



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**MORNING SESSION: 10.00 a.m. – 12.50 p.m.**

**Gibraltar, Wednesday, 20th January 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*]

## PRAYER

*Mr Speaker*

## CONFIRMATION OF MINUTES

**Clerk:** Meeting of Parliament, Wednesday, 20th January 2016.  
Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 22nd, 28th and 30th July 2015.

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

*Mr Speaker signed the Minutes.*

## PAPERS TO BE LAID

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Annual Accounts of the Government of Gibraltar for the year ended 31st March 2014.

15 **Mr Speaker:** Ordered to lie.

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

20 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I have the honour to lay on the table the Annual Report of the Gibraltar Police Authority for the year ended 31st March 2015.

**Mr Speaker:** Ordered to lie.

## Questions for Oral Answer

### SPORTS, CULTURE, HERITAGE AND YOUTH

Q1/2016

#### Gibraltar Music Festival 2015 – Net cost

25 **Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.  
Question 1/2016, the Hon. R M Clinton.

**Hon. R M Clinton:** Can the Minister for Public Finance please advise the income generated, expense incurred and thus net total cost of the 2015 Gibraltar Music Festival? Please advise to whom payments have been made and any amounts outstanding.

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

35 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, full details of payments and income generated from the 2015 Gibraltar Music Festival have not been finalised. Government will be publishing the details once everything has been finalised.

**Hon. R M Clinton:** Mr Speaker, does the Minister have any idea as to how long that will take?

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

**Hon. R M Clinton:** Mr Speaker, does the Minister know whether it was over or under budget, or have any idea?

50 **Hon. S E Linares:** Mr Speaker, I would not like to say now, because there are many invoices that are still coming in and revenues to be collected, and therefore it would not be wise – it would be tantamount to misleading the House to give any figures at this stage, since it is still ongoing.

**Hon. R M Clinton:** Finally, Mr Speaker, with your leave, would income include the amounts remaining on the prepaid club cards or prepaid wristbands?

55 **Hon. S E Linares:** Mr Speaker, the bands are part of the data that we collate from all the Music Festival, and therefore all these things have to be finalised and squared up before we can give any figures.

60 **Hon. R M Clinton:** Would the Minister expect the income from those bands to accrue to the Government? Would the Minister expect the balance on those prepaid wrist bands to accrue to the Government? To be paid to the Government?

65 **Hon. S E Linares:** Yes, of course. All the income comes to the Government. We have a contract with somebody who does the production and all that, but every single penny that is generated from the Gibraltar Music Festival goes to Treasury in Government.

**Hon. R M Clinton:** So would I be correct in saying that the decision not to refund those prepaid bands was that of the Government?

70 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I can assist, the Government is awaiting the information as to what the prepaid wristband amount not spent will be and then will take a decision on what will happen in respect of that money. It is very likely and my inclination is that we will make a donation to a charity in respect of that amount.

75 **Hon. R M Clinton:** Thank you, Mr Speaker, no further questions.

**Q2/2016**  
**Gibraltar Sports and Leisure Authority –**  
**Employees by grade**

**Clerk:** Question 2, the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, can Government provide details, with a breakdown of grades, of all current employees within the Gibraltar Sports and Leisure Authority?

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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, some changes have been made to the staff structure of the Gibraltar Sports and Leisure Authority recently, and I hand over to the hon. Member opposite details of the current staff complement at the GSLA as from 1st January 2016.

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**Mr Speaker:** If the hon. Member is content, we can go on to the next question and he can come back and ask any supplementaries after he has considered the schedule.

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Next question.

**PERSONS EMPLOYED BY SPORTS AUTHORITY**  
**AS AT 1 JANUARY 2016**

NO.	TITLE	GRADE
1	Chief Executive Officer	1
1	Head of Finance, HR and Administration	2
1	Head of Facilities, Sports Development and Training	2
1	Finance, Marketing, IT and Social Media Manager	3
1	Administration and Resources Manager	3
1	Facilities Manager	3
1	Sports Development and Training Officer	3
1	Asst Sports Development and Training Officer (vacant)	4
1	Asst Facilities Manager	4
1	Asst Administration Manager (vacant)	4
6	Centre Managers (1 post vacant)	5
1	Pool Manager (pth)	5
1	Administrative / Clerk	6
26	Sports and Leisure Officers	8
3	Secretarial / Typist	9
2	Support	11
1	Asst. Pool Manager	11
3	Pool Operatives / Lifeguards	13
1	Cleaner (part-time)	13
1	Sports and Leisure Asst. (40 hr wk)	13
2	Sports and Leisure Asst. (37 hr wk)	13
1	Play and Leisure Officer*	PL1
1	Play and Leisure Attendant*	PL2
1	Play and Leisure Assistant *	PL3

\*Supernumerary

**Q3/2016**

**Gibraltar Sports and Leisure Authority –  
Staff vacancies**

**Clerk:** Question 3, the Hon. E J Reyes.

**Hon. E J Reyes:** Can Government provide details of any staff vacancies which may currently exist in the Gibraltar Sports and Leisure Authority?

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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, at present there are three vacant posts in the Gibraltar Sports and Leisure Authority, these being that of Assistant Sports Development and Training Officer, Assistant Administration and Resources Manager, and Centre Manager. These posts have become vacant due to these officers being promoted. The vacancies will be reviewed as part of the current restructure, which is working from top to bottom.

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**Mr Speaker:** Supplementaries arising from Question 2.

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**Hon. E J Reyes:** Yes, it is arising, Mr Speaker, from Question 2. In previous sessions, in the previous Parliament, the Minister had told me that he was negotiating with the unions in carrying out the review and so on, and I had somehow or another picked up – I hope it was not erroneously – that the post of Deputy Chief Executive Officer had been advertised and so on. In the schedule submitted in reply to Question 2, there is no post here of Deputy, and in answer to Question 3 the Minister has not mentioned an existing vacancy. Has he now come to the decision that he is going to do away completely with the post of Deputy? Because it is not listed either as a filled-in post or as a vacant post.

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**Hon. S E Linares:** Well, Mr Speaker, if he sees the schedule, what has happened is that we have a Chief Executive Officer and the Deputy Chief Executive Officer previous used to be a grade 2. Now what we have done is we have substituted the grade 2 – in fact, we have added another grade 2. There is no deputy but there are two, which is Head of Finance and another post. Because as he will see there are two grade 2s in the schedule and therefore ... One is Head of Finance, HR and Administration, and the other is Head of Facilities, Sports Development and Training.

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So what we have done is ... technically, there is no deputy, one deputy, but what there are, are two heads of two different departments within the Gibraltar Sports and Leisure Authority.

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**Hon. E J Reyes:** Thank you, Mr Speaker, that does help to clarify the position.

The Minister, in answer to Question 3, said that there are three vacancies. Can he confirm that he has reached an agreement with the staff representative side that those three vacancies will be advertised, or are those three vacancies can be vacant but are not necessarily going to be advertised because they are still under the process of negotiation in respect of staffing levels?

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**Hon. S E Linares:** Yes, Mr Speaker. As I said in the last sentence to my answer, the vacancies will be reviewed as part of the current restructure which is being worked from top to bottom. So there are three vacancies but we are still negotiating how we are going to bring them out, as in probably the name of the post or the type of job description, or whatever. It is part of the restructure.

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**Hon. E J Reyes:** And would the Minister be able to say by when he hopes to have concluded such an exercise?

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**Hon S E Linares:** Well, Mr Speaker, I think we have done quite well in starting the restructure and done pretty well from the top and we are working downwards. I cannot say any time as to when we will be finishing all, but we are working hard at trying to do it in a satisfactory manner.

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**Hon. E J Reyes:** One other small thing, Mr Speaker, with your leave. The last three posts in the schedule that have an asterisk saying that they are actually supernumerary posts, are these short term as far as the Minister is aware, and are they full time or part time? Because I could get the impression from the nomenclature of the title that they may be seasonal in respect of play-and-stay posts and so on. Perhaps the Minister can enlighten us more so that this House is aware of his need for these supernumerary posts.

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**Hon. S E Linares:** Well, Mr Speaker, they are currently supernumerary and we are hoping that when we present the Budget these will no longer be supernumerary but that employees permanent within the GSLA. It is to do with the three posts that we have opened up and these are the people who maintain all the playgrounds. Therefore, they have come from GCP – and they were there before; I am sure the hon. Member knows who they are and where they come from. What we have done is we have given them permanent employment but they are supernumerary – but we have been able to bring them in so that that they are based within the GSLA. They are employees of the GSLA but they have a specific job, which is to maintain all the playgrounds.

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**Hon. E J Reyes:** May I conclude, then, on a positive note, Mr Speaker, assuring the Minister that it is very good news to hear the intention in respect of those three ... let's call them, for the moment, supernumerary officers, and he will certainly carry support from my side. If I can help him with any possible measure or means, he just needs to call because I think they would be a great asset to the Sports and Leisure Authority.

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**Hon. S E Linares:** Thank you, Mr Speaker.

Yes, just to say that they are doing a marvellous job and they are very happy in what they are doing. It can be seen around the playgrounds that everything is being maintained by them and they are taking the job to heart.

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#### Q4/2016

#### Special sports and leisure events – Grants re hosting of events

**Clerk:** Question 4, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Sports and Leisure provide details of all grants made since 1st October 2015 in respect of hosting special sports and leisure events?

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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, details of grants awarded for hosting the special sports and events since 1st October 2015 are as follows: Gibraltar Masters Bowling Open, £15,000; G.A.B.B.A. Basketball European C Division Under-18

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Competition, £250; Gibraltar International Backgammon Tournament, £1,249.80; Professional Darts Corporation Gibraltar Darts Open £50,787.12; World Snooker Gibraltar Open, £81,820.85.

185 I now hand over to all the hon. Members a photocopy of this so that they do not need to note them down.

**Hon. E J Reyes:** May I ask, Mr Speaker ... I know the schedule is coming and I do not want to, at this stage, necessarily go into details. It is my understanding that the Minister, as Chairman of the Sports and Leisure Authority, has a committee, the Sports Advisory Council and so on, who help to advise and formulate policies in respect of grants when local teams play in international competitions and so on. Does the process of granting funding towards special sports and leisure events follow a similar process in consultation with a committee, or is that something that the Minister, not necessarily as Chairman of the Authority but as the Minister himself, handles in some other manner with his own financial advisers?

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**Hon. S E Linares:** No, Mr Speaker, what the Minister does is that when applications are made by governing bodies, when it is to do with events hosted in Gibraltar or hosted abroad, that is when the Gibraltar Sports and Advisory Council (GSAC) takes charge of how much funding each governing body – as he well knows – gets. But there is also money which the GSLA ... And we do, as a matter of courtesy inform GSAC about what we are doing. For example, the darts is a special event and therefore the Darts Association does not come and ask us to bring in all the world champions and all that. This is a different event that we organise and therefore the funds come from there. We put in the Budget and therefore the funds come through, because we no longer have heads like he used to have, where it was divided into four, the grants. We have put them all together, because as he well knows as well, it used to be split into four, but then it used to be passed on from one head to the other, and therefore, in order to facilitate GSAC and facilitate the Government and the GSLA, in order to take decisions on which event we are going to bring, we have put it as one global sum, and therefore GSAC decides then how much is going to go for either one or the other.

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**Hon. E J Reyes:** So just to confirm, Mr Speaker – I want to make sure I have got it clear – GSAC is not actually involved in the decision-making of supporting a particular event. These perhaps will come under a more general title, like sports-led tourism type of events, attracting visitors to Gibraltar, and GSAC is therefore involved in the consultation of approving the event and even deciding how much subsidy is going towards it, because in respect of local teams participating internationally, then sometimes GSAC takes the policy whether to fund 30% or 40%, or whatever type of percentage, towards the gross cost of the trip. Does this work on a similar basis, where you decide the percentage, or is it all paid for lock, stock and barrel?

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**Hon. S E Linares:** Well, it depends on the contract that we do with the entity that brings in the event. It depends on the contract. Some of the contracts differ. They ask for money, who gets the sponsorship money, who pays for what, and that is negotiated and then a contract is signed. What I can tell him is that the system that he said at the end is the system that still continues. That means that governing bodies will still put in their bid and GSAC will then decide the percentage of that event, not with these events.

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But I can assure the hon. Member that we are in very close contact with whichever sport we bring – for example in the snooker or the darts – and that we do involve the local governing body in order ... for things like whether international people are going to come and bring workshops to teach development of the sports, and also in all events you will see that the locals are always involved. Therefore, for example, in the snooker we had four snooker players from Gibraltar participating within the international tournament. That is usually part of the condition of any sport that comes over. Remember, like the hon. Member rightly said, this is events-led tourism, and therefore what we do is we try and engage the local community, and the only way

235 you are going to engage the local community is by engaging the governing body of the sport that comes over. So, for example, again, the darts, I think, have eight darts players from Gibraltar who do all their qualifying competitions within Gibraltar, and then those first eight ranking will go into the one that is either televised and is on stage and all that, so our local community, or the fraternity of darts in this case, will be participating in this international, or whichever we do.

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**TOURISM, HOUSING, EQUALITY AND SOCIAL SERVICES**

**Q32/2016**

**Care Agency nurses –  
Salary, pay and conditions**

**Clerk:** We now move to Question 32, and these are questions to the Minister for Tourism, Equality, Social Services and Housing.

We commence with Question 32, the Hon. L F Llamas.

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**Hon. L F Llamas:** Good morning, Mr Speaker.

Do the nurses working within the Care Agency receive the same salary, pay and conditions as those of equal grade working in St Bernard's Hospital?

Thank you.

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**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, as was the case under the former GSD administration, the nurses in the Care Agency continue to receive a salary relevant to their grade and subject to annual pay increments.

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**Hon. L F Llamas:** Can the Hon. Minister confirm if there is a disparity between the Care Agency nurses and those within the GHA St Bernard's establishment?

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**Hon. Miss S J Sacramento:** Mr Speaker, if there is any disparity it was created by the GSD. We have continued on the same pay scales that they had.

**Hon. L F Llamas:** The point I am trying to make ... I am not sure, as I have not been able to gather from the estimates if there is a disparity or not, but my main basis for this question is ultimately if there is a disparity between these establishments this will encourage a migration, which will ultimately affect the continuity of care of those in the worse-off area. If the worse-off area is those within the Care Agency, then there will be an issue for continuity of care. These nurses will obviously have nurtured a rapport with the service users and this rapport is extremely important for those service users themselves.

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I am sure the Minister will appreciate this is a principle that needs to be looked at, if it does exist.

**Hon. D A Feetham:** Mr Speaker, may I? I think my hon. colleague, Mr Llamas, has been very reasonable in outlining what his concerns are in relation to this particular issue; but, with respect to the hon. Lady, I do not think that the answer is satisfactory. To say, 'Well the position ... if there was a disparity it is a disparity that existed when the GSD was there' is not a sufficient answer. The question was: is there a disparity? Surely the Hon. Minister ought to be able to answer that basic question, if there is a disparity. Nobody wants to get controversial, but we

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280 would like to understand if there is a disparity, because we cannot see it from the financial  
information that has been provided.

**Hon. Miss S J Sacramento:** Mr Speaker, I think that the hon. Member actually answered his  
own question. I think that if he looks at the book of approved estimates, the scales are actually  
285 there. They are very clearly in the back.

**Hon. L F Llamas:** Okay, thank you.

**Hon. D A Feetham:** Mr Speaker, I will look at the estimates again. I do not think that it says as  
290 the lady has suggested, because one cannot actually place the actual scales within the particular  
areas that we are talking about here, but if it is as the lady says we will not raise it again. If it is  
not as the lady says, then we will raise it again next time round, because I think it is important  
that we understand whether there is a disparity in relation to pay.

We would not be asking this question if the information was publicly available and we had  
295 seen that that is the position as the lady says.

**Q33/2016  
Care Agency –  
Details of vacant posts**

**Clerk:** Question 33, the Hon. L F Llamas.

**Hon. L F Llamas:** Mr Speaker, can Government please state if there are any vacant posts  
within the Care Agency; if so, for how long has each post been vacant and why?  
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**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, all posts within the Agency are covered, and as such there are no vacancies.  
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**Hon. L F Llamas:** Can the Hon. Minister confirm if these are covered by way of substitution, or  
are they actually advertised posts and filled posts?

**Hon. Miss S J Sacramento:** They are covered in various ways, Mr Speaker, but they are  
310 covered and none of them are not covered.

**Hon. L F Llamas:** I am sorry to say that does not answer my question. If they are covered by  
way of substitution, then they are still vacant. So, I want to know if there are vacant posts which  
are not filled adequately and there are people there with the terms and conditions for that post.  
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**Hon. Miss S J Sacramento:** Mr Speaker, I appreciate that the hon. Member is new to this and  
I will, of course, be as helpful as possible as I can to him.

Mr Speaker, unlike the complement in the Civil Service, there is no such thing as a  
complement in agencies, and that is the position that was taken by the GSD when they were in  
320 Government. So, Mr Speaker, as has been confirmed by another hon. Member, who did so as a  
Minister at the time when the GSD were in office, what we are doing is that as and when posts  
become available in the Care Agency we are reviewing them and we are looking to see how to  
best optimise the money that has been voted to the Agency in order to operate it.

325 Unlike the Civil Service posts, Mr Speaker, a post in an agency is not a fixed post. It may be that a post was relevant at the time, but as an agency, particularly an agency such as this whose services expand, we need to make sure that we optimise the money that has been voted by Parliament to run this service.

330 But in any event, there are not posts that are not covered by anybody, we are just looking at some posts temporarily to see if that is the best post for that service now that it has become vacant, because it is obviously only when posts become vacant that we are able to restructure, if we need to.

**Q34/2016**  
**Family Centre –**  
**Details of plans for development**

335 **Clerk:** Question 34, the Hon. L F Llamas.

**Hon. L F Llamas:** Can the Government give details of the plans being made, if any, towards making the Family Centre a reality?

340 **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, plans for the development of a Family Centre are presently being finalised to ensure that the centre becomes a reality during the lifetime of this Parliament.

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**Hon. L F Llamas:** Do you have a set date by when this will become a reality?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman, I think, is the second of the new Members on the other side to speak, and I was remiss earlier not to congratulate Mr Clinton on his first remarks. I do congratulate Mr Llamas now and I look forward to congratulating the others as they make their first remarks during the course of this morning.

350 Mr Speaker, just for the sake of setting out the position clearly in relation to this matter, given that it will be relevant in coming questions too, where the Government has a manifesto commitment to do things, and the Family Centre is one of them, and that commitment does not contain in the manifesto a time by which we will do it, our answer will of course be that we will do it during the lifetime of this Parliament. We are not going to be estimating when we are going to be doing things so that the hon. Members opposite can become timekeepers of the Government in doing things by a particular date that we might estimate, because of course it is difficult in Government not to slip from dates because of other things going on etc.

360 So hon. Members will get the answer in relation to this question that they will get in relation to all the others that they may put now and in the future in relation to non-timed Government commitments in our manifesto: that they will be delivered during the lifetime of this Parliament.

**Hon. L F Llamas:** I just want to say that the reason why I am asking for details of these plans is with reference to Question 603/2011, where the Hon. Chief Minister now, who at the time was the Leader of the Opposition, asked if the Family Centre was going to take two, three or 15 years. The question posed then is still as relevant today, when we still do not know when the expected date is and it is looking more like it is going to take the actual 15 years if it carries on like this. That is my only remark, thank you.

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**Hon. Chief Minister:** The hon. Gentleman – and I say this as gently and affectionately as I can – needs to learn that he has to ask a question when he gets up during Question Time. If he wants to make a statement, he can make it at another time.

375 This is a new Parliament. The people of Gibraltar have wiped the slate very, very clean indeed on 26th November and we have a manifesto commitment to deliver in the coming four years. If we do deliver in the coming four years, then it will be well within the 15 years that I posed at the time.

**Q35/2016**

**UN Convention on the Rights of the Disabled –  
Date for transposition**

**Clerk:** Question 35, the Hon. L F Llamas.

380 **Hon. L F Llamas:** Does Government have a date set to transpose the full UN Convention on the Rights of the Disabled?

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

385 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, prior to the last General Election, the Government published a Command Paper on a draft Bill for an Act to make provision for the betterment of persons with disabilities within society using the UN Convention on the Rights of Persons with Disabilities as a model.

390 Government is in the process of considering the responses to the Command Paper and the Government remains committed to seeking the extension of the Convention to Gibraltar.

**Hon. L F Llamas:** What assurances are given that it will be effected during this Parliamentary tenure?

395 **Hon. Miss S J Sacramento:** Mr Speaker, I remind the hon. Member of the words of the Chief Minister just now: a manifesto commitment means that something will be delivered during the course of this Parliament.

400 Mr Speaker, and I want to pre-empt the next question, because he is going to remind us that it was in the last manifesto, and as I have said previously in this Parliament, that is what led the Command Paper to be published. As I have said before, this is a very complex piece of legislation and a piece of legislation that affects a lot of people and a lot of Departments. So it is better for everybody that we plan it properly, think it through properly, and when we implement the legislation we will have done it properly and in a responsible manner. Otherwise, Mr Speaker, the consequences could be ... the risk could be that it could have a detrimental effect to people, to businesses and to organisations, and that is what we have been trying to avoid.

405 However, Mr Speaker, during the whole process we have before the drafting of the legislation, we had very in-depth meetings and conversations with the stakeholders. The Command Paper was issued and we had a lot of response from other people, not just the core stakeholders that we were speaking to. As a responsible Government we have been taking all those into account and we are considering all the responses to the Command Paper to ensure that when we deliver this legislation it is the best way that we can.

415 **Hon. D A Feetham:** Mr Speaker, my question is this, but I will prefix it in this way as well – that of course everybody wants to be as thorough as possible, every government, and indeed we wanted to be as thorough as possible in this particular area and we also conducted our own

consultation and left a Bill that was ready in 2011 for transposition. The Government have decided that perhaps they do not want to go with that Bill. So my question is this: will the Government transpose the entirety of the UN Convention on the Rights of the Disabled, or is it part of that Convention that they are planning to transpose to Gibraltar law?

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**Hon. Miss S J Sacramento:** Mr Speaker, as former Minister for Justice, the hon. Gentleman should know that conventions are not transposed, and the way it operates is that we need to implement domestic legislation in a manner that, in these circumstances, the UN through the UK would consider extending. *(Interjection)* Mr Speaker, I hear mumbles from the Hon. Mr Feetham. I think he should know by now that what we transpose are European Directives and not necessarily UN Conventions, but I do not want to get into semantics here at this stage. What we are doing is preparing a foundation to ensure that we can be in a position so that the UN Convention can be accepted to be extended to Gibraltar. So in answer to that question, yes.

425

But he premised his question – *(Interjection)* Yes. He started his question by saying that they had left it full and ready for transposition, Mr Speaker, and I have to say categorically that I asked for that. One of the first things I asked for was whether there had been any foundation work or any drafts on this, and the answer I was given was no. I think they had the opportunity to have done this since 2006, Mr Speaker, which is when the Convention came into force. I do not actually have it before me, but from memory I think it was 2006. So, Mr Speaker, they had from 2006 to 2011 to introduce legislation, to undertake preparatory work, to do foundation work, to set any policies – and they did absolutely nothing, so I do not accept that they left anything ready for us. And in this case I am glad, because we have done it from scratch. We have a very good team advising us on it, we have consulted at length, so I am happy that what we will introduce is a thorough piece of work that we have all worked very hard on.

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**Hon. D A Feetham:** Mr Speaker, I have to say that the hon. Lady castigates us for not doing something from 2006 to 2011, and they themselves have not done something from 2011 all the way to 2015. So, by parity of reason, she castigates herself because it is exactly the same delay.

But, Mr Speaker, on many occasions my hon. former Member of Parliament and colleague, Jaime Netto, has made it clear that there was a draft. If I can bring that draft to the hon. Lady's attention, will she undertake to withdraw the statement that she has now made that we left absolutely nothing prepared at the point of the 2011 Election?

445

**Hon. Miss S J Sacramento:** Mr Speaker, we have published a Command Paper, a very detailed Command Paper on quite a long Bill, so how can the hon. Gentleman say that we have not done anything, first and foremost? We have a Bill and the Bill has been out for consultation. We have been working with the stakeholders, who are very happy with the way that we have undertaken the Bill and the process, so I do not accept for one moment that we have not done what we set out to do. That is number one, and whether Mr Netto has a draft or does not have a draft is neither here nor there, because I should not have to call Mr Netto and ask him if he has got something at the back of a drawer somewhere.

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455

I called the Department responsible with drafting legislation, the Government officials tasked with this, and they all told me that they had nothing. It is the officials, it is the lawyers in what was previously called the LSU, so it was them at the time who told me that they had nothing. So Mr Netto may have it but it is neither here nor there. I was the Minister at the time, I asked if there was anything available, I was told that there was nothing and that there had been no instructions. If there had been, then I would have welcomed it and I would have considered it. If I had agreed with it, I would have proceeded; if I had not agreed with it, then I would have started from scratch. All I am conveying is what I have been told by the officials, and that is my position.

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may, can I just take the point that the hon. Gentleman has made and say that I am very surprised indeed at his suggestion that Mr Netto may have removed from a Government office a document which belongs to the Government and which cannot now be found by the Government. If, in fact, he has, can I urge him please to ensure that he and all other ex-GSD Ministers who may similarly have removed documentation from Government offices please return that as soon as possible so it can be put in the appropriate Government file.

**Hon. D A Feetham:** Yes, Mr Speaker. Mr Speaker, this is not the first time that in fact ... Well, first of all, can I say that I have not suggested that Mr Netto has removed a Bill from his Department. What I have suggested, and indeed it is not the first time that it has been suggested – Mr Netto has said so in a speech in this House during the course of his own Budget speech – that he left a Bill prepared in his Department, in the Social Services Agency, dealing with the transposition of the UN Convention of the Rights of the Disabled. Indeed, the hon. Member may recall that during the course of our debate, questions and answers in the John Mackintosh Hall, we were asked this particular question by members of the public. That is precisely the point that I made, repeating the point that has been made by Mr Netto in this House on many occasions. So I have to say that it comes as a surprise to me in this session of the House, because it is the first time that anybody on that side has said, ‘Well, actually, what are you talking about? There has never been a Bill.’

I will go back to Mr Netto and ask him, and he may well be able to then identify where precisely he left it. It is very surprising that Mr Netto, who is the Minister concerned, basically stands up in this House and says, ‘I left a Bill that was prepared.’ Indeed, I have to say myself that I remember, actually as Minister for Justice, seeing a Bill, a draft, that he sent me in order so that I could consider it before it went to Sir Peter Caruana, or Peter Caruana as he then was. So there was a Bill, a draft at the very least, because I have actually seen it; but I will go back to Mr Netto and see, because it is in the interests of everybody – the work has been done – that it is there.

But I have to say what baffles me is that it is the first time that I hear this point being made, because Mr Netto has made the point on many occasions in this House about having drafted a Bill.

**Hon. Miss S J Sacramento:** Mr Speaker, there was not actually a question there, but I want to make the point that I do not understand how the hon. Member can be so baffled and how this can come as such a surprise, because on each occasion that Mr Netto has stated in this Parliament that he left a Bill ready I always replied with the same reply that I have replied with now: that there was nothing there when I got in.

But Mr Speaker, maybe we can move on from this point. We have a Bill, we have a Command Paper – we have worked on it very hard, we are progressing on it, we want to progress on it, they had between 2006 to 2011 to do it. We issued the Command Paper before the 2015 General Election. We are ready to go with it, we are keen to go with it, and perhaps, Mr Speaker, we can move on.

Thank you.

**Q36/2016**  
**Gibraltar International Airport –**  
**Flight information display screens**

**Clerk:** Question 36, the Hon. L F Llamas.

**Hon. L F Llamas:** Can the Government give reasons as to why the information monitors at Gibraltar International Airport are not continuously updated?

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

**Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the information monitors, correctly known as flight information display screens (FIDS), are continuously updated by the air terminal information personnel on receipt of flight information from the ground handling agent.  
520

**Hon. L F Llamas:** Mr Speaker, I would not normally pick up complaints being made on social media, point blank. I read about this early in December and I actually had the opportunity of experiencing this for myself when flying to the UK on a delayed flight during late December. I was actually being kept informed about the delay on my flight via e-mail from the actual airline, whilst revised departure times were still not updated on the FIDS screens.  
525

I believe the Airport is one of the shop windows of Gibraltar and it is important that initial impressions are positive. Fine details such as this cannot be overlooked. I hope the hon. Member will trust my word and the word of those on social media who have experienced this at first hand and I hope you take it on board and look into it as soon as possible.  
530

**Hon. Miss S J Sacramento:** Yes, Mr Speaker, I understand the hon. Member is asking us to run the Government on the basis of comments on social media.

Mr Speaker, the Gibraltar Airport is very conscious of how important it is to ensure that these screens are updated. It may be that from time to time there are issues with information that we may get, but this is rare. It may be that on the occasional point that it happened Mr Llamas happened to be at the airport, but I am assured that this is not something that happens regularly and there is absolutely no need, I think, for me to give an assurance, because the Airport have already given me the assurance that they are very, very conscious to ensure that this is updated, of course regularly and every time it needs to be changed. That there may be technical hitches on a one-off, well that is unfortunate and no one wants it to happen, but of course it is not something that is intentional and it is not something that we accept should happen. But if it happens, it happens as a one-off and sometimes technology may give you problems.  
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Thank you for pointing it out, because of course the minute I asked the question I asked what could have happened, and I was told that there was something on Facebook just before Christmas, but it was a one-off. These things happen, but certainly our standards are the highest that we always strive to have, Mr Speaker.  
545

Thank you.

**Q37/2016**  
**Gibraltar Literary Festival 2015 –**  
**Total net cost**

550 **Clerk:** Question 37, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Government provide full details of the breakdown of all income generated, expenses incurred, and thus net total cost of the 2015 Gibraltar Literary Festival?

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

**Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the breakdown of payments to date is as follows: income generated, revenue received, £267,381; expenses incurred, £362,103; and the net cost, £94,722.

560 **Hon. E J Reyes:** I hope it does not sound a silly question, Mr Speaker, but is that now the finalised accounts? Because on several occasions, and I have had personal experiences, one believes you are more or less concluded but there may be one or two items pending. Perhaps the Minister wants to update me on that matter.

565 **Hon. Miss S J Sacramento:** Mr Speaker, as I said, these are the payments to date. There are one or two items pending but they are not that significant in number. I do not think it will vary that much, but I did ask and I think there are a couple of payments that are pending but they are not huge.

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**Q38/2016**  
**Refurbishment of Government housing estates –**  
**Estimated completion dates**

**Clerk:** Question 38, the Hon. E J Reyes.

575 **Hon. E J Reyes:** Can the Minister for Housing provide updated details in respect of estimated completion dates, for the different stages of all current refurbishment works at Government housing estates?

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

580 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the estimated completion dates for Laguna Estate is as follows: Phase 1 – September 2016; Phase 2 – February 2017; Phase 3 – April 2017.

Estimated completion date for Glacis Estate is September 2016 and estimated completion for Moorish Castle Estate is December 2016.

585

**Hon. E J Reyes:** Yes thank you for that, and may I ask in respect of completions and so on, I know the Minister will probably have her own employees from housing work agencies and other matters, but will there be some sort of opportunity for the tenants themselves there to be able to carry out like a snagging like one does when perhaps you purchase your own flat?

590 This is in respect of a collective estate. Does the Government intend to enter an exercise whereby they will ask residents of that particular estate to help participate in snagging to ensure that we have had the best possible final result?

595 **Hon. Miss S J Sacramento:** We do that already, Mr Speaker. We have representative committees from every estate that meet with the officials, and in fact they meet with myself as well from time to time. So we do get issues raised by us and they are involved in the process.

**Q39/2016**

**Refurbishment of Government housing estates –  
Details of empty flats**

**Clerk:** Question 39, the Hon. E J Reyes.

600 **Hon. E J Reyes:** Can the Minister for Housing provide updated details in respect of the number of empty flats awaiting refurbishment and/or cleaning, showing the rooms composition of said flats?

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

605

**Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** There are ten empty flats awaiting refurbishment and these are 2, 3 and 4 RKB.

610 **Hon. E J Reyes:** Sorry Mr Speaker, I am trying to update myself on what the Government publishes on the website which is Table H31, which was last updated on 1st December 2015 and obviously just provides information up to 30th November.

The Minister has provided me with an overall figure of ten empty flats and she has alluded to the sizes but if one looks at the table, the Government volunteers information saying so many are of 1 RKB, so many are of 2 RKB. Has the Minister been furnished with that information?

615

**Hon. Miss S J Sacramento:** Yes, Mr Speaker. There are two 2 RKBs; five 3 RKBs and three 4RKBs.

**Q40-41/2016**

**Mons Calpe Mews and Beach View Terraces co-ownership homes –  
Estimated completion/allocation dates; reallocation of Government rental homes**

**Clerk:** Question 40, the Hon. E J Reyes.

620 **Hon. E J Reyes:** Can the Minister for Housing provide revised and updated completion dates and allocation dates in respect of the different phases pertaining to both Mons Calpe Mews and Beach View Terraces co-ownership homes?

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

625

**Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 41.

**Clerk:** Question 41, the Hon. E J Reyes.

630

**Hon. E J Reyes:** Can the Minister for Housing say how many Government rental homes will be returned and subsequently become available for reallocation upon completion of purchases at both Mons Calpe Mews and Beach View Terraces?

635

**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, in answer to Question 40, Beach View Terraces and Mons Calpe Mews were allocated between April and November 2014. Beach View Terraces completion date for phase 1 was on 8th January 2016 and phase 2 on 22nd January 2016. Mons Calpe Mews completion date for phase 3 will be 22nd January 2016, phase 2 will be 1st March 2016 and phase 3, 5th May 2016.

In answer to Question 41, there will be 21.

**Hon. E J Reyes:** Sorry, Mr Speaker, I did not hear properly. I do have my hearing aid currently undergoing a service in the same way as people send cars to be serviced! *(Laughter)* I do apologise for that. I know Mr Speaker and I often speak behind the Chair, we express our mutual hearing problems.

What was the figure the Minister said for Question 41? Did I hear correctly, was it 21 or something? *(Interjection)* Yes. I do hope, Mr Speaker, that I will be able to hear a bit better by next time round.

Thank you.

#### Q42/2016

#### Government rental homes – Vacancies and reallocation

**Clerk:** Question 42, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Housing say how many Government rental homes are currently vacant, providing details in chronological order showing the dates from which such homes have been unoccupied, stating how many of these are pre-war or post-war, together with reasons for their continued non-occupancy or allocation, as well as indicating estimated dates when these will be ready for reallocation?

660

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

**Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there are 143 rental homes which are currently vacant, of which 142 are pre-war and one is post-war.

665

I now hand the hon. Member a list showing the dates since when these flats have been unoccupied.

**Mr Speaker:** Which suggests that as usual we go on to the next question and the hon. Member can assimilate the information provided in the schedule and come back to it.

670

Answer to Question 42

Beyond Economical Repair	
2003	2
2004	21
2005	1
2006	4
2007	1
2008	3
2009	0
2010	2
2011	3
2012	1
2013	7
2014	11
2015	10

Possible sale/tender	
2011	1
2012	15
2013	9
2014	32
2015	20

**Q43/2016**

**Government rental homes –  
Allocation other than on advice of Housing Allocation Committee**

675 **Clerk:** Question 43, the Hon. E J Reyes.

**Hon. E J Reyes:** Can Government state how many rental homes have been allocated and/or assigned to applicants other than on the direct advice of the Housing Allocation Committee, from 1st July 2015 to date, stating on whose authority these allocations and/or assignments were made?  
680

**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):**  
685 Mr Speaker, none.

**Hon. E J Reyes:** Mr Speaker, when I wrote this question I put down as of 1st July 2015 because I had looked on my previous notes referring to my previous questions in Parliament. After having handed in the notice of questions here in Parliament, I was then able to find Table H22 on the Government website that has information that takes us right up to, statistics provided to 30th November 2015 and it says 'number of Government flats allocated to applicants by the Housing Authority other than on the advice of the Housing Allocation Committee' and from July onwards it gives a total of I think 19 or so. That figure does not coincide now with the answer the Minister has provided in reply to the oral question.  
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**Hon. Miss S J Sacramento:** Mr Speaker, he is right and I will check the website but certainly being the Minister, I can say that the answer is none.

700 **Hon. E J Reyes:** So then Mr Speaker, I understand that the hon. Lady has to go back and check. Will we at some stage during the course of this Parliamentary session be able to give the Lady a brief moment so that we can – ?

705 **Mr Speaker:** You have raised a matter in that supplementary about which she is not fully informed. She will check the facts ... and then we can continue with supplementaries this afternoon or tomorrow. No problem.

710 **Hon. Miss S J Sacramento:** Mr Speaker, I can confirm that my answer is correct. What I am suggesting is that the website is not correct and I will check why the website is not correct. But I can certainly confirm to Parliament that my answer to the Parliament is correct.

**Mr Speaker:** Do you have any supplementaries from the ...

**Hon. E J Reyes:** No, Mr Speaker.

**Q44/2016**  
**Government rental homes –**  
**Applicants on housing pre-list**

715 **Clerk:** Question 44, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Housing provide updated details in respect of the number of applicants on the housing pre-list?

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

**Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there are 538 applicants on the Housing Department pre-list.

725 **Hon. E J Reyes:** And, Mr Speaker, would the hon. Lady have any information that coincides with the way they present the statistics which only gives information up to 30th November 2015 as found in Table H2?

730 What Government has done on the website is provided a breakdown of, for example this time, how many of these 538 would be under the column as 1RKB, 2RKB, and so on. Does she have that available?

**Hon. Miss S J Sacramento:** Mr Speaker, I do have the information. However, I am now a little bit confused as to ... The information on the website is a couple of weeks old so there may be variances, but it cannot be as important as ...

735 Mr Speaker, in the whole scheme of things we may be off by one or two flats. I do have the breakdown but it cannot be that different to what is on the website. It may be of course as you can understand, we require resources to be updating the website as often as we can, and we do, do that as soon as possible, when the information on the website is a week or two old.

740 Mr Speaker, I can go through the list with the hon. Gentleman if he wishes but it is not that dissimilar to what is on the website.

In fact, Mr Speaker, the majority of the questions that I have been asked now, the statistical questions are in fact on the website. It is just that the information may be a week or two old but it is not that dissimilar. And while of course we will endeavour to have the information updated

745 for Parliament sittings, but I do also beg the indulgence of the hon. Member because it is only a week or two old, Mr Speaker, in the whole scheme of things.

But if he does insist, I can go through the list with him now.

750 **Hon. E J Reyes:** Yes, Mr Speaker, I am conscious that it does take a few days and so on and one can easily empathise with the Minister's words or explanation that it may be two weeks off. The reason why I have asked this on for this occasion is that looking at the website, the last available information is at 30th November so hence since the election onwards, there has not been any information provided.

755 If the hon. Lady, and I think she was hinting at that, if within the next few days, a week or so, the next set of statistics which is at 30th December is going to be provided then I am quite happy and content, Mr Speaker, it is not a matter of great urgency, it is not a matter of national security, and so on. I can wait for that.

760 Shall we by mutual consent agree that I will wait for that, on the understanding that the hon. Lady will try and get that information through and then if anything happens, Mr Speaker will give me leave and I can pose a question next month and not waste this Chamber's time. Shall we proceed with that, if the Hon. Minister agrees?

**Q45/2016**

**Government rental homes –  
Applicants on housing waiting list**

**Clerk:** Question 45, the Hon. E J Reyes.

765 **Hon. E J Reyes:** Can the Minister for Housing provide the updated details in respect of the number of applicants on the housing waiting list, inclusive of a separate breakdown for the medical and social lists, showing the dates when they joined any of the three said lists?

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

770 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there are 1,713 applicants on the waiting list of which 146 are also on the medical and/or social lists.

I am now handing the hon. Member a schedule containing the information requested.

Answer to Question 45

Waiting List

1994	1
2000	4
2001	3
2002	10
2003	5
2004	10
2005	12
2006	17
2007	40
2008	30
2009	61
2010	61
2011	159
2012	244
2013	281
2014	744
2015	31

Medical

2004	1
2006	2
2007	1
2008	3
2009	3
2010	2
2011	20
2012	15
2013	25
2014	14

Social

2008	2
2009	4
2010	4
2011	7
2012	13
2013	13
2014	13
2015	4

**Q46-47/2016**  
**Government rental homes –**  
**Arrears and write-offs on unpaid rents**

775 **Clerk:** Question 46, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Housing provide details of arrears in respect of unpaid rents pertaining to Government rental homes giving a monthly breakdown since November 2015?

780

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

**Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 47.

785

**Clerk:** Question 47, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Housing provide full details of how much has been written off in respect of unpaid rents pertaining to Government rental homes in this current financial year?

790

**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, arrears of unpaid rents since November 2015 are as follows: November, £5,805,150.58; December £6,019,854.68.

795

The answer to Question 47 is nil.

**Hon. E J Reyes:** Mr Speaker, sorry again, the answer in reply to Question – the unpaid rents, would the hon. Lady for my medical reason, £6 million, £19 thousand and ... I missed the other figures. *(Interjection)*

800

**Mr Speaker:** £6,019,854.68.

**Hon. E J Reyes:** I am grateful Mr Speaker; we seem to have a three way team here, of everyone helping me on that. I am so grateful to everyone concerned. *(Interjections and laughter)*

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**Q48/2016**  
**Government rental homes –**  
**Legal costs for eviction of squatters**

**Clerk:** Question 48, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Housing say how much expenditure has been incurred in respect of legal costs relating to the eviction of squatters from Government rental homes since 1st July 2015, providing a breakdown showing the number of homes involved and to whom payments were made?

810

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

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**Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, since 1st July 2015 a total of £3,050 has been paid to Triay and Triay in respect of two eviction proceedings.

**Q49/2016**  
**Government rental homes –**  
**Tenants requiring urgent decanting**

**Clerk:** Question 49, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes since 1st July 2015, indicating the reason why, the date when said decanting became necessary and the dates when the tenants were able to return to their home?

820

825

**Clerk:** Answer, 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 July 2015 four tenants have required urgent decanting from their homes. There were two in July, one in November; and one in December. These were due to works, disinfestation and a leak.

Tenants returned in July, August, December and January.

**Q50/2016**

**Government rental homes –  
Expenditure on refurbishing empty homes**

**Clerk:** Question 50, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Housing provide details in respect of all expenditure incurred in this current financial year in respect of contracts awarded for making empty homes suitable for reallocation, stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment, as well as indicating the type/nature of repair works or cleaning services undertaken?

**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, my answer is a bit long. I wonder if it may assist the hon. Gentleman if I just forward him a copy. It is not a schedule; it is just a spare copy that I have?

**Mr Speaker:** Could I suggest to the Hon. Minister that she uses that procedure in future too as much as she can. She has been doing that, a schedule. Now, in this case it is not really a schedule; it is the answer to the question but it makes for better procedural business if she uses it as a schedule and I would commend that.

It is ultimately a matter for her really to decide what she wants to do, but it is a complex answer and it would be very time consuming to give all this information across the floor.

**Hon. Miss S J Sacramento:** Yes, Mr Speaker.

**Mr Speaker:** I will give the hon. Member an opportunity to come back if he wants to arising from those details and we will proceed with questions from the Hon. Mr Phillips.

**ANSWER**

865

**THE HON THE MINISTER FOR TOURISM, HOUSING, EQUALITY AND SOCIAL SERVICES**

Mr Speaker,

CRJN was paid £5,121.00 in relation to works to one property

Kaysam was paid £8,040.00 in relation to works to one property

Joaquim Pacheco Da Cruz was paid £11,784.00 in relation to works to one property

Sarah Jane Construction was paid £9,641.00 in relation to works to two properties

AJEC was paid £43,065.00 in relation to works to four properties

Avanti was paid £63,785.50 in relation to works to four properties

A.L Wood Works was paid £14,794.00 in relation to works to one property

Limatron Ltd was paid £10,130.00 in relation to works to one property

501 Construction was paid £57,969.00 in relation to works to four properties

Aureliabo Marciano was paid £4,795.00 in relation to works to one property

ACE Plumbing was paid £ 18,525.50 in relation to works to one property

N & S Services was paid £26,733.00 in relation to works to two properties

Jl Construction was paid £24,601.00 in relation to works to one property

J.S. Buildings Ltd was paid £17,100.00 in relation to works to one property

Ceprano Ltd was paid £9,980.00 in relation to works to one property

Accoria was paid £5,650.00 in relation to works to one property

Omega was paid £8,350.00 in relation to works to one property

Liberty General Construction Ltd was paid £7,600.00 in relation to works to one property

The works carried out by these companies were all general refurbishment works such as plastering walls and ceilings, taking down walls, painting, replacing floor tiles, doors, plumbing, electrical works etc.

**Q51/2016**

**Same-sex marriage –  
Government position**

870 **Clerk:** Question 51, the Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, what is the Government's position on same-sex marriage?

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

875

**Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the Government had a manifesto commitment to publish a Command Paper for the

consultation on amendments to the Marriage Act to legalise civil marriage between same sex couples.

880 In compliance with this commitment the Command Paper was published on 22nd December 2015, the closing date for comments has been extended to 29th January 2016 and the Government looks forward to considering the views of the public.

885 **Hon. Mr E J Phillips:** I am grateful for the response but clearly, given the Government's position i.e. that they have said in their manifesto quite clearly that they do not consider it is right for the State to discriminate between people on the grounds of their sexual orientation, surely it is right for the Government now to state what its position is on same-sex marriage.

890 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I congratulate the hon. Member on his first words uttered in Parliament (*Laughter*) as I have on others.

Mr Speaker, if you are in the process of carrying out a consultation in order to inform your thinking, what is the point of saying what you think before the consultation is over. Of course it makes sense that we should allow that consultation process to come to a conclusion, consider the responses that are provided in the consultation and then take a decision on how it is that we  
895 are going to progress in respect of the issue that has been the subject of consultation.

The Government is the one that has issued the Command Paper and has sought the responses on the consultation. Therefore there is in my view, no alternative but for us to see through that process of consultation, before as a Government coming out with a position on the issue on which we have sought the views of the general public.

900

**Hon. D A Feetham:** Mr Speaker, just so that I understand further Government's thinking in relation to this, is the Government's position that if sufficient members of the public in Gibraltar were against gay marriage, that irrespective of what the Government's, or individuals' within the Government's, position is as to whether the current state of affairs is discriminatory, that they would go with the majority of those who were effectively consulted at the expense of what is the principle of equality that they have outlined and subscribed to in their manifesto?  
905

**Hon. Chief Minister:** Mr Speaker, the position is very clear and I know exactly what sort of mischief the hon. Gentleman is trying to make in political terms – it is obvious and I am surprised that he appears surprised that I put it that way. We are out for consultation, we want to take the views of people that have taken the time to provide feedback in respect of that consultation, and I think it is right and respectful that we should therefore have the opportunity to consider those views.  
910

I have made my personal views clear, others have made their personal views clear, but the question is to the Government. The Government has been elected on the basis of a manifesto commitment and has acted entirely in keeping with that manifesto commitment by setting out in a Command Paper which is a draft Bill that amends an existing Act in order to make equal marriage a reality so that we can take those views.  
915

Look, since when are consultations simply exercises in weighing up those who say yay and those who say no. If you want to do that sort of consultation you call a referendum, something which the Government is not intending to do in respect of this matter.  
920

So Mr Speaker, the position I think could not be clearer. I know that recently he has stated what his position is, it is not the position that was in their ... well, I hesitate to call it manifesto – in the document which they issued in which they gave an indication of what their policies might be if they were ever to complete a manifesto in time for the General Election.  
925

So Mr Speaker, I think our position is clear.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I would like to ask the Chief Minister why it is that you feel like you need the validation of the wider community on a basic issue of human rights,

930 especially when it was your Government that instated a Ministry for Equality. If it is not basic  
equality why do you need such validation?

**Hon. Chief Minister:** I think that is the penultimate one that I am going to have to  
congratulate this morning on uttering her first words in this House in this particular instance  
935 with her family history of the man who stood here for so many years. So many congratulations.

Mr Speaker, look it is very simple, we have had almost seven out of ten Gibraltarians support  
a policy set out in a manifesto which we are now giving effect to and that policy is to publish a  
Bill which amends an Act in the form of a Command Paper and to take the views of the public.

I do not need that validation for my views. I have now very clear views on this subject, views  
940 which have evolved over time and I think that it is fair that personal views should evolve over  
time. Human beings are not, at least this one admits, born knowing everything.

So what we are seeking are the views of the general public. Not the whole of the general  
public agrees with us. When we created the Ministry of Equality it was because there was a  
manifesto commitment to do so and it was my pleasure to be able to appoint Samantha  
945 Sacramento to that post as soon as we issued the first particulars of direction under the  
Constitution, after the glorious election of 2011 under our New Dawn manifesto.

There, we also committed ourselves to do Command Papers and so with Command Papers,  
we published our Bill then, it was a Bill for civil partnerships and not the whole of Gibraltar was  
favourable to that Bill. We published it, we took views, we made certain amendments to the Bill  
950 in order to give effect to the consultation – views which I think improved the Bill.

For example in Gibraltar, same-sex couples are not the only ones who can enter into civil  
partnerships. Heterosexual couples, opposite-sex couples, can also enter into civil partnerships  
and I believe that was not the case in the United Kingdom at the time but have the United  
Kingdom changed since then? (*Interjections*) Well, they were considering it but they decided not  
955 to, so I think we have a better Civil Partnerships Bill in Gibraltar – in fact it is a better Civil  
Partnerships Act as a result of the consultation we went through, to the Bill which we had  
published. We did not need validation for that. We had the support of the general public in the  
General Election in order to do that and we had a policy in the party to do it.

So this is not about validation, especially when it comes to something which I feel is about  
960 more than just human rights; this is about something even more important, metaphysical and  
intangible than human rights. This is about human love.

And so, Mr Speaker, taking views does not necessarily mean that what we are taking views  
on is in any way going to be made to disappear if there is a large number of people who might  
write in to be against, or that it is simply going to be published as it was as a Command Paper, it  
965 could actually be entirely improved and I believe that there are views and abilities in this  
community, outside of this Parliament, which can improve the work of this Parliament and the  
process of consultation to improve perhaps the Bill that has been published so that when it  
comes as a Government Bill to this House, if that is the conclusion of the consultation, I think it is  
a very positive thing.

970 The hon. Lady will see and experience in the next four years that my style in this House is not  
to seek anybody's validation, other than that of my own conscience.

Thank you.

**Hon. D A Feetham:** Mr Speaker, I associate myself with some of what the hon. Gentleman  
975 has said. I agree that on something like this, I think it is not necessarily bad that people's views  
evolve. You may have been – not himself, but we as in generically – there may have been  
somebody who may have been against it and then views evolve and they are now in favour and  
we must never have a closed mind to something as important as this, but at the end of a  
particular process, look at what the arguments are and then decide on the basis of what the  
980 arguments are.

I think the difference you see and the questions that we are getting at is this: when a Government publishes a Command Paper, a Government publishes a Command Paper with a Bill because it says to people 'this is our policy, this is the Bill that we intend to introduce, we are going out to consultation on how that Bill can be improved.' And the hon. Gentleman indeed, 985 much of what he has said has been directed at that, and I accept that. You go out to consultation on a Command Paper and there may be views from the public that help the Government in improving a Bill.

What we are asking is, is there a conceivable way in which depending on the views of the public to that Command Paper, that the Government will say actually, we are not going to be 990 introducing legislation on gay marriage, or is it that the Government's views are firm, we believe we have got to do it and all we are asking for are views on how this can be improved. Because there is a difference between a consultation exercise as to whether the Government does something and a consultation exercise as to how something can be improved, in this case a draft Bill that has been published.

I would just like the hon. Gentleman to perhaps address that point and also I note the comment that he has made earlier about the referendum, can he also confirm that the Government is not going to be undertaking a referendum on this particular issue? 995

**Hon. Chief Minister:** Mr Speaker, I sometimes find it difficult to pin down where the priorities of Members Opposite are. Because of course given the importance that they appear to give to this matter and his statements in respect of this matter in his broadcast earlier in the week, one would have thought that this would have been a lynch pin of not just the manifesto, perhaps even a pamphlet as a precursor to a manifesto. 1000

But look, Mr Speaker, standing in this Parliament as one of the two political leaders – Dr Garcia as leader of the Liberal Party and myself as leader of the GSLP – who had the issue of equal marriage in their manifesto, answering the leader of the political party that did not have the matter of equal marriage in their manifesto, I can tell him with confidence that our position is as set out in the manifesto, namely that we are acting to produce a draft to amend an Act which the community looks at and we take the feedback of the community in respect of that, in a way that we are then able to consider and to then move on from, with the view, I hope, that the whole community can embrace this change in a positive way. 1005 1010

And this debate to which the hon. Members – if they will allow me to say so – come late for that reason, because it was not in their manifesto, is one which is moving people to think very carefully about their views on this subject in a way that challenges perhaps their earlier prejudices. 1015

And we have to understand, as human beings, our socialisation process imbues us with prejudices and we have to challenge those prejudices if we want to be progressive. I am very happy to see that people are challenging those prejudices in themselves and trying to understand why they may, at times when they have considered these issues before, been against this matter and now when they are carefully addressing it, taking the view that they might be in favour of this. 1020

So my call is for, in the process of this Command Paper the consultation to result in a real soul searching in this community of what the issues are. Look, because I am the Leader of the House and the representative of Her Majesty's Government of Gibraltar, the Government is embarked in a process of consultation. The Government is not going to give a conclusion now to what that process of consultation could be. 1025

I am quite happy to tell him Fabian Picardo's view. Fabian Picardo's view is that there should not be a referendum, and Fabian Picardo's view is that we should make this Bill an Act. That is Fabian Picardo's view. The Government of Gibraltar has gone out to consultation and I know that the hon. Gentleman is trying to put me into a corner in order to get me not to say that there will not be a referendum and to leave this place and say the Chief Minister has not ruled this out or has not ruled that out. 1030

1035 Can I ask him please, on this subject on which he has made a declaration in his New Year  
message recently, not to play politics because we have got a community that has to challenge its  
1040 prejudices, has to understand them and has to move forward progressively. And on this and on  
disability, the challenge is there for us in this House to work together and produce the best  
result for this community going forward so that this nation, whether it is a rainbow nation or  
not, just does not have any pocket of discrimination affecting people's ability to love each other  
in the way they wish and without the State seeing them in any way that may be different.

**Hon. D A Feetham:** Mr Speaker, believe me, no-one is trying to play politics in relation to this  
issue.

1045 Let me tell the hon. Gentleman that our position is that the GSD, as a party, does not have a  
positive policy in relation to gay marriage. We are not telling the community, 'Look, our policy  
collectively as a party, is that we are in favour of gay marriage', because we recognise that in  
fact, there are huge divisions and people with different views in relation to this in the GSD itself  
and there are many people, that for religious reasons – indeed they were probably former  
members of Parliament in my parliamentary team – that may have had difficulty with this  
particular issue on religious grounds.

1050 And indeed that is a perfectly, perfectly valid position to hold and no-one, certainly not from  
this side of the House, is going to get criticised for saying, 'I do not believe in gay marriage  
because of my religious conviction.' That is not what we are about and indeed I came out in my  
New Year's message and I made it absolutely clear that my support for the principle of gay  
marriage is my own personal support, pursuant to a very long held policy going back decades in  
1055 the GSD of allowing members to vote their conscience on this particular issue.

1060 That we now have a parliamentary team where all of us here happen to agree with the  
principle of gay marriage, well that is another matter, but nobody is trying to play politics; we  
are just trying to understand what the Government's thinking is in relation to it. At the end of  
the day he won the election, he is there to answer questions on Government policy. We are  
trying to understand that.

And in relation to the question that I asked about the referendum, the hon. Gentleman was  
the person who mentioned the referendum and it came as a surprise to me. That is why I have  
asked him to clarify the point about the referendum.

1065 But my question is this: could it be possible that the Government comes to this House for  
example, even within its own ranks, and says 'Look, this is a matter of conscience and we are  
allowing a free vote on the Government's side which is the position that he took two years ago  
when I, I think asked him the question across the floor of this House. On that occasion he said he  
was against gay marriage and I accept, and I am not criticising him for it, that he is perfectly  
entitled to change his view in relation to this, but he did say that this was a matter of  
1070 conscience.

Would that also be a possibility on the Government's side as to its approach in relation to  
this?

1075 **Mr Speaker:** Whilst allowing that supplementary, I think I should warn the House given that  
this is a matter of serious fundamental importance, worthy of a debate here in the House, there  
is a debate going on outside and I am allowing these exchanges to take place today in pursuance  
of the question on the Order Paper.

1080 But I think there is a danger, and I want to warn the House that we should not get involved in  
a debate at this juncture. It is perfectly proper at the next meeting of the House or whenever  
that there should be a full debate but I hope that it should not happen under the guise of  
supplementaries arising from the question.

**Hon. Chief Minister:** Well, Mr Speaker, there would be a debate on this matter if the Bill  
were to make its way into the House in the context of the debate on the Bill.

1085 Mr Speaker, I just told them earlier on that we are not going to accept them trying to get a date from us when something will be done so that they can time keep in the four years if there is not a specific commitment in the manifesto. But in this respect, there is a specific commitment in the manifesto. What we have said we will do is that the result of the responses will be published by June this year. It says 'next year' in the manifesto, but now by June this year.

1090 So we are going to actually not just sit and look at this ourselves; we have said we are going to publish the responses to the Command Paper and that is what the public have chosen should be the route to this matter.

I have also said, Mr Speaker, on a number of occasions, the hon. Gentleman is right that this is an issue of conscience. I have said it in the context of the things that I have said this morning. Our manifesto – and I want to quote a particular sentence – also says this:

We are totally committed both to ensuring that religious denominations are not forced to change their practices, beliefs or sacraments in any way and to the principle that the State must not discriminate between individuals based on the grounds of sexual orientation.

1100 Now, Mr Speaker, the issue of beliefs is one that can affect people in this Parliament too. Now, what he cannot do is ask me to clarify whether this will be a matter that goes on the basis of what you might laughingly call a Government Whip or a matter of conscience, before we have had the conclusions of the consultation paper and before the Cabinet has considered how it wants to progress.

But I will tell him this: nobody on this side would ever vote for or against something simply because I told them to. Because what I demand from the ten people sitting here, from the nine people sitting here with me, is that they should always vote their consciences. So whether it is about animals and birds, or whether it is about anything else, then the simple issue is that people come here to vote in the best interest of Gibraltar. They come here and we publish Bills together because we meet every Monday and we decide what the Government should do to act in a particular matter, or we implement a manifesto commitment, and we come here to give effect to that.

1110 So look, if the Bill comes to the Parliament – and I hope it is *when*, but *if* the Bill comes to the Parliament – people will be able to vote in respect of that Bill on my side of the Parliament as they consider appropriate, as they do in respect of every single Bill. But the hon. Gentleman needs to understand, he is asking me – and I am not asking that the question be ruled inadmissible on the grounds of it being hypothetical because I think this debate is important – but he is asking me what will the Government do after the consultation has been concluded?

1115 Well look, it is hypothetical. The consultation has not been concluded, we will then take a view and we will either bring a Bill or not. I think it is fair for us to say that we are the first movers on this. We put it in our manifesto, we took the issue to the public in the General Election, we have a mandate to do what we are doing, we are going to pursue that mandate and once we have finished that consultation and published its results in June, the hon. Gentleman will see how we act and we can then, if he likes, he can ask me questions about what it is that we are doing and why we are doing it in that way or not doing it in another.

1120 But I would really, sincerely seek that this be an issue that be dealt with if possible on the basis of all parties moving together. This is an important progressive matter on which our community needs to not see itself as divided, but see itself as united in dealing with an issue, which for some people, in sexuality and sexual orientation, for some people, is very hard indeed. Not for those who might be against those who have a sexual orientation doing a particular thing, like marriage, but for those of a sexual orientation which is not what one might have called the established traditional mainstream in the old days.

1130 These are very hard issues which affect people's lives and in this Parliament we need to be working together to make sure that the State is in a place where it does not discriminate against people and understand how we can best do that and carry the community with us. And I think all the advocates of equal marriage and all those who are advocating their concerns in respect of

1135 equal marriage deserve that respect from this Parliament and they deserve that we do this  
consultation process in a proper way and bring the *best possible law*, I hope – that is Fabian  
Picardo – bring the best possible law to this Parliament to deal with the issue of equal marriage  
in the best possible way going forward.

1140 **Hon. E J Phillips:** Mr Speaker, I note your warning, as it were, in relation to starting a debate,  
but I agree this is an extremely sensitive issue for our community. It is a sensitive issue for all  
politicians in this Chamber, but this is a Government that has trail-blazed, in its own words in its  
manifesto, and in my view the debate should be had but it is also for the Chief Minister and his  
colleagues to set out their position.

1145 People expect leadership, people expect vision on this question but if the community has an  
internal debate on it, they expect the Government of the day to show their leadership in my  
view.

Would you not agree?

**Hon. Chief Minister:** I assumed that was the question that he was putting.

1150 Well look Mr Speaker, I have just told him what my position is. I have told him, so I do not  
know why it is that he thinks I have not. Sorry? (*Interjection by Hon. E J Phillips*) Well, but the  
Government's ... I mean Mr Phillips needs to understand, Mr Speaker, that we have trail-blazed  
in so many different areas. One in particular, which is that we are probably one of the few  
Governments in the history of Gibraltar and indeed probably one of the few Governments in the  
1155 history of Europe, that has delivered against a manifesto almost bang point by point, and where  
we have not, explained why we have not been able to – really ensured that the commitments  
that we have entered into with the people in a General Election are seen by those who have  
formed Government as a sacred obligation of delivery.

1160 And so he needs to go to page 96 of our 'Strongest Foundations' manifesto, read the part  
about trail-blazing and then go on to read what it says we would do. Now, what it says we would  
do is to start that consultation through the process of a Command Paper and publish the results  
of that consultation in June. Of course in July he will be entitled to say to me, 'Well, you carried  
out the consultation, what do you think?'

1165 But what I think is not legitimate, and he needs to understand that I am saying it not in  
political terms but in terms of *logic*, is when the process of consultation is ongoing, 'Tell me,  
what are you going to do?'

1170 Well, I have told him what *I* feel and I have told him *why* I feel it. Now look, I am the Leader of  
the House so when I feel something, it is very likely I am going to want to carry opinion with me,  
especially of those who are sitting with me on this side of the House. But that does not mean  
that as Chief Minister I can simply turn my back on the fact that there is an ongoing process of  
consultation and say that as Leader of the Government that is consulting, this is the  
Government's position because it would be disrespectful to those who are in the process of  
providing their views in the context of that consultation, and I am not going to do that. I am  
going to continue to trail blaze by demonstrating that I stick to what I tell people in the General  
Election.

1175

**Mr Speaker:** Next question.

**Q52-55/2016**

**Bruce's Farm and the Drugs and Alcohol Service –  
Composition, refurbishment and expansion**

1180 **Clerk:** Question 52, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government confirm the current composition of Bruce's Farm and the Drugs and Alcohol Service?

1185

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

**Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Questions 53 to 55.

1190

**Clerk:** Question 53, the Hon. E J Phillips.

**Hon. E J Phillips:** The Government is committed to a full refurbishment of Bruce's Farm and its expansion of its facilities and services. Can the Government set out in detail its plans, including the estimated costs of the proposed full refurbishment?

1195

**Clerk:** Question 54, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government confirm the detail of the proposal to increase the capacity of the Scud Hill Aftercare facility?

1200

**Clerk:** Question 55, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government confirm whether specialist addiction counsellors will be engaged to work along the existing Drugs and Alcohol Service?

1205

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

1210

**Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, if the hon. Gentleman is asking about the staff composition at Bruce's Farm, as opposed to the physical composition of the building, then it is as it appears in the approved estimates of expenditure.

The counsellors who currently work in the Drugs and Alcohol Service are specialist addiction counsellors and there is no current need for further counsellors as it currently meets the demands upon the service.

1215

Insofar as the refurbishment of Bruce's Farm and the expansion of its facilities and services and the aftercare facility, this is presently being planned with input being sought from professionals, and it will take place during the lifetime of this Parliament.

1220

**Hon. E J Phillips:** I am certainly grateful for the answer to Question 53 in respect of the full refurbishment of Bruce's Farm. I understand the comments in relation to when this will happen in terms of the lifetime of Parliament, but answer this question and help me with this if you can:

The Minister has stated in her public Budget Speech in 2014, some 18 months ago, and I will read from that and quote:

This past year has seen considerable investment into the fabric of Bruce's Farm Rehabilitation Centre. The facilities have already seen a significant transformation which has enhanced the safe and comfortable therapeutic environment to create for persons suffering from various forms of addiction.

1225

In light of 18 months ago a *considerable* – using her own words – investment, and *significant* transformation into Bruce's Farm, can the Minister set out why there is a need and what need there is for the... now another significant investment into Bruce's Farm and how to bring up to date those facilities?

1230 **Hon. Miss S J Sacramento:** Mr Speaker, I do not know from that supplementary whether the hon. Gentleman wants us to continue, wants us not to do it, but let me explain to him so that I can put into context why in my Budget Speech of 2012, I had to make reference and why a refurbishment was required at Bruce's Farm.

1235 When I first went to Bruce's Farm, Mr Speaker, there is a communal area on the ground floor of one of the houses and Mr Speaker, the state of that place was more reminiscent of a crack house than a rehab centre. *(Interjection by Hon. E J Phillips)* Yes, yes, yes. The hon. Member may think but Mr Speaker, we had sofas which were filthy, had springs coming out of them! Walls which were filthy, that place did not have cleaners and had never had a refurbishment since it opened.

1240 Mr Speaker, that is the impression that I got. When I walked into Bruce's Farm, I was shocked and horrified, Mr Speaker, because that is the impression that it gave me. And I thought how on earth can you welcome someone to a drug rehabilitation facility when it looks like this? And then the answer, when I looked at the statistics, was clear: there was no-one there, Mr Speaker.

1245 In the days of the GSD Mr Speaker, we were paying for a rehabilitation facility which was empty, Mr Speaker. At the time, there may have been one person undergoing treatment, at most two. A lot of them never completed the treatment, Mr Speaker, so one of the first things that I had to do was roll up my sleeves and work with the people from Bruce's Farm to make it into the rehabilitation centre that it deserved to be and that the community of Gibraltar deserved it to be.

1250 But there is still work to be done, Mr Speaker, it is a rehab centre that is up the Rock so we need to continue to refurbish. It is exposed to the elements in ways that other places are not. We have undertaken a refurbishment, but more refurbishment needs to be done. And like everything else, Mr Speaker, where you have people coming in and out, there is wear and tear and refurbishment needs to continue.

So that is the answer, Mr Speaker.

1255 **Hon. E J Phillips:** Well, thank you for the history lesson but I do not think the question has been answered. I put it to the Minister that there have been serious, considerable investment in the fabric of Bruce's Farm, that there was significant transformation to make it an enhanced, safe and comfortable environment.

We now hear from her commitment in the manifesto at page 94:

A GSLP/Liberal Government is therefore committed to a full refurbishment of Bruce's Farm and the expansion of its facilities and services.

1260 So in 18 months – and I will just finish my question before you rise – in 18 months there has been a serious deterioration in the unit, or not, in order for a full refurbishment to take place?

1265 **Hon. Miss S J Sacramento:** Mr Speaker, I do not think that the hon. Gentleman in his eagerness, I think – I do not know whether it is to make his mark on his first appearance in this Parliament – I do not think he has actually understood what I have said, Mr Speaker.

But let me put it into context. I am grateful that he is grateful for the history lesson so maybe, Mr Speaker, let me indulge in another very short history lesson.

1270 In the days of the GSD, *(Interjections)* Mr Speaker, in the days of the GSD, priority and investment was given to buildings. In our Government we would rather prioritise investing in buildings and in infrastructure which will have a direct impact and which will result in the betterment of people, and particularly those people who are vulnerable in our community.

People who are service users of Bruce's Farm are people who have addiction issues and addiction problems, and if we get Bruce's Farm right, which we have, Mr Speaker, it means that we are helping those people have another chance at life.

1275 If you have a facility that does not attract people, a facility that looks shabby, that looks old,  
that stinks – because that is what it was, Mr Speaker, it was not dirty; it was *filthy* – and as a  
result it was empty. So we have been refurbishing it but refurbishment is a process.  
Refurbishment is planned. When you start a refurbishment, and particularly when you start a  
1280 refurbishment of a building that is old, has been neglected and is in disrepair, you prioritise with  
urgent things that need to be refurbished immediately.

But then, we are planning a continuous refurbishment and a refurbishment which will be  
planned for the lifetime of this Parliament. It is a refurbishment that is necessary at Bruce's  
Farm. It will not be a refurbishment, to use that word that the GSD so much loves – *state of the*  
1285 *art*, Mr Speaker. It does not mean that we will be refurbishing the toilets at Bruce's Farm with  
marble and gold-plated taps. It will be consistent with what is needed and a refurbishment is  
just that, Mr Speaker. It is a refurbishment.

And, Mr Speaker, what troubles me is that from the tone of the hon. Gentleman it just  
appears that they appear to be against it, Mr Speaker! This is an investment in a refurbishment  
which will have a direct and proportionate effect on the service users for whom it is intended to  
1290 benefit, to make sure that it is a safe, clean, comfortable environment in order to maximise the  
therapy and the treatment which those undertaking it so need.

**Hon. E J Phillips:** I could not agree more with the Hon. Minister in relation to her assessment  
of whether we all want a full functioning Bruce's Farm that meets the needs of our community.  
1295 Absolutely, that goes without saying.

What I would say, though, is that the people are entitled to know what the estimated costs  
are of a full refurbishment, in her own words. I think people are entitled to know that.

**Hon. Miss S J Sacramento:** Mr Speaker, seven out of ten Gibraltarians have already voted on  
that commitment in our manifesto, so seven out of ten people agree that we should refurbish  
1300 Bruce's Farm in the lifetime of this Parliament. And insofar as figures and insofar as the Budget,  
Mr Speaker, that will be available at the appropriate time when we look at the figures set out in  
the Appropriation Bill.

I am not suggesting that the whole expenditure will be made in the first financial year. Indeed  
1305 we have been planning this and every year there will be different priorities for refurbishing  
different parts. Bruce's Farm is not just a building. It is not like just getting a building where you  
saying 'Oh, the carpet has got wear and tear, let us replace it.' Bruce's Farm is an area up the  
Rock. There are external areas that we need to look at. Because it is on the Upper Rock it may be  
that we need to do some stabilisation works. There are a lot of things that we need to do, but  
1310 we will plan it in an effective, efficient and particularly cost-effective manner during the next  
four years.

**Hon. E J Phillips:** With respect to specialist addiction counsellors, can the Government  
confirm how many in particular? You refer to counsellors, but my understanding is that there is  
1315 only one specialist addiction counsellor available.

**Hon. Miss S J Sacramento:** No, Mr Speaker that is not the case. All the counsellors are  
specialist addiction counsellors. All of them, as per the first part of my answer – all of them as  
you can see set out in the approved expenditure estimates. They are all... Not only are they all  
1320 approved accredited but we invest in continuous training of them.

And I should add to that, we now do, Mr Speaker.

**Q56-57/2016**  
**Drugs Advisory Council –**  
**Number of meetings; composition**

1325

**Clerk:** Question 56, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government confirm whether or not the Drugs Advisory Council has conducted meetings and if so, how many?

1330

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

**Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 57.

1335

**Clerk:** Question 57, the Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government confirm the current composition of the Drugs Advisory Council?

1340

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

**Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the Drugs Advisory Council has met on many occasions, and formally twice.

1345

The Drugs Advisory Council is composed as follows: the Head of Drugs Services and Probation, the Commissioner of Police, Collector of Customs, Director of Education, Director of Public Health from the Gibraltar Health Authority, the Head Pharmacist from the Gibraltar Health Authority, the Head of Dentistry from the Gibraltar Health Authority, the Principal Youth Officer, the Chief Executive of the Care Agency and the Superintendent of the Prison.

1350

**Hon. E J Phillips:** Mr Speaker, so that is twice formally in four years?

**Hon. Miss S J Sacramento:** Mr Speaker, twice formally as the Council, but on countless occasions over four years as sub-committees of that Council.

1355

So technically under statute not as the Council, but there have been almost monthly meetings between Social Services and the Police or the Customs and we have in fact travelled to various drugs conferences together, and there have been lots and lots of meetings.

And I know my hon. Friend may not like my history lessons, but I would like to remind him that prior to us coming into Government, the Drugs Advisory Council had not met since 2005.

1360

*(Laughter)*

**Hon. E J Phillips:** The reason, Mr Speaker why I ask about composition is because I have seen the recent move for Drugs and Rehabilitation to the Chief Minister's Office, and I believe that was before with Minister Linares, and now it is back to you. Some clarification as to the composition would be welcome.

1365

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the change of Ministerial Portfolios which will be something that hon. Members will see the effects of in coming months, does not mean that in relation to questions some of which are, if I may say so, despite his clear indignation at having been given a history lesson, are historical because they are asking what happened in the past, cannot be answered by the Minister who has had responsibility for these matters until now and has done an excellent job in the time that I have asked her to discharge these responsibilities.

1370

1375 I will be saying a lot more about what attitude I am going to be taking to the issue of drugs  
and meeting with a large number of people that is being composed at the moment, but I think it  
is appropriate for the hon. Lady to continue her work in respect of some aspects of this given the  
close interaction between the fabulous work she also does in the Social Services Department  
with the excellent team that she has reporting to her.

1380 Because of course this issues creates victims, not just of the individual who is addicted to a  
particular substance and who therefore engages the Police, the Courts and the Health Authority  
and sometimes the rehabilitation facilities, but also of course of the families of those individuals  
who very often engage with social services who are left, if I may use a sort of shorthand, to pick  
up the pieces. There is going to be a lot of interaction therefore between what the hon. Lady  
does and what I am going to be doing in relation to this matter and indeed, what it is that the  
Hon. Minister for Health does in respect of this matter and what the Hon. Minister for Justice  
1385 does in this matter.

What I think he needs to be alert to is that there is likely to be a lot more inter-ministerial co-  
operation in these matters and I intend to bring and inter-ministerial committee, something  
which for the purposes of the history books, is something I created after the last election – inter-  
ministerial committees which are very successful – and that will help us in my view, to deal with  
1390 these problems. Both the scourge of importation, the sale, addiction and the difficulties for the  
wider community, particularly the family members, of dealing with an individual who has such  
an addiction in the family.

**Q58/2016**  
**Drugs Advisory Council –**  
**Number of meetings; composition**

**Clerk:** Question 58, the Hon. E J Phillips.

1395

**Hon. E J Phillips:** Can the Government confirm what arrangements are currently in place for  
allocating housing for those who have completed drug rehabilitation programmes?

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

1400

**Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** In  
cases where people undergoing a drug rehabilitation programme are experiencing housing  
difficulties, they are eligible for Government housing. These are referred to the Housing  
Department as part of their treatment plans before the completion of their treatment.

1405

**Hon. E J Phillips:** Thank you for the answer to that question. I think that the Hon. Minister will  
agree with me that one of the difficulties that people have when they go through rehabilitation  
programmes and need to get back into the community is housing. That is one of the critical  
issues that affect people who have had addiction problems, not only to drugs and alcohol but  
1410 other forms of addictions.

1410

And I would like to put this question, in that do you believe that there should be special  
arrangements to be put in place for people that can access housing, can access ... which leads on  
to another question later on, I will not try to step on employment or any aspect of that, but in  
relation to housing particularly – that we should think about or the Government should think  
1415 about special arrangements for those who have gone through a period of rehabilitation?

Because as the hon. Member will no doubt also agree with me, it is extremely difficult when  
someone has gone through that process, and it takes some time for them to fully recover from  
their addiction, that that level of support should be afforded for people and their families?

1420 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, I entirely understand and this is why these mechanisms have already been put into place. They are not mechanisms that existed before, but they are mechanisms that we have introduced. As Minister with responsibility for this in the first three years, particular mechanisms and new initiatives were put into place. And as the hon. Member also knows, I am the Minister for Housing so we ensure that the whole process is one that benefits everybody who is vulnerable as much as possible.

1425 Because we have to be careful that we help people who are vulnerable and people who are in need but it also has to be balanced out with everybody else who has a need so it is about helping but not necessarily a priority over and above everybody else and it is about having the matrix that makes sure that it is fair to everybody and that resources are available to assist everybody going forward, but certainly the connection between the Care Agency and the  
1430 Housing Department has been established, that was something that actually never existed in any of the other Government Departments before. This is why it flows more seamlessly now.

That is certainly the intention and is something that has already been done so I am sure that the hon. Member will find comfort in this.

1435 **Hon. E J Reyes:** Yes, Mr Speaker, in the Minister's reply to that, in helping any user of the Bruce's Farm facilities and trying to help them in respect of their housing needs, would that person by becoming an applicant necessarily have to go to the pre-list which still has not been done away with. I am sure that is an ongoing matter on the Minister's desk or would those  
1440 people then benefit and have the provision of having to have that qualifying period of a year, having to wait on the pre-list? Does the Minister know or perhaps she wants to look into it and come back to us on that one?

**Hon. Miss S J Sacramento:** The pre-list is not a separate distinction as such. We look at the whole matrix and we make sure that when we consider it that it is done in a manner that is fair.  
1445 Usually the pre-list is actually not an issue, the issues are different. It does not usually affect people. The pre-list usually is not a bar; the problems in relation to housing are usually other kinds of problems.

1450

**Q32/2016**  
**Care Agency nurses –**  
**Further supplementary questions**

**Hon. D A Feetham:** Mr Speaker, is it possible to go back to Question 32 about the nurses and the issue that arose in relation to the context of the Estimates of Revenue and Expenditure where the hon. Lady said the answer was to be found in the estimates. Can we please go back to  
1455 that?

The question was, Mr Speaker, by the Hon. Mr Llamas:

Do the nurses working within the Care Agency receive the same salary, pay and conditions as those of equal grade working in St Bernard's Hospital?

I think part of the answer from the hon. Lady was 'refer to the Estimates of Revenue and Expenditure.'

I said, 'Well, we have looked at that and the answer does not quite arise from that.'

1460 I have looked at it again and the Estimates of Revenue and Expenditure, at the very end, refer to nurse practitioners within the Care Agency and registered general nurses within the GHA, so there is a difference in the nomenclature. But there is a very substantial difference in pay.

1465 Now can the hon. Lady confirm, and I am prepared to give her notice of this question, that we are talking about effectively the same grades despite the fact that they are described in a different way, which is a question that my hon. Friend asked earlier on in the session?

1470 **Hon. Miss S J Sacramento:** Mr Speaker, I do not have the book in front of me so I am loathe to give an answer which may not be the correct one, so I do not know what precise scales he is referring to, Mr Speaker. So I am not in a position to answer it now.

**Hon. D A Feetham:** And, Mr Speaker, just a further question and here I do have to apologise to the hon. Lady because in relation to this particular type of nurse, I would have thought that it is precisely the same grade because it is called exactly the same under both the GHA and also in relation to the Care Agency. So we are probably talking about the same grade.

1475 But there is the description of 'enrolled nurse' within the Care Agency and also 'enrolled nurse' within the GHA. Now, the difference in pay is £2,000. Can the hon. Lady explain why there is a difference in pay between both nurses? I would doubt whether they are different grades bearing in mind they are called exactly the same in the Estimates Book.

1480 **Hon. Miss S J Sacramento:** Mr Speaker, that point does not apply to the nurses in the Learning Disability Service because there are no enrolled nurses.

Now, if there is a disparity in different scales in the enrolled nurses, there should not be a disparity and that might be a mistake in the book because there are no enrolled nurses in that service. So it may be a historic line that maybe has not been changed, Mr Speaker.

1485 **Hon. D A Feetham:** Thank you very much that was very helpful, Mr Speaker, and I or Mr Llamas will ask next time round the question about the difference in pay between registered general nurses and nurse practitioners.

But thank you very much.

## TRANSPORT, TRAFFIC AND TECHNICAL SERVICES

Q59/2016

### Upper Town escalator – Occasions of unserviceability

1490 **Clerk:** Question 59, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, if I may just anticipate the Chief Minister's congratulations and thank him for them!

1495 And Mr Speaker, going on to my question, regarding the Upper Town escalator (*Interjection and laughter*) would the Minister with responsibility for this escalator provide figures for 2015 showing the amount of time it was unserviceable and the reasons for the unserviceability?

1500 **Clerk:** Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

**Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, during the year 2015 the escalators have been inoperative on 72 different occasions. Please note that of these, 58 were due to 'members of the public', mainly young school children, deliberately stopping the escalator. The other stops resulted in callouts to the Schindler maintenance team as the escalators were not operating and the guards could not reset them.

1505 On one occasion a heavy downpour resulted in escalator malfunction and breakdown.

**Clerk:** Question 60, the Hon. T N Hammond.

1510 **Hon. D A Feetham:** Mr Speaker, yes, I should have, before the hon. Lady ... and she is not in this House so perhaps I will ask it later on. She did provide an answer to a question of schedule, a long schedule about allocations in the context of the housing waiting list and I would like to come back to that at some stage during the session.

1515 **Hon. T N Hammond:** If I may ask one supplementary on Question 59. Could I ask how the Hon. Minister knows that it was school children who stopped the lift from functioning and is that presumably an automatic safety feature of the lift, that it can be stopped with that facility?

1520 **Hon. P J Balban:** Mr Speaker, the CCTV cameras I believe have led us to the fact that it is mainly school children who love to play with the buttons. Now what we did was, because there is a safety function, a stop function should anything happen, anyone getting caught or if there is a problem, you can very quickly switch off the escalator for safety reasons. But clearly that leads to abuse and children have kicked it or pressed the button leading it to stop. Once it has stopped, then we have to call in the technicians to restart the system again.

1525 **Hon. T N Hammond:** And Mr Speaker, may I just ask, in a circumstance where it is stopped for that reason, how long it would take to re-establish the facility?

1530 **Hon. P J Balban:** Mainly these problems are fixed within the day, so if it is a question that the button has been stopped ... In fact I need to come back to you on that one, I believe that the system, if I am not mistaken, can be restarted on a number of occasions by our security team and then after it has been stopped on a number of occasions – I think it is after the third time – then I think it will need the operators Schindler to come and restart them, because the escalator will assume that it could be something more serious involved, leading to a stoppage of the escalator.

1535

**Hon. D A Feetham:** Mr Speaker, bearing in mind that we are talking about quite a lot of occasions in which the escalator is out of service and mostly he has said, it is because of the actions of children with this escalator, has there been any attempt to identify the children concerned and perhaps have a word with them, if it is a repeat of the same children basically playing with the escalator? Because the Hon. Minister will appreciate that of course it then causes quite a lot of inconvenience, particularly to elderly people living in the area.

1540

**Hon. P J Balban:** Mr Speaker, yes the RGP are informed and we catch children causing malfunction to the escalators because they abuse the stop button. The police do actually then go down to the schools and they engage with these minors, and that is as much as the RGP apparently can do in that respect.

1545

We have a protective device, because obviously Government finds that this is also unacceptable that the escalator keeps on breaking down for this reason, and what used to be a stop button which was clearly available, at the reach of most people, had a protective device placed over it, so now it is actually harder. You cannot just kick the button for it to stop working, you have to physically ... I think there is a protective cover that goes over it, so it is even worse than that.

1550

But yes, the police are informed when we catch the culprits and they engage in their own ways.

1555

**Hon. T N Hammond:** Mr Speaker, just on that last point, assuming a design change was effected to the safety feature of the lift, was an assessment conducted to ensure that that design change is appropriate and that the lift is still safe to be operated?

1560 **Hon. P J Balban:** Mr Speaker, Schindler is the operator and the manufacturer and they are the persons who service the escalators, and they would then recommend what is done to the escalator. So I am pretty sure that all requirements were looked at in that respect, but I would need to check whether any particular tests were done on the device itself.

1565 **Hon. T N Hammond:** Was a safety report produced?

**Hon. P J Balban:** Mr Speaker, I would need to find out whether an actual safety report was produced.

**Q60-64/2016**

**Sustainable traffic, transport and parking developments –  
New road to south; safety of cyclists and pedestrians; roundabout; publication of Plan**

1570 **Clerk:** Question 60 the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, according the Strategic Traffic, Transport and Parking Plan, an additional road to the south would be of significant benefit and yet the idea of creating such through New Harbours has only marginal benefit as it would be one way.

1575 The Government manifesto states that the GSLP Liberals will continue to explore ways of opening new arteries to the south, can the Minister with responsibility for Transport, describe what other options may have been examined or are being explored?

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

1580 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this question together with Questions 61 to 64/2016.

**Clerk:** Question 61, the Hon. T N Hammond.

1585 **Hon. T N Hammond:** Mr Speaker, in their manifesto, the Government say that they will introduce road safety measures to keep cyclists safe. Will the Minister advise what they had in mind when they made this commitment and what measures they are planning to introduce?

**Clerk:** Question 62, the Hon. T N Hammond.

1590 **Hon. T N Hammond:** Mr Speaker, would the Minister with responsibility for Traffic advise whether a decision has been made to make the temporary roundabout on Glacis Road permanent?

1595 **Clerk:** Question 63, the Hon. T N Hammond.

1600 **Hon. T N Hammond:** Mr Speaker, the Strategic Traffic, Transport and Parking Plan states that the pedestrian experience should be made safer and more pleasurable. This statement is endorsed by the Government's manifesto. What measures have been examined or are under review to achieve this objective.

**Clerk:** Question 64, the Hon. T N Hammond.

1605 **Hon. T N Hammond:** Mr Speaker, can the Minister for Traffic say when the final version of the Sustainable Traffic, Transport and Parking Plan will be published?

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

1610 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, the Technical Services Department is currently exploring whether an alternative route to the south can be accommodated in such a way as to maximise usage and cause less disruption and land take in the area of New Harbours. This work is still at a very early stage and further feasibility studies still need to be developed to determine whether a road to the south will indeed provide a good, cost-effective solution.

1615 Mr Speaker, in reply to Question 61, the Government is keen to promote and encourage more cycling activity and has begun to develop a cycle route network as part of the wider STTPP process. In the long term, the aim is to establish a core cycle route extending from the Frontier to the town centre to the southern end of town by the Saluting Battery where possible.

1620 This will be delivered in phases using the old city walls to reduce the interaction between cyclists and general traffic. Our roads are narrow but consideration will be given to shared space routes which will aim to reduce the level of vehicular traffic and speeds and reallocate road space to create a more attractive and safe environment for cyclists.

1625 Mr Speaker, in reply to Question 62, the Glacis Road/Bayside Road roundabout is one of our many initiatives towards improving traffic flow and local access in this particular case. The highways engineers of the Technical Services Department have been collecting data and analysing the traffic patterns in the area since the implementation of the pilot scheme.

We are pleased to state that the data has shown that the roundabout has been beneficial towards improving traffic flow in the area and increasing the number of options available to drivers.

1630 We are planning to make this new roundabout permanent to coincide with the new proposed development in the area of the old Mediterranean Rowing Club which was recently approved by the DPC.

1635 Mr Speaker, in reply to Question 63, I am happy to answer as follows. During the consultation work on the STTPP, comments were received on the need to improve crossing facilities on key pedestrian routes. In response to this, a number of new pedestrian crossing schemes have recently been introduced, including a new pelican crossing on Ragged Staff to provide a safe crossing point for pedestrians wishing to access Grand Parade and the cable car from the Town Centre.

1640 Similarly, a new pedestrian crossing has also been commissioned by the Trafalgar Roundabouts to improve facilities for pedestrians at this busy junction. We will also be using the city walls to provide good connections throughout Gibraltar for both pedestrians and cyclists. Work is currently being undertaken to implement improvements to the city walls by Wellington Front including the reconstruction of the walls. The establishment of a new pedestrian route will form part of a larger scheme to open up the historical city walls as a pedestrian and cycle route.

1645 In addition to these improvements busy pedestrian routes are currently being reviewed to determine whether it will be possible to implement additional footpaths or widen existing ones to enhance pedestrian safety.

1650 Finally, in conclusion Mr Speaker and in reply to Question 64, the Sustainable Traffic, Transport and Parking Plan Report is now nearing completion. We hope to be in a position to be able to publish the final document shortly.

1655 **Mr T N Hammond:** Mr Speaker, can I just confirm that one of the arteries to the south that is being explored, despite the words in the Sustainable Traffic, Transport and Parking Plan, is a route through New Harbours and that you are examining the possibility of that being a two-way route?

**Hon. P J Balban:** Mr Speaker, the road to the south route, because of the way the buildings are structured, because of the industrial park, because of Gibdock and because of the land available in that area, it is impossible to have a two-way route along that road. Otherwise that would have perhaps made the road to the south something which would have been reasonable to consider and we would have taken further.

The fact that this road would only provide one-way traffic and depending on the time of day, very much depends on where the flow traffic is going to, so it would need ... I mean if things were to work as they should, traffic is greatest heading north in the mornings and then the reverse happens in the evenings. So you have to have a system where the direction of the road would have to be changed depending on the time of day. So that is not a possibility.

Now should there be any other change within the area, if ever there was a possibility of gaining more ground, then it is something which could be considered. We have had as part of the Plan, feedback from people, especially the users of the industrial park and people who have their commercial businesses there. On a busy day, that is an area which is very congested, to actually have a road going through there is something which is seen as not indicated and would perhaps cause more obstruction.

So in short, the reply to the question is at the moment we cannot consider a two-way road running along that same route.

**Hon. T N Hammond:** Mr Speaker, sorry, I may have misheard the original answer because it was lumped in with a lot of other answers, and I thought may be contradictory to what the Minister has just said.

Could he just confirm then that at the moment no present routes are being explored by Technical Services?

**Hon. P J Balban:** Mr Speaker, the route itself is constantly ... part of the Traffic Plan means that we are constantly reviewing the situation. There was another proposal made which is something which would be very contentious and again is not indicated, but there is another proposal for another road to the south running along a different route, but that is not considered. It is an option that we are looking at, but again it is unlikely.

We are very limited unfortunately because of the geography and Gibraltar's space to be able to provide that second access road which would be ... The Traffic Plan has stated clearly that it would be beneficial to the traffic flow, but unfortunately we do not seem to be able to provide ... It will not be possible yet but we are still exploring, the Technical Services are still looking at other ways of going about it, but it is still in a very early stage.

**Hon. T N Hammond:** Just one last one on that particular road then, Mr Speaker: so I can confirm that Government continues to explore but that no route has been identified?

**Hon. P J Balban:** Mr Speaker, we are always looking at different options, we are always looking at different ways that we can perhaps look at the same thing from different angles and although both routes have been explored at present, they do not seem to be beneficial – especially the one that we looked at initially which was via the estate. That is not viable.

**Hon. T N Hammond:** Mr Speaker, with reference to Question 62, and the temporary roundabout, can I ask the Minister that while I appreciate that it may be developed as part of what I think will be Ocean Spa Plaza, that the roundabout will be put in place prior to the completion of that development, because the road state in that area is pretty poor right now – or at least, if it is not made a permanent roundabout, until the completion of that project, that the roads are fixed in that area because at the moment they do represent something of a hazard?

1710 **Hon. P J Balban:** Technical Services have actually filled some of the potholes there because as you rightly say, there is an issue there with the road. We do not want to complete a massive resurfacing plan in the area, plus remodelling the new roundabout, because of the development which is pending. There are going to be a lot of HGV vehicles and a lot of vehicles carrying a lot of equipment and materials for the site so it would not be beneficial to complete the roundabout or fix the area permanently until we are through with the building process.

1715 But we will continue monitoring the roundabout itself and we have different junctions. We have actually covered up certain potholes as they appear. But I do agree that at certain times that roundabout can be unsafe and as I say, Technical Services are constantly looking and covering holes when necessary.

1720 **Hon. T N Hammond:** Mr Speaker, I am very pleased that the Hon. Minister acknowledges that the roundabout as it is at times is unsafe and I would point out that I would consider it to be unsafe, certainly if you are on a motor bike or a bicycle at the moment, because of the depth and number of potholes in that area.

1725 **Hon. P J Balban:** So the question is?

**Hon. T N Hammond:** The question would be: would the Minister please advise Technical Services or ask Technical Services if they could re-examine the temporary maintenance that might be conducted and ensure that the roundabout is in a safe condition for use.

1730 **Hon. P J Balban:** Mr Speaker, Technical Services Highways team of inspectors are actually out on the roads daily, picking up these sorts of things. Apart from that remove, users are free to call into the Department and let us know. As I said, roads are fixed and sometimes when it rains, sometimes when heavy vehicles go over it, it can upset the road surface because it is a temporary surface. We need to completely resurface it, but it is not the right time at the moment. But we will keep our eyes on that.

1740 **Hon. T N Hammond:** Mr Speaker, therefore one presumes that if the area is going to be traversed by a larger number of heavy goods vehicles because of the works, that close monitoring will continue and that regular maintenance will be conducted to prevent accidents in that area.

1745 **Hon. P J Balban:** Mr Speaker, Technical Services would not allow hazards on our roads. If there is a report or one of my inspectors picks up the fact that there is a pothole, then everything possible will be done to cover the pothole.

**Hon. E J Reyes:** May I ask, Mr Speaker, for perhaps a little explanation. In his answer just a short while ago he was saying, I think it was in connection with the cyclist route, that they would be constructing on the city walls. Can he amplify on that?

1750 I know that there are refurbishments taking place because he used the terminology 'constructing', I think it needs a bit of clarification for the benefit of this House.

1755 **Hon. P J Balban:** Mr Speaker, yes. The word 'constructing' perhaps is not the best word to use, I suppose. It does not mean that we will be pulling up the walls or breaking the walls in any way to produce a cycle lane. What is happening as part of the refurbishment of the walls, especially the area in question which was Wellington Front which has been refurbished, there will be a cycle lane running along that wall so that it is part of the project for Wellington Front. That will segregate bicycle users from the public and from roads, providing another safer channel for both pedestrians and cyclists in the future.

**Q65-66/2016**

**Parked vehicles on Bayside Road and Waterport Road –  
Pedestrian crossing safety concerns**

1760

**Clerk:** Question 65, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, on behalf of a constituent who approached me directly to ask this question, I would like to raise their concern at the manner in which vehicles park on Bayside Road and in particular in the vicinity of the crossing between Bayside School and Victoria Stadium, the manner of the parking obscuring the crossing.

1765

Would Government give an undertaking that they will examine this area to see what measures might be taken to improve the situation and enhance safety?

1770

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

**Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 66/2016.

1775

**Clerk:** Question 66, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, in a similar vein and on behalf of the constituent, I would like to highlight their concern at the propensity of certain inconsiderate road users to jump red lights and the negative impact this can have on road, and in particular pedestrian safety.

1780

Does the Government have any plans to introduce measures... *(Interjections)*

Mr Speaker, there seems to have been some confusion on the numbering of the questions.

On behalf of a constituent, I would like to highlight their concern at the constant double parking on Waterport Road outside Water Gardens and the potential impact of this on road and pedestrian safety. Would the Government give an undertaking that they will examine this area to see what measures might be taken to improve the situation and to enhance the safety?

1785

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

**Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, as part of the Sustainable Traffic, Transport and Parking Plan extensive surveys were conducted. These surveys identified a number of key areas that needed improvements. We are looking at the issues in these areas in question in the wider context of the Plan, which are considered policing matters and are exploring possible ways of addressing these problems.

1790

**Q67/2016**

**Road users jumping red lights –  
Safety concerns**

1795

**Clerk:** Question 67, the Hon. T N Hammond.

**Hon. T N Hammond:** On behalf of a constituent, I would like to highlight their concerns of the propensity of certain inconsiderate road users to jump red lights and the negative impact this can have on road safety and in particular, pedestrian safety.

1800

Does the Government have any plans to introduce measures to curb this activity as part of their wider manifesto commitment to improve road safety and make the experience of the pedestrian both safer and more pleasurable?

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

1805 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, it is a well-known fact that there are road users that jump red lights, a traffic offence which is punishable in law. However, this is strictly a policing matter.

Government has no immediate intention of introducing any specific measures for this particular offence at the moment, apart from proposing a rigorous policing campaign with  
1810 Operation Road Watch and the display of posters at pelican crossings to advise motorists of the correct procedure at crossings, which is what is happening at the moment, led by the RGP.

The cost to set up preventative measures would appear to far outweigh the extent of the problem as it exists today. Most road users are responsible people and it is only a small minority that commit these offences to the detriment of the safety of others.

**Q68-70/2016**  
**Bus service –**  
**Replacement of vehicles**

1815

**Clerk:** Question 68, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, could the Minister with responsibility for Transport advise if there is any cost associated with the buyback of the red bus fleet as per their contract and if  
1820 so, what this cost will be?

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

**Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, I will  
1825 answer this question together with Questions 69 and 70.

**Clerk:** Question 69, the Hon. T N Hammond.

**Hon. T N Hammond:** Mr Speaker, can the Minister with responsibility for Transport assure  
1830 this House that they have learned the lessons of history with respect to the purchase of vehicles for public transport and will consult with users of the bus service to ensure that the replacement buses are fit for purpose and do serve the needs of all users?

**Clerk:** Question 70, the Hon. T N Hammond.

1835

**Hon. T N Hammond:** Mr Speaker, having acknowledged that the red buses purchased during their last term are not fit for purpose nor do they serve the needs of many in this community, can the Minister with responsibility for Transport, advise when they will exercise the buy-back clause and commence fleet replacement?

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

**Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, I can  
1845 assure this Parliament that no lessons of history need to be learned, neither has Government stated that these buses are not fit for purpose.

The buses have been in use for over a year and we are happy with the reliable service that they are providing the public. They have ample seating capacity including tip-up seats and extra

space for one wheelchair which makes these purpose built vehicles suitable for our requirements.

1850 Furthermore all the buses are fully compliant with all the legal provisions applicable to all public service vehicles throughout Europe. Evidence of this is that the buses are type approved and have been delivered with European Certificates of Conformity. This certificate can only be granted to vehicles that are fully compliant with the required European specifications of technical and safety standards.

1855 Gibraltar is very limited as regards space and its topography does not allow for any or all types of buses. Therefore when we set out to procure new buses we need to consider the challenges faced by finding an aptly sized bus that will fit our narrow streets, which are powerful enough to tackle our steep hills, whilst being able to provide a comfortable and cool environment within.

1860 Therefore choosing an adequate bus for our specific and stringent needs is a difficult task given the very limited choice of vehicle design available on the market. The bus buy-back or repurchase agreement as it is known is still under negotiation. Once the repurchase agreement is concluded, Government will be better placed to assess the situation and come to a decision. The idea of the buy-back clause is to always keep our buses as modern and accessible as possible  
1865 in the future.

**Hon. T N Hammond:** Mr Speaker, can I confirm whether or not the Government anticipated having to enact that buy-back clause within a year of the initial purchase of the buses?

1870 **Hon. P J Balban:** Mr Speaker, as part of any diligent procurement of buses and forward thinking as to what we do with buses, we would much rather have a bus that after x amount of years has some value, retains some value where someone will take it back from us in exchange or part exchange for a newer fleet. Obviously as time goes by we could in the future find that engines will develop, they will perhaps become smaller and any of those details will change etc.

1875 So I think it is not something which you anticipate a year after. I think it was anticipated from the on-set something that any diligent sort of Government would think, I would assume.

**Hon. T N Hammond:** So, Mr Speaker, is the Minister saying they anticipate having to replace the bus fleet or intend to replace the bus fleet on an annual basis?

1880 **Hon. P J Balban:** No, Mr Speaker that is not what I am saying. I am saying that just like the previous buses lasted, how many years they lasted ... I mean, these buses have a limited lifetime so when that time comes along then we will be in a position to be able to use this buy-back agreement to be able to purchase the next set of buses, whereby the current set of buses will be used elsewhere, the company will rebuy them and give us some credit for them for future purchases.  
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**Hon. T N Hammond:** But, Mr Speaker, the Government have said they are going to effect the buy-back clause within a year of having purchased the buses, so there is slight confusion on my part here as to what their plans are. Are they intending to replace the buses this year or is this something... ? The blue buses lasted considerably longer than that period. Is that buy-back not going to be enacted for some years to come?  
1890

**Hon. P J Balban:** Mr Speaker, I do not know where the hon. Gentleman has picked up the one year. These buses are extremely good, these buses are providing extremely good transport for persons, they are very reliable, and there is absolutely nothing wrong with these buses. There is no reason why we would effect a buy-back after one year. That would be an enormous waste of Taxpayers' money to exchange buses on a yearly basis.  
1895

1900 I suppose if we did that we would have the best fleet in the whole world. I would presume.  
But I do not think it is reasonable to and we have never said we would effect a buy-back within  
one year.

1905 **Hon. T N Hammond:** Mr Speaker, I think there is no doubt that the Government has stated  
that they are intending to enact the buy-back clause, which is the reason for the question. And  
my question is when, (*Interjections*) precisely when? During the Election campaign.

1910 **Hon. P J Balban:** Mr Speaker, you need to tell us where the hon. Gentleman has read that or  
where he has picked that up from because from this side of the House, no one has said that we  
would effect this buy-back after a year.

1915 **Hon. D A Feetham:** Well, I will have to go back and see what the Hon. the Chief Minister said.  
My recollection is – and indeed it was interpreted as such by a number of associations here in  
Gibraltar – my recollection is that during the course of the radio questions and answers when we  
were at the Leisure Centre, both myself and the Hon. the Chief Minister, he actually said that the  
Government was going to be exercising the buy-back clause within the contract in order to  
replace them.

1920 Now the implication of that was that they were going to exercise the buy-back clause now,  
not in three years' time because there is no point in mentioning a buy-back clause (*Laughter*) in  
the context of a question that ... 'would the Government agree that they were not fit for  
purpose etc.?' That is the question that was asked there, it was asked of me and of him. That is  
where we get it from.

1925 **Chief Minister (Hon. F R Picardo):** There is a clear position in page 36 of the manifesto which  
is exactly what I said during the course of that programme. I know he did not hear what I said  
because he was in another room, unable to hear what I said, as I would have been if he had gone  
first so that we were not 'infected' by each other's answers or might have had an argument  
about our particular ranking as lawyers as we tend to do when we are on the same stage.  
(*Laughter*)

1930 What I said was, Mr Speaker, was that when we exercise the buy-back the issues that have  
been of concern would also be issues which would be taken into consideration. There was no  
question of exercising the buy-back within one year.

And dare I say it, Mr Speaker, I think the buses are already older than a year; they are already  
about a year and a half old.

1935 **Hon. T N Hammond:** So, Mr Speaker, if I may then confirm that it is not the intention of  
Government to exercise the buy-back clause in the next 12 months and that the Chief Minister  
has acknowledged that there have been public concerns about the use of the buses and their  
fitness for purpose.

1940 **Hon. Chief Minister:** Mr Speaker, if members of the public say things about the bus that are  
amounting to a concern expressed by an individual and that individual's view about fitness for  
purpose, of course the Government has as a matter of fact to accept that that happened and  
that is what the hon. Gentleman has asked us.

1945 Does the Government acknowledge that that happened? Yes, it happened. People expressed  
that view. That is to ask us about a fact.

But do we share those views? Well, of the numbers of people who use the bus, perhaps four  
or five wrote.

1950 **Hon. D A Feetham:** Mr Speaker, may I just read him what the hon. parties opposite said in  
their manifesto and then ask a question? It says this:

When we acquired the new red EURO6 buses that are in circulation, we had a guaranteed buy back.

And then it says:

We will exercise that guaranteed buy back so that we can once again acquire new buses that will be more accessible and useable by the elderly and disabled.

Does that not indicate that what the Government is really saying is 'Well look, we accept that they were not as accessible as we would have liked them and the community would have liked them to have been, both for elderly and also the disabled and we are going to be exercising that guaranteed buy-back'?

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Because quite frankly I have seen many, many comments on social media, I think there was some correspondence as well in the written press about this, where the Government were congratulated for basically coming forward and saying, 'We are going to be exercising this buy-back because we recognise there has been a problem and we are going to now get buses that are more accessible for both the elderly and the disabled.' I mean at the very least it is misleading the way that they have put their manifesto commitment, if that was not the point that they were making. But it is certainly interpreted by the community as such.

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**Hon. Chief Minister:** Mr Speaker, I think we are better able to interpret what the community feels because the election results demonstrate that we are more in tune with the community than others.

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But, Mr Speaker, let us be very clear. We are going to exercise the buy-back. When we exercise the buy-back, (*Interjection*) the buses that we purchased – not that these are not accessible and useable by the elderly and the disabled; they certainly are and very much so – the ones we purchase will be *more* accessible and useable by the elderly and disabled. So how can anybody be misled?

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We have set out in the manifesto exactly what we are going to do and that is exactly what we are committed to doing and I am confirming will do. Nobody can have been misled, very clear words used in the English language in a way that we will comply with.

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**Hon. D A Feetham:** Mr Speaker, when does the Government expect to exercise this particular buy-back because I do not want anybody to be misled or rather I want everybody to be clear, listening to these exchanges that what the Government is not doing is, it is not saying we are going to be exercising that buy-back now or during the course of this year, the Government is going to be exercising that buy-back clause in the future. And I am asking the Government, when does the Government envisage it will be exercising that buy-back clause?

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**Hon. Chief Minister:** Mr Speaker, when it is appropriate to do so. Now when we do, we will make an announcement, it will be clear that we are doing so in keeping with the manifesto commitment, the terms of the buy-back can then be clearly set out for the community to understand and until then, Mr Speaker, this community will have to make the huge sacrifice of enjoying brand new EURO6 buses which are accessible to the elderly and the disabled for no fee whatsoever.

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Now, Mr Speaker, I think in most other European and developed western nations, the Government that achieved that with these buses would be congratulated as I know, with their votes, 68% of the people of Gibraltar wanted to. (*Banging on desks*)

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**Hon. T N Hammond:** Indeed, Mr Speaker, there is no doubt that the introduction of a free bus service, which I believe was conducted by the previous GSD Government, is a fantastic facility.

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But it remains a fact that the new red buses are a challenge for certain users. Indeed it was proposed that most of the buses would be refitted to accommodate those users because the

steps were too large. I do not believe that refit was completed throughout the fleet and there is no question that the manifesto commitment is not clear, it is ambiguous and all we are asking is for some clarity on that position.

I think the expectation of the electorate was that the buy-back would be exercised quite soon after an election and that appears not to be the case. *(Interjections)*

**Hon. D A Feetham:** The Government is not under – *(Interjections)*

**Hon. P J Balban:** Mr Speaker, all buses actually, or the steps leading to the rear of the buses, were modified, not because they were illegal or did not conform to EU specifications. As I said earlier, all buses had a certificate of conformity so we are not providing a step which is ‘that high’; it has got to be to a certain standard and as set out in legislation.

But to try to assist even further, what we did on all of the buses we made an extra step so if there were two steps they became three. But they did not sell us a bus which was a bus that did not conform to standards; it conformed totally to EU standards.

Now these buses are brand new vehicles, they are extremely accessible, extremely accessible for wheelchairs and tests were carried out at the time to see exactly how accessible they are. Not only do they lean but the ramps deploy and they are extremely accessible in that respect and also for parents with prams. The only problem is when you have one wheelchair and two prams you cannot expect all prams to be open and wheelchairs open too, otherwise everyone would have to get off the bus.

Because as I say we are limited by Gibraltar. If all Gibraltar’s roads were as they are at the bottom between the Frontier and say Market Place, then we could have the longer type buses which are also buses which are available and in that case you would have a lot more ground floor seating and the engines would not be such bulky engines, which would make such a difference, and then you could perhaps put three wheelchairs in and 20 buggies in as well and then everyone would be happy.

But unfortunately in Gibraltar we are limited to our size and our stringent needs. So the old buses, for example – EURO3 I presume they were, or even less than that – were four cylinder engines, they were smaller engines this is why they did not do so well with time. And what happened was those buses would perform well at the bottom part of Gibraltar but these buses have to climb Europa Road. They have to endure hills, so what happened was when that bus is full of passengers or even half full with air conditioning running, it just has not got the torque and the power to be able to push up those hills.

So when we are purchasing buses, we have to weigh up the weight of the bus for our roads, the size of the bus for our roads, the seating capacity for the population, the population’s needs, whether we want to fit one wheelchair in, three wheelchairs in, but we are limited. In an ideal world everything would be at the bottom but that is not possible.

So it is a happy marriage between what is available. These buses are actually made to measure, you cannot buy these buses off the shelf and for this actual size, this size bus has to be produced for you because in other countries they have bigger roads. So it is the best purchase possible, there is driver comfort, passenger comfort, but yes, there have been complaints and you will get that no matter what bus you buy.

**Hon. T N Hammond:** Mr Speaker, I ought to state that nobody is challenging whether or not the buses comply with EU regulation. Of course we expect that to be the case. I am pleased the Hon. Minister has acknowledged that the refits were necessary in order to make the buses fit for purpose because there is no question – *(Interjections)*

**Mr Speaker:** We are now beginning to debate the suitability of these buses, which is not the supplementary question at issue. The supplementary question at issue was in respect of clarification of what it was that the GSLP Government meant by the statement which they have

2050 in the manifesto regarding buy-back. That is what the Opposition were asking for, clarification on that.

I think the Chief Minister has given clarification. He has made clear that it is the intention to buy back at some stage. He has not made clear exactly when, but at some stage that will be exercised.

2055 Now I think we are beginning to debate the adequacy of the buses, whether one step or two prams or three prams – that is a separate issue altogether. Let us come back to the question. If the Opposition are not satisfied with the answer that has been given by the Chief Minister, they can try another supplementary by all means for further clarification, but let us not widen the ambit of that particular supplementary.

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**Hon. P J Balban:** Mr Speaker, may I at least reply to the statement that was made that because what the hon. Gentleman has said is that we fitted an extra step to go beyond what is necessary, that is not an admission that the bus is not fit for purpose. *(Interjection)* That is exactly what the hon. Gentleman has said. The buses conform to EU standards and as I said, steps are a certain size. They are not the steps of the Mediterranean Steps. They are the normal size. Now because we have chosen to add an extra step just to help people even further, but is no admission that the buses are not fit for purpose in any way.

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**Hon. N F Costa:** Mr Speaker, if I may just help, just for assistance – *(Interjection)* it is just to assist. The hon. Gentleman should know that when Mr Figueras was asking me questions on transport, and if he goes to *Hansard*, there will be reams of pages on questions and supplementaries where we explained the reasons why we bought the buses that were bought. That may assist to elucidate the hon. Gentleman on the wider issues that have arisen and the reasons why the Government was convinced then, as it is today, that the buses on our roads today were certainly the best buses for Gibraltar's roads.

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**Hon. T N Hammond:** Mr Speaker, yes, we will obviously have to agree to disagree, but respecting your position reference the supplementary question, can I ask whether or not the Government is currently in negotiation with the manufacturer or any other party with respect to the buy-back clause?

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**Hon. P J Balban:** Mr Speaker, I said in my answer, I said that ... and I will go back to restate what I said. I said the bus buy-back, or repurchase agreement as it is known, is still under negotiation. Once the repurchase agreement is concluded, Government will be better placed to assess the situation and come to a decision.

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**Hon. D A Feetham:** But with respect, and we are not trying ... this is not about raising a controversy. It is really trying to understand the Government's position and the answer is confusing, it is certainly confusing me.

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What I want to know, having established that the Government at the Election was not giving a commitment that it was going to be immediately, or within a reasonable period of time, basically buying back those buses, but that the buy-back clause is there, what we want to know is: is the Government currently in negotiations with the providers of these buses to basically replace them?

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In other words, are they in negotiation now or is it something that might happen in a year's time? Because he is talking about negotiations, about the clause. We are not talking about the clause: we want to know whether the Government is in negotiation to exercise the buy-back now or not. That is the simple point and nothing else.

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**Hon. P J Balban:** Mr Speaker, the simple reply to answer the hon. Gentleman is basically no, we are not in negotiation with them.

2105 **Hon. R M Clinton:** Mr Speaker, option clauses are something that I am well familiar with in my previous guise as a banker. I would find it highly unusual that the option clause should be negotiated at this stage, I would have thought that would have been dried and dusted at the point of purchase of the buses.

2110 If that is not the case I find that strange, but in any case in order to perhaps assist the general public in their interpretation of the manifesto, where you say that you will exercise the buy-back clause, can the Government perhaps explain or clarify under what period can that buy-back clause be exercised, what notice you would have to give and when would that buy-back clause lapse? Thank you, Mr Speaker.

2115 **Hon. Chief Minister:** Mr Speaker, I too am very familiar with option clauses from my previous practice as a lawyer, and the hon. Gentleman perhaps as a banker is not aware of the fact that some clauses actually continue to be negotiated after contracts have been entered into and that this is very common indeed. In fact in the context that we are referring to, what we are seeking is an improvement of what is already an excellent clause, but for the purposes of always pursuing the best value for the Taxpayer, we never give up in seeking to improve things further.

2120 He has asked very specific questions for which he should give specific notice and he will then have the answers.

2125 **Hon. D A Feetham:** Mr Speaker, may I ask this question arising out of something that the hon. my colleague Mr Clinton has said, but I think it does arise from the question asked by Mr Hammond. Did the buy-back clause exist at the point at which the contract was signed with the providers of these red buses?

2130 **Hon. P J Balban:** Mr Speaker, yes it did.

2135 **Hon. D A Feetham:** And so what the Government is now trying to do is renegotiate aspects of that buy-back clause, is that what the Government is trying to do? Because that appears to be the indication for something that the hon. Gentleman, the way that the hon. Gentleman answered the question when it was originally asked.

2140 **Hon. Chief Minister:** No, Mr Speaker, what we are doing is seeking to ensure that we do something called forward planning. In other words, that in terms of the exercise of the clause, where we think there could be some improvements which would assist in fact the Taxpayer and the provider to plan better for the purposes of the exercise of that clause which was negotiated at the time, talking about how that can be worked into the manner in which we exercise those clauses when they fall due and when we believe that they should be exercised in a way that ensures that Gibraltar always has the best buses available.

2145 Mr Speaker, can I move that the House do now ... not adjourn, but **(Mr Speaker: Recess.)** recess until 3.15 this afternoon.

**Mr Speaker:** The House will now recess until 3.15 p.m. this afternoon.

*The House recessed at 12.50 p.m.*