the child is absconding. Strategies are worked out: it may well
be that the child is placed on a daily report which needs to be countersigned by the parent at
the end of each day. The school's liaison officer is then invited to come in and speak with the
child and the parents. The Department's Advisory Service becomes involved at this stage, and
education advisers and psychologists also attend these meetings. The situation is periodically
1370 reviewed.

The matter is referred to the Care Agency if the parents do not co-operate and the truancy
continues. The school writes to the parents explaining that the child is still absconding or not
attending school, and this could lead to the Director sending a school attendance order to the
family if the issue is not resolved.

Q675/2016
Royal Gibraltar Police –
Manpower resource

1375 **Clerk:** Question 675. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm that they are satisfied that the
Royal Gibraltar Police are sufficiently resourced, particularly in relation to manpower?

1380 **Clerk:** Answer, the Hon. the Minister for Education.

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

Q676/2016
HM Court Service –
Drugs court

1385 **Clerk:** Question 676. The Hon. E J Phillips.

Hon. E J Phillips: Given the strong link between drugs and the commission of criminal
offences, has the Government given thought to the creation of a specific drugs court within the
existing resources available to HM Court Service?

1390 **Clerk:** Answer, the Hon. the Minister for Education and Justice.

**Minister for Education and Justice & International Exchange of Information (Hon. G H
Licudi):** Mr Speaker, the Government does not currently have any intentions of creating a
specific drugs court.

1395 **Clerk:** Question 677. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide the total gross debt –

1400 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I was just going to suggest this might be a convenient moment, given that we are between Ministers, to recuse the House for 15 minutes and then continue.

Mr Speaker: We will now have a short recess.

The House recessed at 3.50 p.m. and resumed its sitting at 4.10 p.m.

1405

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q677-680/2016

Public finance –

Public debt; liquid reserves; Sinking Fund

Clerk: Question 677. The Hon. R M Clinton.

1410 **Hon. R M Clinton:** Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for each of the following dates, being 1st August 2016 and 1st September 2016?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

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Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question together with Questions 678 to 680.

Clerk: Question 678. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government please provide the total liquid reserves figure and its constituents, namely Consolidated Fund, Improvement and Development Fund, Government-owned companies, deposits, contingencies and other funds for each of the following dates, being 1st August 2016 and 1st September 2016?

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Clerk: Question 679. The Hon. R M Clinton.

1430 **Hon. R M Clinton:** Mr Speaker, can the Government please advise how total liquid reserves are invested/held, giving details of all bank/savings bank accounts and cash held for each of the following dates, being 1st August 2016 and 1st September 2016?

Clerk: Question 680. The Hon. R M Clinton.

1435 **Hon. R M Clinton:** Mr Speaker, can the Government advise how much has been paid out of the Sinking Fund from inception to 31st March 2016 in respect of interest payments?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

1440 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, the Government will be providing the information that has been provided previously, but not the further breakdowns requested by the hon. Member.

The gross debt and the Sinking Fund balance have not changed in July and August.

The cash reserves and the net debt for the dates requested were estimated at £45.2 million and £42.2 million, with the result of a net debt of £400.8 million and £403.8 million.

1445 Interest on the public debt from the Sinking Fund for the period requested has been £3,290,480 million.

Hon. R M Clinton: Mr Speaker, I am grateful to the Hon. Minister for providing at least the cash reserves and the net debt figures of which I am very grateful.

1450 Can he confirm just one simple question, that – I suppose I should work backwards – the gross debt figures unchanged are £447.7 million?

Hon. J J Bossano: Yes, Mr Speaker, that is correct, there has been no change in that.

1455 **Hon. R M Clinton:** Thank you, Mr Speaker.

In respect of the other information I was requesting, would the Minister be able to confirm to me, in terms of the components – although he may not give me the numbers – of total liquid reserves, when it comes to Government-owned companies would that include companies such as Gibraltar Investment Holdings Ltd?

1460 **Hon. J J Bossano:** Mr Speaker, as I have explained in the past, the system that existed prior to December 2011 and came into existence post May 1996, i.e. the period when the party that he represents in this Parliament was in Government... all the money in all the companies is pooled together and managed by the Treasury. That includes, in some cases, companies that have got a zero balance, companies that have got a plus and companies that have got a minus, and the net figure of company balance is the addition of the pluses and the minuses.

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

1470 We recently had the Principal Auditor's Report for 31st March 2015, and I note that in terms of liquid reserves the number at 31st March 2014 – including the Government-owned companies, which was £201.68 million – the total number was £284.29 million compared to the position at 31st March 2015, which was £134.33 million, which represents a decrease of £159.96 million, or effectively £160 million decrease in liquid reserves in one year. I note that the bulk of this seems to be from Government-owned companies.

1475 My question is: if Credit Finance has a call deposit with Gibraltar Investment Holdings Ltd, is the Minister confident that Gibraltar Investment Holdings Ltd will have sufficient cash to repay that call deposit if total cash in Government-owned companies at 31st March 2015 was only £60 million?

1480 **Hon. J J Bossano:** Mr Speaker, as you well know, the Standing Order does not allow Members to ask in supplementaries for information that has nothing to do with what was in the original question, and therefore the answer to his question is yes, but I am not required to give him an answer.

1485 **Hon. R M Clinton:** I understand that 'yes' to mean that he is confident that Gibraltar Investment Holdings can repay the call deposit at call. I presume ... if I may ask him to share with us what it is his understanding of the word 'call' means.

1490 **Hon. J J Bossano:** Mr Speaker, he is not entitled to ask me that question because it is in breach of the rules, which say that you cannot introduce new material in supplementaries that do not arise from the original question. Because I have given him an answer which he is not entitled to have, he now wants me to give him an explanation for my answer. Well, he is not going to get one.

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

1495 Again, I thank the hon. Member. Coming back to the question about the net debt and the gross debt figures, is it now the intention of the Government to place these numbers on the Government website on a monthly basis?

1500 **Hon. J J Bossano:** I do not put information on the Government web page at all – I do not believe in web pages – but it may well be that it gets put on the web page.

Hon. R M Clinton: Mr Speaker, I thank the hon. Member for that answer.

1505 In terms of the Sinking Fund, I am now in possession, finally, of at least some movements in the Sinking Fund for the year 31st March 2015, and I note in his answer to my question the hon. Member says that the total interest paid out of the Sinking Fund was £3.294 million – if that is correct.

Hon. J J Bossano: I will repeat the answer, Mr Speaker: it is £3,290,480.

1510 **Hon. R M Clinton:** So, Mr Speaker, if I understand correctly, effectively £3.2 million between us, yes? Okay.

Mr Speaker, I would be grateful if the hon. Member could explain to me what is the discrepancy, as it would appear to me, between £3.2 million of interest and the payment showing in the Principal Auditor's Report for the Sinking Fund movement, which says:

Redemption returns paid on issue of capital bonds of £8,342,391.

1515 **Hon. J J Bossano:** Mr Speaker, perhaps I need to point out to the hon. Member that what he is doing now is asking in supplementaries for explanations of things that are in the Principal Auditor's Report, which was tabled at the last House.

1520 The explanation for that is the explanation that there is in the book: that that payment was for the repayment of capital bonds and not for the payment of interest. He has put a question of the payment of interest – I have given him the answer to the question that he has put and now he wants to know what is the explanation for what is reported by the auditor in the audited accounts that were tabled at the last meeting of the House. That explanation is that they are capital bonds that were repaid in that period and that was the amount that was repaid, but that amount did not constitute interest – which is what he has asked me now.

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Hon. R M Clinton: Mr Speaker, I really do here run the risk of having a supplemental disallowed. If I understand the Member correctly, is he telling me that the capital bonds were issued at a discount and redeemed at par, or they were redeemed at a premium?

1530 **Mr Speaker:** No matter how generous the Minister is in providing information, I find it very difficult as Speaker, given the five questions originally on the Order Paper, to take the view that that supplementary automatically arises from any of those five. I do not think it can be construed.

1535 There are questions which invariably the hon. Member is going to make which require separate notice. He has to give separate notice of questions.

Hon. R M Clinton: Mr Speaker, I accept your ruling entirely.

1540 If I may deal precisely with the £3.2 million paid out of the Sinking Fund, which – and the Minister may correct me – I presume must have been paid from 31st March 2015 and 31st March 2016, it must be for that year ...?

Hon. J J Bossano: Mr Speaker, I have answered the question that he asked, and he did not ask that question in respect of one financial year, he asked the question paid out from the inception of the fund, so the answer is that is the figure from the inception of the fund.

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Hon. R M Clinton: Mr Speaker, coming to the Public Finance (Borrowing Powers) Act, may I ask the Minister whether, in the calculation of the annual debt service ratio, any interest paid out of the Sinking Fund is taken into account?

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Hon. J J Bossano: (a) I am not a lawyer, and (b) I am not here to give him legal advice, Mr Speaker. Nevertheless, my interpretation – having been here for 44 years – of that particular piece of legislation is that the debt servicing ratio, which has to beat the percentage of the revenue, is independent of how it is repaid when it is repaid. The amount is calculated on the basis that if to service a public debt in a given year you have to pay £20 million in interest, then that is the figure that is used in the formula. The fact that it is paid from the Consolidated Fund or paid from the Sinking Fund or paid from anybody else has no relevance, because there is nothing in the law that makes any mention of where it has to be paid from. It is just a formula to give an indication of what it costs as recurrent expenditure to carry that volume of debt.

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Hon. R M Clinton: Mr Speaker, would the Hon. Minister accept that without the movements on the Sinking Fund in terms of interest, and given that, as he says, again, I am no lawyer either, the interest payment is made out of the Sinking Fund, that it would be pretty nigh impossible to work out the debt service ratio without the information on interest paid out of the Sinking Fund, because obviously when we look at the charges on the Consolidated Fund it has a LIBOR Bank interest and Government debenture interest, but obviously the interest paid out of the Sinking Fund would not appear?

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Hon. J J Bossano: No, Mr Speaker, I do not agree at all with what he says. I think it is completely irrelevant and complete nonsense. I have just explained to him.

1570

Look, if he is lending me money and I have to pay him interest, the amount of interest that I have to pay him is what is then used in the formula in the Public Loans Act, which then says that that is cut at a certain percentage. Whether I pay him from the Consolidated Fund or from the Sinking Fund, and whether I pay all of it from the Consolidated Fund or all of it from the Sinking Fund has no effect on what that figure is, because it is a figure that is determined by the amount that is payable, not by who pays it. So the answer is it does not matter. We can pay it all from one place or all from another, but it neither increases nor decreases the payable amount.

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Hon. R M Clinton: Mr Speaker, I think we both agree with each other. I understand exactly what the Hon. Minister is saying. But that is not my question. My question is: how is it possible to determine from the annual Estimates Book, which has a charge in here for bank interest and interest payment on Government debt, which is, as we all know, cash based, and then you have a one-line number £10 million into the Sinking Fund ... how is one able to determine what the debt service ratio from this side of the House is without having sight of what interest is paid through the Sinking Fund?

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Hon. J J Bossano: I am not sure that I am really supposed to give him lessons on how he should do it, which I did when I was there. Mr Speaker, he is asking me how is he, from the Opposition, going to figure out ... Well, look, he is looking at the wrong place in the book – that is the answer. What he should be looking at is the information he has already got on what is the interest on the debt, which is not something that is reflected anywhere in that, which is all estimates of what we think is going to be spent in respect of certain things during the course of the financial year.

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1595 At the end of the year an exercise is done, which is done retrospectively. You take the
previous year's revenue and the previous year's income and the previous year's expenditure,
and in that global numbers game there is a figure for the interest for the year which, for
example, at the beginning of the year you may not be able to predict. At the beginning of the
year we have an estimate of the amount of borrowing we have got. That does not mean that
there is a prohibition to increase the level of debt during the year, because what we have done
is an estimate, and the prohibition is the maximum of 40% of the GDP. If we wanted or we
1600 needed to increase the debt during the year, that debt would increase. If that debt increased,
the estimated interest during the year would naturally increase. It would increase more if we did
it in April and it would increase very little if we did it in February 2017. So it is not a figure that
you can calculate on the basis of the estimates for this year, because the estimates for this year
are not set in tablets of stone.

1605 At the end of the year what is required is that we should not have breached the percentages
laid down in the law, and I can tell him that interest rates would have to be very high for those
percentages to be breached with the volume of debt that we have got. So what he is looking at
is are we within the limit, and the answer is we are within the limit, but of course one of the
things with that particular limit, which is defective in a way, is that should the pound collapse
1610 totally tomorrow and we did not have fixed interest rates and we had floating rates, we could
suddenly find ourselves with the interest rates being more than we anticipated and the
possibility of having a problem that we might be reaching the maximum that is permissible
under the law. At present that is not something that is likely to happen.

1615 **Hon. R M Clinton:** Mr Speaker, finally, I would just like to record my thanks to the Minister
for actually now giving us the gross and net debt figures. Thank you, Mr Speaker.

Q681/2016

**Maritime Cadet Training Scheme –
Gibraltar students**

Clerk: Question 681. The Hon. E J Reyes.

1620 **Hon. E J Reyes:** Mr Speaker, can Government provide details in respect of any Gibraltar
students currently undertaking the Maritime Cadet Training Scheme, indicating at what stage
they are in their training and estimated completion date, together with qualifications aimed to
be attained?

1625 **Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):
Mr Speaker, at present there are none undertaking the Maritime Cadet Training Scheme.
However, there is one person funded by a discretionary grant from the Department of Education
who has been doing a comparable course of study since 2015.

1630 **Hon. E J Reyes:** Mr Speaker, I am really glad to hear that there is a student enjoying a
discretionary grant and so on. Would the Minister happen to know what is the qualification that
should be attained upon successful completion of this course?

1635 **Hon. J J Bossano:** Yes, Mr Speaker, I thought he might want to know. The position is that this
student has been in the Warsash Maritime Academy, which is where we used to send the ones
under the scheme previously, as a cadet officer. He has been working on ... The first ship was

1640 called *Mare Transporter* from Germany. He has been back to Gibraltar and he has been out on several other ships. He is expected to finish his studies in 2018 and he would then be qualified as an Officer of the Watch. He has to accrue a minimum of 12 months on board a ship during the three-year period; and it is a sandwich course, which means he is part of the time in the college and part of the time at sea, and he has been on different ships.

1645 **Hon. E J Reyes:** Thank you, Mr Speaker. It is great to hear that and I hope the Minister does agree with me that these sort of courses, ones where it is a combination of practical and theory, do end up producing really – in my opinion, and I hope the Minister’s opinion as well – better quality professionals because they have done a lot of the training on the ground.

1650 May I add, Mr Speaker, if I posed it as a question, would the Minister agree with me that perhaps he could ask – especially the new Minister for Education who is going to take over that portfolio – should ask that we encourage, in a nice way, the professionals within the schools to ensure that the students there are informed about the availability of joining the Maritime Cadet Training Scheme. I am sure the Minister, like myself ... I am always extremely proud to see reports in newspapers, like in *Today*, of young Gibraltarians attaining qualifications and so on. Above all what makes us proudest is to see a Gibraltarian being the Captain of the Port, and
1655 perhaps when the day comes that the hon. Member and myself both decide to call it a day in this House and meet in the lower Chamber downstairs enjoying a coffee, then we will be satisfied that we have planted the seeds for a new Captain of the Port to be a Gibraltarian wherever possible.

1660 **Hon. J J Bossano:** Well, this is not a run-of-the-mill course, Mr Speaker, because it does mean spending at least half the time at sea on merchant vessels, and that is not everybody’s cup of tea. I spent myself four years, but not at such exalted heights – I was a mere deckhand! But certainly I think it is important that people should be aware that that is an opportunity that exists, and if there are people attracted then fine.

1665 I have always believed that in providing education – it is something that surfaced earlier in another question, no – really we should not push people in a direction that is not their natural inclination, because people are more likely to perform better and produce better results if what they set out to learn is something that inspires them and they enjoy doing. That is why in our educational scholarships we do not require people to limit themselves to things that are useful
1670 for us in Gibraltar. The result of that is that we lose an awful lot of the people that we train, but as the hon. Member correctly says, it is important that those who do undertake training would at least at some later stage in life be able to come back and bring back their knowledge and their experience to serve in Gibraltar, as has been done in the case of the Port.

1675 So, I agree with his sentiments and I will certainly recommend his views to the Minister for Education.

Q682-685/2016

Construction Trades and Engineering Training Centres – Enrolled trainees; new intakes; level 1 NVQ

Clerk: Question 682. The Hon. E J Phillips.

1680 **Hon. E J Phillips:** Mr Speaker, can the Minister for Training provide updated details in respect of all trainees currently enrolled at the Construction Trades Training Centre, listing the specific discipline or course being followed, as well as indicating at what NVQ level they are enrolled together with their start date at the Training Centre?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

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Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):
Mr Speaker, I will answer this question together with Questions 683 to 685.

Clerk: Question 683. The Hon. E J Phillips.

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Hon. E J Phillips: Can the Minister for Training provide updated details in respect of all trainees currently enrolled at the Engineering Trades Training Centre, listing the specific discipline or course being followed, as well as indicating at what NVQ level they are enrolled together with their start date at the Training Centre?

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Clerk: Question 684. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, please state the number of new intakes at the Construction Trades Training Centre and the Engineering Trades Training Centre in 2012, 2013, 2014, 2015 and 2016?

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Clerk: Question 685. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many people are currently undertaking Level 1 NVQ at the Construction Trades Training Centre and the Engineering Trades Training Centre?

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Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):
Mr Speaker, I will include these issues in my contribution to the motion on the Order Paper dealing with training. *(Laughter)*

1710

Hon. D A Feetham: Mr Speaker, of course one thing is debating a motion, which Mr Speaker always has commended to this House since he took up the speakership, and indeed that we have lately been taking up, because we have been filing an intend to file motions very regularly; and the other is answering questions which are perfectly legitimate questions.

1715

Can the hon. Gentleman – because he has done this before – confirm that the information that we are seeking in these questions – certainly the information that I am seeking at 684 and the information that I am seeking at 685 – will be provided during the course of his intervention in the course of the motions? That is the question, but may I remind him that when we asked for questions on net debt and cash reserves prior to the Budget, the hon. Gentleman said that the information was going to be provided by the Chief Minister in the course of his intervention, and it never happened. So please could you confirm that that is going to be the case?

1720

Hon. J J Bossano: Yes, Mr Speaker. *(Interjection and laughter)*

1725

Q686-687/2016
Assistance re training and jobs –
Offenders; young people

Clerk: Question 686. The Hon. Ms M D Hassan Nahon.

1730 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I have to say that I am warmed for the first time to see another round of Hassan versus Bossano here in the House, and although at this time it is the Hassan side with less experience, I hope that even if we disagree we can deal in the same way that they did in the past with the same respect and dignity.

1735 The question is: is the Government satisfied with their level of assistance to rehabilitate and integrate offenders with jobs and a future after coming back into society following a prison sentence?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

1740 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, I will answer this question together with Question 687 – and I will do my best to keep the same level of affection in the answers that there used to exist between her dad and me.

Clerk: Question 687. The Hon. Ms M D Hassan Nahon.

1745 **Hon. Ms M D Hassan Nahon:** Does Government intend to look at training for our youngsters via vocational training to possibly prepare for the possibility of restrictions in border flow with the advent of Brexit and the subsequent uncertainty of access to foreign workers?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

1750 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, I have put quite a lot of detail because I am trying to give a full answer to the issues that have been raised by the hon. Member.

1755 As regards the retraining and rehabilitation and integration of offenders following a prison sentence, the answer is yes, but it is not an unqualified yes, as that would imply that nothing more or better can be done, and I believe that this view should never be taken. What I can say is that we are satisfied that more is being done now than was being done prior to December 2011.

1760 There is the indirect effect due to the improved market conditions. This is because the introduction of the Training for Employment Strategy has increased the level of employment and therefore considerably reduced the number of persons registered as seeking employment. So, on the one hand those disadvantaged by having served a custodial sentence face less competition from resident workers. At the same time, the economic programme since 2011 has increased the number of jobs in the labour market and a larger labour market means more demand for workers. This has gone up from 22,247 in 2011 to 26,144 in 2015. Thirdly, the joint campaign by my Department and the Department of Employment to remind approved Government contractors that they must give priority to local residents seeking employment applies equally to those entering the labour market after a custodial sentence.

1765 The introduction of the Training for Employment Strategy in 2012 was accompanied by making provision as part of the programme for financing a part-time counsellor, who was a person already undertaking work with Her Majesty's Prison on a voluntary basis and was therefore able to provide support for offenders on a more structured basis and as a result of the funding. This was developed both whilst a custodial sentence was being served and after release on a follow-up basis for a limited period, with the counselling then being delivered in premises provided within my Department.

1770 The opportunity to take up training in a placement where the employer has a job vacancy and is seeking to recruit from the unemployment list receives additional support to make it more attractive to employers to take on an offender after his release.

The Department has as well invested in providing additions to the facilities within Her Majesty's Prison for training in the construction trades. In the current programme from the

1780 European Union, the ESF funding can be used to provide training for persons still serving
custodial sentences, provided they have less than three years remaining prior to the date of
their release. This is part of the current programme making partial use of ESF funding, which was
originally intended to be a programme until 2020 but is currently expected to be available at a
1785 reduced level up to 2018. The need for initial local funding will be reviewed after this date,
depending on what arrangements apply as a result of the negotiations with the European Union.

As regards the training of resident workers, irrespective of age, in the event that border
restrictions following Brexit limits access to frontier workers, the position is that given the level
of unemployment and the number of frontier workers there would be limited impact from the
existing resident workforce in terms of redeploying them.

1790 The policy of the Government as stated in the 2011 manifesto is that there should be priority
given to resident workers for filling vacancies for which they are suitably qualified in the public
sector, and in the private sector where contractors provide a service to the public sector. The
training and apprenticeships provided since 2011 have been for the private sector in order to
encourage all private sector employers to give priority to resident workers by giving financial
1795 support in the provision of the training.

The most recent example has been the training and employment to qualify them for public
service vehicle drivers. This training has been funded by the Ministry for Economic
Development, working closely with the industry. It has been followed by a scheme that
guarantees a two-year employment contract in the private sector coach industry to service
1800 primarily the cruise liner visitors where there is an increasing number of visits creating a demand
which would have been at risk if it depended on the service relying on frontier workers. This has
now been successfully implemented with the support of the European Social Fund. The
allocations of this fund would have lasted, as I have said, until 2020 but for Brexit. It is likely that
the full allocation of the current programme will not be available to us, given the present
1805 intention of the UK to trigger the Article 50 notice in March 2017. This would lead to the
departure from the EU by March 2019, unless the EU agrees to defer the date. This deferment at
present seems unlikely and therefore my Department is working on the premise that it will not
happen.

1810 **Hon. Ms M D Hassan Nahon:** Mr Speaker, firstly, I am glad to hear of the hon. Member's
optimism regarding Brexit and where he said that there would be minimal impact – and I really
do hope that that will be the case, but of course only time will tell.

On the matter of ex-offenders, my concern was that I find that I speak to a lot of ex-offenders
and they feel a little lost as to who to go to – not just the counsellor, but is there anyone, any
1815 Department, where ex-offenders can go directly within Government to deal with the sensitivities
associated with getting back into the workplace?

Hon. J J Bossano: Well, yes, it is my Department. The person we are employing on a 20-hour
basis, on a part-time basis, has been dealing with something like 158 offenders over the period
1820 that he has been doing this job for us, since he started in 2013, and, as I have said, he is, in a
way, the conduit of the transition. The counselling is not limited to employment, but in the
context of the counselling, while the people are still serving the sentence he sees them regularly
in the prison, he encourages them to take on training and then he warns us, before they are due
to leave, when they are due to leave and we then alert the people who are responsible for
1825 providing potential trainees to the private sector on the basis that we tend to provide funding
for a longer period in order to make it more attractive for an employer to take somebody for
which, in effect, there will be a bigger amount of subvention so as to make it more likely that
they will be taken on. The counsellor then continues to make appointments to see them
regularly in a confidential context within my premises so as to give them support and follow-up
1830 advice once they have come out and they are already in the labour market.

1835 All this is a voluntary thing. Obviously the individuals have to want to take up this facility,
because there is no compulsion. We try to make it as attractive as we can. We all know that
sometimes it is difficult, for example, for persons in that context to attend regularly and so forth,
so there tends to be sometimes the problem of absenteeism at the start of the process. We tend
1840 to use, where we can, persons who are doing work for the Government and contracting work for
the Government, on the basis that we are in a better position to say to them if a guy misses one
day a week because he spends the money on the weekend and then he has got a problem
getting up on Monday, it is better to have him working four days than not to have him working
at all, and we, as the client, will not hold him responsible for any deficiencies in the delivery of
the work that you do for us. So we try to do it in a situation where we are the customer as well
in dealing with people who are providing services to the Government.

1845 But, as I said at the beginning when the hon. Lady asked me if I thought we were doing
enough, the answer is it is never going to be enough until you have got a perfect system and
everybody gets a job the day after they come out.

1850 **Hon. Ms M D Hassan Nahon:** If I may, one last supplementary. One of the setbacks that I
have found exists within ex-offenders is that they find it very hard to open bank accounts when
they come out and they get into the job market, and this is something obviously that holds them
back for obvious practical reasons. Is your Government willing to relax those laws or give some
kind of system or infrastructure for them to start having a bank account and getting back into
the day to day?

1855 **Hon. J J Bossano:** Well, I am not surprised because everybody seems to be having a problem
opening bank accounts nowadays in Gibraltar, so I can imagine it is even more difficult if you
have just been serving a custodial sentence.

1860 I do not think we can do much about it with commercial banks. I think if the Savings Bank
were at some point to extend the level of services, that may be an area where we could have
direct influence. But even in the Government-owned International Bank, from the beginning we
have treated it at arm's length. I do not know whether there is anything we can do, but I will
certainly try and find out if there is any way in which we can help.

1865 **Hon. E J Phillips:** Mr Speaker, just one question in relation to Question 687. Does the hon.
Member agree with me that in respect of training of skills, just in the context of the United
Kingdom when they are looking at Brexit, I know that the Minister for Training and Skills is
looking at increasing training opportunities for skills-based learning. It is a very important thing
in the United Kingdom to increase awareness in relation to skills and apprenticeships and
vocational training. Would the hon. Member agree with me that we need to do much more
about increasing those opportunities in the context of a Brexit situation?

1870 **Hon. J J Bossano:** I think we need to be conscious of the supply of potential trainees and the
numbers of frontier workers. You are talking about a couple of hundred people who are the
potential trainees, who are currently unemployed, and 7,000 frontier workers. If we lost 7,000
frontier workers they would have to be supermen if we were going to replace them with the 200
we have got out of work!

1875 What we have done, for example, in the case of the liner industry is a very good example,
because there you have a situation: we are talking about having trained about 50 people who
were previously unemployed, who had driving licences but they did not have PSV licences. We
first invested in their training and we got them qualified, and then we negotiated with the whole
industry a level of wage subsidy which would enable the industry to give regular work where
1880 previously we had two problems in that area which meant that they were dependant on frontier
workers. One problem was that there were people unemployed who did not have the right D-
licence and who could not afford to finance the training and pay to get the licence because they

1885 were unemployed – on the supply side of the equation. And on the demand side of the equation
the industry was not offering anything other than seasonal work. It was not offering permanent
work, and therefore it was not a sufficiently attractive proposition for local workers who were
unemployed, even though the rate of pay is quite good by the standards of the private sector,
because they preferred a lower paid job but continuity, whereas the industry tended to be ...
there was a demand which was very high at certain periods and less in other periods.

1890 By negotiation with the industry we have actually managed to reduce their labour costs by
providing financial help and that has enabled them to commit to guaranteed two-year contracts.
That means that, in effect, we have insulated that particular industry. It is a very small part of
the whole market, but we have actually succeeded in insulating that industry from any potential
risk, and in many respects the employers in that area want to be able to know that if they have
got a commitment with a liner company and the liner arrives at nine in the morning or eight in
1895 the morning, never mind the closure, there is not going to be a queue and they have got all the
coach drivers on the wrong side of the border. So that has been an example of something that
we have been able to do. The initiative came from the industry, to be fair, not from me, –
although they are giving me the credit for it. They came up with the idea and asked me to find a
way of finding the money to help them, and that is what I was able to contribute.

1900 But certainly it is something that I would be happy to look at in any other area where
something similar can be done. That is the answer.

Order of the Day

SUSPENSION OF STANDING ORDERS

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

1905 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move, under Standing Order 7(3), to
suspend Standing Order 7(1) in order to proceed with Government Bills.

Mr Speaker: I now put the question that Standing Orders be suspended in order to proceed
with Bills. Those in favour? (**Members:** Aye.) Carried.

BILLS

FIRST AND SECOND READING

Gibraltar Consultative Council Bill 2016 – First Reading approved

1910 **Clerk:** A Bill for an Act establishing the Gibraltar Consultative Council and governing its
functions and duties, and prescribing the terms of membership of the same.
The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move that a Bill for an Act for a
Gibraltar Consultative Council be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act establishing the Gibraltar Consultative Council and governing its functions and duties, and prescribing the terms of membership of the same be read a first time.

1915 Those in favour? (**Members:** Aye.) Those against. Carried.

Clerk: The Gibraltar Consultative Council Act 2016.

**Gibraltar Consultative Council Bill 2016 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to beg that the Bill now be read a second time.

1920 In my Budget speech of 2014 I indicated that I wanted to establish for Gibraltar a body akin, similar to that of the Privy Council in the United Kingdom.

During the course of that speech what I explained to the House was as follows: that when a nation such as ours finds that there are issues that affect the national interest, there needs to be a body above party politics that can provide an opportunity for consideration of those issues.

1925 The former Chief Minister, I reminded the House, had established a similar ad hoc consultative body when Gibraltar was facing the threat of joint sovereignty, but did not include the Opposition in it. I wanted to go further than that and change the way that we do politics on some issues which matter to the national interest, and as a keen supporter and defender of the Westminster adversarial system it is also right that we should at some stages, in the national
1930 interest, where the national interest is at stake, that we should be able to work together instead of adversarially, because Gibraltar's best brains can be brought to work in unison in some necessary instances, and not have to be condemned forever to be challenging each other. Therefore, I wanted to create this committee in order not to have to go down the alternative route, which is to simply throw out the baby with the bathwater of our adversarial system and
1935 have to, instead, for the committee system of government, which I would have thought was not a good thing for Gibraltar.

I indicated then, Mr Speaker, that such a body, in my view, had to be permanent and it should not be ad hoc, and I proposed that that body should be made up for their lifetimes of all individuals who had held the post of Chief Minister, for their lifetimes all individuals who have
1940 held the post of Deputy Chief Minister, for the period of their tenure in office the Leader of the Opposition and the Minister for Justice, and for such period as may be stipulated in the notice of appointment such other persons as the Chief Minister of the day may consider appropriate to appoint.

1945 Mr Speaker, I also made clear in 2014 that Members would be required to sign the Official Secrets Act and the information that might be shared with them in the context of that forum would be subject to strict rules of confidentiality, very much like the position in the Privy Council.

1950 Having such a Consultative Council, in my submission, would enable the Chief Minister of the day to meet with all or just some of the members of that Council as any Chief Minister may consider appropriate and exchange ideas or take advice on any particular matter or issue within the parameters of the strict confidence required of individuals who would make up that Gibraltar Consultative Council (GCC).

1955 I also said at the time that it was the view of the Government that individuals who became part of the Consultative Council should be able to use the prenominal letters of 'Right Honourable' or something similar, as is the case in respect of membership of the Privy Council in the United Kingdom. I also, I think, stressed at the time, Mr Speaker, that appointment to the Consultative Council should not be remunerated, because I thought it would be a huge honour

for a Gibraltarian to be called upon to serve by a Chief Minister of the day in respect of this advisory capacity. Neither do I think that this is a committee that will meet every day or every week.

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Mr Speaker, in 2014 therefore I gave instructions for a Bill to be drafted to implement that objective of the Government, and a Command Paper was published in April 2015 for a Gibraltar Consultative Council Act which would implement the decision to establish a body in Gibraltar similar to the Privy Council in the UK.

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When I first spoke of the matter I referred to the 'Chief Minister's Consultative Council', and speaking during the course of his response in the Budget debate the former Chief Minister, Sir Peter Caruana, suggested that perhaps it might be more appropriate that the Council should be named the Gibraltar Consultative Council rather than the Chief Minister's Consultative Council, something which I told him during the course of my response to the Budget addresses of hon. Members opposite that year, thought actually was a good idea and a better idea than calling it a Chief Minister's Consultative Council, so that it is clear that although it was designed to advise the Chief Minister, it was Gibraltar's Council and not in any way the Chief Minister's Council.

1970

Mr Speaker, as is stated in the Command Paper, when the Act comes into effect it is intended that there would be an inaugural meeting of the Gibraltar Consultative Council at which all members will take an oath of appointment. After that, the Chief Minister will convene a plenary meeting of the Council at least once every 12 months. A plenary meeting will be convened at least once within four months of the appointment of a new Chief Minister, who may at his discretion convene a meeting of the Gibraltar Consultative Council as he determines necessary. The note also explains that the Chief Minister may wish to consult individuals or groups or members of the GCC on any matters as and when he considers necessary.

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I think it is important to make that point, Mr Speaker, just to remind the House that it is not necessary that the whole committee meets every time that there is a need for the consultations to occur. It may be that there are people with particular expertise that a Chief Minister wants to consult in terms of the auspices of that committee. He may wish therefore to only contact two or three of the members of the GCC at any one time, or any other grouping.

1985

Mr Speaker, in the Command Paper it was also made clear that in our view this is a seminal piece of legislation, that it is important there should be a permanent forum created which allows what some might sometimes refer to as some of the best brains in Gibraltar to work together on issues that can affect all of our community regardless of the parties with which we might have a particular partisan allegiance. We thought, Mr Speaker, and repeated in the note to the Command Paper, that the UK Privy Council model is a good one for us to follow in establishing such a body and I was therefore looking forward to bringing the Bill to the House. I also thought that there would be widespread support for this Bill, and I am sure that it is likely that there will be – I think there have been indications that there would be – and the Bill, after consultation, was published I think before the last General Election and it fell away as a result of the dissolution this time last year.

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1995

There was a republication of the Bill on 25th February this year and, of course, thereafter we had many months when we did not meet because of the Referendum campaign etc. The Bill therefore now before the House in effect gives effect to the commitment originally made in that Budget speech that I have referred to of 2014 and the Command Paper of last year, 2015.

2000

If hon. Members look at the Bill, Mr Speaker, they will see that section 1 makes clear that the commencement of the Act will be on a date to be appointed by me, and my intention is to commence the Bill with effect from the beginning of next month if the Bill is to become an Act today.

2005

Section 2 sets out the interpretation of certain phrases that pertain within the Act.

Section 3 establishes the Consultative Council to aid and advise in the government of Gibraltar and sets out that the persons who are members of the Council shall from time to time be summoned by the Chief Minister and sworn in as counsellors.

2010 I should give the House notice, Mr Speaker, and I think hon. Members will now have it, that
these sections and some others have amendments set out in the letter I have provided to you
now. In order to assist hon. Members, I have not just given a table setting out what those
amendments are, but actually provided a copy of the Bill with the amendments set out in detail
on it as tracked changes.

2015 The Consultative Council is to be chaired, under section 3, by the Chief Minister, to be
composed of the post-holder members, the life members and the ad hoc members, as described
in that section. The post-holder members, as I told the House a few moments ago, will be the
Chief Minister, the Deputy Chief Minister, the Minister for Justice from time to time and the
Leader of the Opposition from time to time. Life members are individuals who have held the
post of Chief Minister or Deputy Chief Minister. Ad hoc members are any person or persons not
2020 exceeding 10 as may be appointed by the Chief Minister.

Mr Speaker, as is made clear in section 3, there will be an inaugural meeting of the Gibraltar
Consultative Council, at which all members shall take the oath of appointment, which is set out
in schedule 1, and will be appointed as members of the Council. Oaths of appointment will be
administered by the Chief Justice or a judge of the Supreme Court that the Chief Justice may
2025 determine is an appropriate person to take those oaths.

Part 3 of the Act covers tenure and membership and, as is made clear under section 4, post-
holder members hold membership of the Council for such time as they hold their particular
posts only in respect of those posts. They may then pass on to become life members who will
hold those positions for their lifetime.

2030 Section 6 provides for the ad hoc membership, who are individuals appointed for such period
as may be specified in their notice of appointment, and those periods can actually be specific
periods of years – five years, ten years, two years, one year – or another sort of period. For
example, it could be ‘for the lifetime of this Parliament’ – it could be that somebody is appointed
by a Chief Minister to be there ‘but for the lifetime of this Parliament’ in order not to take up
2035 space on the committee after the lifetime of that parliament.

Under section 7 it is made clear that membership of the Council is not remunerated, as I said
before, and under section 8 that members may, for the period that they are members, use the
prenominal style of Right Honourable in keeping with the Bill, but I am going to propose that we
should use the terminology ‘The Honourable’ rather than ‘The Right Honourable’. The reason for
2040 doing that is that the post-holder members and the life members are likely to be people who
have the letters ‘Honourable’ before their name, but some of the ad hoc members are not likely
to be people who have the word ‘Honourable’ before their name because they may simply be
people who have never been in the Parliament or in the House of Assembly; they could literally
be people who have a different sort of expertise. So I am going to move an amendment simply
2045 to use the terminology of ‘Honourable’ rather than the terminology of ‘Right Honourable’. It
may be that in future we come back to amend that and to go back to everybody who is in that
Council being ‘Right Honourable’, but for now I think it is sufficient to simply have people
prenominated as ‘Honourable’ if they are members of that Council – and that may mean no
change for those who are post-holder members or life members, who are likely to have those
2050 prenominals in any event.

Section 9, Mr Speaker, provides that no person is qualified to serve as a member of the
Council in certain circumstances, including if they have pledged allegiance to a foreign power –
or at least if they have disclosed that they have pledged allegiance to a foreign power;
individuals who are bankrupt would not be eligible; members of the armed forces; those who
2055 have been certified insane – and one hopes that the post-holder members will not also suffer
the ignominy of being removed from the Council for that reason; or those who have been under
a sentence of imprisonment.

Membership of the Council would also be suspended if the member who is a life member
accepts a judicial post, because of course it will not be appropriate for judicial post-holders to be

2060 members of the Council, and those exceptions, Mr Speaker, are the common exceptions, which are elsewhere in our laws.

Under section 9(5) membership of any ad hoc member would cease if the ad hoc member becomes an elected member of the Parliament and is not otherwise qualified as a post-holder member or accepts a judicial post. Post-holder members vacate their membership of the Council on ceasing to hold a particular post, unless that person is qualified for membership by becoming a life member or an ad hoc member.

Life members or ad hoc members can be removed from membership if all post-holder members and two-thirds of other members so agree.

2070 Public officers are to be appointed as secretaries of the Gibraltar Consultative Council also, so that there is a record of the functioning of the Council.

Plenary meetings of the Council will be held at least every 12 months, as I have said, and this is provided for in section 11(1). The Chief Minister can, in his discretion, convene other plenary meetings with members as he determines the governance of Gibraltar or the public interest requires. He or she can also constitute the subcommittees or consult individual members as he or she considers necessary.

2075 The duties of the Consultative Council will be:

... to advise Her Majesty's Government of Gibraltar and specifically the Chief Minister on any issue on which advice is requested by him or her via the structures and mechanisms laid out in this Act in respect of—

(a) the governance of Gibraltar;

(b) the public interest of Gibraltar;

(c) the conduct of or performance of public policy;

(d) the international obligations of Gibraltar;

(e) any matter touching upon the public affairs, peace, order and good government of Gibraltar.

The quorum of the plenary is set at five and in the absence of the Chief Minister the Deputy Chief Minister is able to preside at meetings and ensure that minutes are kept by the secretary of the Council and provide a copy to the Chief Minister.

2080 Part 5 of the Act governs confidentiality, publication and disclosure of matters considered by the Council; and, consistent with the sensitivity and the importance of the matters being discussed, this part really makes clear that deliberations of the Council are confidential and that members will be required on appointment to agree to be bound by the Official Secrets Act.

2085 Members will be restricted, without the consent of the Chief Minister, not to publish or disclose to any unauthorised person the contents of any document, communication or information which has come into their knowledge in the course of their duties under the Act, and the Act provides a number of penalties in the event of a breach.

2090 Section 20 in particular restricts disclosure of material in any legal proceedings of communications between the Chief Minister and members of the Council and between members of the Council themselves, unless the Chief Secretary, after consultation with the Chief Minister, consents in writing.

Section 21, as Members will see, is a general rule-making power to carry out the purposes of the Act.

2095 Schedules 1, 2 and 3 set out the oaths of appointment for members, the secretary and the Chief Secretary.

2100 I want to thank the Attorney General, Michael Llamas, for his advice in respect of the preparation of this Bill, and Keith Azopardi QC – who I think himself has been a Deputy Chief Minister and a Member of this House – who drafted the initial Bill and has greatly assisted me in the preparation for today. My relationship with Mr Azopardi goes back in politics a very, very long way. He was there with us in 1991 when we took our first faltering steps as politicians. We then ended up on different sides of the House, but always good friends and able to get on despite our political differences as they emerged.

2105 Mr Speaker, I believe this is a very, very important Bill for Gibraltar. It is seminal to be able to create such a body. I think it is a step in the process of the maturity of our democracy, and of course also an indication of the sorts of threats that you start to face as you emerge into nationhood and you have to determine your own responses to a lot of these issues that you are facing.

2110 Hon. Members have the amendments which I intend to move in committee. Just to highlight that they are really about turning the Bill into the sort of shape it would have if it was more in keeping with the drafting that we usually do, so it is more about the section headings than it is about changing any of the general principles and merits of the Bill that I have just related to the House. There are 22 amendments set out in the letter that I have provided. That is why I have also provided the Bill with the amendments, so that hon. Members can see that they are principally just moving things about and changing the subject headings.

2115 I would invite you, Mr Speaker, in committee – unless hon. Members opposite have a particular objection in respect of any one of the amendments – to simply refer to the amendments in the letter, because many of them are just very typographical for the reasons set out – other than the deletion of the word ‘Right’, which I have taken the House to also in the context of my speech and in the styling section at section 8.

2120 Mr Speaker, for all of the reasons I have just set out, I commend the Bill to the House. *(Banging on desks)*

Mr Speaker: Before I invite hon. Members who may wish to speak on the general principles and merits of the Bill, there are two matters I want to raise.

2125 Having regard to what the Chief Minister has said, clause 8 in the enclosed table of amendments then instead of for “Right Honourable” substitute “The Right Honourable” and may be referred to as Councillors’, that should be ‘Honourable’ only. So that is a mistake – ‘Right’ should be cancelled.

2130 The other thing is the date: 2015 or 2016? Surely it is 2016. And therefore, again, clause 1, where it says ‘insert 2015’, that is wrong.

Hon. Chief Minister: It is, Mr Speaker, and that comes from the fact that these amendments were ready when the Bill was ready but it then fell away.

2135 **Mr Speaker:** So let me ask, then ... Well, in fact, what then happens is that clause 1 does not have to be amended. I do not think ‘replace heading in 1’ ... other than replace section heading title and amendment in section 1 and insert 2015. That does not have to be done.

And clause 8, we go back to that and it would read ‘substitute “the Honourable” and may be referred to as Councillors’.

2140 Does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. the Leader of the Opposition.

2145 **Hon. D A Feetham:** Mr Speaker, I am afraid that on this side of the House we cannot support this Bill. That is a decision that we have taken not easily or lightly, because it is within the makeup of the Opposition, as we have indeed demonstrated on a number of issues, to work with the Government where we can. But we feel, after internal and careful deliberation, that this particular Bill has the potential to stifle debate and therefore is a potentially retrograde step, from a democratic point of view, and I will attempt to make that out during the course of my intervention. But before I do so, I would like to place this particular Bill into its proper context.

2150 The Hon. the Chief Minister has said on a number of occasions that he is modelling the Council that is being created by this Bill on the UK Privy Council, and indeed at page 15 of their manifesto at the last election that is precisely what it says. It is a commitment to:

the creation of a Council that would be based on the principles that govern the UK Privy Council and allow members to be briefed confidentially on matters of national importance.

2155 A privy council is a body that advises the head of state, usually the monarch, in the context of
a constitutional monarchy. In the United Kingdom the Privy Council is a committee that advises
Her Majesty the Queen on a confidential basis on matters of state, but in particular how Her
Majesty exercises the Royal Prerogative – the most common example is issues such as state
honours – and members of the Committee then take the prenominal style ‘Right Honourable’.
2160 Their discussions are discussions that are undertaken in private, or secret, and indeed right up to
the late 1990s – it might have even been the beginning of the last decade – the oath of secrecy
in the Privy Council in the United Kingdom was actually itself in secret, and it was thought by
constitutional lawyers that revealing the nature of the oath was in fact treasonous until the Blair
government answered a question in Parliament and basically revealed the oath. But even in the
2165 United Kingdom, where the Privy Council is actually advising Her Majesty the Queen on very
narrow sets of circumstances or powers, the exercise of her prerogative powers, the Privy
Council has come under criticism from very reputable charities such as, for example, Justice,
who have described it, and I quote, as ‘bypassing Parliament and any prior accountability’. And
there we are talking about a Privy Council that is set up to advise Her Majesty the Queen, not a
politician, on very narrow powers that are exercisable by Her Majesty the Queen.

2170 Mr Speaker, of course the Chief Minister is not the monarch of Gibraltar, he is certainly not
exercising narrow prerogative powers, and the concerns of the Opposition are highlighted if we
go to the powers or the areas that this Consultative Council are going to be asked to advise the
Chief Minister of the day. They include the governance of Gibraltar, the public interest of
Gibraltar, the conduct of or performance of public policy, the international obligations of
2175 Gibraltar, any matter touching upon the public affairs, peace, order and good government of
Gibraltar. In other words, Mr Speaker, it includes everything under the political sun. That is the
reality.

If one looks at section 17 of this Bill, it says:

All deliberations of the Gibraltar Consultative Council and advice tendered by any member to the Chief Minister shall be tendered and received in absolute confidence.

Section 18:

Any member of the Gibraltar Consultative Council shall be required on appointment to signify on such form approved by the Chief Secretary for that purpose that he agrees to be bound by the Official Secrets Act ...

2180 And section 19:

(1) No member nor any other person shall without the consent in writing of the Chief Minister publish or disclose to any unauthorised person or otherwise than in the course of duties under this Act the contents or any part of the contents of any document, communication or information whatsoever which has come to his knowledge in the course of his duties under this Act and a person who knowingly acts in contravention of this sub-section is guilty of an offence and is liable on conviction on indictment to imprisonment for up to one year and to a fine not exceeding level 4 ...

2185 So, Mr Speaker, I can be asked to come into this Consultative Council as Leader of the
Opposition and the Chief Minister imparts to me information about the governance of Gibraltar
or the public affairs or peace and order or good governance of Gibraltar. I receive it, and if I
believe that it is in the public interest that I should bring that to the attention of the people of
Gibraltar, if and I do so, I am committing a criminal offence. I would be the most foolish Leader
of the Opposition in political history if I allow myself to basically go into a trap of this nature, and
whether this is a deliberate trap or it is not a deliberate trap – and I give him the benefit of the
doubt – the reality is that it places the Leader of the Opposition in an almost impossible position.

2190 But of course it also covers people such as former Chief Ministers and former Deputy Chief
Ministers. It is the kind of people who could be expected at any given moment in time in the
future to stand up and criticise a government of the day – let's put it in neutral terms: not the
Hon. the Chief Minister or his Government, but a government of the day – on something
concerning the good governance, the public affairs and the public interest of Gibraltar. And yet if
it concerns a matter that the Chief Minister imparts to them in this Consultative Council, then
2195 they will be committing a criminal offence if they refer to it.

I just believe, Mr Speaker, that in those circumstances this is potentially a dangerous
retrograde step and it is an anathema, in my respectful view, to my understanding of
democracy. We do not need more titles, we do not need more secrecy; what we need is more
openness and more transparency. For those reasons we will be voting against this Bill. (*Banging*
2200 *on desks*)

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits
of the Bill? The Hon. Roy Clinton.

2205 **Hon. R M Clinton:** Mr Speaker, I identify myself, obviously, with the remarks of my learned
colleague.

In reading this Bill, there is – apart from the obvious flaws that my hon. colleague has
mentioned, and I note there has been a wholesale copying of the Constitution, for example, on
disqualification for elected Members – nothing here about qualification for elected Members. In
2210 the Constitution, under section 27, it says that subject to section 28 – and section 28 is
effectively a paragraph that has been copied into this Bill about the disqualification under
section 9 – there is no qualification, and that qualification under section 27 in our Constitution
says:

... a person shall be qualified to be elected as an Elected Member of the Parliament if, and shall not be qualified to
be so elected ... [if] he is a British citizen or a British overseas territories citizen by virtue of a connection with
Gibraltar who has attained the age of eighteen years.

2215 There is nothing in here that says the hon. Member could not appoint a six-year-old to be a
Member of this Council, if he so pleased, as an ad hoc member.

So I feel there are some areas here that, if the Member is going to go ahead with it, even
though we oppose it, it is flawed.

2220 And in the context of appointing all previous Chief Ministers and Deputy Chief Ministers,
again there has to be, unfortunately, a disqualification for certain people in terms of the posts
that they may hold in future. And I note there is a disqualification section for an ad hoc member,
if he is elected as a Member of Parliament. However, what happens in the case of a life member
who has been the Chief Minister who is – I regret to say, Mr Speaker – the Speaker of this
Parliament? Is it right that the Speaker of the Parliament is forced, under these rules, to
2225 effectively swear ... I would not call it an oath of allegiance to the Chief Minister, but I dare say an
oath of secrecy, in that he has to swear to give good advice to the Chief Minister while he is
Speaker of this Parliament? I do not think that would be appropriate, Mr Speaker; but again the
drafting of this legislation, I think, needs further thought.

2230 Furthermore, Mr Speaker, I note this desire to create a privy council, and again this seems to
favour the lawyers amongst us, because I note that the Minister with responsibility for Justice is
a permanent member of this Council, but the Minister for Finance is not! Of course, at the
moment the Minister for Finance *is* the Chief Minister but if, for example, the Hon. Mr Bossano
was the Finance Minister he would be excluded from this Consultative Council. That cannot be
right.

2235 **Mr Speaker:** I thought he was a former Chief Minister?

Hon. R M Clinton: Well, sorry, indeed, I stand corrected!

2240 But if he was not, or if somebody else was the Finance Minister they would be excluded. And if this Consultative Council is truly meant to advise the Chief Minister on the range of subjects, as my learned colleague has mentioned, which is particularly lengthy and which will no doubt include financial aspects, should not the Minister for Finance also be included in this Consultative Council?

2245 And again I fear this is a wholesale attempted copying of the Privy Council in the UK which is, as in his manifesto commitment, exactly what it is. But if this is a consultative council and its general intention is to find the best possible advice for the Chief Minister, then I humbly submit that it should include other Members, including Finance, and not just the Minister for Justice.

Also, in some of the ad hoc members, I would like more clarity as to what qualifies somebody to be an ad hoc member; it seems to be entirely at the Chief Minister's discretion. Surely, there must be at least a minimum criteria for qualification for an ad hoc member?

2250 I come back to the point about qualification to even be an elected member. Could it be possible that the Chief Minister could appoint an American to form part of this Consultative Council? Or somebody else of any other nationality? What is missing, I think, in this Bill is qualification; there is a lot about disqualification but there is nothing much about qualification other than for the life members.

2255 And so, Mr Speaker, apart from the reasons that my learned colleague has given, I really cannot support this Bill as it stands.

Mr Speaker: Are there any other hon. Members who wish to speak?

The Hon. Marlene Hassan Nahon.

2260

Hon. Ms M D Hassan Nahon: Mr Speaker, in principle I always welcome any committee or body set up with the intention of brainstorming an advancement for the good of Gibraltar, so for my part in principle I would welcome the inception of this Council.

2265 The only question I have is why do we need to invoke the Official Secrets Act, because perhaps it is something that could chain us MPs? I would like to know more about that, please.

Mr Speaker: Does any other hon. Member wish to speak before I call on the Chief Minister to reply?

The Hon. the Chief Minister, then.

2270

Hon. Chief Minister: You can take a horse to water, Mr Speaker, but you cannot make him drink.

I am surprised that hon. Members feel they cannot support the Bill and that they have not said, 'Look, we would be able to support the Bill if it did this, or if it did that.'

2275 The speech from the Hon. Leader of the Opposition has been simply to say that they cannot support the Bill. The Bill was published in 2014 as a Command Paper, as I said to the House before; it was published as a Government Bill in 2015; the issue of the Bill was set out in the context of my party's manifesto at the last general election. And in respect of all three of those opportunities to write or to communicate to me that they had concerns about certain aspects of the Bill, but they would wish to support it nonetheless, there have been no communications with the Government – none whatsoever.

2280 When I spoke during the course of the Budget in 2014 and I gave these indications, the Hon. the Leader of the Opposition who was also Leader of the Opposition by then, thank God, did not for one moment say that he had a concern about the privy council structure, the Official Secrets Act, etc. Not at all. In fact I will have to go back and see whether he actually said that he might support it. But I doubt he did, because I reckon what he did was he got up and read his prepared speech. I stood here, Mr Speaker, and delivered the Budget for Gibraltar, and the hon.

Gentleman then got up and read the speech he had prepared, regardless of what it was that I might have said.

2290 Sir Peter Caruana, who he has described, as you will hear *ad nauseam* from us, as the greatest Gibraltarian of all time, said he was supportive of it but he thought the nomenclature should change.

I would have thought that in trying to create something constructive like the Gibraltar Consultative Council Act, that hon. Members, if they had these concerns, might have wanted to get in touch with the Government and say, 'These are the concerns that we have'; not simply highlight them in the context of their speech today. It is not as if this has been visited upon them; this is not a Bill brought in less than six weeks, certified as urgent and here we go. This is a Bill that has been doing the rounds for too long, in my view. So if I may say so, with respect to hon. Members opposite, I think that they are pretending constantly that they want to co-operate with the Government and that they want to be collegiate has just been demonstrated to be absolute bunkum!

They have just uncloaked the reality of what they are really like when they say they want to co-operate because, given the opportunity to do so, they have not even said, 'We want to be part of that Council but we have concerns about the confidentiality aspects.' All they have done is today say, 'We won't support the Bill because we have those concerns.' At least the hon. Lady has said, 'Can you deal with the issue for me and then I might be able to get comfortable with it?' That is not what we have heard from the Leader of the Opposition, he has not asked me to deal with something in my speech and respond to his concerns, he says he is *not* supporting it because of the issue of confidentiality.

2310 Well, Mr Speaker, if I may say so, the Hon. the Leader of the Opposition is once again, as he is wont to do in his interventions in this House and even in his interventions in the local media, he is making once again a mistake of historic proportions. Just like he made the mistake of historic proportions on Monday when he said he does not earn enough as Leader of the Opposition. And today, Mr Speaker, just over 96 hours later, in saying he is not going to support the establishment of a council for Gibraltarians to be able to provide advice to the Government in respect of all of the areas that have been set out.

He has then done an analysis of what the Privy Council is. Therefore, Mr Speaker, I think he must have understood, despite the Bill having been published for this long and despite everything I have said, that I am trying to create a privy council in Gibraltar. I am not creating a privy council in Gibraltar! I am creating a Consultative Council on the lines of the Privy Council for the United Kingdom, in Gibraltar. It is an advisory council, not to advise a monarch on titles, because we do not give titles here in Gibraltar in the way that they are given in the UK. We give titles in Gibraltar in this Parliament *together*, not in the way that it is done in the UK.

2320 Gibraltar advises the UK in relation to nominations from Gibraltar, through an Honours Board, but that is done in a different way. This has got nothing to do with that and to take the debate in relation to this to titles is to be so completely illucid in the analysis, that it is just incredible that the person who has delivered that speech is charged with the responsibility for leading Her Majesty's loyal Opposition in Gibraltar.

2330 We are talking about an opportunity to consider together things that matter to Gibraltar and the hon. Gentleman comes out with the fact that the Privy Council in the UK also advises in respect of state honours! It is absolutely an abdication, Mr Speaker, of the sort of responsibility that they could have taken by supporting the creation of this Council, that demonstrates why the hon. Gentleman is so ill-suited to public office.

2335 The hon. Gentleman himself went on to say that if he supported the creation of this Council, as if his failure to support it would in some way stop it from being created, he would be the most foolish Leader of the Opposition in history. Well, Mr Speaker, I think he may go down in the annals of Gibraltar's parliamentary history as the most foolish Leader of the Opposition in history, for not supporting the creation of a body that enables Gibraltarians to work together for the good of Gibraltar and to advise Government in that respect.

2340 He pretends to want to and he seems to have better ideas than anyone for any topical issue
that might arise. In fact the Hon. the Deputy Chief Minister and I were quite looking forward to
the meeting we were going to have with him on the issue of Brexit in July, because he was telling
us for months that he needed to meet us on the subject. When he met us, Mr Speaker, he
2345 nodded his head and told us that he thought we were doing a very good job indeed. And then
went off to carry on with his business.

So I really do not understand what it is that the hon. Gentleman thinks is going to happen in
the context of sharing information which is not otherwise publicly available, that might
somehow put him in strictures which he would not otherwise expect to be in. Or is it that he
expects to be brought into confidence, to be told things that are not otherwise publicly available
2350 bits of information – very sensitive, potentially, not publicly available bits of information – and to
simply be able to turn around and go outside and disclose that?

Well, Mr Speaker, the structure of this Bill is not because we have any particular piece of
information in our minds that we are going to share with him. It is because we have been
advised that is the best way to create such a body in the context of such an oath. But he has
2355 taken us down the road of titles, etc. in respect of the position of the Privy Council in the United
Kingdom. But you see he has foregone one of the most important aspects of what happens in
the United Kingdom today – for example, security briefings on Privy Council terms given to the
sorts of post-holders that we are talking about here. Or is he not aware, in his desire to pretend
that this is in the UK only about who becomes a knight and who becomes a peer, is he not
2360 aware, that members of the Opposition are given briefings on Privy Council terms on sensitive
defence issues and sensitive intelligence issues?

I have no desire to be involved more than I have to be, I suppose, in who becomes a knight or
who becomes a peer. In fact I do not think I have any influence whatsoever on who becomes a
peer; but we might have some influence on who takes some state honours by just reflecting the
2365 Gibraltar view when we are asked for it. But nothing could have been further from my mind.
Indeed I dare say, Mr Speaker, nothing was further from the Hon. the former Chief Minister's
mind when he replied to me in very positive terms about the creation of this Act, than who
becomes a knight or an OBE or an MBE, or takes another honour.

This was about creating a body that enabled Gibraltar to take a step in the direction of having
everyone work together in the context of things which have to happen *in camera*, because
advice is sought in respect of things which cannot be shared; and a structure had been proposed
by a person who was a former Deputy Chief Minister of the GSD! Keith Azopardi, who started
with us in 1991 and who I have spoken about in such convivial and friendly terms, went on to
become Deputy Chief Minister of the GSD, not of the GSLP Liberals. This is his draft and structure
2375 of how the thing should be done in order to ensure that there is the security of information
which is shared in that context.

This is a body created for the good of Gibraltar to ensure that we have the sort of advice that
another decision-maker, not a monarch but a prime minister, is also able to count on in the
context of the United Kingdom structure along the lines of the Privy Council. But we are not
2380 creating a privy council. I do not have a privy and, if I did, I would not need a council for it, Mr
Speaker.

So I really do not know how the hon. Gentleman's political paranoia has taken him to such a
level of concern that I might wish to have him imprisoned for disclosing something I have said,
that he cannot support the creation of a Council. He needs to understand, and I am going to
2385 make it explicit for him, nothing could be worse for me and for those that I represent on this
side of the House if, by becoming imprisoned, he disqualified himself from becoming the Leader
of the Opposition. We want him to stay forever as Leader of the Opposition; we do not want him
to go. We think that one of the best things that happens to us on this side of the House is that he
is on that side of the House. So he does not need to worry about us wanting to exploit anything
2390 that might lead to him becoming disqualified from being a Member of the House.

I do not want to see him in shackles, I do not want to see him anything other than actively leading the Gibraltar Social Democrats at the next, and every other, election. I was very disappointed when he said that he would leave the leadership of the party at the next election if he lost. I sincerely think that it is a bad thing for the GSLP and for the Liberal Party. Although I did notice, Mr Speaker, that he also said that he would stay on the GSD front bench, which is to have very little regard for what the next leader of the GSD after him might decide should be his role. He might decide that although he might offer himself he should not be a front bencher for the GSD – again, something which would cause huge disappointment on our side, Mr Speaker. But his intervention on Monday night will no doubt be one that endures in the context of the debates in this House.

So he should not be concerned to think that we have any reason for wanting to see him subject to any prosecution, but there is that provision in the Bill. It is true that there is that provision in the Bill. He has not said to me if I remove it he would support the Bill; he has not said that he is concerned about the post-holders who are in post at the time not being subject to it, he just said that it should not be the case. It is the case, as he has said, that in the UK Privy Council members are subject to confidentiality in respect of information that they receive in the context of that body which is not just, as I have shown, in relation to state honours. So I am very surprised that he has taken that attitude.

Mr Speaker, there are some areas where no modern society or state can have full transparency: areas of intelligence, areas of police investigations, areas of inter-state intelligence. Hon. Members need to realise that what we are trying to do in respect of this Bill is to share that information with them in the context of taking their advice and views on it as well. Now, because that sharing is structured in the way that this is structured in other nations and other states, that is why it is structured in this way. I am very surprised, therefore, at the attitude that they have taken.

Mr Speaker, no Government has been supportive of openness and transparency like this Government has been. We demonstrate that in the information that we volunteer, let alone the information that we give. And I know that it does not fit with the hon. Members' narrative of where we are because they want to pretend that we are not disclosing and not transparent; but that is all they are doing – pretending. And if there is one thing that the public is good at in Gibraltar, it is seeing through a ruse, spin, and whatever you like. But the public will see through you.

And if you pretend to be transparent and you are not, they will see through you. And if you pretend that somebody is not transparent when they are, they will also see through you. And the hon. Gentleman should know that because he ran a campaign during the general election last year that we were not transparent and that there was an issue with our public finances, and that there was an issue with LNG – and look where that got him. He was so seen-through that he was very transparent to the general public.

Moving on to the Hon. Mr Clinton, who is not here to hear my response to the points that he made, can I just say that when he gets up and says, 'Obviously I support the position of the Leader of the Opposition', I think he needs to realise that remark is no longer one that he can afford to make. Yesterday he took a different position to the Leader of the Opposition in respect of the amendment proposed by the hon. Lady – who I will come to in a minute. He took a completely different position, so in the context of 'obviously' there is nothing obvious about it!

The Hon. the Leader of the Opposition yesterday did not lead the Opposition when it came to the position in respect of the amendment. Yesterday, Mr Speaker, the Leader of the Opposition was the hon. independent Member. She proposed an amendment with which we did not agree and the majority of Members opposite voted with her, not with him. So whenever any Member opposite gets up, absent the hon. Lady, I suggest to them that they no longer fall into the trap of saying, 'Obviously I agree with the Leader of the Opposition', because we will all be on tenterhooks for the next three years to see on which way they fall and whether they are more

towards the rocket chair or more towards the centre of gravity there, for many years, we hope. For many years, the centre of gravity there.

2445 Then the Hon. Mr Clinton took us through what he sees as the failings of the Bill, which we see as some of the strengths. The ability to appoint a person to advise in the Consultative Council who might not fit the criteria of appointment to this House; I will give the hon. Member an example, a member of the clergy. A member of the clergy could be an important person from whom the Chief Minister may want to take advice in the context of understanding our community and our society.

2450 A member of the clergy cannot stand for Parliament, they are prohibited from being Members of Parliament if they are members of the clergy. And yet they may be an important part in a particular moment in our history because of who they are, perhaps less than because they wear a dog collar. They could be an important part of the advice that a Chief Minister may want to take.

2455 Restricting the pool of available talent to advise, to the pool of talent that is available to stand for Parliament, would mean that we would be stuck with *us* – or something that looks like you. Well, Mr Speaker, we think that there are many more things that are thought of in the philosophy of what the Gibraltarian is, and who we might want to take advice from; and that may include people who are not eligible to stand for election. So I think Mr Clinton has made a mistake going down that route.

2460 I could appoint an American, he says, in the context of his submission. Well I suppose I could, but there is a provision that says that I would not be able to appoint somebody who has sworn allegiance to a foreign power. So if I was to appoint an American, Mr Speaker, the passport is allegiance to a foreign power; it is not, in my view, contrary to that rule but it would be very particular.

2465 But if he or she who was Chief Minister at any particular time was to decide that they wanted to appoint an American, who would not otherwise be eligible to be a Member of this Parliament, there might be a very good reason for doing so. And why should we not have that talent available for a year or for six months? It would be an ad hoc appointment. I think it is absolutely right and proper that we should have that power.

2470 And then he says, but of course the Minister for Finance might not be available if he were not the Chief Minister and, if he were another Minister, we would not have the benefit of his advice. What a deep misunderstanding of the structure of Government! The Chief Minister, if he is not also the Minister for Finance, sees the Minister for Finance at Cabinet meetings every Monday; at least that is the way we do it because we run a cabinet government. And I know if there is one thing that they appear to have been briefed on it is that when they were in Government they did not have any cabinet meetings. So they might not see each other unless they bump into each other in the corridor. *(Interjection)* Well at least not with the regularity that we have them. *(Interjection by Mr Speaker)*

2480 I accept, Mr Speaker, that they sometimes had cabinet meetings, or meetings of the Gibraltar Council of Ministers once in a while, but not very often. We even had a Minister in the GSD get up in this House and say to us, 'Oh, that is not a decision for me, that is a decision for central Government.'

2485 Well, doesn't the hon. Gentleman forget that the Hon. Mr Britto referred to some decisions as being decisions not for him and his Ministry but for Central Government? Mr Speaker, central Government is now cabinet Government. We meet every Monday unless one or two of us are travelling, and we get together. And I would therefore have the benefit, if I was Chief Minister, of taking advice from the Minister for Public Finance – if that was not me, as it is – from Mr Bossano, who is the one that Mr Clinton has postulated would take the role in the context of a cabinet meeting or indeed in the context of a bilateral meeting, without having to have him in the Consultative Council, with all the oaths that we have already taken as Ministers.

So, Mr Speaker, I think the things said by Mr Clinton are really, again, another ruse not to support a very positive step forward in the development of our democracy. We do not share the concerns that Mr Clinton has set out.

2495 I detected from the hon. Lady, a more genuine approach to a concern which I hope I can deal with. She said, 'I am just a little concerned about this business of MPs being chained' – in her usual figurative language – 'with information that they cannot disclose'. The position is this and the reason for the structure is this: any MP or any member of the Consultative Council can say anything they like, publicly, they retain their right of freedom of expression in respect of any matter. The only potential liability, because this is the structure that has been proposed to us, is that if somebody disclosed something that they had only found out in the context of the Council, which had been shared with them, and which was sensitive – (*Interjections*)

2500 Mr Speaker, if the hon. Gentleman is going to go down the road of saying that everything that is said in the Council is subject to the Official Secrets Act, he needs to understand the structure of Official Secrets. In other words, if somebody is given a cup of Earl Grey tea from Brooke Bond, with a bourbon cream, that person can come out and say, 'I had an Earl Grey tea from Brooke Bond, and a bourbon cream'. In the old days the Official Secrets Act did not permit that and the explanation to civil servants was that they could not, in breach of the Official Secrets Act, even say what brand of tea they had had, because that was what the Official Secrets Act meant.

2510 This is a design to protect sensitive information, not to protect everything. (*Interjections*) So, Mr Speaker, what jeopardy would a person be putting themselves into if they were to take membership of this Council? Well, the jeopardy is an obvious one: if something is disclosed which is sensitive and information which that person has not received otherwise, then there is a potential prosecution. Good luck to the Chief Minister that presses that button in relation to something that is merely political; and whoever would be subject to prosecution would probably be the greatest martyr in the political history of Gibraltar.

2515 So this is not something intended, as the hon. Gentleman has suggested, to catch a member out when they have said something that might embarrass a Chief Minister, that is certainly not what we are talking about. We are talking about very, very potentially sensitive material that would in the context of a disclosure somehow require prosecution. (*Interjections*)

2520 Look, Mr Speaker, whether or not it says that, that is obviously the reality and if the hon. Member wants to look just at oaths he should look at some of the oaths that people have signed in the context of Official Secrets, and of course they are very, very strict oaths which leave very little wriggle room. But the number of prosecutions under the Official Secrets Act is very low and it relates only to the disclosure of sensitive information, not anything else.

2525 In the context of a political body like this, what I am saying in this House today would be relevant because it would be an issue of interpretation of that section under *Pepper v Hart*. It would not be an exposure to a criminal sanction to anyone, she can have the comfort, who disclosed anything other than sensitive information.

2530 Now, Mr Speaker, in that context I would hope that with what appears to be from her at least a genuine desire to work together in the common interest of Gibraltar, she would be able to support this Bill which sets out to create a body where we can do that joint work; where we can have those joint discussions, where we can share that sensitive information and where it may be that we might actually be able to, together, progress the cause of Gibraltar when we are dealing with very sensitive matters.

2535 In fact, Mr Speaker, when I referred to the creation of this body in 2014, Brexit was not even thought of. At that time we had not even had a reference to a referendum from David Cameron, and yet look at where we are today. Now there will be a select committee in respect of Brexit. The select committee will sit *in camera* but nobody needs to sign the Official Secrets Act in order to have information shared *in camera*, because we can tell you some of the things that we are doing in the context of confidentiality. Because we will trust that that confidentiality will not be

broken even though we might have a political disagreement because that is politics, and if it is broken the sanction would be political.

2545 If somebody says something which is said in confidence by a Chief Minister to a member of the select committee or a Deputy Chief Minister to a member of the select committee, the sanction is that we say, 'We cannot trust you anymore and Gibraltar has been let down by you'. But if it is in the context of more sensitive information and we think there might be such more sensitive information in the future which is beyond the political, that is when these Official
2550 Secrets Act issues might be relevant when they would not otherwise, in my view, be relevant.

So, Mr Speaker, I trust I have given her the comfort that this is not an attempt to chain anyone up or to muzzle anyone, or to somehow prevent someone from speaking their mind on an issue where they have had information which is political, but to move Gibraltar into a different level. And I sincerely believe that it is really quite concerning that the hon. Members
2555 opposite are now coming to a conclusion. They talk about wanting to work together and yet, when they have been given the opportunity to do so, it would appear that they are going to seek a spurious reason not to support the creation of the Council.

I do not think, Mr Speaker, that history will judge them lightly for doing so. Neither is it likely that they can do anything in the next few minutes which would prevent the creation of the
2560 Council, which will therefore have the opportunity of creating that body which I have shared with hon. Members we think should be shared. And which will, for the first time, allow Gibraltar to take a step in the direction of the establishment of a body that shares the level of information between Members that is necessary. I am conscious that this is an important Bill and that all
2565 hon. Members who are present in the House today will want to have the opportunity of voting in one direction or another, in order to determine what the position of each of the parties may be.

I think it is important, Mr Speaker, that we should have a chance to work together in the context of a Council like the one I am proposing. Even with the amendments that I am going to
2570 move I think the Council is going to work well. I think it is going to allow not just Members of this House, but Gibraltarians and others who might be appointed, to give something more to Gibraltar in the context of this maturing of our democracy, which I believe is heralded by this Council – and which hon. Members have had two years to share their concerns about with us, and which they have not shared to date.

Mr Speaker, I see that Mr Clinton has returned to the Chamber. I answered the points that he
2575 raised and maybe he was able to hear that over the modern equivalent of the tannoy that we have got, namely the transmission behind the Speaker's Chair.

I therefore, Mr Speaker, commend the Bill to the House. (*Banging on desks*)

Mr Speaker: I now put the question which is that a Bill for an Act establishing the Gibraltar
2580 Consultative Council and governing its functions and duties, and prescribing the terms of membership of the same, be read a second time. Those in favour? (**Members:** Aye.) Those against? (*Interjections by Hon. Ms M D Hassan Nahon.*)
Carried.

2585 **Clerk:** The Gibraltar Consultative Council Act 2016.

**Gibraltar Consultative Council Bill 2016 –
Committee Stage and Third Reading deferred**

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken later today, if all hon. Members agree.

2590 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Several Members:** Aye.) (**Several Members:** Nay.)
Then it will not be taken today, it will be deferred to another day. It can be taken tomorrow.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): In that case the Bill will be how we start tomorrow; and I move that the House do now adjourn to tomorrow morning at 11.30 a.m.

2595 **Mr Speaker:** Tomorrow morning at... ?

Hon. Chief Minister: That the House adjourn to tomorrow morning at 11.30 a.m.

2600 **Mr Speaker:** At 11.30 a.m.?
The House will now adjourn to tomorrow morning at 11.30 a.m.

The House adjourned at 6.03 p.m.