



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.00 a.m. – 1.44 p.m.

Gibraltar, Thursday, 30th June 2016

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The Gibraltar Parliament

The Parliament met at 10.00 a.m.

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

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

Questions for Oral Answer

BUSINESS AND EMPLOYMENT

Q277-278/2016 Disability Allowance – Entitlement

Clerk: Meeting of Parliament, Thursday, 30th June 2016.

We continue with answers to questions. We commence with Question 277, the Hon. L F Llamas.

5

Hon. L F Llamas: Mr Speaker, can the Government state who is involved in the decision making as to whether a person shall be entitled or not to a disability allowance?

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

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Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I will answer this question together with Question 278/2016.

Clerk: Question 278, the Hon. L F Llamas.

15

Hon. L F Llamas: Can the Government provide details of the number of persons with disability and consequently receiving a disability allowance, providing details of condition and whether the disability arose from birth or later?

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

25

Hon. N F Costa: Mr Speaker, the Director of Social Security makes a reasoned decision on whether a person shall be entitled or not to Disability Allowance, having regard to all the particulars of a case. A panel made up of health professionals assess applications for Disability Allowance and provide advice and recommendations to the Director of Social Security. The panel consists of health professionals made up as follows: a physician drawn from a number of possible specialties, a psychologist, a physiotherapist, an occupational therapist, a social worker, a speech and language therapist, a general practitioner, a mental health welfare officer and a lay person appointed by the Director.

30 I would like to explain, Mr Speaker, that since July 2015 Disability Allowance is no longer
awarded on the basis of having a particular health condition or impairment, but on the impact of
the health condition or impairment that this has on the person claiming Disability Allowance or
on their carer's everyday life. It is not the role of the health professionals on the panel to
35 consider diagnosis, but rather whether the impairment has a substantial and long-term adverse
effect on his or her ability to carry out normal day-to-day activities. It may not always be
possible, nor necessary, to categorise a condition as either physical or mental impairment, as the
underlying cause of the impairment may be hard to establish. In many instances it is a
combination of different conditions that is substantially impacting on the activities of daily living.
40 It is the effects of these impairments that are being considered by the panel, rather than the
underlying conditions themselves.

We are not able, Mr Speaker, to release information on the conditions of the persons in
receipt of a disability allowance, as this is sensitive personal information and some individuals
may be identifiable from the information being requested. Releasing the information would in
any case contravene the Data Protection Act. As a result, it is immaterial whether or not a
45 disability arises from birth.

The number of persons receiving Disability Allowance as at the end of May 2016 is 243.

Hon. L F Llamas: Thank you very much for that well-detailed answer; I am really appreciative
of that.

50 Would the Minister be able to confirm whether the Director, in making the final decision,
normally accepts the recommendations of the board, or are there times when he refuses
recommendations made by that board?

Hon. N F Costa: Mr Speaker, if I may, it is actually a very good question, because there have
55 been instances where an applicant has made an initial application which has been rejected,
which then is brought to appeal by a different panel, which then also reject it, but the Director
has been told by me on various occasions that even when the panel advises against the award of
Disability Allowance she should not feel fettered by that and that she has an absolute discretion
to exercise that discretion in favour of a person, even when the panel advises against it. But if
60 memory serves me well, she has accepted the advice of the professionals on 100% of the
occasions. I can check the exact figure, but I think it is 100%.

Hon. T N Hammond: Mr Speaker, just reference whether the disabilities arose from birth or
later, I understand the Minister has already suggested that there may be data protection issues
65 at stake here. However, I do not think it would be unreasonable to provide a figure on that basis
and that it would be very difficult without going into any details of disability or anything on
providing a figure for the numbers of people who receive Disability Allowance or who have
received Disability Allowance from birth and those who have received Disability Allowance
having developed a disability during their lives.

70
Hon. N F Costa: Mr Speaker, if the panel would make a decision on whether to award the
allowance on the basis of whether or not a person had the disability from birth, then I would
agree with him that it would only be proper that I provide that information, but what I have just
explained to the Hon. Mr Llamas is that the panel does not consider that particular condition.
75 The panel considers whether the impairment or condition of the person has an impact on the
daily living of the person. To put it another way, the things that he and I, I suspect, take for
granted, like getting up in the morning, dressing oneself, showering, coming to work, walking
and seeking jobs and so on ... those things which he and I take for granted may not be able to be
carried out by a person who has a disability or some other impairment, and the panel considers
80 whether that impairment affects a person's ability to get on with his or her life independently, as
he and I do. Therefore, there is never an analysis on whether a person was born with a particular

condition from birth, so it is not part of the consideration. This is why I said that the award is not contingent on that condition. If it were, I would provide the details, but it is not, so it does not arise.

85

Hon. T N Hammond: In which case, would the Minister be willing to provide figures purely for those who have been awarded disability allowances by the panel?

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Hon. N F Costa: Mr Speaker, I am not sure that I have understood the hon. Gentleman correctly, but my concluding sentence was that there are 243 people in receipt of the allowance. Was that what he was asking?

95

Hon. T N Hammond: Possibly. That is 243 people who have been awarded the Disability Allowance by the panel?

Hon. N F Costa: Yes.

Hon. T N Hammond: I missed that point. Thank you.

Q279/2016
Registered unemployed –
Quarterly average

Clerk: Question 279, the Hon. E J Phillips.

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Hon. E J Phillips: Can the Minister for Business and Employment provide this House with the quarterly average for registered unemployed?

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

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Minister for Business and Employment (Hon. N F Costa): Mr Speaker, the quarterly average for the period ending March 2016 was 291.

110

Hon. E J Phillips: I am grateful for the response by the Minister for Business and Employment. Given that the figures that we were looking at during the General Election were about 164, and then at the last Parliament that we had here, in February I believe it was, the figure was 255 and now increasing to 291, I am perfectly aware of the attempts that have been made by the Minister in relation to reducing unemployment, but if he could explain also what other measures the Government are looking at in order to reduce unemployment ... and in particular I raise the question of apprenticeships, because I know that that was raised also in the context of his press releases regarding both those two initiatives that the Government has released – but particularly in relation to that. I understand that he is doing work in relation to getting unemployed ... and I think he has been very helpful to Mr Feetham I me in relation to a number of individuals who have sought employment recently.

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120

Hon. N F Costa: Mr Speaker, first of all, in respect of apprenticeships, I would simply answer the hon. Gentleman by telling him that there are questions on the Order Paper in that respect. In –

Hon. E J Phillips: I am grateful to him for giving way, but that is one of the questions Mr Clarke, his assistant, I have asked him to check, because in the order there are no questions

125 on apprenticeship. There are four questions but they are not listed in the notice of questions. I
have asked him to go and check to make sure that they do come up to ... I just preface that to
caveat that point on apprenticeships, if they will be raised by Mr Bossano later.

Hon. N F Costa: Mr Speaker, the Hon. Minister Bossano has just told me that the questions
130 the hon. Gentleman has given notice of do not specifically mention the question on
apprenticeships – he asks about training and skills – but there are questions on the Order Paper
in relation to training and skills, if I am not mistaken.

Mr Speaker, then to answer his second supplementary he asks – given that the quarterly
figure in January was 291, I imagine the question was whether there is cause for concern, given
135 that in August of last year the figure was 164. Well, in the first place, I think it should be said that
the employment strategies of the Government are certainly working when last year we had the
lowest ever recorded levels of unemployment. Last year, the quarterly averages were 255, as he
rightly remembers, in the last quarter; 207 in the third quarter; 204 in the second quarter; but it
was 282 in the first quarter; and on this occasion, this year, it is 291. So there is only a very small
140 difference between one and the other.

Without wishing to steal my own thunder for the Budget address, I have to tell him that the
employment strategies that the Hon. Minister Bossano and I are working on – and he makes
particular mention of the press releases and press conferences I have held in respect of the
approved contractors, again on which I am working with the Minister – I am happy to say that
145 those are yielding fruit. Because the month of June closes today, I am unable to give him today
the quarterly figures for the second quarter. I wish I had them with me, because they tell me,
the Employment Service, that they already make good reading, but I am telling him now that I
am confident that, given the focused strategy that we have implemented in calling in the
approved contractors of the Government and asking them to please help us in recruiting persons
150 who are on the unemployment list, the unemployment figures are indeed going down, there is
an increased number of Gibraltarians in employment and I will very happily give him the hard
numbers when we meet for the Budget session.

Hon. E J Phillips: I am grateful for that response, and not wishing to have the last word I will
155 address most of the other questions that relate to training and skills to Minister Bossano.
Thank you.

Q280-283/2016

Gibraltar Joinery & Building Services Ltd – Vacancies; notices of terms of engagement; complaints; termination notices

Clerk: Question 280, the Hon. E J Phillips.

160 **Hon. E J Phillips:** Can the Minister for Business and Employment confirm the total number of
vacancies opened by the Employment Service in relation to employment opportunities with
GJBS since 26th November 2015?

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

165 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, I will answer this
question together with Questions 281, 282 and 283/2016.

Clerk: Question 281, the Hon. E J Phillips.

170 **Hon. E J Phillips:** Can the Minister for Business and Employment confirm the total number of notices of terms of engagement filed by GJBS since 26th November 2015?

Clerk: Question 282, the Hon. E J Phillips.

175 **Hon. E J Phillips:** Can the Minister for Business and Employment confirm the number of employment-related complaints received from current employees and former employees in relation to GJBS?

Clerk: Question 283, the Hon. E J Phillips.

180 **Hon. E J Phillips:** Can the Minister for Business and Employment confirm the total number of termination notices filed by GJBS each month to the present day as from 26th November 2015?

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

185 **Hon. N F Costa:** Mr Speaker, the information the hon. Gentleman requests in respect of vacancies, notices of terms of engagement and notices of termination is confidential by virtue of the Employment Regulations 1994.

In connection with any complaint received by GJBS, the hon. Member should note that I am not the Minister with responsibility for GJBS. In any event, Mr Speaker, please note that any
190 complaint received by the Employment Service would be strictly confidential.

Hon. E J Phillips: Mr Speaker, just one supplementary question, hopefully, in relation to this matter. We receive numerous complaints by employees of GJBS, or former employees, in relation to their employment, and they often say to us, invariably – or most of the time – that
195 they are approaching either your offices or Mr Bossano's offices in relation to it. I am sure Mr Bossano cannot answer now in relation to that point, but it would be helpful to identify the number of complaints so that we know what the Government is doing about that. Are they simply assisting GJBS employees or former employees get further employment, or are they assisting them in their dispute, or just turning them away and saying, 'Look, it's a private matter
200 between you and GJBS,' and nothing further?

Hon. N F Costa: Mr Speaker, I have to tread carefully, because I have just said that the Employment Regulations impose a legal obligation – on employment officers who administer notices, terminations and vacancies – of confidentiality.
205

But whereas the Standing Orders say that we should not deal in hypotheticals, with your indulgence perhaps you would allow me to deal in one hypothetical to say this. If any person, whether they work for GJBS or for any company in Gibraltar, were to come to me to complain of a particular company, my immediate reaction would be to refer him or her to the Labour Inspectorate of the Employment Services, but I would also make it very clear to them what the
210 powers of the Labour Inspectorate are under our legislation and that they should seriously consider obtaining legal advice, because it may be that their only recourse is legal rather than administrative by way of a Labour Inspectorate investigation – hypothetically, should anyone come to my office to complain about anyone.

Q284-285/2016

**Bullying in the public service –
Number of complaints received; action taken**

215 **Clerk:** Question 284, the Hon. E J Phillips.

Hon. E J Phillips: Can the Minister for Business and Employment confirm the number of complaints received by his Department in respect of bullying in the public service workplace?

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

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I will answer this Question together with Question 285/2016.

225 **Clerk:** Question 285, the Hon. E J Phillips.

Hon. E J Phillips: Can the Minister for Business and Employment confirm what steps have been taken with respect to any bullying complaints received?

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

Hon. N F Costa: Mr Speaker, as the hon. Gentleman is aware, I am responsible for four departments, namely the Employment Service, the Department of Social Security, the Office of Fair Trading and the Royal Gibraltar Post Office. In any case, as I have just said in answer to a previous question, any complaint in respect of bullying received by any one of my departments would necessarily be strictly confidential.

235 Should any of my constitutional responsibilities, however, receive a complaint of bullying, I would immediately refer the matter to the Human Resources Department for their investigation and any necessary action. Once again, the Human Resources Department has confirmed to me that any such complaints and investigation by them would be strictly confidential.

240 **Hon. E J Phillips:** Mr Speaker, I am not asking for the confidential details of complaints. All I am asking for are numbers: would you now provide those numbers?

245 **Hon. N F Costa:** Mr Speaker, as I say, should any complaint come to any head of department of my four departments, or should any complaint indeed come to me, my immediate reaction would be to advise either the head of department or myself to refer the matter immediately to the Human Resources Department. It is not something that I would necessarily institute, investigate or take action on. It may be that, in the hypothetical example, somebody does complain to the Human Resources Department and there is an investigation. The Human Resources Department would necessarily have a recommendation to the head of department or to me, which we would have to implement.

250 **Mr Speaker:** We are dealing with two questions here, one of which is asking for statistical information, numbers – that is straightforward. The other one asks about steps to be taken. That is another matter, that steps to be taken can be deemed to be confidential. But I would say, myself, that where we are arriving at numbers, if the Human Resources Department has received four complaints, say, about bullying, that information surely cannot be confidential. It does not have to be.

260 **Hon. N F Costa:** Well, Mr Speaker, that is what I was advised. I personally –

265 **Mr Speaker:** Let me tell you that – as Chairman of the Public Services Commission, we deal with disciplinary matters – I am well versed on the subject. Again, giving information, steps, details, out of the question; but numbers ... Look, I think you should go back to the person who has given you the advice.

Hon. N F Costa: Yes, Mr Speaker, I am happy to do so.

270 **Mr Speaker:** And when you do, bring the advice here to the House.

Hon. N F Costa: Mr Speaker, we ... If –

275 **Mr Speaker:** Remember what I am saying: numbers.

Hon. N F Costa: Yes, but –

280 **Mr Speaker:** If Government, as an employer, receives complaints from a number of their employees, I submit to you that that information does not have to be confidential, covered by any piece of legislation that makes the numbers of complaints confidential. The details: of course you are not supposed to and you must not give any details.

285 **Hon. N F Costa:** Mr Speaker, with all due respect to the chair, if I were to tell any official that I will bring to this House his advice, my fear would be that they may not give me what, in their opinion, is the best advice, because they know that their advice will be ventilated in this House. I will most certainly take Mr Speaker's direction and I will go back –

Mr Speaker: Where?

290 **Hon. N F Costa:** – to the Human Resources Department manager and discuss the matter with him. But if I may, Mr Speaker, and with your indulgence, I will not tell him that I will air his advice in public, because then I will be prejudicing my ability to be able to carry out my constitutional functions.

295 **Mr Speaker:** Where the question is wrongly directed is in that you are asking the Minister for Business and Employment, and that is not his responsibility. He does not have responsibility for Government as an employer, it is the Human Resources Department, and therefore your question should be directed at Government, instead of asking the Minister: can the Government say what steps have been taken; can the Government say how many complaints have the Human Resources Department received in respect of bullying since the legislation was enacted? That is a perfectly legitimate question and you would be asking then someone like ... the Chief Minister presumably would make himself responsible for answering that. But you are directing your questions to the wrong person.

305 **Hon. N F Costa:** Mr Speaker, thank you for bringing up that matter. Certainly if he were to ask me a supplementary, one of the things that I would definitely have said was ... if he were to ask me in respect of bullying complaints before the industrial tribunal, that is certainly different because that is publicly noticed anyway.

310 **Mr Speaker:** The Minister for Employment has responsibility for employers in the private sector; he does not have responsibility for Government as an employer.

315 **Hon. E J Phillips:** The only other question, with the greatest respect, is if he received bullying complaints from his own Department. That is a perfectly plausible question to put to the Minister, of course.

I take the point from the Speaker and I will make sure it is framed better next time, but I would say this ... and I agree with Mr Speaker in relation to the number of complaints and I will put that question in the next session, and if that is not forthcoming I am sure Mr Speaker will have something more to say about it.

320 **Hon. R M Clinton:** Mr Speaker, regarding your comments just now, would it be a correct assumption to make that, really, to make things easier, we on the Opposition benches should always phrase our questions ... or address them to the Government in general, rather than a specific Minister?

325 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Mr Speaker, if I may comment, in my view the Opposition asks questions of the Government and the Government designates who should answer it, really.

330 **Mr Speaker:** It is a learning process. It is not something that when you are on the Opposition ... It is a learning process for you. A Member of the Opposition asking a question cannot determine through the question who is going to answer it. The Government can decide. It is the role of the Government, the Chief Minister, to decide who is going to answer.

335 What you are able to do, to guide yourself, is to look very carefully at the portfolios of the Ministers, look very carefully at the responsibilities that they have, which are published in the *Gazette*, and that is very good guidance – you might get it wrong once or twice, but that is very good guidance – and when you are in doubt, instead of mentioning a Minister, ‘Can the Government say ...?’ and someone ought to answer.

340 **Hon. E J Phillips:** Mr Speaker, I think, with your leave, the previous question, in relation to unemployment figures, is a perfect example of where Mr Bossano, the Minister for Training and Skills, interconnects with Mr Costa’s ministry, and the difficulty with that point is that when both Ministers are announcing certain press releases ... One comes to mind from last year in relation to Gibtelecom, for example, where both of them were effectively on the stage announcing that apprenticeship, so it is very difficult to distinguish whether Mr Bossano or Mr Costa should be answering certain questions in relation to employment training skills, and therefore, quite rightly so, maybe address the question to the Government generally ... and up to the Government to allot the question to the relevant Minister. I am grateful.

SPORTS, CULTURE, HERITAGE AND YOUTH

Q286/2016

Marrache & Co –

Offers made for items with heritage and cultural value to Gibraltar

350 **Clerk:** Question 286, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Hon. Minister for Heritage please advise whether an offer has been made to the Marrache & Co joint liquidators by Government for any of the items in the collection for sale; and, if so, how they have been selected?

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the collection in question contains items which, the Government was advised, should not be allowed to leave Gibraltar because of their heritage and cultural value to our community.

I can confirm that an offer was made to the joint liquidators of Marrache & Co for all items that had any relevance to Gibraltar, be they artworks, books, prints or documents. The offer was accepted by the liquidators. Due to adjustments required between the amounts due from the joint liquidators, the final nett amount of the offer is not yet determined. The gross offer was £200,000, which was just under the amount of the total offers received by the joint liquidators for parts of the collection related to Gibraltar.

A full statement will be made by the Government shortly on the items acquired and where they can be viewed by the public or where they will be stored and made available for researchers.

Q287/2016
Europa water tanks –
Consent for demolition

Clerk: Question 287, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Heritage please confirm that the Government will not allow the demolition of the Rosia ... sorry, the Europa tanks?

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): It wasn't the Rosia tanks – the Rosia tanks were destroyed by yourselves! (*Laughter*) And therefore the answer is the Government, after consultation with the Gibraltar Heritage Trust, will not consent as landlords to the destruction of the water tanks under the old Casino building in Europa Road.

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Q288/2016
Gibraltar Music Festival 2015 –
Cost

Clerk: Question 288, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance advise whether the 2015 Gibraltar Music Festival was over budget; and if so, by how much?

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, a perfect example of the hon. Member asking the Minister for Public Finance – and I am not the Minister for Public Finance, but I am answering this question, so it just gives us an example of this.

375

The information requested is contained in the draft estimates of revenue and expenditure book, which the hon. Member knows is confidential until the Appropriation Bill is approved by this House. The hon. Member has a copy of this book with the information he requires. Once this happens, the information will be in the public domain for all to see.

380

Hon. R M Clinton: Mr Speaker, I fully recognise that the Estimates Book is entirely confidential and it will become a public domain document during the Appropriation Bill next week.

385 Obviously, because it is a confidential document, we are certainly not in a position to make public any figures from that document; but surely, when asked a specific question such as this one, and where the Government has figures available to it, it would be appropriate for Government to bring those figures into the public domain a week earlier.

390 **Mr Speaker:** No, it is not a question of whether they are a week earlier or not.

Hon. S E Linares: No, Mr Speaker –

395 **Mr Speaker:** These are papers that have been laid in the House. The estimates were given to hon. Members at a certain time on a confidential basis in order to enable them to prepare for the Budget debate.

Next week, you will be able to go to town on the matter, won't you? You have got the estimate; there is going to be a debate precisely on the estimates of expenditure. If you want to, you will be able to have a field day, if such is the case, but not today at Question Time.

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Hon. R M Clinton: Mr Speaker, as you will fully appreciate, I have been after this sort of information since the very first session of this Parliament in January, and the Minister has said, 'The figures are not yet available; I do not have the figures. We will make an announcement in April.' April has come and gone and we have had no announcement. It just happens to be pure coincidence that the Budget is next week.

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Mr Speaker: The information *is* in the estimates: you have them, I have them. I have seen what the figure is. You want to make it public: it will become public next week, but not today. It is very straightforward, and it is the way that this Parliament has been operating since 1950.

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Hon. R M Clinton: Mr Speaker, respectfully, how much time shall I leave in between Budget sessions when I ask financial questions? Should I not ask a question a month before we get the estimate books, two months, three months, one week?

I know I have the estimates, but I am asking a very specific question, following up questions I have asked before: is he over or under budget? That is all I want to know.

415

Hon. S E Linares: Mr Speaker, it is a question of order as well. The hon. Member should not be asking questions which he has already got eye of anyway. He knows exactly what the figures are. Therefore, I stand to be corrected but you cannot ask a question of what you know the answer for. He *knows* the answer. The fact that he has been asking months and months, and I understand that he has been putting questions every month, and my answer is I cannot give him the answer because it is not finalised. Now it is finalised, he has got the figures, which are confidential, and he can come back next week when it is not confidential, because we have to go through the Appropriation Bill. Therefore, once we go through the Appropriation Bill, he can then use the figures, like Mr Speaker has rightly said.

425

Hon. T N Hammond: Mr Speaker, I think my hon. colleague raises an important point. Where we come to asking questions on issues of public finance, is there a line after which we are not permitted to seek answers – for instance, when we are issued the Estimates Book?

430 It needs to be borne in mind on this particular occasion, I think, that, for external factors – the matters of the Referendum – both sides of the House did agree to suspend this Parliament for a period of months, and therefore, obviously, my hon. colleague has not had an opportunity to come back on his previous questions on this issue, and it just so happens that the first

435 opportunity he has had to do so has occurred a week before the Budget session. But because this particular matter, rather than other matters that may be associated with the Appropriation Bill and the Estimates Book, has been asked previously and we have been promised answers previously, I am sure my hon. colleague – and I agree with him – felt it was appropriate to ask that question again.

440 **Mr Speaker:** The reality, of course, is that you are going to be able to deal with the matter on Monday.

From my understanding ... my experience of 16 years in Government is that where the Government expenditure is concerned, a figure can sometimes be put on an item in the estimates halfway through the year – the money has been spent and that is the end of the matter – but there are very many instances where invoices come in, bills have to be paid, and these are submitted on an ongoing basis. The end of the financial year is 31st March. The beginning of March may arrive and not all the invoices have been received, and therefore you cannot give a final figure as to what the outturn has been in respect of some item or other. In some cases you can, because it happened many months ago and that was the end of the matter: a specific sum was spent on a specific matter, and that was it. But where you have ... In this case the Music Festival was a big do and very many people must have been involved in it. Billed invoices are submitted, the Treasury goes through them carefully, payments are made and eventually you get at a figure. That figure, the final outturn, is in the Estimates of Expenditure, because I have seen it. But it is confidential until next week – that is all. You know what it is and you will be able to divulge it next week, and you will be able to debate the matter and hold the Government to account in respect of the figure. So your ability to hold the Government to account is not being curtailed by the fact that you cannot do it today.

460 **Hon. R M Clinton:** So, Mr Speaker, again just for our information and our benefit on the Opposition benches, would I be correct in saying then that the minute we receive the Estimates Book in April we will not be able to ask any questions at all in relation to any outturns?

465 **Mr Speaker:** No, I would not say that it is the case that you cannot ask any questions at all. What you cannot do is to ask for information which is there in the estimates; that is what you cannot do. There might be very many questions which are related. Look, the Estimates of Expenditure cover all Government activity. It does not mean that you cannot ask any questions on Government activity, but a specific item such as that one you cannot ask.

470 **Hon. T N Hammond:** One more question from me, then. Could I just ask the Hon. Minister when he had those finalised figures for the expenses of the Music Festival made available to him?

475 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Mr Speaker, may I point out to the Members opposite: the figure in the Estimates Book is a forecast even at this stage. What we have is the amount for the whole Budget broken down that was approved a year ago, and then what is the estimate, and that estimate is revised several times until the book is printed. But even after it is printed it is still a forecast. If the hon. Members look at the column that says the final figure for 2014-15, (**Mr Speaker:** Outturn.) the final outturn, and they compare it with last year's forecast, they will find that there was a difference of a couple of million.

480 **Hon. T N Hammond:** Of course, I appreciate the Minister's correction there and I do understand that point and the inaccuracy of the statement I made. However, the point remains: was it at the point of publication of the Estimates Book, or the draft that he would have seen, is

485 that the point at which the Minister became aware of the forecast outturn for the Gibraltar Music Festival, or was he aware of the forecast outturn at some point before that?

Hon. S E Linares: As soon as they are sent to the printers, it is the forecast outturn, i.e. an estimate of what is going to be spent up to the end of the year. If you look at the book, next year, before you print, you have the actual, exactly how much has been spent. So, at this stage, 490 there is a forecast up to the end of the year, but like Mr Speaker said, we are still receiving some invoices. Even last week, we received them. The book was printed and then we received invoices, or even revenue, whatever – it is still a moving thing.

495 **Hon. R M Clinton:** Mr Speaker, if may ask a question – not a financial question in relation to the Estimates Book, but in terms of the approval process for the Music Festival, was the Minister himself personally responsible for determining how much would be spent or was it a Cabinet collective decision?

500 **Hon. S E Linares:** Mr Speaker, it is a Parliament decision. It is in the Estimates Book ... by the Parliament in the Appropriation Bill last year. The Government can go over or under, but it is the Parliament that approves the Estimates Book ... last year ... there is a sum there and we might go over, but that is then a decision that governments take – sometimes it goes over, sometimes it goes under, but that is a decision of the Parliament.

505 **Hon. R M Clinton:** Mr Speaker, I appreciate if you want a retrospective approval of Parliament for any overspend, I guess dig deeper.

Who determines which music acts come to Gibraltar? Is it the Minister himself or somebody else?

510 **Hon. S E Linares:** Mr Speaker, the Music Festival is not ... I do not go and call agents and invite the superstars to my house. This is a production team, of which there was a tender process – and the hon. Member should know this; this is public knowledge – in which two companies in this case together bid. They then do the Music Festival and they get on with it. They do the production, they do the lights, the sound, the procuring of the artists, the VIP, the VVIP – to 515 which the hon. Member comes and is invited to. All these issues ... You must understand, I cannot be sitting in my office ... whether we get a fork-lifter to put the cranes on or not. This is a production team; these are specialised teams.

It is exactly the same as ... For example, we had, a couple of weeks ago or a week ago, 520 Calentita. That is another event. All these events are managed in a way, financially, by my Department. Of course there is a controlling officer who has to sign things, and the invoices go from the production team to the controlling officer. At the beginning of the year, they do the same as we do to the Parliament, which is they give me an estimate and they say, 'Right, okay, this year we are going to spend so much on artists,' and then it is up to us to say, 'Well, we have 525 not got so much money,' or whatever. Or, you have enough money. So they bring me an estimate, and then we agree the estimate and they get on with it. So it is not the Minister who decides. Sometimes I might influence them because I like a band and I say to them – (*Interjection*) Yes. And I say to them, 'Look, why don't you bring ...' Roger Hodgson was my choice – why, because I used to like Supertramp – and they actually acquired him, but it is not 530 that I am sitting in my office thinking, 'Oh, well, hold on, I am going to tell them to bring so and so.' (*Interjection and laughter*)

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

I thank the Minister for that – (*Interjection and laughter*) I have no talents in the music 535 department, I am afraid!

Mr Speaker, I thank the Minister for his explanation and clarifications. He did mention that there was a tender process for production teams and that there would be people who submit tenders. Can he confirm those were fixed-price tenders?

540 **Hon. S E Linares:** No, they were not. It was a tender to produce, and therefore one of the conditions of the tender was that they had to previously bring an estimate, but then it is the Government that decides whether that estimate is approved or not.

545 Therefore, what I am saying is that they got a four-year contract. In fact, this year is the last year of the current company, the company that are doing it, and it will go out to tender again; therefore, everybody can bid in. What we do now is that we ask them to give us estimates of how much they think, because when you bring it out to tender they have to say, 'Well, we can do it: expenditure, revenue,' – how much we can get it done for.

TOURISM, HOUSING, EQUALITY AND SOCIAL SERVICES

Q366/2016

Tourists visiting Upper Rock – Details of travel

Clerk: Question 366/2016, the Hon. L F Llamas.

550 **Hon. L F Llamas:** In each financial year since 31st March 2012, please provide a monthly breakdown of tourists visiting the Upper Rock, detailing whether they are entering the Nature Reserve as a passenger of a public service vehicle, private vehicle or walking?

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

555 **Minister for Tourism, Housing, Equality and Social Services (Hon. S J Sacramento):** Mr Speaker, the information requested by the hon. Gentleman is detailed in the schedule that I will now hand over.

ANSWER TO QUESTION 366/2016

11/12	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12
By Private vehicles	6135	4649	5690	9611	12,987	6889	5980	2789	2909	2337	3133	2947
By PSV	47,170	53,408	44,480	48,623	55,429	58,418	53,520	26,220	15,436	13,667	19,681	29,386
Walking	3197	2769	2418	3652	4445	3274	3735	2094	1854	1604	2331	2507
Other	22422	26022	27707	36530	48462	31804	28391	11072	10556	9323	8036	12250

12/13	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13
By Private vehicles	6579	4822	5022	9709	10,832	5,841	5989	3094	2294	2238	2794	4265
By PSV	45,069	55,968	42,792	46,162	53,205	56,091	50,537	19,646	11,182	9,619	15,491	25,783
Walking	3810	3464	2496	3478	4533	3245	3117	1575	1343	1450	1643	2355
Other	22411	24728	24160	38356	48714	31354	24915	9675	8186	3757	7370	10541

13/14	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14
By Private vehicles	4877	5110	5224	9624	5716	3356	3874	2124	2077	1939	2086	2561
By PSV	40,020	52,089	45,078	50,772	44,160	52,630	48,125	19,762	12,681	9,815	12,740	22,994
Walking	3613	3814	2890	4031	3681	2734	3227	2121	1747	1454	1846	2707
Other	18,839	25,170	23,367	39,549	35,522	24,196	23,970	11,827	7325	5260	7520	10,707

14/15	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15
By Private vehicles	4671	4250	4,512	8844	10,018	5519	4596	2374	2405	3106	3159	2725
By PSV	44,504	50,061	44,283	50,160	49,293	61,559	52,499	22,079	13,091	10,587	17808	24,129
Walking	4523	3743	3062	4573	5346	3832	4650	2885	1992	2543	2785	2622
Other	26113	23972	25594	36760	45946	33051	29101	10222	9977	2538	3755	12209

15/16	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16
By Private Vehicles	4766	4253	4934	8903	12,989	7344	5974	3429	3426	3014	4441	5429
By PSV	50,089	50,389	47,327	55,010	53,609	65,410	58,671	24,251	15,113	9514	17,992	32,347
Walking	5396	4019	3652	4083	6537	5123	5103	3764	2815	2243	3624	4835
Other	27363	26591	27673	37625	45437	34815	32194	11733	10797	6954	1905	17850

15/16	Apr-16	May-16										
By Private Vehicles	527	0										
By PSV	49,142	64,585										
Walking	7246	7193										
Other	27047	30,456										

Mr Speaker: We go on with the next question, and then, if there are any supplementaries, I will allow you to ask them.

Q367/2016

Upper Rock ban –

Exemption for disabled persons in foreign licensed vehicles

Clerk: Question 367, the Hon. L F Llamas.

565

Hon. L F Llamas: Does Government have plans to exempt persons with disabilities travelling in foreign licensed vehicles from the Upper Rock ban?

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

570

Minister for Tourism, Housing, Equality and Social Services (Hon. S J Sacramento): Mr Speaker, the Government already has this procedure in place.

Hon. L F Llamas: Is the Minister able to tell me as from when this measure was implemented, please?

575

Hon. S J Sacramento: Mr Speaker, this measure was implemented when the new measures in the Upper Rock were implemented as to access to foreign registered vehicles within the Upper Rock. It may have been perhaps a bit confusing in the first couple of days, but it has certainly been implemented since then.

580

Hon. L F Llamas: The only reason why I am asking is because, as you know, I was asking in press releases and I actually visited and saw certain people with disabilities being turned away. This was well over a month after the new implementation on foreign licensed vehicles had taken place, so I cannot accept that it was a thing that was implemented as from 1st April. I believe this must have been considered and implemented later, but obviously I am not privy to what instructions you have given to the people who actually man the sites.

585

Hon. S J Sacramento: Mr Speaker, as I said, I think there may have been a bit of confusion initially, but certainly I was not aware of that situation, and on that basis I will make sure that instructions are circulated again to make sure it does not happen again, but certainly the policy is in place.

590

Q368/2016

Gibraltar International Airport –

Departure lounge security

Clerk: Question 368, the Hon. L F Llamas.

595

Hon. L F Llamas: Mr Speaker, does Government have plans to improve security traffic when entering the departures lounge at the Gibraltar International Airport, especially on Sundays?

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

600

Minister for Tourism, Housing, Equality and Social Services (Hon. S J Sacramento): Mr Speaker, HM Government of Gibraltar has already increased security personnel in order to cater for the expected increase in passengers at the Airport.

Q369-370/2016

**Care Agency –
Agency workers**

Clerk: Question No. 369, the Hon. L F Llamas.

605

Hon. L F Llamas: Further to Question 148/2016, can the Government state the commencement date for the recruitment of agency workers currently working within each service provided by the Care Agency?

610

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

Minister for Tourism, Housing, Equality and Social Services (Hon. S J Sacramento): Mr Speaker, I will answer this question together with Question 370.

615

Clerk: Question 370, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, when a recruitment agency worker, working within the Care Agency, for whatever reason, is unable to work certain days, what is the practice in replacing that worker?

620

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

Hon. S J Sacramento: Mr Speaker, there are no recruitment agency workers in the Care Agency.

625

Hon. L F Llamas: Does that mean that all the workers listed in Question 148 are no longer working within the Care Agency?

630

Hon. S J Sacramento: No, Mr Speaker, the workers listed in Question 148 are not recruitment agency workers.

Q371/2016

**Care Agency workers –
Details of current posts**

Clerk: Question 371, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, how many Care Agency employees are currently acting and since when, detailing posts individually by post?

635

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

Minister for Tourism, Housing, Equality and Social Services (Hon. S J Sacramento): Mr Speaker, there are 10 Care Agency employees currently acting in vacant posts. These have been acting since ... There are two since October 2011, one since February 2012, two since October 2012, one since March 2016, two from April 2016 and two from June 2016.

640

The posts that they are acting in are as follows: Senior Social Worker, Senior Care Worker, Deputy Manager, Executive Officer.

645 **Hon. L F Llamas:** Is the Minister able to provide the actual post and date coinciding with each, so I may tally them, please?

Hon. S J Sacramento: Mr Speaker, that is not the question that was put to me. If the hon. Gentleman wishes to put that question framed in that manner for that answer on the next
650 occasion, then of course I am happy to do so.

Q372-373/2016

Dr Giraldi Home –

Government and non-Government workers

Clerk: Question 372, the Hon. L F Llamas.

Hon. L F Llamas: How many workers employed by Government, Government-owned companies, authorities and agencies are currently working in the Dr Giraldi Home?
655

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

Minister for Tourism, Housing, Equality and Social Services (Hon. S J Sacramento): Mr Speaker, I will answer this question together with Question 373.
660

Clerk: Question 373, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, how many workers not employed by Government, Government-owned companies, authorities and agencies are currently working in the Dr Giraldi Home?
665

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

Hon. S J Sacramento: Mr Speaker, the complement of staff at Dr Giraldi Home is as it appears in the Estimates Book of Revenue and Expenditure. Indeed, a figure was provided to the hon. Gentlemen in the last parliamentary session.
670

As explained previously, there are workers who are subcontracted from time to time to provide temporary cover or temporary additional resources. As explained previously, this is a fluid service and numbers fluctuate even on a daily basis, and temporary cover is used when
675 necessary to cover or for temporary influx of work.

Hon. L F Llamas: So, in that case, the Minister is confirming then that the complement of staff as it is in the Estimates Book is covered by actual employees and not by subcontracted workers – yes?
680

Hon. S J Sacramento: No, Mr Speaker, that is not the question that was asked and that is not the answer that I provided.

Hon. L F Llamas: Mr Speaker, I am finding it a little bit difficult to understand. The Minister is telling me that the complement of staff is as it is in the Estimates Book, but I did not ask for that; I asked how many workers employed by Government, Government companies and authorities and agencies are currently working. I am asking for a specific number, and, in the same way, I am asking for a specific number as to how many workers are not employed by Government or any other agency or authority, and I am not getting that answer from the answers I am given.
685

690 **Hon. S J Sacramento:** Mr Speaker, the reason is because this particular service – as I have said in the past, because I always get asked this question, pretty much in every session – is a very fluid service. It means that, as I have explained, we may use workers who are subcontracted from time to time on a temporary basis, either because we need to call them in or because there is a temporary influx of work.

695 Indeed, Mr Speaker, the situation was explained by my colleague, Minister Cortes, yesterday. Sometimes we may have people who call in sick. In a place like the Dr Giraldi Home it is not like having someone who is a receptionist who calls in sick on a particular day, which means that the filing does not get done. This is not what it is. In the case where someone calls in sick for a day, two days, perhaps long term, someone from an agency that we use to subcontract will be called
700 in to cover that post. It means that on that particular day we have a temporary need for cover, but that worker may be there one day and may not be there the next, which is why, on every occasion, I always say that it is fluid, because it is not the practice – which is, I think, what the hon. Gentleman may be trying to insinuate – that complement posts are covered by workers who are not employees of the Care Agency.

705 As I have explained in the past, and in the same way that Minister Cortes explained yesterday, we use people for short-term temporary cover. Because it is short term, because it is temporary, it changes and it can change from day to day, which is why I always explain that it is a very fluid situation. I am therefore unable to give a concrete figure, because of the particular nature of this service.

710 Mr Speaker, on a particular day I may have a service user who may have a particular behavioural problem manifesting itself. It may be that on that day we need to call in extra support. It may be that for a day or two I need to call in a subcontracted worker to work alongside my people for two days, but then on the third day, if I no longer need it, then I no longer need them. That is why it is so fluid – it is because situations differ from day to day.

715 **Hon. L F Llamas:** Mr Speaker, I am asking for some guidance from you on this Question. Is it unreasonable for me to expect at least maybe end of month figures to be able to see what the trend is?

720 **Mr Speaker:** It would seem to me that in respect of workers employed by Government, Government-owned companies, authorities and agencies, these are not employed on a casual basis, these are not temporary. In respect of that, you are entitled to ask for the information that you are seeking – for the figures.

I think the Minister has answered the question indirectly by telling you to have a look at the
725 Estimates Book because the information is there. She also says a figure – I do not know whether it is that specific one – was provided at the last parliamentary session.

But you certainly are entitled to ask and would expect to know how many workers the Government, its companies and agencies are employing.

730 **Hon. S J Sacramento:** Yes, Mr Speaker, and as you say, I referred to the figure that I provided in the February session of Parliament which, as you know, was less than six months ago. I could also have answered the question saying this figure was provided less than six months ago, but I am just referring to the last session of Parliament where I did provide the figure. It is not that I am not providing the figure, Mr Speaker; I provided it in February.

735 **Mr Speaker:** When we come to next week there is a general debate during the Second Reading of the Bill, and then the House resolves itself into committee, where we deal with each head of expenditure and each item, in fact. Then, when it comes to the appropriate head, you can ask and get the information that you require. Okay? There will be no difficulty in getting it
740 then; but even so, you are being referred to the estimates, because the information is there.

745 **Hon. L F Llamas:** Sorry to keep on this point: the question in Question 372 is: how many workers employed by the Government, Government-owned companies, authorities or agencies are currently working in the Dr Giraldi Home? I think that figure, in particular, should be made available. If the number of workers is the same – (*Interjection*) I did not ask this question in February. If the number of workers is exactly the same as those in the Estimates Book, then that is all I need to know. I accept the second part of the question, but in relation to Question 372 I do believe I am due a number in order to confirm that the number of workers within the Dr Giraldi Home is exactly the same as what is in the Estimates Book.

750

Hon. S J Sacramento: Mr Speaker, I am quite surprised by this supplementary, given that it was the hon. Gentleman who asked me this question in February. In February I was asked the question of how many people worked in Social Services, broken down by Department. In February I answered the number of people who worked in Social Services, broken down by Department. My answer refers to the question in February, Mr Speaker. It was the hon. Gentlemen who asked me the same question in February – and it was answered in February.

755

Mr Speaker: So, are you saying that the information in respect of the Dr Giraldi Home is contained in that answer that you gave about the Department?

760

Hon. S J Sacramento: Yes, Mr Speaker. To clarify, question one: how many people work in the Dr Giraldi Home? Answer: I replied in February. Answer: it is in the Estimates Book and I gave you the figure in February.

765 Question two: what about people you subcontract? Answer: it is fluid and I am unable to give you a wide-ranging answer because it is so fluid that it is difficult to answer without a more specific question.

Q374-377/2016

Care Agency establishments – Residential and respite admissions policies

Clerk: Question 374, the Hon. L F Llamas.

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

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

775 **Minister for Tourism, Housing, Equality and Social Services (Hon. S J Sacramento):** Mr Speaker, I will answer this question together with Question 375.

Clerk: Question 375, the Hon. L F Llamas.

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

Clerk: Question No. 376, the Hon. L F Llamas.

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

Clerk: Question 377, the Hon. L F Llamas.

790 **Hon. L F Llamas:** Since December 2011, have there been any exceptions made to the admissions policy for respite and/or residential care at any of the Care Agency establishments?

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

795 **Hon. Miss S J Sacramento:** Mr Speaker, in answer to Questions 374 and 375, each area of service within the Care Agency has a different policy for residential care and respite services. This is because in Children's Services admissions are based on legislation and/or concerns for children following assessment, and in the Learning Disabilities Services admissions are based on the need of the service user and are subject to the eligibility criteria first.

800 In answer to Question 376, each area of service within the Care Agency has a different policy, which will depend on the need of the service user and area of service delivery, as explained in the previous question.

In answer to Question 377, the answer is no.

805 **Hon. L F Llamas:** Can the Minister expand on the policy criteria not covered by statute in the different establishments, please?

810 **Hon. Miss S J Sacramento:** Mr Speaker, in respect of children, while the statute provides a statutory obligation in particular circumstances, there may be other circumstances where the statutory obligations do not kick in, but if there is a referral, subject to assessment by the professionals, usually in these circumstances, in the absence of a statutory order, then with agreement with the parent, children will be admitted into care.

815 In relation to the other services – the Learning Disability Services for adults – that will be upon a general assessment of the needs of the person. The service is person-centred and therefore the needs of the person can be ... The person can come to the service for different reasons, by application or sometimes by referral, but it entirely depends on the individual.

Q378/2016

Care service companies – Plans for regulation

Clerk: Question 378, the Hon. L F Llamas.

820 **Hon. L F Llamas:** Mr Speaker, does the Government have any plans to regulate care service companies?

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

825 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the existing care service companies subcontracted by Government to provide services, insofar as this is the case, are regulated.

Hon. L F Llamas: Can the Minister enlighten me as to which body regulates them, please?

830 **Hon. Miss S J Sacramento:** Mr Speaker, they are regulated by the body which commissions the service. The organisations which are commissioning these services will be Government

Departments and they are regulated contractually, of course, to provide a specific level of care, but then there are also inspections – planned inspections and unannounced inspections – to ensure that the clinical standards required of them are met.

835

Hon. L F Llamas: So I assume these investigations and spot checks are done when the care is provided to Government services. Is this expanded to those who may contract these companies on a private basis?

840

Hon. Miss S J Sacramento: Mr Speaker, they are in effect the same companies and the reality is at present that the majority of the work undertaken by these companies is for Government as a client.

845

Hon. R M Clinton: Mr Speaker, if I may ask the hon. Lady, would I be correct in saying there is at present no external regulatory body – the same as, for example, the Financial Services Commission for anybody who wanted to provide financial services in Gibraltar – in terms of care provision? There is no licensing regime as there would be for financial services?

850

Hon. Miss S J Sacramento: No, there is not the same model in terms of financial services, but again the service is different and the size of the service is different.

855

Within the Government Departments that provide care there will be separate departments to monitor the care being given internally by the Government. Of course Government has its own standards and in relation to the care that we subcontract we ensure that the same standards are applied. So while the framework is not the same as having an independent statutory body as the Financial Services Commission, independent verification of those agencies to whom we subcontract is subject to our quality control, our quality assurance and our clinical standards.

860

Hon. L F Llamas: Does Government have plans to introduce an independent body like exists in the UK, the Care Quality Commission, for example?

865

Hon. Miss S J Sacramento: Mr Speaker, we had this same conversation, not to say debate, at the last session of Parliament. It is not something that is a manifesto commitment, but it is something that we can consider and at the appropriate time it may be that it is introduced. It is not something that is a manifesto commitment, so I cannot commit for it to be done in this parliamentary session. That is not saying that it will not be done, but it is something that will be considered, *is* being considered; but of course we have other priorities first. Having said that, it does not mean that entities are not regulated; they *are* regulated.

870

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): If I may assist, Mr Speaker, those persons who provide care who are registered nurses are obviously covered by the Nurses and Midwives Registration Board and their registration is covered, and there are some who are. That would apply in the private as well as in the public sector. If there was any behaviour that caused the registration to be put into doubt, this would be taken up by the Nurses Registration Board.

875

Nurses and carers are not registered at this point in time. As my hon. Friend has mentioned, it is not something that is a manifesto commitment, but we are in the process of renewing the Nurses and Midwives Registration Board and I think that it is quite possible that, in discussion with my colleague, we may look at ways in which some kind of system could be introduced to extend what has already happened for registered nurses to other levels of carers.

880

Hon. T N Hammond: Mr Speaker, if I may, because I do not have this clear in my head at all when we are talking about regulation or not. The Minister is describing that the industry is

885 regulated by the Government. In most of the regulated industries I have come across, including
my own industry, the regulations are established in law and a regulatory body is set up to
oversee that. That does not appear to be the case, although I stand to be corrected in this case.
So it appears to me it is more of a contractual oversight that is being provided – a service is
being contracted and the Government oversees that contract to ensure that services are being
provided in accordance with that contract, but there is no regulation or regulatory body
890 established in law. Is that correct?

Hon. Miss S J Sacramento: Yes, Mr Speaker, the question is exactly the same as the question
which the Hon. Mr Clinton asked, and the answer is the same. I think I made it very clear that it
is not an independent statutory organisation of someone who regulates independently, but that
895 there is oversight provided by the Government, and at this stage, given the size of what we are
doing, I am satisfied that there is control at this present time.

But, as I said and as my colleague Minister Cortes also said, it is something that is in the
process of being reviewed as well.

900 **Hon. T N Hammond:** Absolutely, and I appreciate the clarification – it is precisely why I asked
the question, because I think there is a distinction between regulation and contractual oversight.
Certainly, the Minister gave the impression in her initial responses to my hon. colleague that the
industry was regulated, but it seems that the industry is certainly not regulated in law, if I am
correct, but it is some sort of contractual oversight that is provided by Government.

905 Thank you.

Hon. Miss S J Sacramento: Mr Speaker, I never said that it was regulated in law, but because
something is not regulated in law does not mean that it is not regulated. I just wanted to make
that point, Mr Speaker.

910 **Hon. Dr J E Cortes:** Mr Speaker, to further clarify my contribution, the Nurses and Midwives
Board *is* a regulatory authority; it is independent of the politicians and it regulates not just
registered nurses at staff nurse level but, something that does not happen in the UK, also at
enrolled nurse level, and that is a totally independent regulatory authority.

915 **Hon. R M Clinton:** Mr Speaker, at the risk of raising a hypothetical question, but with the
indulgence of the Speaker and the Minister for Health, would I be correct in saying, Minister,
that I could tomorrow set up a care business incorporated, hire non-registered nurses and trade
as a care home with no intervention from Government?

920 **Hon. Miss S J Sacramento:** Mr Speaker, I am quite surprised that the Minister for Health is
being asked a supplementary question in my substantive question. The answer, Mr Speaker –

Mr Speaker: Which he does not have to answer!

925 **Hon. Miss S J Sacramento:** But, Mr Speaker, the answer is no. It is something that could have
happened between 1996 and 2011, but it is not something that can happen now. Why? Well,
the logical reason now is because there are certain factors that need to happen before
something like that happens. The hon. Gentleman referred to a company being incorporated,
930 and a company which is incorporated and needs to trade will require a business licence. When a
business licence for something like that comes across the Office of Fair Trading they will make a
referral to the appropriate bodies and therefore we will, as Government organisations, have an
input in that regard.

935 So, Mr Speaker, we know what is happening, we know what organisations are ... This is
Gibraltar; we know when a company is incorporated. If a company is going to advertise services

for a particular subject area for which we are responsible then we will find out and we will inspect, and the reality is that we know what companies there are.

940 **Hon. R M Clinton:** Mr Speaker, again with the indulgence of the hon. Lady, would I be correct in saying that the only stage at which setting up such a business would be picked up is when somebody applies for a trade licence – only at that stage? There are no other permissions that would need to be applied for?

945 **Hon. Miss S J Sacramento:** Mr Speaker, I think I said that that is an example of how Departments work together and I gave that as an example of when someone incorporates a company, which is the obvious initial stage and the precursor to what he just said.

950 ‘What if someone were to come and incorporate a company?’ was the supplementary question, and the answer was as soon as someone incorporates a company the entity will be referred to the relevant bodies. Something which is new, I might add, Mr Speaker, because before the introduction of the Office of Fair Trading it was not a field that was regulated, because it may not have fallen within the remit of the trade licence; because services were provided as opposed to the sale of goods, and the provision of goods and services, as we may know, were not regulated before the introduction of the new legislation introduced by my colleague, Minister Costa.

Q379-380/2016

**Housing medical and social category lists –
Details of applicants**

955 **Clerk:** Question 379, the Hon. L F Llamas.

960 **Hon. L F Llamas:** Mr Speaker, can Government provide details of applicants on the housing medical list, including when the applicant was accepted onto the list, their current circumstances and the property required?

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

965 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 380.

Clerk: Question 380, the Hon. L F Llamas.

970 **Hon. L F Llamas:** Mr Speaker, can Government provide details of applicants on the housing social category list, including when the applicant was accepted onto the list, their current circumstances and the property required?

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

975 **Hon. Miss S J Sacramento:** Mr Speaker, there are 245 applicants on the medical lists and 99 applicants on the social lists who require flats between one and 5RKB. I am now handing the hon. Member a schedule with the dates of when they joined these lists.

Answer to Questions 379 & 380/2016

Dated Accepted on List	Social	Medical
1997		1
1998		1
1999		2
2000		1
2001		3
2005		4
2006	1	2
2007		1
2008	5	6
2009		2
2010	1	4
2011	1	20
2012	4	25
2013	9	30
2014	25	60
2015	29	50
2016	24	33

Hon. L F Llamas: Mr Speaker, pre-empting the schedule, are there any expected dates within the plans as to when these people may be able to obtain a property?

980

Hon. Miss S J Sacramento: Mr Speaker, in the absence of a crystal ball, what I can assure the hon. Gentleman is that a lot of the people who have been waiting on these particular lists will be alleviated in the coming months upon the allocation of the purpose-built flats for the elderly at Charles Bruzon House and at Seamaster Lodge.

985

Hon. L F Llamas: Mr Speaker, looking at the schedule, I asked for a list of current circumstances and the property required, and I am not getting this in this list. I am getting the date in which they were accepted, but I am not getting a breakdown of when each individual was accepted onto the list, the current circumstances and in what conditions they are currently living in, and the property they are required as has been recommended.

990

Hon. Miss S J Sacramento: Mr Speaker, the current circumstances can only be whether individuals find themselves on the medical list or on the social list. Beyond that, it is not information that I can provide. I cannot go through, or the Department cannot go through 245 people to see what each individual's circumstances are. That is the role of the Housing Allocation Committee. They are the ones who consider whether individuals find themselves in social circumstances or medical circumstances and are then categorised accordingly.

995

It is completely impossible and I think counterproductive, Mr Speaker. I am unable to give people's individual circumstances. They have been categorised either by being on the medical list or on the social list, and the question asks when they were accepted on these lists and the information is on the table.

1000

Hon. L F Llamas: Mr Speaker, I fail to find, given the explanation ... and I accept that maybe I should phrase it 'what current property they are living in' instead of 'circumstances', I accept that, but I fail to see the property required – whether it is a one, two, three, four, 5RKB. I would think that information would have to be provided within the premise of this question.

1005

1010 **Mr Speaker:** May I say that it is very difficult to interpret a question, to know exactly what the hon. questioner is after, including when the applicant was accepted onto the list: is the hon. questioner after a specific individual, that details should be given as to when individuals appeared on the list, 200-and-something individuals; or is it of a general nature, as has been answered?

1015 There is a question of confidentiality, questions of data protection arise, and these have to be taken into account by the Department when providing answers. In any case, the hon. questioner ... provide details – what sort of details is it that he is after, beyond what he has been given? It may not be entirely clear. It may be interpreted differently, but there are, in any case, limitations as to how much information can be given of an individual nature.

1020 **Hon. Miss S J Sacramento:** Thank you, Mr Speaker.

Mr Speaker: That is how I understand it.

Q381/2016
Affordable housing flats –
Allocation

Clerk: Question 381, the Hon. L F Llamas.

1025 **Hon. L F Llamas:** Mr Speaker, have any of the affordable housing flats been allocated to persons not on the housing waiting list as at 9th December 2011 or in possession of a Government flat?

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

1030 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Yes, Mr Speaker.

1035 **Hon. L F Llamas:** Is the Minister able to provide how many people have been allocated without being on the housing waiting list prior to 2011 or in possession of a Government flat?

Hon. Miss S J Sacramento: Mr Speaker, there are slightly over 300 individuals who were not on the waiting list before 9th December 2011.

1040 **Hon. L F Llamas:** Is the Minister able to expand and confirm whether those 300 were on the housing waiting list after 2011; whether they formed part of the housing waiting list? It may be too much to ask at this stage, but I am just asking it in case.

1045 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, the majority of them were on the waiting list. Not all of them were on the waiting list before 9th December 2011, because not everybody who was on the waiting list before 9th December 2011 wanted to purchase affordable housing or could purchase affordable housing. The people were offered, but just because people have the opportunity to purchase affordable housing does not mean that they take advantage of that opportunity.

1050 Of course, when we went through the list we went through the list in order of priority; therefore, the person who has been waiting the longest will have had the first opportunity, and as the Department worked its way through the list then they will have been offered to people who were on the list after 9th December 2011, if those who were on the waiting list before December 2011 were not interested in buying.

Q382/2016
Government housing rent arrears –
Agreements since January 2016

Clerk: Question 382, the Hon. L F Llamas.

1055

Hon. L F Llamas: Mr Speaker, can the Government provide template copies of the agreements entered into since January 2016 in respect of housing arrears?

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

1060

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Yes, Mr Speaker, and it is also available online. I will now hand the hon. Member a copy.

Answer to Question 382/2016



Housing Department
 HM Government of Gibraltar

OBLIGATION TO PAY RENT ARREARS

PAYMENT PLAN AGREEMENT

(1) I/we.....
 of.....
 hereby acknowledge that I/we owe Her Majesty's Government of Gibraltar the sum of

 in respect of overdue Rent payable be me/us under the Tenancy Agreement.

(2) I/we undertake to pay this debt as follows: []

(a) An initial instalment of £1000/£1,500

(b)

<i>Amount Arrears</i> £	<i>Period</i>	<i>Frequency</i>	<i>Monthly Repayment</i> £	<i>Final instalment</i> £
	Start:			
	End:			

(3) I/we understand that if I/we do not make the required payments of the overdue amounts in accordance with this plan, Points (a) and (b), legal proceedings for the recovery of the amount due may be instituted against me/us and I/we may be evicted from the premises. []

(4) I/we further undertake that I will pay the current rent of [£] per month as and when due. By salary deduction/Pension deduction/standing order per month as and when due. []

(5) The terms of this Payment Plan Agreement have been explained to me by a representative of HM Government of Gibraltar. []

Tenant..... For HM Government of Gibraltar.....

Date: Tenant Code:

Q383/2016
Government housing –
Rent arrears

Mr Speaker: Next question.

1065 **Clerk:** Question 383, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Housing please advise the level of Government housing rent arrears at each of the following dates: 1st December 2015, 1st January 2016, 1st February 2016, 1st March 2016, 1st April 2016 and 1st May 2016?

1070

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, since the answer to the last question on the level of arrears of rent, i.e. people who owe the Government in excess of three months' rent, the calculations at month end are as follows: 31st January, £5,446,720.31; 29th February, £5,453,570.02; 31st March, £5,452,435.25; 30th April, £5,621,667.01; 30th May, £5,478,819.73.

1075

1080 **Hon. R M Clinton:** Mr Speaker, would the hon. Lady be agreeable to giving us those numbers in writing for our convenience to analyse now?

Hon. Miss S J Sacramento: Mr Speaker, I am afraid, because it was short, I did not put it in table format, but I am happy to make a copy.

1085

Hon. R M Clinton: Mr Speaker, I thank the hon. Lady for the numbers.

Can I ask her, in terms of the rate of rent arrear collection, and further to her press release on 13th April in which she announced a reduction by £260,000, from £6 million to £5.7 million, which would be approximately an £87,000 recovery every month, whether that rate of collection is continuing and does she still feel that she will be able to collect £1 million by the end of the year?

1090

Hon. Miss S J Sacramento: Yes, Mr Speaker – though yes and no, because every month is different because of the individuals involved.

We have, unfortunately, inherited a huge debt in relation to housing arrears and it is not something that is easy to deal with, particularly because we are dealing with a huge volume of people. We need to look at arrears in a different way and I will be providing further statistics next week at the Budget session of Parliament because I will have updated data by then. Because we are changing the IT systems, I do not have everything that I wanted to have had by today. That is one of the wider strategies that has been successful, Mr Speaker, because we have completely changed our IT systems to see how we recover.

1100

The important thing is that we are looking at the arrears in two different ways: it is about the arrears that already existed and recovering those; and it is about curtailing arrears from increasing going forward, and these statistics clearly show that they are not going up. For the last few years we have seen year on year, month on month, that the arrears have been increasing; we are now seeing a downward trend.

1105

The Department has seen already, in the last three months since we started the strategy in earnest, hundreds of people to explore methods of repayment. While they have been seeing people, some people have made a lump sum towards their existing arrears, but not everybody is in a position to do that, which is why the level of arrears can fluctuate from month to month.

1110 But the important thing is that we are working with people and securing the arrears from
increasing going forward. So we have got a parallel strategy. One is about making sure that
people who are in debt do not continue to be in debt, and we work with them in terms of the
current payment and the payment going forward, and it is about sitting down with them and
exploring repayment of their existing debt. Some people may have a debt of a few hundred
1115 pounds, which is easy for them to pay off; some people have not paid rent in 20 years. Within
that category of people there will be people who genuinely cannot afford to pay rent because of
particular social circumstances and needs, in which case we work with them, and there are
certain cases where people do not pay rent because they do not want to pay rent, and of course
we work with them as well to ensure that they pay.

1120 So I cannot pre-empt. I think it is a bit artificial to review the recovery of rent on a monthly
basis, because on a particular month we will be – because our strategy is phased – working with
different groups of debtors and in a particular month we may deal with a big volume of people
who owe smaller amounts and that month we will probably recover more; and then in another
month when we send out letters to people who owe a particular sum which will be bigger, it is
1125 probably unlikely that we will recover a lot in that month.

But the important thing is that there is a very clear strategy. It is in its early days; we only
started it in January, but it is clearly already giving us results and I think that a better analysis of
the whole arrears recovery project will be more accurate in six months' or nine months' time.
We will see it at the end of the next financial year. We will have a clearer picture. At the moment
1130 there is a huge impetus in getting letters out, in getting the message across to people that it is
no longer acceptable not to pay rent because you do not want to. I think people have been left
to believe that for too long.

I have to say that people are engaging. We have changed our billing system and people in
arrears will have a red footnote at the bottom saying, 'You are in arrears, please contact the
1135 Department.' People who do not contact the Department will receive a first letter; if they ignore
the first letter, they will receive a second letter. And people are engaging. I think the whole
system, for the last 20 years, people were afraid to tackle, and it sometimes becomes a bit of
ostrich syndrome, bury your head in the sand, because it just gets bigger and bigger, and
psychologically people may have thought it was insurmountable and could not be tackled. It has
1140 been tackled and very effectively, I think, particularly because ... and I have to thank everybody
in the Department: the strategy is very effective because they are sensitive to people's needs.

I always say it when I talk about arrears: there are two kinds of people who do not pay
arrears. There are the people who do not pay arrears because they do not want to, because they
would rather go off on a holiday, on a Caribbean cruise, and that is not acceptable. It is not
1145 acceptable to other tenants of Government properties who pay their rent on time, it is not
acceptable for people who have mortgages and pay them at the end of every month, and it is
not acceptable to the taxpayer who is subsidising these flats, when people do not pay rent. The
people who fall in that class, of course, are dealt with and of course we are sensitive to people
who genuinely cannot pay rent.

1150 Mr Speaker, I would like to take this opportunity to thank the Department. They have seen
hundreds and hundreds of people in the last couple of months.

Thank you, Mr Speaker.

1155 **Hon. R M Clinton:** Mr Speaker, I thank the hon. Lady for her comprehensive answer. I, for
one, will always welcome positive action in safeguarding Government revenues and it is only just
and equitable that everybody should pay their fair share. I am sure the principal auditor, in his
report for the coming year, will equally echo that praise.

I have two questions, really, in terms of supplementaries. The first is in respect of the draft
agreements, which I am grateful for: is my understanding of this agreement ...? And again the
1160 learned Lady must bear with me because I am not a lawyer. Is it true that there is no ability to

enter into a payment plan agreement if you do not pay a lump sum? Again, I stand to be corrected.

1165 And then, secondly, only yesterday I came across a member of the public who had been sent what looked to me like a standard letter saying, 'Please pay; if you do not pay we will take appropriate action.' This individual was one of the category which she just described as being one of the more needy in our community who probably would not be able to pay the amount in full, and I am just wondering what interaction ... or how it would all work between her Department, and whether her Department is responsible for the granting of rent relief, because these individuals are worried because they do not want to be evicted, they do not want to lose
1170 their homes, and it does cause them sleepless nights.

As you quite rightly said, people do react to these letters and I think they genuinely want to make a payment, but when you have somebody on welfare or on Income Support, where they are receiving a very low amount of money and then they get a bill saying, 'You need to pay x amount by whatever date or else', obviously they get worried. So I am just interested to see how
1175 these types of issues are dealt with.

And, while I am standing, it just occurred to me – at what stage would the Minister consider talking to the Ministry of Finance in terms of write-offs for any arrears which are obviously completely irrecoverable?

Thank you, Mr Speaker.

1180

Hon. Miss S J Sacramento: Mr Speaker, I will deal with the three supplementary questions, but I would start off by saying that while of course we have the power to evict people for non-payment of rent, that is not something that is our priority and certainly not something that we would pursue lightly. And it would, of course, be a last resort – if appropriate and if necessary. Everybody has been given that assurance and I have given that assurance publicly before.

First and foremost, in relation to our new rent arrears payment plan, this is a working document, it is a live document, and, as I explained before, everybody who is in arrears is given the opportunity of a face-to-face meeting with a dedicated arrears section within the Department. People are met with individually and their circumstances are considered. It is not
1185 automatic that people need to make a lump sum and it would be ludicrous to say, 'Well, unless you pay a lump sum we are not going to enter into arrears agreement' if what we want to do is recover arrears. We work with people, we make it workable and we make it practical. But it is a very fluid situation because we need to make sure that it works. Clearly, if someone owes £15,000 we are not going to accept that they pay 3p a week. If someone has not paid rent in
1190 20 years, then it is about time that they take responsibility for paying rent – subject to them being able to pay rent. There are some people who have not paid rent in 20 years and they cannot pay rent, and maybe they cannot pay rent for the rest of their lives but that is what a responsible government does in the prosperous community, in which we are. But those are the minority, I can assure you.

1195 We spent towards the latter end of last year improving our databases and looking at our tenants, and we are working very closely with the Department of Employment and with the Department for Social Security to see who is in employment, and of course people who are in employment are being pursued first. People who are not in employment will be our last priority. When you have so many people owing money you have got to start somewhere, and we are not
1200 going to start with people who are on welfare benefits. Having said that, everybody who is in debt will have received the amended bill and will have received the new format, the new letters that we are generating.

You are referring to a standard letter. The tone of that letter ... The very first letter says, 'You are in arrears. Please contact the Department so that we can help you.' So actually the first
1205 letter is a very polite letter and a very helpful letter, inviting people to a meeting with an official at the Housing Department in order to assist them. If that letter is ignored, then there is a second letter, which is still a very nice and a very helpful letter because we are giving the

individual an appointment at a specific date and a specific time for them to come and meet someone in the Department. If they ignore that one, then there is a third letter, which is still helpful and is not as nice as the first letter and the second letter, but it is still a perfectly polite and a perfectly acceptable letter, and it is certainly not ... Of course there will be a paragraph that says, 'If you continue to ignore our letters we will take the appropriate action', but that is only in the third letter or in the fourth letter. But every single letter that tenants who are in debt receive, the impetus of the letter and the tone of the letter is, 'Please contact the Department: we will help you.'

1215 So I would urge that we work together and people are directed to the Housing Department, where I have restructured the Department – at no additional cost; I have just had an emphasis in expanding ... just relocating people internally and having more people dedicated to recovering arrears.

1220 And on the final point, on people who are entitled to rent relief, of course it is adjusted. We have been working with the arrears department within the Housing Department and we feed into the central arrears unit. We are working closely with every single relevant Department that exists within the Government in order to assist people. If someone comes to one of the arrears meetings and that person is entitled to welfare benefit and they have never applied for it at the Housing Department, then that calculation is adjusted, which is why sometimes the figures fluctuate. Because we are sending the letters, because people are coming to us, we now know that we need to adjust their rent and make it commensurate to ... If they are not in receipt of rent relief, then we adjust it and allocate the rent relief.

1230 But there is one point that I need to make: when people are paid welfare benefits at the Department of Social Security, there is actually a part of the welfare benefit ... When you calculate the welfare benefit, part of that welfare benefit is for rent, so it is actually for rent. So, when welfare benefits are calculated, the commensurate apportion of rent is included there. So we are working closely with the Department of Social Security to have our systems talk to each other, because a lot of people who are on welfare benefits are telling us that they would prefer to have the apportion of rent deducted at source from Department to Department. But, again, every week, as we see more people and as things develop, we learn more things and we are just adjusting the systems that we have.

1240 **Mr Speaker:** I will allow one final supplementary because we have been dealing with this ... It is an important matter, I realise, but we have been dealing with this for some time and we need to make progress. There is a substantial number of questions on the agenda paper and we really need to move on, but I will allow another supplementary.

Go on, ask your question.

1245 **Hon. R M Clinton:** Thank you, Mr Speaker.

Just following on from the hon. Lady – again, I am very grateful for her explanations and we will pass on the procedure to anybody who does come to us asking for help. Just in terms of write-offs, does she have any sense (*Interjection*) by Hon. Miss S J Sacramento) of any write-offs?

1250 **Hon. Miss S J Sacramento:** Mr Speaker, I am sorry, there were so many supplementaries in that supplementary that I forgot the write-offs. In relation to these –

1255 **Mr Speaker:** If hon. Members care to read the Rules, they will find out that they are not supposed to ask a whole lot of supplementaries at the same time. Have a look at the Rules about Question Time – I commend that to hon. Members. It is very easy to forget them, but it is my business to keep them very much in mind.

1260 **Hon. Miss S J Sacramento:** Mr Speaker, at the moment nothing has been written off, so the figures do not reflect any write-offs whatsoever. However, of course there will come the time when we will have to prepare particular cases for the financial secretary to consider for them to be written off. The reality is, Mr Speaker, because arrears of rent have not been pursued for the better part of 20 years, a lot of people who owe rent have passed away.

1265 **Hon. E J Phillips:** Mr Speaker, on the question of rent arrears, given that arrears rose from £3.7 million at the time that the learned Lady took office in 2011, to £6.1 million in December 2015, isn't it right that she should now correct the record in relation to her statement insofar as inheriting a problem that she referred to before?

1270 **Hon. Miss S J Sacramento:** Mr Speaker, while of course the rent arrears grew in the initial stage that we were in office – and I have already explained in this Parliament and publicly as to why – when we came into office we inherited all sorts of problems and our priority was first to build homes. That was our first priority and that was the priority of the previous Ministers for Housing.

1275 When I took office as Minister for Housing, because my colleagues – my predecessors Minister Balban and Minister Bruzon – had already dealt with the pressing matter of providing allocation for people, both by constructing affordable housing and the very quick turnover of empty flats which had been lying dormant for years, the priority that was left was the recovery of arrears, which I set about to do initially. But because the systems were incredibly archaic and there was basically very little information to go on, the priority was of course the recovery of arrears but the whole infrastructure and the foundation to do that took me about a year.

1280 We started in earnest in January and we are already seeing the fruits. So, as a matter of fact, yes, of course arrears increased in the first years that we were in office; but, Mr Speaker, we cannot ignore the fact that when we took office arrears were in the amount of £3 million. But more to the point, when we left office in 1996 arrears were less than £1 million, and in the GSD's term in office, in 16 years it grew by 600%. So, if the hon. Gentleman wants me to acknowledge that arrears increased in our first term of office, it is a matter of fact that it did. But they cannot hide from the fact that while the GSD were in office – and did pretty little to control this; they were the ones who let it spiral out of control – it increased by 600%.

1290 **Mr Speaker:** Now you are beginning to debate, and at this juncture I am not going to allow it – we will have the debate next week.

Q384/2016
Public sector –
Drugs-free workplace policy

Mr Speaker: Next question.

Clerk: Question 384/2016, the Hon. E J Phillips.

1295 **Hon. E J Phillips:** Mr Speaker, can the Government confirm what progress it has made in respect to its commitment to introduce a drugs-free workplace policy throughout the public sector?

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

1300 **Minister for Tourism, Equality, Social Services and Housing (Hon. Miss S J Sacramento):** Mr Speaker, a draft policy has been prepared and at present is being considered internally, following which it will form part of a consultation with stakeholders, after which we will be in a position to make a definitive announcement.

1305 **Hon. E J Phillips:** I am very grateful for the response to that question. Would that consultation also go out to the trade unions?

Hon. Miss S J Sacramento: Yes, Mr Speaker. In fact, I have already been in touch with the trade unions on this matter. In fact, the initial discussions were with the trade unions.

EDUCATION AND JUSTICE & INTERNATIONAL EXCHANGE OF INFORMATION

Q395, 398-399, 403, 474/2016

New schools – Commencement and funding of works

1310 **Clerk:** We now move on to Question 395/2016, and this is a question by the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, when does the Government intend to commence works on a new St Martin's School?

1315 **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 this question together with Questions 398, 399, 403 and 474/2016.

1320 **Clerk:** Question 398/2016, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Minister for Education confirm when works will start on all new five schools?

1325 **Clerk:** Question 399/2016, the Hon. E J Phillips.

1330 **Hon. E J Phillips:** Mr Speaker, can the Minister for Education confirm how the Government intends to fund the building of the new Bishop Fitzgerald, Notre Dame, St Martin's, Bayside and St Anne's schools?

Clerk: Question 403/2016, the Hon. R Clinton on behalf of the Hon. D A Feetham.

1335 **Mr Speaker:** Perhaps I should explain to hon. Members, that the Hon. the Leader of the Opposition is unfortunately unable to attend due to family reasons.

Hon. R M Clinton: Thank you, Mr Speaker, our thoughts are with his grandmother. When does the Government intend to commence works on a new Bayside School?

1340 **Clerk:** Question 474/2016, the Hon. Ms M D Hassan Nahon.

A Member: They are all ganging up!

1345 **Hon. Ms M D Hassan Nahon:** When does the Minister for Education envisage bricks and mortar being laid for the new Bayside, Governor's Meadow, Bishop Fitzgerald and St Martin's schools?

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

1350 **Hon. G H Licudi:** Mr Speaker, work in relation to our manifesto commitments relating to St Martin's, Bishop Fitzgerald, Governor's Meadow, Bayside, St Anne's and Notre Dame has already commenced.

We are engaged in a consultation exercise with the head teachers and staff on the specific needs for each school. This is the same process that was carried out in relation to the new
1355 St Bernard's schools which were started and completed during our previous term of office.

As hon. Members will understand, a significant amount of preparatory work is required before any bricks and mortar are actually laid. As with other manifesto commitments which have no specific completion dates, the Government has every intention of delivering on these commitments within this term of office.

1360 The Government expects that funding for these projects will be from the Improvement and Development Fund, as with other Government projects.

Hon. Ms M D Hassan Nahon: Is the Minister confident that he will fulfil his party's manifesto commitment for these five schools in only the three years that we have left to the next election?

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Hon. G H Licudi: Mr Speaker, by my reckoning we should have more than three years before the next elections, but I have actually said so. I have said that the Government has every intention of fulfilling those manifesto commitments within this term of office.

1370 **Hon. E J Phillips:** Mr Speaker, just one supplementary question. The Minister talked about significant preparatory work that needs to be conducted before the laying of bricks and mortar. I was wondering whether any guidance could be given to this House in relation to what type of significant preparatory work needs to be undertaken. I know you are looking at going out to consultation, the physical infrastructure and everything else, teachers – but how long will that
1375 actually take? The hon. Lady talked about three years left and I think it is a very short period of time in which to complete it; but insofar as the significant preparatory work, how long is that going to take before you actually start moving children around, thinking about the disruption that that will cause, and moving people into different buildings and laying bricks and mortar? Is there a plan?

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Hon. G H Licudi: Mr Speaker, it will take as long as it will need to take. As I have explained, there is a significant amount of work that needs to be carried out. We have already gone through this process in the previous term of office – we did it in relation to St Bernard's. We have to consult with the two headteachers and senior management staff of each school, relating
1385 to the specific needs – identification of rooms, requirements, number of children – before the actual planning and design can be carried out.

In relation to St Bernard's, that process extended for a considerable amount of time: the actual building, I seem to recall, was in the order of something like 18 months.

We also had the same experience with the University project, and again a significant amount
1390 of preparatory work was done, and that project, in terms of building itself, was completed in seven months. So, even though there was a short time available at the end, the project was successfully completed for inauguration and opening in September 2015 – as with the two new schools.

1395 There have already been meetings with senior management staff. The schools' senior management staff are also in the process of consulting other staff members in relation to the specific needs – all of that needs to be collated. We have a project manager actively working on this as we speak, so whenever that process is completed then the actual start of the construction, or whatever works need to be carried out, will be done.

1400 But as I have already indicated, we do envisage that that process which needs to be done, and needs to be done comprehensively and properly, in order for the construction phase to be done in the way that it has to be done ... and once all that is carried out, then we will begin construction with every intention, as I have indicated, of completing the projects and fulfilling our manifesto commitments within this term of office.

1405 **Hon. E J Phillips:** Just building on one of the points that the Minister made in relation to the schools, clearly in relation to the University and St Bernard's you were dealing, effectively, with a vacant building or a site on which to build up, in terms of the University. Insofar as Bayside is concerned, you have 1,000 students and the other schools will be occupied during the building works – we assume, certainly on this side of the House. Therefore, that will understandably take
1410 much more time. The time in which works will have to be conducted would have to be outside school hours, so there is going to be potentially a very significant level of disruption to learning at all of these environments in which the new buildings will be constructed. It would be helpful if the Minister could give some indication as to the plan for the relocation of possibly over 1,000 students, and others in the other schools, at the time in which these will be built. What are the
1415 contingency plans for moving people around Gibraltar?

Hon. G H Licudi: Mr Speaker, the point that the hon. Member makes is all the very reasons why we need to get this right – we need to plan properly for all of this and we need to get particularly the logistics right.

1420 We have already had discussion in this Parliament about those precise issues in relation to logistics surrounding Bayside, and all that is currently being planned. What I cannot answer is hypothetical questions as to how we might do it, because it might be done one particular way or it might be done another way.

1425 We are identifying the specific needs, we are planning how it is actually going to be done and we will do it, as we have fulfilled other manifesto commitments. We have a track record and we intend to keep to that track record.

1430 **Hon. Ms M D Hassan Nahon:** Just a concern and a question, Mr Speaker. Will workers who will be going into the schools, especially from abroad, for all these constructions, who are going to work on site, will they be having to undergo rigorous security checks, given the recent spate especially of strange men having to go to court recently with issues of children? To think that we are going to have many construction workers coming in the next few years into schools, could you give us a commitment that they will have to go through rigorous security checks?

1435 **Hon. G H Licudi:** Mr Speaker, the hon. Member does not know, because I have said we are still planning on how this is going to be done, whether construction workers are going to go into schools which are occupied, partly occupied, vacant – and therefore all of that needs to be built into the planning phase.

1440 My understanding is that any worker who works with children clearly has to be vetted. In terms of construction workers on a construction site it is not clear how that will work, but certainly whatever steps need to be taken to protect children which are reasonable, adequate and appropriate, will certainly be taken.

1445 **Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker. It was a genuine concern that I wanted to put through.

The other question I had was: with so many schools being built around the same time, isn't it an ideal time to have a health and safety officer for the Department of Education? Is this something that may come?

1450 **Hon. G H Licudi:** Mr Speaker, the Government already has health and safety inspectors and health and safety officers. There are persons who are specifically in charge of schools.

We are intending to recruit somebody specifically in relation to these works and in relation to maintenance programmes generally on schools, and that is something that we are currently actively looking at and working on.

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Hon. Ms M D Hassan Nahon: Just one last supplementary. Can I just ask for clarification whether the schools that are being built are they all aiming to be of the same high standard as St Bernard's school? Is that the type of standard that we should be expecting – not a refurb, but a proper rebuild and a high state-of-the-art standard for all the schools?

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Hon. G H Licudi: Well, we have certainly set the bar very high with the standard of St Bernard's schools, and there is no reason why a similar standard should not be adopted by other schools, whether it is a question of refurbishment or a question of new building. But certainly we intend to provide very adequate facilities for our children and our teachers. Let's not forget it is not just the children who attend schools; it is a working environment as well. That is what we have provided in St Bernard's schools and that is the way we intend to carry on.

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Q396-397/2016

Teaching English as a Foreign Language – Numbers qualified teachers and pupils requiring support

Mr Speaker: Next question.

Clerk: Question 396/2016, the Hon. E J Phillips.

1470 **Hon. E J Phillips:** Further to Question 222/2016, can the Minister for Education confirm the number of teachers engaged by the Department of Education who are qualified to teach English as a foreign language?

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

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Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I will answer this question together with Question 397/2016.

Clerk: Question 397, the Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, further to Question 222/2016, how many pupils across all schools require support from teachers qualified in teaching English as a foreign language?

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

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Hon. G H Licudi: Mr Speaker, the number of children requiring English as a foreign language support in schools currently stands at 112.

As explained in my answer to Question 222/2016, the Department of Education has one specialist teacher working at secondary level. This teacher works with small groups to support

1490 their learning and to improve their English skills. In the primary sector there are well-established strategies in place to support the needs of children whose first language is not English.

Schools support the needs of children with special needs support assistance, teacher-led language support groups and, where necessary, by withdrawing children from mainstream into smaller groups for targeted teaching. To further bolster this provision, the Gibraltar College will provide training in teaching English as a foreign language for teachers interested in obtaining a qualification in this field.

Hon. E J Phillips: I am grateful for the response and it does surprise me that we do have only one qualified teacher to deal with the significant number of students, in my view, that require assistance and support. But it is comforting to note, Mr Speaker, that the College will now offer courses so that people can train in this specialist area.

1500 It would be helpful if the Minister could give a certain amount of information relating to that primary level of support that is received, because quite clearly the information that I get from the public at large in relation to this issue is that there is not enough support insofar as specialist help from those who are qualified to teach English as a foreign language. As the Minister will appreciate, it is a highly specialised area and requires significant support, given that we have 112 students in our community who require specialist support of this nature.

1505 Will the Government be looking at recruiting at secondary level a further number of teachers who are trained and qualified in respect of teaching English as a foreign language?

1510 **Hon. G H Licudi:** Mr Speaker, the hon. Member expresses surprise that there is only one teacher at secondary level qualified and specialising in delivering this assistance in teaching English as a foreign language. I am not sure if it surprises the hon. Member that this is one more than existed under the GSD. The GSD administration had zero! This was *our* initiative and this was fully explained in answer to Question 222/2016. I have *Hansard* here, (A Member: So do I.) and I can explain it. I explained at the time ... I am happy to read *Hansard*:

It did not exist ...

This is *Hansard*. The hon. Member says no, that it is not there. Well, it is there:

It did not exist before December 2011 and we took the opportunity in 2012 when the 47 extra teachers, when the extra complement of 47, was engaged, and there was one applicant who was not just a qualified teacher but has specialist qualifications in teaching English as a foreign language and we specifically employed that teacher as part of the 47 to be a peripatetic teacher in the secondary sector to provide the support which, as I said, did not exist before.

So that is there in Question 222, which was done this year and therefore within the last six months, but I am happy to repeat that for the hon. Member's assistance.

1520 The hon. Member says there is a significant number of children – 112. Let's not forget we have over 5,000 pupils in our schools and we have 17 schools. Therefore, on average – I am not going to go into the specifics of each school, but on average we have less than 10, and in some schools we have zero children who need support in English as a foreign language.

1525 Do we want to provide more specialist support? Yes, of course. That is precisely why we have identified that the Gibraltar College should provide a course for teachers – and possibly even learning support assistants who want to, because some learning support assistants are also used to provide support for these children ... for those who want to obtain a specific qualification in English as a Foreign Language to be able to do so, and I expect that everything will be in place for that course to start around October time.

1530 But at the moment the resources that exist are those that we have put in place. And we have put in – as I explained, again at length, as the hon. Member will see from *Hansard*, in Question 222 – the kind of support that is provided at primary level with the teachers getting involved, the teacher-led classes, the removal into smaller groups to provide specific help for those children.

1535 And as I explained also when we looked at this a few months ago, ultimately it is for each
school and for each headmaster to decide how they support the children who need supporting
in their schools. They have the resources available to them. We decide policy, we make
resources available to the schools; the schools utilise those resources in the best way that they
can. Headmasters clearly have autonomy in relation to these matters. It is not for me to say to
each school, 'Mr Head, you have to do this in this particular way.' They are the professionals, not
us; we are just the policy makers. So we provide the resources, they decide how to use it, and
1540 precisely because we feel it would be useful to have additional teachers and professionals with
these qualifications, we have decided to put in place a course leading to a recognised
qualification in teaching English as a foreign language, which, as I have indicated, we expect to
start in October of this year.

1545 **Hon. E J Phillips:** Mr Speaker, without wishing to labour the point ... And I am not here to
defend anyone's record in relation to how many teachers, whether GSD or GSLP; the past is the
past. The position is this: you are in Government. You were in Government four years ago, you
are in Government now. These are the questions I am putting to you in relation to teaching
English as a foreign language, which is an important issue.

1550 The issue is not about unqualified teachers. I very specifically made reference to the question
of qualified teachers, and that was the purpose behind the question. The hon. Lady here asked
the question in February in relation to provision and support of teaching English as a foreign
language. I asked the question in relation to qualified, and I have the answer – which is that
there is one individual who is qualified to teach English as a foreign language to those 112
1555 students who are requiring support.

In any event, what I have from the public and from teachers I have spoken to is there is a lack
of support in this area, and this is what I am bringing to Parliament. This is the question I am
putting to him, and I am grateful to him for explaining to this House that there is a course now
available, and I am glad that now the Government will fully support the teaching of English as a
1560 foreign language in respect of the teachers who may wish to take this qualification.

We could take this even further, Mr Speaker. We have an ideal opportunity in this
jurisdiction, with the University of Gibraltar, to set up a specialist school in the teaching of
English. We are on the cusp of North Africa and the European Union, which may still be our close
neighbour in future –

1565 **Mr Speaker:** Ask a question.

Hon. E J Phillips: – and therefore it is important that we focus on teaching English as a foreign
language, and I am sure he will absolutely agree with me that we need to resource this fully.

1570 **Hon. G H Licudi:** Mr Speaker, I do not accept for one minute that there is –

Mr Speaker: Has he asked you a question?

1575 **Hon. G H Licudi:** He has asked the last one –

Mr Speaker: If you do not think that he has asked you a question I am not allowing any
further information, because then it becomes a debate.

1580 **Hon. G H Licudi:** Mr Speaker, I take it implicit in the hon. Member's intervention that the
question is: is there a need for more specialisation and for a specialist school in Gibraltar in
relation to teaching English as a foreign language? That is the thrust of what I heard the hon.
Member to say.

1585 But he did say that he believes that there is a lack of support, and we do not accept that for a
minute. We believe that there is adequate support, that the headteachers, as I have indicated,
have the resources, which they can utilise in the way that they feel is appropriate. The hon.
Member talks of one teacher for 112. I have indicated that we have got one specialist teacher in
1590 the secondary sector, where we have 20 pupils being supported in Bayside and 17 pupils being
supported in Westside, so that is not great numbers which require more than the specialisation
levels that we have at the moment.

The hon. Member also says that it is an important issue. Yes, we agree that it is an important
issue. That is why we decided to take the policy decision in December 2011 to do something
about it.

1595 And the final point, Mr Speaker, in relation to the specialist school – of course Gibraltar is
well placed where we are, with Iberia on one side and North Africa on the other. That is
precisely why I made quite a lot, when we were announcing the plans for the University, to say
that one of the things that we wanted to put together for the University was a language centre.
The specific purpose of the language centre was not to support children in our schools in
Gibraltar, because that is a different thing from catering for those who might want to come from
1600 abroad in relation to Spain, Africa or elsewhere, and therefore the language centre in the
University which I announced was specifically to teach not just English as a foreign language but
also teach English as a professional language to various forms of industries that require that
level of specialisation. We have seen this. I have seen this work in Malta and I have seen, in
1605 various discussions I have had with other universities and other jurisdictions, the level of
support, the level of demand there could be for this course. That is something that was intrusted
to the University and is something that they need to look at and develop. That is something very
different from the support that is required for the children attending our schools.

We recognise that Gibraltar, as a multicultural society, as a society that welcomes people
from abroad, as we have repeated even this week and we will continue to welcome people from
1610 abroad ... Sometimes children come to our schools without the level of English that other
children have, and those children need to be supported. We are satisfied with the level of
support that is provided at the moment. Do we intend to do more? Absolutely. That is why we
are doing what we are doing in October.

Q400/2016

Anti-Corruption and Anti-Bribery Authority – Mothballing of Government commitment

1615 **Clerk:** Question 400, the Hon. E J Phillips

Hon. E J Phillips: Can the Government now confirm that they have mothballed their
commitment to create an Anti-Corruption and Anti-Bribery Authority?

1620 **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's position was set out in our manifesto for the
November 2015 elections. Although this is a public document and therefore the information is
already available to the Opposition, I am happy to repeat what the manifesto says, and I quote:

In our last manifesto we were committed to the establishment of an independent Anti-Corruption and Anti-
Bribery Authority with jurisdiction to investigate complaints starting in 1988. Following discussions with and on
the recommendation of the RGP, the Government agreed with the RGP that the RGP itself would carry out the
role of the anti-corruption authority which the Government intended to create.

As a result of those discussions and arrangements, the Government is satisfied that the RGP has the necessary expertise and resources and can work with the AG's chambers on the investigation and prosecution of all corruption allegations going back as far as may be necessary.

1625 **Hon. E J Phillips:** I am grateful to the learned Minister for setting that rationale out and repeating what the manifesto says in relation to the Anti-Corruption Authority, but it is right to say that in technical language you have abandoned this policy. Correct?

1630 **Hon. G H Licudi:** Absolutely not, Mr Speaker. We set out in our manifesto in 2015 what we had decided, what we had done, and we were elected on that ticket. And what we had done was engage with the professionals, engage in particular with the RGP, who had the necessary expertise, and acted on their recommendation; and therefore the role that we envisaged in a particular way is being carried out in another way on the recommendation of the professionals and having agreed that with the professionals. Therefore, we have not abandoned anything at all.

1635 **Hon. E J Phillips:** With respect, Mr Speaker, the Government intended to set up an Anti-Corruption Authority. Thereafter, it clearly consulted with the RGP and thought there was no need to have one because the service was already being delivered by the relevant authorities.

1640 That is clearly what happened, isn't it?

Hon. G H Licudi: Mr Speaker, the hon. Member seems to be happy to play with semantics rather than go to the substance. Look at what the substance is, what is it that we intended to do: to make sure that we had a body that was competent and specialised in dealing with this matter.

1645 What we said and what we have agreed is that the role of the Anti-Corruption Authority would be carried out by the RGP itself. That is what we intended to do, and that role, which we intended to do in a particular way, is now being done following the recommendation and agreement, and what is important is that the role is being done, not the label. The labels are irrelevant.

1650 **Clerk:** Question 401, the Hon. E J Phillips.

Hon. D A Feetham: Mr Speaker, I apologise for my lateness this morning. I have been out of Parliament due to family reasons, but I have caught the answer the hon. Gentleman has provided to my hon. and learned Friend, Mr Phillips, and I do think it is an unsatisfactory answer.

The only person, as far as I can see, who is playing with words and semantics is the Hon. the Minister, because the reality of the situation is that corruption is a crime and it has always been the responsibility of the RGP to investigate and to deal with it.

1660 In 2011, the GSLP Liberals promised an anti-corruption authority – in other words, something more than just the Police being involved in investigating and dealing with corruption – and now the hon. Gentleman comes to this House and he says to this House, 'Well, actually, it's exactly the same.' It cannot possibly be the same, Mr Speaker, and he must accept that actually what it is is a reeling back of their commitment in 2011 in relation to the Anti-Corruption Authority.

1665 There may be good reasons for that. It may well be that having looked at it in Government – and these things happen – for example, it was felt that it would be cost prohibitive, bearing in mind all the other manifesto commitments on the Government, or there may be other reasons. But what he cannot do – and I am asking is that not right – is come to this House and say the Police and the Anti-Corruption Authority are exactly the same. That really is not something that is believable, with respect to the Hon. the Minister for Justice.

1670 **Mr Speaker:** Please be warned that I am not prepared to allow a debate on this issue. I hope that that is clear: I am not going to allow a debate on this issue. I am going to allow the Minister

to answer that supplementary which the Hon. the Leader of the Opposition has asked, out of respect for the fact that he was not able to be here, and that is it: we are going to move on.

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Hon. G H Licudi: Mr Speaker, the hon. Member asks about something which happened in 2011, and surely he has to understand that there has been something in between. There has been an election in November 2015 with a new manifesto in 2015 which explained exactly what we were doing and which clearly was satisfactory to the general public who voted us back in with a handsome majority.

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The hon. Member says there may be good reasons for a change of tack, the cost might be prohibitive. It had nothing to do with that. What it had to do with was that in 2011 we were not in Government; we had not engaged with the RGP at that point on these matters. Therefore, we gave a commitment that something needed to be done in this area, and after the 2011 elections we engaged specifically with the RGP on this issue, had discussions, and they made specific recommendations on how they would deal with this matter. We were entirely satisfied with the recommendations that we received from the RGP. There was no need to change what they were recommending that they would do in terms of the unit that would be looking at this matter and the resources that they would attribute to this.

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Therefore, it is not the case that nothing changed. Of course something changed. What changed is that we had a commitment, we engaged with the relevant authority, we engaged with the relevant professionals and they told us exactly how that needed to be done. That is what we agreed and that is what we did, and that is in place now and we are entirely satisfied that these are proper and satisfactory arrangements.

Q401/2016
Legal Aid Bill –
Progress

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Clerk: Question 401, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Minister for Justice provide an update to Question 212/2016 on when the Legal Aid Bill will be brought before Parliament and whether the Government is still on track to implement the changes by the end of 2016?

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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, as I explained in the answer to Question 212/2016, the legal aid system, which is what the question is about, has been reformed with new rates already published and commenced.

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I also explained that we had embarked on a process of consultation with the Bar Council on improvements to the legal assistance system. A consultation paper has been provided to the Bar Council and we are currently awaiting the Bar Council's feedback on this.

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I still expect a Bill to be brought to Parliament and the process of reform concluded before the end of 2016.

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Hon. D A Feetham: Mr Speaker, I rise because it is a subject close to my heart, because sadly it was an area that I spent quite a lot of time and effort attempting to reform. We got to the stage where we had a draft Bill. The Government has decided not to proceed with that, but it is obviously something that I identified was necessary.

1720 In relation to legal assistance, can the Hon. the Minister for Justice indicate whether the Government is planning to rebalance? By rebalance I mean perhaps allowing certain areas to be funded by way of conditional fee agreements, for example, and concentrate on public funding just in relation to other areas. That is the route that, for example, the United Kingdom has gone down, although I do not invite the hon. Gentleman simply to copy the UK system, because there have been huge cuts in legal aid, as it is called in the United Kingdom. Certainly if he could give us a flavour of what it is that the Government is suggesting in that consultation process, it might be helpful.

1725 It might also be helpful, if the hon. Gentleman agrees, if the Government has produced a white paper or a consultation paper that has been circulated, if that could also be provided to us so that we have time and we can also consider it and also provide any constructive input from the Opposition benches. That might also be useful, and indeed it might be useful for the Government itself.

1730 **Hon. G H Licudi:** Mr Speaker, we are currently engaged, as I have said, in this consultation process with the Bar Council and I do not want to pre-empt what that consultation process is going to lead to. I would rather allow that to take its course.

1735 The hon. Member mentions a white paper. This is not a white paper as such, this is not something that we had intended to bring out to general consultation, but I am happy, once we advance further with the consultation, to brief the hon. Members opposite on where we are going on this.

1740 We have certainly looked at the position in the UK and there are some things that we may adopt in relation to the system in the UK. This will certainly not be a question of copying. The hon. Member suggests there have been cutbacks. There are quite a number of restrictions in relation to legal assistance in the UK on civil matters which we certainly would not adopt. For example, in relation to family cases I seem to recall very strict restrictions, and in fact legal assistance in family cases is excluded in the UK except in very specific circumstances where, I seem to recall, there is abuse of children or there is domestic violence.

1745 **Hon. D A Feetham:** And personal injury.

1750 **Hon. G H Licudi:** And personal injury as well is another area. So there is a whole list of exclusions in the UK and what we are doing is engaging with the Bar Council. Certainly, in relation to family, just to provide reassurance, we are not intending to go down, whatever the outcome of the consultation, the route of the UK, but these are the areas that are the subject of consultation with the Bar Council.

1755 Let me just add that it is not that we have been side-tracked, and I hesitate to even use that word but we are actually engaged in a parallel process of consultation with the Bar Council, which is taking up a lot of our time and, I know, the Bar Council's time – in particular, the Chairman of the Bar Council, Keith Azopardi – and that is in relation to the regulation of the legal profession, something which we all feel, I believe, is necessary and something which we consider ought to be done as soon as possible. That is something that we are heavily engaged in with the Bar Council at the moment. There is in that regard a draft Legal Services Bill which we are looking at and there is a draft consultation paper which we are in the process of finalising with the Bar Council, and on that we do intend to go out to public consultation.

1760 So, in the next few weeks we hope to have a final form of a draft Bill for consultation purposes and a final form of a paper which will simply be for consultation purposes and not necessarily be exactly what we will end up with at the end. So I expect in the next few weeks – and this is something that we have been very much engaged with in the last few months – we will have a draft consultation paper attaching a draft Legal Services Bill, which we will be able to put out for general consultation and it will be a revamping essentially, the introduction of the regulation of a profession, which simply does not exist at the moment except that it is self-

1770 regulated through code of conduct and the Bar Council and the Disciplinary Committee, which is set up and regulated by the Chief Justice, essentially.

1775 So this will be an important advance in relation to the legal profession – and when I talk of the legal profession I talk of the legal profession in the wide sense, not just relating to the lawyers, because we have people who do provide legal services such as law draftsmen, legal executives, and therefore all of those will be encompassed in this wide-ranging Legal Services Bill which we will be putting out in draft for consultation. I just mention that. And although I have used the word ‘side-tracked’ hesitatingly, I do not mean to say that we have put the other thing to one side, but this might explain why there is a little bit more of delay and not as much movement on the legal assistance side, because we do want to get this out of the way, we want to get the consultation paper out and then give a few months for public consultation on that issue.

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Hon. E J Phillips: Mr Speaker, just one question relating to that. I know that there has been some delay in terms of looking at the regulation of the legal profession and allied legal services, and I understand that through my previous role; but insofar as funding is concerned – and the Leader of the Opposition talked about conditional fee agreements and looking at ways in which we can reduce, effectively, the impact on the Legal Assistance Fund and legal aid more generally – I think it is right to say, isn't it, and I am sure the hon. Gentleman will agree with me, that we really need to start engendering much more pro bono activity within our jurisdiction.

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1790 If you look at the United Kingdom as an example, you have a Bar Pro Bono Unit headed up by the Rt. Hon. Lord Goldsmith and also the Free Representation Unit, both of which have an active role within the community in the United Kingdom, not only in relation to cases of personal injury, family law and anything else, but also in relation to commercial matters and civil litigation. I think it is right that, as part of a three-pronged approach to legal funding and the legal assistance that the hon. Gentleman talks about, we should be looking to supporting the legal profession in building a Bar Pro Bono Unit to offer assistance to those members of the community who may not necessarily be afforded legal assistance or legal aid in certain circumstances, but engendering that possibility of people in the profession working effectively in the Free Representation Unit of the Bar Pro Bono Unit that will assist members of our community moving forward. I think the Government would support that initiative; I am sure that he will agree with me in respect of that.

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Hon. G H Licudi: Mr Speaker, we fully support the concept of pro bono activity in the legal services world. I happen to know, having been engaged in the profession and having worked with lots of professionals in a firm, that there is a lot of pro bono activity that is actually going on in this place. It may not be structured in the way that the hon. Member talks about, through either ... I remember in the UK there was a Free Representation Unit that was set up, normally known as FRU, or a Bar Pro Bono Unit itself. It is primarily for the Bar to organise such a unit, and the Government fully supports that unit.

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1810 But I also want to say that, in relation to legal assistance, certainly we agree that as much as possible needs to be done to explore and encourage alternative routes to funding, whether it is pro bono or conditional fee agreements, and that will clearly be one of the areas that those who need to decide whether to award legal assistance in the future will need to consider – whether there are alternative routes to funding available, and if there are alternative routes to funding, then clearly public funds should not be used because those alternative routes should be preferred. That is certainly something that is currently being explored with the Bar Council.

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Mr Speaker: We need to have a short recess, hopefully a short recess of a few minutes, to try and adjust ... There is a problem with the recording system, so the House will have a short recess.

The House recessed at 12.30 p.m. and resumed its sitting at 12.40 p.m.

Q402/2016
Court and Tribunal Service –
Consolidation of tribunals

1820 **Clerk:** Question 402, the Hon. E J Phillips.

Hon. E J Phillips: Does the Minister for Justice agree that it makes sense from a cost and administrative perspective to bring all the tribunals within a combined Court and Tribunal Service?

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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, the Government does not currently intend to bring all the tribunals within a combined Court and Tribunal Service.

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It is worth recalling that there are a number of tribunals set up under different statutes where the responsibility for those tribunals lies in different ministries. These are the Industrial Tribunal, the Medical Appeals Tribunal, the Mental Health Review Tribunal, the Housing Tribunal, the Income Tax Tribunal, the Development Appeals Tribunal, the Rent Tribunal and the Fire Brigade Disciplinary Tribunal.

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Given the diversity of these tribunals, the fact that they currently fall within different ministries and the fact that it would require a significant restructure of the Gibraltar Courts Service to bring all of these under their responsibility, the Government considers that at this stage it is neither necessary, appropriate or convenient to bring all of these within a combined Courts and Tribunal Service.

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Hon. E J Phillips: I am grateful for the response by the Minister and I am grateful to him for explaining the rationale behind their view that this is not a good idea. But, obviously, under the previous GSD Government there was significant investment into the structure of the Court Service, in terms of investment in people, Prison, new courts – if you will just bear with me, I will get to the point I am trying to make – and we believe that it is now time to invest insofar as the individual's interaction with the justice system. What we mean by that is that there should be an overarching Court and Tribunal Service that can service the community – one point of contact that individuals will have with a service, irrespective of whether it is a Rent Tribunal, Housing Tribunal or Industrial Tribunal, soon to be Employment Tribunal in respect of that particular matter, so that the administrative burden of all of that can be dealt with by a central unit.

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I understand that there are differences – for example, a claim form in the Employment Tribunal will be different from a complaint in the Housing Tribunal or Rent Tribunal – but there must be a way in which we can, in terms of the administrative burden, have the tribunal sitting in one place and sit it underneath the Justice Ministry.

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Is it the fact that the Minister has not given comprehensive thought to the whole restructuring of the Court and Tribunal Service, or is it just the view of the Government that it is unnecessary because of the reasons he has articulated before?

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Hon. G H Licudi: Mr Speaker, we take the view that not only is it not necessary, but we do not believe it would be cost effective to do that, and therefore it is something that we have considered. I note that the hon. Member, or the party opposite, may have a different view and

they might do things differently. We have looked at this and, for the reasons which I have set out in the answer, it is not our current intention to go down this route.

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS & THE GSB

Q404-409 and 414-420/2016

Public finance –

Sinking Fund, Gross and Net Debt figures for public debt

1865 **Clerk:** Question 404, the Hon. R M Clinton.

Hon. R M Clinton: Can the Minister for Public Finance 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: 1st February 2016, 1st March 2016, 1st April 2016 and 1st May 2016?
1870

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

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question together with Questions 405 to 409 and 414 to 420.
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Clerk: Question 405, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, before I ask the question would it be possible for the Minister, in providing his answers, as yesterday, to give me his written answers to digest once he has answered?
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Hon. J J Bossano: Mr Speaker, you know and he knows what my view is. If the hon. Member wants Written Answers he gets Written Answers, and if he wants Oral Answers he gets Oral Answers.
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Mr Speaker: I was explaining yesterday that where a very large number of questions are answered together I have been adopting the practice of not waiting until the end of all the questions have been provided in order for them to be able to ... Because I thought, at the end, if they did not know what the answer to each question was, it would be even more time-consuming for them to ask supplementaries. So, if I make a proviso, if the Minister objects and if the Minister does not want the answers that he is going to give to Questions 404-409 and 415-420 immediately after he has answered those questions to be made available to the Hon. Member of the Opposition, I will not make it available.
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1895 Is that how you stand?

Hon. J J Bossano: That is how I stand.

Mr Speaker: Very well, then.
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Hon. D A Feetham: Mr Speaker, but in that kind of situation and –

Mr Speaker: No, bear in mind that before my time, before I became Speaker that was the practice. Before I became Speaker, the Hon. Members of the Opposition did not get the text of answers until all questions had been asked, and I took an initiative ... From time to time, I have
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taken an initiative of making it available. Were you here yesterday when I was explaining what had happened? But I did make a proviso. I said 'provided the Minister has no objection'. If the Minister has an objection I will not do that, because there is no provision in the Rules for that – I am sorry.

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Hon. D A Feetham: May I thank you very much, Mr Speaker.

I understand Mr Speaker's position. I was here yesterday and I understood exactly what Mr Speaker said, but of course I was here as well during the last parliamentary term when Mr Speaker also made the point – I think it was to the Hon. the Father of the House – that it has never been the practice ... and I will be corrected if I am wrong, but Mr Speaker said it was *not* the practice when he was in Parliament, before becoming Mr Speaker, to have about 20 or 30 questions bunched up together and have 20 or 30 answers. Hence why Mr Speaker then adopted the practice of saying please could you provide the written answers, but of course it is up to them whether they provide the written answer.

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But what I was going to say was this: bearing in mind that it has not been the practice to bunch 20 or 30 questions together – (**Hon. J J Bossano:** Sixty.) Sixty questions! Well, 60 questions – exactly. (*Interjection by Hon. J J Bossano*) Right, okay, 60 questions. Then, Mr Speaker, what I would ask – (*Interjection*) If the hon. Gentleman or Lady want me to sit down and give way, I will give way, but I would ask that in a situation where we are talking about quite technical information that has got to be digested, and of course we are not going to be provided with those written answers, if we request a recess of five minutes in order to digest it, then I think that Mr Speaker should agree to that, because otherwise it places us at a complete disadvantage.

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You have got 20 questions on fairly technical matters, and I just focus on one of those questions which talks about ... My hon. Friend, Mr Clinton, in order to be helpful – because he could have split this up into several questions – is asking about cash reserves, he is asking about net debt, he is asking about gross debt. He could have asked it in separate questions but he has bunched it in one. Some of these questions actually contain, effectively, more than eliciting information in one area. So for that reason, if we feel that we need a recess of five minutes in order to analyse the answers, I would hope – I am not going to suggest *expect*, but *hope* – that Mr Speaker provides us that indulgence and injects an element of fairness into the proceedings. And I must add to it the caveat my hon. Friend, Mr Llamas, has quite rightly pointed out – assuming that we are provided with the answers to the questions! (*Laughter*)

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Mr Speaker: Hon. Members will have to take careful notes when the Hon. Minister answers a question, and then we will see what they are able to do. Without the careful notes they will not be able to ask many supplementaries.

Let us see whether we can move on; otherwise, I will recess the House until three this afternoon for Chief Minister's Questions. We are carrying on at three, when it will be Chief Minister's Questions, so we do not have a lot of time. We either try to make a bit of progress now or we pack it up and we carry on with the question to the Hon. Minister, Mr Bossano, after the Chief Minister.

1945

Deputy Chief Minister (Hon. J J Garcia): Mr Speaker, if I may, the Chief Minister is engaged with issues which we all know have been happening over the last few days and we may not be able to have the Chief Minister answering the questions at 3 p.m., but if we recess for just two minutes we will be able to clarify the position and get back to the House.

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Hon. D A Feetham: Mr Speaker, may I suggest an alternative course of action, which is that we just continue –

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Mr Speaker: Yes, let's continue.

Hon. D A Feetham: – and then we will be told whether the Chief Minister can answer questions.

1960

Mr Speaker: Right, let's continue.
So, the next question is 405.

Clerk: Question 405, the Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please advise 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: 1st December 2015, 1st January 2016, 1st February 2016, 1st March 2016, 1st April 2016 and 1st May 2016?

1970

Clerk: Question 406, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please advise how total liquid reserves are invested or held, giving details of all bank or savings accounts and cash held for each of the following dates: 1st December 2015, 1st January 2016, 1st February 2016, 1st March 2016, 1st April 2016 and 1st May 2016?

1975

Clerk: Question 407, the Hon. R M Clinton.

1980

Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please advise the amounts of total deposits of the Gibraltar Savings Bank, and further broken down by debentures, on-call investment accounts, ordinary deposits and bonds for each of the following dates: 1st February 2016, 1st March 2016, 1st April 2016 and 1st May 2016?

1985

Clerk: Question 408, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for the Savings Bank please provide the monetary amount for early discretionary debenture redemptions by the Financial Secretary and a general description as to the reasons for these and the magnitude of penalty, if any, charged for each of the following months: 1st November 2015, 1st December 2015, 1st January 2016, 1st February 2016, 1st March 2016, 1st April 2016 and 1st May 2016?

1990

Clerk: Question 409, the Hon. R M Clinton.

1995

Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please advise the balance on the General Sinking Fund on 31st March 2016 and provide details, dates and descriptions of individual movements on the Fund since inception, being 22nd November 2012 to 31st March 2016?

2000

Clerk: Question 414, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please confirm that all debentures issued by the Gibraltar Government are held by the Gibraltar Savings Bank and how is the interest rate determined and by whom?

2005

Clerk: Question 415, the Hon. R M Clinton.

2010 **Hon. R M Clinton:** Mr Speaker, can the Minister for the Savings Bank please advise how much money has been spent on the refurbishment of 323 Main Street and by whom? Is it the intention that the Savings Bank should still occupy these premises, and if not, who?

Clerk: Question 416, the Hon. R M Clinton.

2015 **Hon. R M Clinton:** Mr Speaker, can the Minister for the Savings Bank please advise how much money has been spent in developing a debit card for the Savings Bank and has this project been terminated?

Clerk: Question 417, the Hon. R M Clinton.

2020

Hon. R M Clinton: Mr Speaker, can the Minister for the Savings Bank please advise what services Crown Agents Bank provides to the Savings Bank and for what fees?

Clerk: Question 418, the Hon. R M Clinton.

2025

Hon. R M Clinton: Mr Speaker, can the Minister for the Savings Bank please explain how it is that the 7,500 ordinary B class Gibtelecom shares owned by the Savings Bank and purchased from Telecom Slovakia or Slovenije are not registered in its name at Companies House, nor is such ownership reflected in the company's financial statements?

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Clerk: Question 419, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please advise if the external audit of Credit Finance Company Ltd has been started or completed?

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Clerk: Question 420, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Minister for Public Finance please advise if GSBA Ltd has appointed an external auditor?

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

2045 **Mr Speaker:** Before the Hon. Minister replies, due to the Chief Minister's commitments at the moment we are going to return this afternoon at five, not at three but at five. That means we are going to carry on now for about another half hour or so at the most. Okay?

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, Questions 404 to 406 will be dealt with in the Chief Minister's speech on moving the Appropriation Bill.

2050

Savings Bank deposits were:

February	£942,772,246
Debentures	£747,854,948
Investment Account	£50,769,117
Ordinary Deposits	£85,319,977
Bonds	£58,828,204

March	£956,627,993
Debentures	£754,501,081
Investment Account	£57,249,554
Ordinary Deposits	£84,915,005
Bonds	£59,962,353
April	£987,049,412
Debentures	£762,926,630
Investment Account	£82,245,112
Ordinary Deposits	£85,089,735
Bonds	£56,787,935
May	£1,140,005,147
Debentures	£769,701,772
Investment Account	£228,065,711
Ordinary Deposits	£84,955,082
Bonds	£57,282,582

The amount of early debenture redemptions, by month, is as follows: £366,500; £429,300; £134,200; £962,600; £756,400; £1,106,800; £265,900. That is for the months that he has asked.

2055 The penalty is the difference between the rate of interest paid on the debenture and the interest payable on ordinary accounts. This penalty is not applied where the reason for early redemption is to purchase property in Gibraltar or on the death of the holder.

The balance of the Sinking Fund was £1.73 million on 31st March. I am not prepared to provide any further details on the movement of the Sinking Fund.

2060 Government debentures continue to be held by the Savings Bank and the rate of interest is agreed with the Government.

£216,221 has been spent on the refurbishment of 323 Main Street by the I & D Fund, and a final decision has not yet been taken on its use.

2065 The net cost of developing the debit card with Visa, which has been discontinued, is estimated to be under £1,000.

The fees of the Crown Agents for the management of the funds invested in securities quoted on the London Stock Exchange are 20 basis points on the first £200 million, 10 basis points on the balance and 0.02% per annum custody fees.

2070 The shareholding in Gibtelecom, as is the case with many of the assets held for the credit of the Savings Bank Fund, is that the legal interest in these investments is held by the Government while the beneficial interest is held by the Savings Bank Fund. This is the case with the legal interest in the specific case of Gibtelecom.

The external audit of Credit Finance Company has started.

In the case of GSBA, the external auditor has not yet been appointed.

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Hon. R M Clinton: Mr Speaker, I am grateful for the answers to those questions.

2080 If I may start perhaps in reverse order, in respect of the Gibtelecom shares I would be grateful if the Hon. Minister would explain the difference between the holding of shares in Gibtelecom and the holding of preference shares in Credit Finance Company Ltd or indeed the ordinary shares of GSBA Ltd, in which the registered owner of those shares is clearly shown in Companies House as being the Savings Bank.

Hon. J J Bossano: Well, the difference is the difference that he knows that exists: that one is in the name of the Government and the other one is not.

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Hon. R M Clinton: Mr Speaker, the Hon. Minister will be fully aware of the need for entities such as banks to have legal title to assets which are showing on their balance sheet. I find it surprising that the shares in Gibtelecom are not in the name of the Savings Bank. Perhaps the Minister could advise whether a declaration of trust has been signed in favour of the Savings Bank by the Government, and also perhaps he might like to comment on the Gibtelecom's financial statements that describe the Government as being the 100% owner of those shares, when in fact, as we know, it is 50% by the Government and 50% by the Savings Bank.

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Hon. J J Bossano: Mr Speaker, I thought that the hon. Member had discovered before the election that his misconceptions about the bank had been cleared when he made a statement to the effect that the Government and the Opposition agreed that what actually happens is that people put their money in the Savings Bank as an institution and then that money is given to the Government to put in a special fund. I imagine that there is no other bank, including the Gibraltar International Bank, that does that, so I think what other banks do, that do not operate as a savings bank, is completely irrelevant in terms of his subsidiary.

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Certain rules apply to banks that do not apply to the Savings Bank because, as he said before the election in something that he either wrote in the *Chronicle* or put on Facebook, it is not a credit institution and the rules of credit institutions do not apply.

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Hon. R M Clinton: Mr Speaker, at the risk of incurring your wrath, regardless of whether it is a credit institution or not, it is a basic tenant that you should have an asset registered in your name, and, if it is not registered in your name, at least a declaration of trust saying that you own it. Otherwise, on paper there is nothing to say that the Savings Bank owns those shares – and we are talking about investments of about £37-odd million, from my memory.

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Does the Minister not agree that at least some paperwork should be put in place showing that the Savings Bank is the true owner of 50% of those shares?

Hon. J J Bossano: Presumably what the hon. Member is complaining of is how it is shown on the balance sheet of Gibtel, because, as far as I am concerned, everything – that is the assets of the Savings Bank, of which I give him a list every time he asks for one – is held in a special fund and is governed by the rules that are applied to special funds in the legislation, which is the Public Finance Control and Audit Ordinance. It is those rules that matter and not the rules that may or may not apply to banks with which he is familiar, having been a banker – and I am not.

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Hon. R M Clinton: Mr Speaker, we still seem to be unable to agree. Perhaps if I can make it simpler: would the Minister not agree that any assets that are presumably owned by the Savings Bank should have legal title in some way or form registered with the name 'Savings Bank' next to them?

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Hon. J J Bossano: No, Mr Speaker, I do not agree with him. If I thought I needed his advice instead of the advice of the officials and the civil servants who operate the system, then I would be asking for his advice, but I do not ask for it and I do not agree with the advice that he has given me, because I am perfectly satisfied with the advice I am getting.

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Hon. R M Clinton: Mr Speaker, so then I take it that the current form of registration of the shares of Gibtelecom are upon the advice of, I presume, the Financial Secretary?

Hon. J J Bossano: Well, he can make whatever assumptions he wants to make, but I am not here to confirm or deny his assumptions. I am here to provide answers to questions about

2135 information about what we are doing, and I have given him the information as it is. He does not
have to like it and he does not have to think that it is right, but I do not have to agree with him.

Hon. D A Feetham: Mr Speaker, if I may ask him a less technical but a political question:
2140 doesn't the answer that the hon. Gentleman has just provided to my hon. Friend, Mr Clinton,
confirm the essence and central discourse of the Opposition over the last three years, which is
that the Government is using the Gibraltar Savings Bank as its own piggy bank? Because the
reality of what he is saying is that here you have the Gibraltar Savings Bank that has actually
purchased this particular asset, and rather than appear in the name of the Gibraltar Savings
Bank it appears in the name of the Government.

2145 In other words, you are blurring the ownership between the Gibraltar Savings Bank and the
Government, because the Opposition is absolutely right when we have said over the last three
years that the debts that are being incurred by the Gibraltar Savings Bank and the usage of that
money in the Gibraltar Savings Bank is effectively a form of off-balance-sheet borrowing by the
Government. The Gibraltar Savings Bank is just being used as a piggy bank by the Government,
2150 and does it not follow from the answers that the hon. Gentleman has provided us that that is the
case and therefore the Opposition's discourse over the last three years have been entirely
vindicated in this exchange with the Hon. Mr Clinton? (*Banging on desks*)

Hon. J J Bossano: Well, Mr Speaker, it may suit him to say so and he may even believe it. I
2155 hope he does not believe it, because it would demonstrate an incredible level of ignorance, so I
hope that it suits him. But, given that his neighbours banged on the table when he said it, at
least some of them must believe it.

If he believed what he has just said, he would be saying that in fact the entire level of
deposits of £1.1 billion is public debt. Now, if that is what he wants to believe and that is what
2160 he wants to say, then that is fine. All I can tell him is that I hope he has been satisfied by the
figures that I have given him as to how the Savings Bank is performing – that notwithstanding
that they have spent three years trying to persuade people not to put their money in the Savings
Bank by questioning whether it was a solid institution and by saying that it is being used to fund
the Government, the reality of it is that, as I have just told him, in the months since February, in
2165 the questions that he has just asked me, I have shown that the Savings Bank went from
£942 million in the first month to £956 million in the second month, £14 million up in one
month, and that increase has carried on, and that in the last figure that I gave him for the last
month we have got a situation where the Savings Bank now has the confidence of the people to
the degree that it is £1.140 billion. That is £1,140,000,000, is the level of the Savings Bank, which
2170 constitutes an increase of almost £200 million between February and May. And if the hon.
Member believes that we have spent £200 million on Government projects in that period and
that it is public debt, well good luck to him – I do not think anybody else will.

Hon. D A Feetham: But, Mr Speaker, how can he possibly justify, in the light of the fact that
2175 he has spent three years saying to the people of Gibraltar and telling me and telling the
Opposition that the Gibraltar Savings Bank is one thing and the Government of Gibraltar is
another, the debts of the Government of Gibraltar which appear in the estimates are the debts
of the Government to Gibraltar, debentures of the Savings Bank are a debt of the Gibraltar
Savings Bank ... if now we see from this exchange that the Gibraltar Savings Bank has purchased
2180 shares in this particular company, taking over the shares from the Slovenian company, and the
Gibraltar Savings Bank puts it in the name of the Gibraltar Government, not in the Gibraltar
Savings Bank?

Does he not agree that it drives a coach and horses through his own analysis, and therefore
supports our analysis that the reality here is that what has been going on over the last three
2185 years is that the Government, in order to avoid going over and above the legal borrowing limits
– because he really could not borrow as much because he was effectively spending too much

2190 money and could not borrow that because of the legal borrowing limits – is basically using the debentures in the Gibraltar Savings Bank in order to pay for Government expenditure? At the very least he must agree with me that it drives a coach and horses through his own analysis, which is that both are separate; because otherwise, Mr Speaker, the shares in this particular company would have appeared in the name of the Gibraltar Savings Bank and not in the name of the Government.

Hon. J J Bossano: I do not agree with the Hon. Member at all, in anything that he has said.

2195 Let us analyse the argument, Mr Speaker, that he is asking me to agree to. He is asking me to agree that because the shares bought from Slovenije were legally registered by the Gibtel company in the name of the Government and the beneficial ownership is shown on the balance sheet of Gibtel, that transaction shows that all the money deposited in the Savings Bank – £1.1 billion deposited in the Savings Bank – he now claims is a debt, but not a debt of the Savings Bank but a debt of the Government. The answer is no, I do not believe that the £37 million paid from the Savings Bank Fund for Slovenije is evidence that that £37 million has driven a coach and horses through the £1.1 billion and converted it into public debt. But if that is what he wants to believe and he wants to use it as an attempt to scare people about the solidity of the Savings Bank or about the solidity of the finances of the Government and make out that even without 2200 Brexit we are on the point of economic collapse, good luck to him – and good luck to him at the next election if he carries on saying that, because it will finish then where he is now.

Hon. R M Clinton: Mr Speaker, if I can come back to the original point, my question to him now is – perhaps he may choose not to answer it – as a director of the Savings Bank, a director of Gibtelecom, whether he believes his financial disclosure is correct in saying that the 100%-owner of Gibtelecom shares is the Gibraltar Government? 2210

Hon. J J Bossano: Mr Speaker, there are people paid and employed who are professionally qualified to do the things which the hon. Member thinks are not being done correctly, and I have full confidence that they know the job that they are doing and that therefore there is nothing wrong either in the balance sheet and the accounts of Gibtelecom or in the paper that I give him, which shows that those investments are in the Gibraltar Savings Bank *Fund* – because it is a special fund of the Government and that special fund of the Government, just like there are other special funds ... There are special funds, for example, for other things where the money in there is not available to the Government. The only money from the Savings Bank Fund that is available to the Government is the money that results from the Government selling debentures to the Savings Bank – that is all. If he does not understand that, then clearly none of the information that I am giving him is having much effect. 2220

Hon. R M Clinton: Mr Speaker, this will be my final intervention on this point. Given that he, presumably, in this House accepts, and obviously he has in all statements made clear that the beneficial owner of those 7,500 shares is the Savings Bank and not the Government of Gibraltar, how are the voting rights of those shares exercised and by whom? 2225

Hon. J J Bossano: Well, I think in the time that they have been held since Slovenije the shareholders have not had an occasion to vote, but in the board of directors of the Savings Bank the Ministers who are there ... I am one of the directors, but clearly, since I am also politically responsible for the Savings Bank I do not have to wear two different hats. If I have one opinion as director of a company and I have on the same subject, as the person politically responsible for the Savings Bank, I will not contradict myself. He does not have to worry about that. 2230 2235

Hon. D A Feetham: Mr Speaker, just in relation to this exchange, when we talk about the Savings Bank being the beneficial owner, my understanding of the answers that the hon.

2240 Gentleman provided earlier is that not only are these shares in the name of the Government and
not the Gibraltar Savings Bank, but there is no declaration of trust – it does not exist in favour of
the Gibraltar Savings Bank – so how do we get to the position where the Gibraltar Savings Bank
is the beneficiary of these particular shares? Or is the Government’s position that, irrespective of
whether they were purchased with the money from the Gibraltar Savings Bank, these shares
belong to the Government and that is it, that is the position?

2245 **Hon. J J Bossano:** Mr Speaker, the Hon. Member knows that that is not the position, because
the position is that in the accounts of the Savings Bank Fund, audited by the Principal Auditor,
those shares are shown there as an asset of that special fund. The auditor has not questioned it,
the Financial Secretary has not questioned it and nobody else has questioned it except the hon.
2250 Members opposite. Now, it may be they are not happy with the way it has been done. As far as I
am concerned, this is the way that the people who are employed to do the job have done the
transaction and I am satisfied that they know their job, they know what they are doing and they
have nothing that is wrong.

2255 **Hon. R M Clinton:** Of course, Mr Speaker, if they *have* done something, whether
inadvertently, right or wrong ... if they have done something wrong, the implication is that the
Government owes the Savings Bank £37 million in return for those shares. That is the only
implication. I will leave it in the hands of the Principal Auditor and, as you say, the officials
whose job it is to get this right.

2260 **Hon. J J Bossano:** No, Mr Speaker, I regret to say that even simple arithmetic seems to be
beyond the reach of the Member opposite, because if indeed the Government owed that
money, then that money would have to appear twice – once on the estimates of the
Government as a debt to the Savings Bank and once in the special fund – and there is only one
2265 entry. When he gets the audited accounts, he will find that it only appears once. If he was right,
there would have to be an in and an out, and there is not.

Hon. R M Clinton: Mr Speaker, with the indulgence of yourself and the Members, I would ask
that the hon. Member opposite at least grant me the benefit of being able to do some basic
2270 maths. *(Laughter)* All I am saying is that if the Savings Bank does not own those shares,
effectively the assets shown as being £37 million would instead be shown as a debt from the
Government, i.e. another form of debenture that is owed to the Savings Bank. It is as simple as
that. Again, as I said, I will leave it to the public officials whose job it is to get this right.

2275 **Hon. J J Bossano:** And I am saying, Mr Speaker, that what he is saying is that it should appear
twice, once in the Savings Bank Fund and secondly as an amount of money which the
Government owed, which would not be public debt but which would presumably have to appear
somewhere as a minus in the Consolidated Fund. I am telling him that is not the case, that he is
wrong, that it appears only once, and I have explained to him the explanation that has been
2280 provided for the answer to this question by the people who provide the technical element: that
it is registered legally in the name of the Government but for the benefit of the Savings Bank
special fund. That is the answer that I have given him in the original question.

He thinks that it is wrong that it should have been done like that. Well, I do not think that it is
wrong, because that is the way that the experts employed by the Government have done it and I
2285 believe and I trust their expertise. Maybe, if he was the one employed to do it, he would have
done it in a different way.

Hon. R M Clinton: Mr Speaker, I think we have exhausted that argument, but again I would
beg the Minister opposite to grant me at least the benefit of the doubt when it comes to double-
2290 entry bookkeeping.

If I can move on, talking about double-entry bookkeeping, the movements on the Sinking Fund, which the Hon. Minister seems to be so reluctant to give me, may I have the presumption of asking why that is the case?

2295 **Hon. J J Bossano:** Yes, Mr Speaker, because I am prepared to give the Hon. Member the level of information that gives him what it is on a specific date, but not the movements in and out. I think the more information he gets, the more information he wants to have and it is a never-ending exercise.

2300 I do not know why he proposes there should be a Public Accounts Committee. I think he behaves as if he was a one-man Public Accounts Committee all by himself!

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

2305 **Hon. R M Clinton:** Well, Mr Speaker, I can only take that as a compliment. (**A Member:** Exactly!)

2310 Would the Hon. Minister perhaps clarify for my benefit ...? In fact, he did give me movements on the Savings Bank account I think at the January sitting of Parliament. It was £15 million in and £15 million out, which obviously made me none the wiser. May I ask him perhaps just one question. Because I was perhaps slightly confused, if I can use that word, in that the level of gross debt at the time did not decrease even though there had been a movement, may I ask him are the monies in the Sinking Fund being used for purposes other than the repayment of capital?

2315 **Hon. J J Bossano:** Mr Speaker, I answered that when he asked me the same question the last time. I said it is the servicing of the debt, which can include the interest.

2320 **Hon. R M Clinton:** Mr Speaker, going back to Questions 404, 405 and 406, which, if my memory serves me right, the Hon. Minister said that the Chief Minister would be dealing with in his Budget speech, will I get assurances from the Minister opposite that I will get that data and information in the format I have requested?

Hon. J J Bossano: Well, no, Mr Speaker, since it is not my speech I cannot commit myself to editing the Chief Minister's speech to suit the hon. Member opposite, much as I like him.

2325 **Hon. R M Clinton:** Well, the feeling is mutual, but he will appreciate, of course, by effectively passing the question to the Chief Minister and then disclaiming responsibility for the Chief Minister's speech, it means I do not get an answer to my question, Mr Speaker.

2330 **Hon. D A Feetham:** Mr Speaker, this is a very serious point. We have asked, or the hon. Gentleman has asked, for figures of gross debt and cash reserves – and really it is cash reserves and net debt that are important in this context – for 1st February 2016, 1st March, 1st April and 1st May, and the answer has been that the Chief Minister will deal with it in his Budget speech.

2335 Now, of course, if that is the position, unsatisfactory as it is, because the question ought to be answered, certainly I will deal with it on the hoof when the Chief Minister provides us with that information during the course of his speech, because I have got an idea in my mind what it will show. But what he cannot do is give us the answer saying that the Chief Minister is going to deal with it in his Budget speech and then, rightly, when my hon. Friend stands up and says, 'Are you sure that is going to be the position?' because then at the very least we will get a measure of comfort, he says, 'No, I cannot bind the Chief Minister.' Well, then, what he is doing is depriving the public and he is depriving the Opposition of what is important information and information that he knows is needed, and that is why he does not provide that information that is needed in relation to a proper debate in the Budget – because this will show the movement of cash reserves before 31st March and after 31st March, and one of the things that we suspect we will

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2345 see when we look at those figures is essentially an increase in cash reserves in the run up to 31st March and a decrease in cash reserves thereafter. In other words, the tightening or the closing of the cash tap, if I can call it that, prior to 31st March that leads to a healthier figure on the Budget and then an opening again of the cash tap after 31st March.

2350 Mr Speaker, if the hon. Gentleman is not willing to provide that information, then the inference that we will draw is that that is precisely what is happening. Does the Hon. the Father of the House not agree with that analysis? And I know what the answer is going to be. *(Interjection and laughter)*

Hon. J J Bossano: That is not right. I do not agree, but I can understand where he is coming from, because of course that is what they did for 15 years, so I am not surprised that he is speculating that we will be doing that.

2355 I think he will have to wait to see what the answer is when the answer comes. All I am saying to the hon. Member is if I was going to be providing the information and I did not want to give him an answer, I would tell him, 'No, I am not giving you the answer,' because that is the way I function and the Hon. Member knows that. But since it is somebody else's speech, what I cannot tell him is how it is going to be dealt with in that speech. Clearly, all I can tell him is that the matter will be dealt with.

2365 **Hon. R M Clinton:** Mr Speaker, I appreciate the Minister's candour on this, but perhaps if I can address myself to you, Mr Speaker: what are the Rules of the House where we have tabled questions and the answer is that the answer will be in somebody else's speech? Surely that cannot be right.

2370 **Mr Speaker:** Ministers are responsible for answering questions in the manner they decide. One would expect the Hon. Minister to know, to have consulted the Chief Minister before inserting this sentence in the answer, and if that were to be the case then he should be taking the Minister at his word. But he has pressed him further and, knowing as I know the Hon. Mr Bossano from 1972, I am not surprised at the attitude that he has adopted. I cannot be more helpful than that.

2375 **Hon. D A Feetham:** Mr Speaker, may I just say this, that yes, of course, the Ministers answer questions, Ministers have to make themselves responsible for answers that they give to the House, and if a Minister, in an answer to the House, says the answer is going to be in a speech provided by somebody else, that is fine. It is not satisfactory from our point of view, because it is not – this is information that the Government habitually provides, that I have been asking for four years and the hon. Gentleman has been asking since he became responsible for public finances on this side of the House – but when pressed with the logical question, 'Is it going to be provided by the Chief Minister?' the Hon. the Father of the House says, 'Well, I do not know; I did not write his speech.' That was the answer. That is what has caused these exchanges.

2385 **Mr Speaker:** I understand that.

2390 **Hon. D A Feetham:** Therefore, what we have on record is two contradictory answers. The Hon. the Father of the House can say – and we will criticise him in the House and outside the House – 'I am not prepared to provide you with the information because I am not going to help you write your Budget speech,' because this is what it is about, Mr Speaker. We know what it is about: 'I am not going to help you write your Budget speech, I am not going to provide you with an answer.' Well, fine, but if he says it is going to appear in the speech of the Hon. the Chief Minister, then we would expect to see it in the speech of the Hon. Chief Minister on Monday morning and then we will reply – and that is what this is about.

2395 I am still not clear whether it is appearing in the speech or whether it is not, and it is really simply a question of the Hon. the Father of the House saying, 'I am sorry, but I am simply not going to help you write your own Budget speeches.'

2400 **Hon. J J Bossano:** On the contrary, I am quite happy to help him write his Budget speeches if he wants me to – we can get together and I will write it for him. It will be full of praise for the Government, obviously, by the time I have finished with it, but if that is what he wants he can get that.

2405 That is not what has happened, Mr Speaker. I have said that it will be dealt with in the Chief Minister's speech and I was asked, 'Will it be dealt with in the way that I have asked the question?' and I said, 'I cannot commit myself to telling you that it will be done in the way that you have asked the question because it is not going to be my speech.' That is the nature of the exchange that has taken place and that is the position.

2410 **Hon. R M Clinton:** Yes, Mr Speaker. Again, with your indulgence, as you will appreciate, there were quite a few questions bunched together.

If I may turn back to the Savings Bank and the questions I asked about 323 Main Street and the debit card, would the Minister please give us an indication of how he sees the development of the Gibraltar Savings Bank in the future?

2415 **Hon. J J Bossano:** Well, we live in very uncertain times and therefore, whereas I would have given him a clear answer a week ago, I cannot say that the turmoil that we are seeing everywhere is not going to be affecting us in the Savings Bank, for a very simple reason: there is no indication at all that people have been worried about putting money in the Savings Bank to date because of anything that is happening, nor has there been any occasion at all of people wanting to withdraw it, but it is obvious that if several trillion pounds of the value of shares have been wiped out in a few days and if it is put down to the uncertainty created by a situation which is going to be prolonged, then we could get situations where, not because people do not trust the Savings Bank but because they have lost a lot of money somewhere else, they may have either less money to put in or need to take money out.

2425 The bank does not stand in the way of people who come back and say, 'I want to redeem my debentures early.' What we do is we say, 'Well, look, you can have the money put in and you can take it out any time you want and we will pay you 1%.' If you put it in there for five years and you say, 'Look, I need the money out because I have been wiped out because of something that has happened with my other investments,' we tend to be sympathetic, but frankly what we cannot do is have somebody who has got money tied up for five years but can take it out any time he wants and still get his 5%. That is not going to happen. Therefore, the system is that, as I explained in the question – unless it is for property in Gibraltar, namely the money is being taken out of the Savings Bank but it is still going into the Gibraltar economy, or when somebody passes away and automatically the people who are entitled to the estate will be able to get it without penalty – the penalty is that the rate is 1% and you can take it out any time, and the other one is 5% and you keep it there for five years, or 3% if you keep it for three. Then, when we pay back, we deduct the difference that has been paid in the time that it has been there.

2435 There is at the moment no indication of that, but it is very early days. We may be facing a situation where the uncertainty carries on long, and the longer it takes the worse it is for the whole of the western economic system, and we cannot be totally immune from that.

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Hon. R M Clinton: Mr Speaker, I thank the Hon. Minister for his analysis, which I agree with entirely, but really the thrust of my question was about the services at the Savings Bank rather than numbers in terms of deposit growth, about any expansion of services and perhaps how he may or may not see that interacting with the International Bank.

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Mr Speaker: That does not arise from – (**Hon. R M Clinton:** No?) No. You are widening the ambit well beyond the purview of the question.

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

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Mr Speaker: Yes.

Hon. D A Feetham: Mr Speaker, arising out of the answer that he has just given, because he has touched upon very important matters, but also arising out of the questions that have been asked about public debt and cash reserves, does he not agree with me that actually now is a time – and I am asking him not only because he has responsibility for these areas but he has more experience than anybody else in this House about these matters – for reflection and consolidation and that really it is a time to take stock and to consolidate and perhaps even take a different view that political parties, us included, may have taken at the last General Election, because it really is important to take on board the fact that we live in a very, very uncertain world, the pound plummeting, shares plummeting, and that Gibraltar cannot hermetically seal itself from any of those developments and ... I do not really want to go into detail in relation to this, but he knows where I am coming from in relation to what he has just said about the Gibraltar Savings Bank ... and that therefore it is a time for consolidation, for pause, and really perhaps a different way of doing things for the next year, year and a half, as we move forward, and that is important to Gibraltar and important as we look towards the future?

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Hon. J J Bossano: I happen to think this is the most serious thing that has happened since the 1930s because the effects are not just in the UK or in Gibraltar or even in the EU; this is a global impact and the level of a global impact is unlikely, in my judgement, to be corrected any time soon.

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We were supposed to be just coming out of a recession that started in 2008. The timing could not be worse. We have to be responsible about taking decisions in the context of uncertainty. That is my view and it is a view that I will express both publicly and privately in the Government.

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Hon. D A Feetham: Indeed, I expect he would agree with me that in actual fact ... and he knows that for all our differences a lot of the positions that I have personally been taking over the last four years, as I see it, have also been positions that I have taken straight out of the hon. Gentleman's books, and I hope that, even if it is only privately, he recognises that.

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Perhaps it is also the time to be not only consolidating and reflecting but perhaps also moving back 20 years to the philosophy that the hon. Gentleman espoused during the early 1990s, which was based on rainy fund and basically trying to save for that potential rainy day, because I think that is important in what is a very uncertain world, which we all hope that we will be able to sail through.

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I think the Hon. the Chief Minister yesterday put it quite well in a speech that he gave to the Small Business Federation when he said that the United Kingdom is the equivalent of the *USS Nimitz*, the largest aircraft carrier in the world, and we are small and we are the equivalent of a cork, and a cork may get wet but it does not sink. I hope that that analogy proves true, but certainly we would expect that little cork to face as little difficulty as possible, and in doing so I think that it is important that we move towards a position where we start building that rainy day fund just in case we face difficulties in the future.

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Hon. J J Bossano: I think the forthcoming debate that we are going to have on the Budget is in the context that it is a Budget that was prepared before any of this happened.

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Certainly, the Ministry for Economic Development, which I am responsible for, is the one that has got to deliver the money to do the things that we need to do.

2500 The projections that we made, I explained in the election campaign, were in my judgement conservative projections which we expected to surpass. That expectation cannot be there until the picture is clearer, so we will be doing well if we actually are able to deliver what we set out to deliver, but it will be more difficult now to surpass it. There is no question about that.

Mr Speaker: The House will now recess until five this afternoon.

The House recessed at 1.44 p.m.