



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.21 p.m. – 7.37 p.m.

Gibraltar, Wednesday, 20th January 2016

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The Gibraltar Parliament

The Parliament resumed at 3.15 p.m.

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

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

Q35/2016

UN Convention on the Rights of the Disabled – Further supplementary questions

5 **Clerk:** Questions continued. We continue with Question 71/2016, the Hon. T N Hammond.

Mr Speaker: Before we proceed, the Hon. Leader of the Opposition wishes to raise a matter.

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

10 This morning there was an exchange between myself and the hon. Lady in relation to the UN Convention on the Disabled, where I said that the GSD Government had left a draft already prepared at the time that it lost the 2011 election. The hon. Lady said that she had caused investigations to be made and the public servants had told her that they knew nothing about a draft Bill.

15 I have spoken to my former colleague, Jaime Netto. He identified the individuals that form part of the working group that helped him with the drafting of this particular Bill. I am not going to identify all of them – it would not be fair across the floor of the House to identify the public servants concerned – but I did telephone one of those people, Mathew Turnock, who was kind enough to then send me by email a copy of the draft Bill, which I now have. It is actually in draft
20 Gazette form, dated 2011, and it is a complete Bill of 38 pages, which happens to also accord with my recollection of events, which is that I, in my capacity as Minister for Justice, had seen this particular Bill.

Because I have asked him to send me also the emails circulating this particular Bill ... when I
25 have that, I will forward both the draft Bill and also the emails to the hon. Lady identifying the public servants that formed part of the working group and that, therefore, received this draft Bill.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr
30 Speaker, if I may, in my response to the Question this morning, I can only comment on my position. I asked and the answer that I was given was that. I have never ever seen a draft of the UN Convention prepared by the GSD when they were in office. So, Mr Speaker, it may well be that it existed but if it is not brought to me then I have no idea that it existed and it is not the first time that I have told this Parliament that I have been informed that there was no draft.

35 But, in any event, Mr Speaker, we move forward. A draft Bill has been prepared. I had never seen a draft before because I was told that there was not one, but anyway, Mr Speaker, one has been drafted and it has already been published as a Command Paper. The consultation period has finalised and we are looking into the responses.

40 Had it been there, then of course I would have considered it. It is not really a contentious matter. If it existed I would have of course have considered it, but my position is, Mr Speaker, that I asked for it and I was told it was not there. I have never seen it before.

Hon. D A Feetham: Mr Speaker, I accept the hon. Lady has not seen it. This goes to the question of the existence of this particular Bill.

45 As I say, when I receive the emails showing to whom the Bill was circulated in the public servants, then of course that will also be brought to the attention of the hon. Lady because no doubt she will then wish to investigate the matter further, because if the hon. Lady has been elected and, as any reasonable Minister would do, would make enquiries into something like this, as to whether work that the previous administration has undertaken can be used to take a particular project forward and she has been told there is no work, that is a matter of regret, to
50 say the least, when there are public servants who have been involved and are in the email circulating this particular Bill.

That is why I intend to forward that to the hon. Lady.

TRANSPORT, TRAFFIC AND TECHNICAL SERVICES

Q71/2016

Traffic plan –

Value-for-money highways enforcement

Clerk: Question 71/2016, the Hon. T N Hammond.

55 **Hon. T N Hammond:** Mr Speaker, in the manifesto, the Government have said that their traffic plan, without adequate enforcement, will not work and that different options for value-for-money enforcement have been considered. Would the Minister with responsibility for traffic provide some details on what options are being considered to provide value-for-money enforcement?
60

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

65 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, the highways enforcement set-up, as implemented by the previous administration, was not value for money and has been discontinued. In fact, had we continued to roll out the procedure as set out originally by our predecessors we would have had to double the resources at great cost to the Taxpayer.

70 Parking enforcement has always been part of the greater ambit of responsibilities of the RGP. The officers have now been transferred or are in the process of being transferred to other departments/agencies and the RGP will continue with parking enforcement duties until all factors can be considered or a final decision is taken with regard to the future of parking enforcement in Gibraltar.

75 We are currently looking at options to provide an efficient and cost-effective form of enforcement in conjunction with the STTPP and this may not exclude the possibility of outsourcing this function.

Hon. T N Hammond: Mr Speaker, could I confirm then that the HEOs, therefore, are in the process of being transferred and may I ask which Departments they are being transferred to?

80 **Hon. P J Balban:** Mr Speaker, most of the HEOs have been transferred to Borders and Coastguard. That is where most have been ... Some will remain as tow truck drivers – a very limited number – and others will be transferred to become transport inspectors.

85 **Hon. T N Hammond:** May I ask, bearing in mind that the function of the HEOs is still required and you have suggested that it has been taken up now by the RGP, is that likely to mean that there is a less efficient service in terms of, bearing in mind RGP resources ... that the ability to control parking in Gibraltar will be affected detrimentally?

90 **Hon. P J Balban:** It very much depends on the importance that RGP gives to parking enforcement in Gibraltar. Parking enforcement is something which has always been done by the RGP. It was not until 2011 – I believe it would be in 2011 – that the HEOs were actually set up and then the responsibility for parking became that of the HEOs, although the Police would still find vehicles occasionally.

95 So, in answer to your question, it very much depends on what the RGP's priorities are. It is a policing matter. It has always been a policing matter. Having said that, we are looking at possibilities because if you look at the way the UK works, for example, the UK predominantly outsources parking enforcement duties to outside companies and that provides us a very cost-effective means of providing parking enforcement by way of wardens.

100 So we are also exploring those avenues which would make parking enforcement a much more cost-effective means of enforcement for the taxpayer. That is where we are at the moment.

Hon. T N Hammond: But would the Minister agree that at present there is, effectively, a lessening of resources, because clearly the RGP are not gaining additional resources to provide this service and the HEOs are not there, therefore there is a shortage in the resource available?

110 **Hon. P J Balban:** Mr Speaker, I would not agree that there is any lack of resources than expected; it depends on what the policing priorities are. The Police have more resources than they have had in the past with this administration. So it very much depends on what the focus of the RGP is. The RGP will dictate for themselves, will decide where they wish to deploy their resources to and they do so as they consider fit.

115 But parking enforcement is something which, obviously, personally I think is important and fines are being placed on vehicles. But obviously there is room for improvement. This is why we are, as a Government, looking at other strategies and other ways where we can enrich this parking enforcement without providing financial burden on the taxpayer and on the Government, because what was created was a set up that was extremely expensive with a lot of resources and it is something which was not viable or cost effective.

120 **Hon. T N Hammond:** Could I just obviously confirm with the Minister, if all the HEOs have simply been moved to other Departments, that would mean the financial burden remains on Government regardless of how they are being deployed?

125 **Hon. P J Balban:** No, because they are filled in vacancies which were there, so it is not as if they have taken jobs in other Departments where they are needed. So we have not had to employ externally so we have ... The Government uses resources the way it feels fit and it moves people to where they feel they have use for them.

130 **Hon. T N Hammond:** So that has not lessened the financial burden. What you have done is taken the opportunity to fill vacancies in other Departments, which is fair enough, but the financial burden is still there. The overall cost remains the same?

Hon. P J Balban: No, we have used resources more equitably. We have used resources where we feel they are most needed.

135 **Hon. D A Feetham:** I am having difficulty understanding. Is he saying this: that, yes, you have got these individuals, highways enforcement officers, you have moved them into vacancies in other Departments; therefore you do not have to fill those vacancies, so therefore the burden overall does come down because effectively you are using the highways enforcement officers to fill in those vacancies rather than advertise externally? That is the position?

140 **Hon. P J Balban:** That is correct.

Hon. T N Hammond: Just one further question, moving slightly. Understanding that you are exploring the possibility of outsourcing the facility, that would obviously involve a tendering process, I presume, or not? Can the Minister confirm, I recognise that the experience in the UK can be that such agencies develop an overzealous attitude equally towards parking; is that something that the Government will just bear in mind in any future legislation or any requirements placed upon such a private company?

150 **Hon. P J Balban:** Mr Speaker, it is either we have too much parking enforcement or not enough parking enforcement. I think we have to strike a happy medium. Yes, of course we have to strike a happy medium. It very much depends how you carry this out, because there are different ways. You could, for example, force or oblige officers to deliver certain amounts of fines a day. I do not think that is particularly a good way of doing it. Or we can use obtuse discretion.

155 When the HEOs started off in 2011, the level of discretion was pretty low. We had complaints from people living, especially in the Laguna area, where they could not even pop in to drop a plate of food at their mum's ... and they get caught. They were very on the ball. I mean they feared the 'red caps', as they used to call them, and they were very proactive in that respect.

160 Towards the latter part of their existence they showed more discretion. With the RGP they showed a lot more discretion. I think it is having to find a happy balance. Parking enforcement means trying to dissuade people from parking illegally, persuading people to be reasonable ... where they park. If you do that and people respect ... then obviously you expect the amount of traffic offences to drop. So it is trying to find a happy medium. We have to be clear what we want; do we want more enforcement or do we want less enforcement?

Q72-73/2016
New buses –
Service in Upper Town

Clerk: Question 72/2016, the Hon. T N Hammond.

Hon. T N Hammond: According to the Government's manifesto, they were expecting receipt of new buses for the Upper Town towards the end of last year. Can the Minister with responsibility for Transport provide an update on when residents of the Upper Town can expect this service to commence?

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

175 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this Question together with 73/2016.

Clerk: Question 73/2016, the Hon. T N Hammond.

180 **Hon. T N Hammond:** Mr Speaker, according to the Government's manifesto, they were expecting receipt of new buses for the Upper Town towards the end of last year. Can the Minister with responsibility for Transport tell this House if these were received as anticipated?

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

185 **The Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, six buses were ordered in early October last year to service the Upper Town and Mount Alvernia routes. Three of these units arrived in Gibraltar on 13th January. It is expected that the three remaining units will be arriving shortly and are intended to be put to operational use as soon as possible.

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Hon. T N Hammond: So the answer to the first question, presumably, is as soon as possible, yes? Has any work been done in detail on planning out those routes?

195 **Hon. P J Balban:** Mr Speaker, the buses will be carrying out the routes which are there at present, so the buses will be doing route number 1, which is the Upper Town – that is what most of them will be busy doing – and the other route is route number 7, which is the Mount Alvernia route. So they will just fit in into the present routes.

200 **Hon. T N Hammond:** Could I ask a question associated with the bus routes, to whether there is any consideration to have any kind of bus service serving residents of the Upper Rock?

Hon. P J Balban: Mr Speaker, not at present.

205 **Hon. D A Feetham:** Mr Speaker, I have to declare an interest because I live in the Upper Rock, but is that something that the Government has received some representations about? Because there are about 20-something families up there, all told, with Devil's Gap area and also further down in the Bruce's Farm area, and obviously a small bus providing a service in that area would be beneficial to those people, particularly some elderly people who also live up there. Is that something that anybody has raised with the hon. Member or the Government?

210

Hon. P J Balban: I would have to check whether that is something that has been brought to the attention as part of the traffic plan surveys. It has not come to my attention. No one has complained to me personally. I do not think the amount of residents up there really – those are 26 houses, as you have just said ... to have a route running up the Rock, especially during the daytime hours, which would mean it going all the way through the Rock because it cannot come the other way during the daytime, I do not think would provide much of a service.

Remember we have to look at our resources and where best to deploy them, and the routes that we have at the moment are working extremely, actually well – within reason. There are things that we want to change but the main routes are fine.

220 To actually provide a new service to the Upper Rock for 26 families – I have not received the feedback in respect of people wishing to have a service up there.

225 **Hon. D A Feetham:** Of course, remember that these small buses start the service in the Calpe area ... the small service, whereas, for example, you could have a service very early in the morning and a service perhaps late in the afternoon starting at Bruce's Farm, which is just slightly, as the crow flies, above the area where they now start – in the Calpe area.

As I say, Mr Speaker, obviously he is in a better position to know what the demand is and also the additional cost that something like this would entail. Though I personally think that in terms

230 of additional cost there would not be much additional cost, bearing in mind we are talking about
a small bus starting, not at Calpe but at the Bruce's Farm area, and also perhaps in the mornings
during school time and then in the afternoon.

Hon. P J Balban: Bruce's Farm – I am struggling to find the actual location. I think that Bruce's
235 Farm cannot be accessed during the day via the Calpe area. The bus would have to come all the
way round and you would have to start from there and you would not be able to get it going...
you can bring it all the way back as well.

I do not feel the demand is there to merit a bus just for that small population. We have had
requests, for example, that people wish the bus to go to Her Majesty's Prison. Again, I do not
240 think there is that much ... there is no demand. People, if they visit prisoners, normally go in
their car. There is ample parking available.

Remember if we make the bus routes too long, they become inconvenient for users. What
we want people to do is to jump on a bus and get to their destination as quickly as possible. The
more winding the routes are, the longer they take to complete, the worse and less efficient a
245 bus service becomes.

To extend route number 1 to Bruce's Farm would mean an extra length of route and that
might not be effective. I do not think there is debate at the moment for a bus in Upper Town,
but if all 26 residents were to come and say, 'We will use it every single day and we do not
because it is not available', then obviously we would have to reconsider it. But I do not think the
26 residents will use it much at all.

Q74/2016
New rental bicycle scheme –
Cost

250 **Clerk:** Question 74/2016, the Hon. T N Hammond.

Hon. T N Hammond: During the election the Government announced the introduction of a
new scheme for rental bicycles. How much, if anything, has this cost the Taxpayer so far?

255 **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, Her
Majesty's Government of Gibraltar announced recently the launch of a totally new bicycle hire
scheme. A small amount of infrastructural works to allow for the installation of the bike stations
260 at the different locations has already been undertaken at a cost to the taxpayer of £14,224. The
bicycles and stations have been fully subsidised by a sponsor.

Hon. T N Hammond: Just so I understand, that includes the bicycles themselves or just the
stations?
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Hon. P J Balban: Mr Speaker, the bicycles and the stations have been fully subsidised by a
sponsor, and the software surrounding the scheme.

Q75/2016
Green vehicles –
Incentives to owners

Clerk: Question 75/2016, the Hon. T N Hammond.

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Hon. T N Hammond: Mr Speaker, in their manifesto, the Government say that they will try and incentivise the purchase of green vehicles. Could the Minister with responsibility for Traffic offer some examples of the ideas the Government has in order to achieve this?

275

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

280

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the Government has already taken steps to incentivise the purchase of green vehicles. At present, any client purchasing a hybrid or electric vehicle will receive a £1,000 cashback upon registration. In addition, any person purchasing a 100% electric vehicle will not pay import duty and Government have also installed electrical charging points at various multi-storey car parks in anticipation of these vehicles.

Hybrids currently attract 0% duty if imported by a licenced trader.

285

As cars are developed, Government will continue to find ways to incentivise the purchase of these cars by providing, if necessary, further vehicle charging points should the need arise. Furthermore, the possibility of providing preferential parking for these vehicles may be explored in the future.

290

The Government has also put in place a Vehicle Fleet Replacement Policy Plan for its own vehicles. All new official staff cars that have been procured within the past four years are hybrid, with the exception of the G1 which is 100% electric.

Q76/2016
Disabled parking –
Fairness of current scheme

Clerk: Question 76/2016, the Hon. T N Hammond.

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Hon. T N Hammond: Mr Speaker, in their manifesto, the Government say in respect of disabled parking bays that the Sustainable Traffic, Transport and Parking Plan will make the scheme fairer while addressing the needs of this sector. Could the Minister for Transport tell this House what is unfair about the scheme at present?

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

300

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the STTPP has found that the concessions being provided by the blue badge scheme are open to misuse. Misuse affects other users. The present blue badge scheme is constantly under review in an attempt to tackle misuse and improve it for all of its users. It has been seen that some blue badge holders use blue bays for extended periods of time, for days and even weeks on end. Others consider these bays as their own allocated parking space.

305

Clearly, this restricts the value of the scheme to regular users and visitors alike. The circulation of counterfeit blue badges is also an unfortunate reality, as is the use of these badges, and hence privilege, by persons who are not entitled to the benefits of a blue badge – for example, family members and friends.

Q77-78/2016

**Infectious disease on board a vessel –
Notification procedures**

310 **Clerk:** Question 77/2016, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, what procedures are in place for a vessel to notify the Gibraltar Port Authority of a crew member/passenger confirmed or suspected of suffering from an infectious disease?

315

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 78/2016.

320

Clerk: Question 78/2016, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, can the Minister for Transport and Traffic confirm that the Filipino seaman on the night of the Capitan Vassilis incident had a notice pinned to him saying 'infectious' or 'diseased'?

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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, Gibraltar Port Authority and the GHA protocols are underpinned by the Quarantine Act 1935. In practice, this requires that a ship must notify the Gibraltar Port Authority of any person on board suffering with a health problem – not only infections. It is mandatory for the ship's master or its agent to alert the Port Authority and file a statutory declaration of health. In particular, the agent acting on behalf of the vessel must gain prior approval from the Gibraltar Port Authority, under the guidance of a doctor and/or the Gibraltar Health Authority, for the disembarkation of any medical cases.

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We can confirm that there was no notice pinned to the Filipino seaman. The Gibraltar Port Authority is carrying out its own internal investigation on this matter which is still ongoing and therefore we are not in a position to divulge any further information at this stage.

340

Hon. Ms M D Hassan Nahon: So, Mr Speaker, the Minister cannot confirm or deny whether he is satisfied or not whether procedures had been or had not been adhered to on the night of the incident – is that right?

345

Hon. P J Balban: Mr Speaker, that is correct at the moment. Because the investigation is ongoing, we are unable to comment any further at this stage.

Hon. T N Hammond: Can I just ask the Minister whether the results of that investigation –

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Mr Speaker: Supplementary – ?

Hon. T N Hammond: A supplementary to Marlene's question, yes.

If I may ask whether the results of that investigation or any recommendations coming from it will be made available to the public or at least to the Opposition benches?

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Chief Minister (Hon. F R Picardo): Mr Speaker, I think this is a point of general public importance and I think the conclusions on what it is that this investigation may determine is something that the Government should inform the whole of the community about.

360 I think Gibraltar is a small place. When these things happen word spreads quickly that something is going on and people need to have the confidence that the procedures stand up to scrutiny when they are applied and that they are actually applied; and if they are not then we need to understand, if that is the case, what has happened and why, or that they have been applied and give people the confidence that that is the case.

365 **Hon. T N Hammond:** Just one final question from me on that particular issue. Is there any idea at the moment on the timeline for the investigation? Are we likely to see it in a month, three months? Or what would the Minister consider a reasonable period for such an investigation?

370 **Hon. P J Balban:** Mr Speaker, the investigation will be carried out as soon as possible because it is obviously in the interest of the Government that people are informed what the state of affairs is. There has been a lot of public interest to do with this case, so it is our intention to publish the findings of this investigation as soon as possible. I am not in a position to be able to state whether it is going to be a week, a month or so forth.

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q5/2016

Dog park – Cost, design and contract

375 **Clerk:** We now return to Question 5/2016, and the questioner is the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government please provide details of the cost, designer and contractor of the 'dog park' at the Alameda Gardens?

380 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, before I start, Members will have noticed that I have a cold and quite a bad cough, so if I find I have a coughing fit in the middle of my responses and I have to leave the Chamber, I would be grateful if you would just consider the fact that it is for no reason other than I do not want to contaminate the Chamber with whatever germs are causing it, and I do apologise.

385 Mr Speaker, to answer this Question, the first phase of the dog park has cost £25,005.71. The Government has used its in-house design team and Koala Construction is the contractor.

390 **Hon. L F Llamas:** Can I ask the Hon. Minister: does Government have any plans to review the design of the park? I have been there to visit the area myself. The first thing you see as you enter the area is a 'No dogs allowed' sign, which is obviously incompatible with what ... I am sure you appreciate that and you have seen it.

395 Also I believe that the fundamental ingredients of a dog park have been overlooked. The fact that it has no fence or gate should be a priority to enable people to take their dogs off the leash and not cause any problems with traffic passing by or to the animals themselves.

400 Additionally, the idea of a dog park is to provide stimulation within the area. Also, the surface needs to be adequate. The surface at the moment is adequate for big dogs, but smaller dogs will probably struggle. I also believe that things like access to potable water should be made available to the users.

Thank you.

405 **Hon. Dr J E Cortes:** Yes, indeed, Mr Speaker, I have no quarrel with any of what has been said, other than the sign should have been removed a long time ago.

These points have not been overlooked. As I said before, this is a first phase and this is an area which I know, from my many years in the Alameda Gardens, was regularly used by dog owners in any case, even though the law actually forbid it.

410 We carried out this first phase, of which in fact the majority of the cost has gone into shoring up the upper path, which was collapsing in some areas, and the retaining wall behind it, which was also dangerous and that had to be done before we could really declare a dog park. Members will have realised that we have not done a formal opening, or anything like that, because the phase is not complete, or rather the dog park is not complete. There was a decision to be made – should we amend the law and allow people who are using the area for dogs
415 anyway to do so within the law, or should we wait until the whole thing is ready – and the decision was taken that, as people were keen to use the area and have done for many years for dogs, that it should be opened. But we do realise that there are still changes and improvements to be made. These are within the plans and certainly it is our intention to rectify this during the course of the coming year.

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Hon. L F Llamas: Also, I would like to ask. It is demoralising to see how people take such little pride and feel they can allow their dogs to defecate in an area and not pick it up. Does Government have any plans to introduce CCTV to ensure offenders disrespecting a purposely created area for dogs are dealt with?

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Hon. D A Feetham: Hear, hear, hear.

Hon. Dr J E Cortes: Yes, Mr Speaker, indeed I share the hon. Member's concern for those relatively few members of the public who are antisocial and who do not make our job easy. We
430 have introduced CCTV cameras in other parts of Gibraltar with considerable results, although people are always trying to get out of range of the camera, but the plan is that this should be incorporated in this area as well.

Hon. L F Llamas: And finally, the last point I want to raise in regard to the dog park: have any
435 steps been taken to treat the area against caterpillars? The Alameda Gardens is notoriously known for its caterpillars and it is extremely dangerous for dogs: they can cause severe extensive tissue damage with minimum contact.

Hon. Dr J E Cortes: Yes, Mr Speaker, indeed, I have great experience of these caterpillars.
440 There is an ongoing programme of treatment for caterpillars using pheromone traps, which will catch the moths while they are active in the summer before they lay their eggs, which then emerge, round about now. This is a real problem. In fact, it is a problem for the gardeners where they are working. One of the biggest problems that the staff used to have, and I am sure still have, is the itchiness when they are digging in areas where caterpillars have been.

445 So the treatment will continue and will be enhanced in this area. I do repeat, though, that dog owners have been happy to take the dogs there in the past. Now they can do it legally. And remember that it is not just the upper path that is open to dogs; it is also the lower, wider area, where we do not have such concerns about the substance on the ground and so on. But yes, the intention is that we will redouble our efforts to reduce the number of caterpillars.

450 **Hon. L F Llamas:** This is not a question, I just would like the Hon. Minister to take this on board, perhaps: if in the meantime perhaps we could warn owners of the risk of caterpillars in the area by putting up a sign? It is just –

Hon. Dr J E Cortes: Mr Speaker, I thought the hon. Member was going to congratulate us for having the first area designated for dogs in Gibraltar, but there we go. I know we are still short of what we need to do.

Mr Speaker, this happens regularly, and every year at around ... Well, a little bit later on, in a few weeks' time, around February time, signs are put up throughout the gardens warning all users to keep them away from caterpillars. As dogs were not allowed, it did not particularly specify dogs, but we will make sure that in that particular area that that reference is made as well – but this is done every year. *(Interjection)*

Q6/2016

Pensioners' Water and Electricity Credit – Confirmation of payment

Clerk: Question 6, the Hon. L F Llamas.

465 **Hon. L F Llamas:** Can the Government confirm whether the 2015 Pensioners' Water and Electricity Credit has been made?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

470 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, all applications have been processed and the credits entered into the respective accounts.

475 **Hon. L F Llamas:** Can the Hon. Minister specify when this has occurred? Thank you.

Hon. Dr J E Cortes: Mr Speaker, this was done very recently – I believe earlier this month. The problem had been that, with the change of format in the bill which we introduced last year, the programme had to be changed and there was a timeline between the introduction of the new bill and the programme that generated these queries was sorted out. The programmes were delivered and they had to be tested to verify that they worked and the reports had been modified, and that was achieved during the last working week of December, so the first credits were processed on 5th January, and my information is that they are now up to date. That was the reason for the delay.

Q7/2016

Renewable energy and micro-generation – Measures to encourage energy production

485 **Clerk:** Question 7, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, in their manifesto the Government made a commitment to upgrade the electricity grid to be able to accept renewable energy and micro-generation,

thereby encouraging the production of energy. Could the Minister advise what measures he had in mind, when formulating policy, to encourage these forms of energy production?

490

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the Gibraltar Electricity Authority has a rolling replacement programme for the distribution network, which commenced three years ago.

495

The technical specifications for the replacement take into account the use of renewables and micro-generation if the substations being replaced are in a location where renewables may be installed in the future.

500

In addition to the replacement programme, the Government, as the Member opposite will know, is encouraging private entities to develop renewable initiatives. One such example is the wave-generating project which Government has facilitated by providing the necessary infrastructure already to allow the power that is generated by the wave generator to be evacuated into the network.

505

The GEA last year appointed a renewables engineer to lead on all of this work.

Hon. T N Hammond: Can I ask the Minister: you mentioned substations possibly being a bar to certain areas – is it ultimately the intention that all areas will be able to produce, or all households may be able to produce, energy in some form which may be fed back into the system?

510

Hon. Dr J E Cortes: Yes, Mr Speaker, this is something that we want to encourage. Clearly, there will be some areas which are more suitable for renewables – maybe they have more flat roof space, maybe they are in areas where some other kind of, for example, small wind generators may be provided – but the intention is that this will be done in all substations except those where it is clear, for one reason or another, that renewables are not a possibility. I do not have a likely scenario for that, but obviously the decision would be taken on a case-by-case basis.

515

The emphasis of the Government will be to encourage this kind of renewable generation. We have a target of producing 20% of energy with renewables, keeping to EU targets, and therefore the more we produce the better.

520

Q8/2016
Waste treatment plant –
Award of tender

Clerk: Question 8, the Hon. T N Hammond.

Hon. T N Hammond: Further to Question 449 of July 2015, where the Minister stated that the award of a tender for the waste treatment plant was imminent, can the Minister update the House as to whether a tender has been awarded; and if not, when we might expect such an announcement?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

525

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the tender for the waste plant is awaiting the final technical and financial assessments. I am hopeful that an announcement will be made in the first quarter of this year.

530

Hon. D A Feetham: Mr Speaker, when the Hon. Minister talks about a financial assessment, does he mean ways in which the plant will be funded – either by way of further debt or by way of some form of leaseback by the providers of this, the people who are going to be building this particular plant?

535

Hon. Dr J E Cortes: No, Mr Speaker, that is not the consideration that I am referring to. I am referring to the costs per tonne, or whatever, of the dealing of the waste. That is the kind of assessment that I am referring to in this question.

540

Hon. D A Feetham: Mr Speaker, in relation to the cost of this particular plant, has the Government made a decision in relation to how it is proposing to fund it: either directly through debt, now that the Government is going to be increasing the debt limits; or is it the Government's thinking of some kind of PFI arrangement; or, for example, some kind of hire agreement with the builders of the plant? Perhaps if the Government can give us some indication of its thinking in relation to this.

545

Chief Minister (Hon. F R Picardo): Mr Speaker, a number of different options are proposed to the Government and the Government has not yet taken the decision how to proceed. We will obviously choose the one that is most attractive to the taxpayer.

550

Hon. T N Hammond: Can I just ask whether any of the tenders at this point may include the capability for the waste treatment plant to produce energy to feed back into the grid?

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Hon. Dr J E Cortes: The requirements of the tender – and I am using memory now – require either that or the production of something that could then later be used for generation, like bio-diesel. So the intention is that we should get some energy out of it in one way or another.

Q9/2016

Real-time air quality monitoring – Timeline for introduction

Clerk: Question 9, the Hon. T N Hammond.

Hon. T N Hammond: I recognise before asking this question that the Chief Minister made reference earlier on to timelines in manifestos, so I am to some extent anticipating the response, but I will ask the question anyway because I think it is of interest to the people of Gibraltar.

560

The Government state in their manifesto that real-time air quality monitoring will be introduced in the northern part of Gibraltar. Will the Minister with responsibility for the environment provide a timeline as to when this will be introduced?

565

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I am going to disappoint the Hon. Member because I am not going to give that answer.

570

The introduction of real-time air quality monitoring in the northern part of Gibraltar is linked to the closure of the power stations in the south district and the commencement of operations of the new power station at the North Mole.

575 We have virtually stopped operation of all the power stations in the south district and currently only use the skid-mounted generators in the area. We are continuing to monitor air quality in the south district in order to verify that this has resulted in the expected impact upon nitrogen-dioxide levels. Once we are satisfied of this, we will consider whether the air monitoring station at Witham's Road will be moved to the north district or a new one provided.

580 **Hon. T N Hammond:** Would there not be greater value in just providing a new one – from an environmental perspective, obviously, not necessarily from a financial perspective?

585 **Hon. Dr J E Cortes:** Not really, Mr Speaker, because there are two in very close proximity: there is one in Witham's Road and there is one in Rosia Road. The one in Witham's Road – and this was done by the previous GSD administration, although I was, in my environmental work, somewhat involved in that – was put there specifically to monitor the emissions from the two south district power stations, the former MOD and the former OESCO plant, and therefore that was the purpose.

590 There are more air monitors in Gibraltar, because of its size, than would be required by the EU, so we already provide quite a lot of information, but that is no reason why we should reduce the number. But because the one at Witham's Road was specifically to monitor two power stations which would likely be completely ... well, which *will* be completely closed down, it probably will become redundant, and if it becomes redundant ... And this is why we are comparing that one with Rosia Road. If it is just mirroring the results of one just a few hundred metres down the road, it would make economical sense to move that onto another location than to keep two monitoring virtually the same area. That is the decision we have to take, and we have not taken it yet.

Q10/2016
Gibdock –
Complaints re emissions and noise

Clerk: Question 10, the Hon. T N Hammond.

600 **Hon. T N Hammond:** Will the Government provide statistics on the number of complaints that have been received about emissions and noise emanating from Gibdock, by year, since 2011?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

605 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the statistics for the number of complaints regarding emissions and noise from Gibdock for the period 2011-15 are in the schedule which I now hand over.

610 I might add, Mr Speaker, that residents of the area are now encouraged to report any concerns to the Environmental Agency and the Department of Environment and Climate Change, so that we can closely monitor activity.

Answer to Question 10 of 2016.

		2011	2012	2013	2014	2015
Nature of Complaint	Emissions	2	19	18	11	7
	Noise	3	5	19	13	8

615 **Hon. D A Feetham:** Mr Speaker, we have received a number of complaints and concerns expressed to us by residents in the area about emissions from Gibdock – in particular, actually metal particles that emanate from Gibdock, and we have heard stories from constituents who are coming to us that they apply, for example, a magnet to windowsills and there are a huge number of particles that actually come up from the windowsills onto those magnets. There is obviously concern for the health of children and for themselves who live in the area.

620 One of the things that has been suggested to me, and I do not know whether the Government has explored this, if at all, with the operators of Gibdock, is that in the same way as the smaller dock in Gibdock has a cover, perhaps the larger dock might also have a cover that would then protect residents against those kinds of emissions that must be detrimental to the health of those living in the area. I just wonder whether the Minister would like to comment on that and provide his perspective.

625 **Hon. Dr J E Cortes:** Mr Speaker, I could actually spend quite a long time talking about this. Clearly, the problem did not start in December 2011 and it is a longer-lasting one. I have figures going back to 2000. The number of complaints in 2006 were higher than they have been over the last two years. In 2009, they were also quite high and that was before Cumberland Terraces were occupied. So now, with Cumberland Terraces, you would expect a higher number and yet the numbers went slightly high ... It was occupied in 2011, so we started to get higher complaints in 2012-13 and then they started to go down again. Why is this?

630 Mr Speaker, I personally, and my Department and the Environmental Agency, take a great deal of interest in this problem. I have spoken to residents. I have met with residents. We now have encouraged the Agency and residents to meet on a regular basis and to meet with Gibdock and we have explored a number of ways of improving the situation.

640 My information is that the covering of the whole of the dock is well-nigh impossible because of the size of some of the ships, but quite recently – I think it was about six months or so, but I stand to be corrected ... What Gibdock is now doing is they have developed a covering like a tent, which goes over the parts which are being occupied and moved around as the ship is being treated, so that even though you are not covering the whole of the dock, the area which is being treated – either blasted or painted – is in fact covered. I am told by the Environmental Agency that there seems to have been a positive response in the sense that the number of incidents has decreased.

645 So we are monitoring the situation and will continue to do so, because it is a problem that I feel has to be monitored and we have to ensure that the residents of the area are as safe as we can ensure. Sadly, it was an area which has now become more populated as a result of Cumberland Terraces, and therefore we have to ensure that we do what we can, but we are regularly in contact with both Gibdock and the residents.

650 **Hon. T N Hammond:** Could I just ask, as it appears to be recognised that metal particulates may be an issue in this area, is any kind of survey being conducted? Obviously, the air quality monitoring will not pick up on this. Is there any other way we can understand how severe a problem and what kind of particulates are being spread around the area?

655 **Hon. Dr J E Cortes:** Mr Speaker, the Environmental Agency does monitor, and in fact they actually go on site whenever any reports are received or when their own officers do so. I do not

have details of that, but if the hon. Member would write to me I will ask the Environmental Agency to provide me with details and I would be very happy to share them with him.

660

Clerk: Question 11, the Hon. –

Hon. E J Reyes: Sorry, Mr Speaker. I just wanted to ask, on the off-chance that the Minister did have the information with him: in the schedule, the nature of the complaint referring to noise, does the Minister have any information? Were these complaints made because the noise seemed to be emanating, shall we call it after working hours, when people would expect to have a quieter time? Or does he not have a time factor involved in respect of the noise?

665

Hon. Dr J E Cortes: Mr Speaker, I do not have the information. It was not specifically asked for, therefore I did not ask for the time. There are some occasions on which, even though it appears as emissions of noise ... There was one complainant who was complaining about emission of noise. I suspect that most of the complaints about noise will have been after hours, and we are very strict on Gibdock and ask them to keep anything except for absolute emergency activity to during normal hours, but we are ... I am not able to give him a breakdown. Again, I could find it if he specifically asked. I am sure the Agency has that information.

670

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Hon. E J Reyes: I can well understand ... Just for the sake ... and I know the Minister, it does not matter what side of the House he sits on, he is always interested in monitoring situations. Perhaps he could ask the data collators for future just to note a rough idea of the question of timing, so that in future, as we monitor over the coming months and so on, we are able to see whether they are acceptable levels at least during working time – I am thinking of not only residents, but perhaps educational establishments in the area, and so on, – or whether it is just a night-time pattern, and that is easier to negotiate with the Gibdock area in respect of urgent works, as the Minister was just alluding to.

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Hon. Dr J E Cortes: Mr Speaker, I am sure that information is available. I just do not have it here, and I will ask for it.

Chief Minister (Hon. F R Picardo): Mr Speaker, if I might, I have dealt with this matter now on both sides of the House and the pattern has consistently been of noise pollution in the silent hours, but the yard works on a 24-hour cycle in order to hit a deadline to deliver a ship, and very often you find that these complaints come on a particular day when they are doing a particular job. You have got them by year, but it may be that some complaints all came in on the same night because something was happening overnight. I think, frankly, it is unacceptable. We have heavy industrial activity in an area which is now residential, where people are trying to live their lives with their children, and you have to comply with the standards that we require in this community.

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In relation to metal particulates, for example, the hon. Gentleman opposite may not know, or may have forgotten, that at the time I was in opposition I had cause to take up the fact that a mountain of this metal particulate had been created and was in fact becoming a reclamation outside the South Mole. The then Minister with responsibility – Mr Holliday, I think – kindly, as a result of my question, took up the matter with Gibdock. I think that was removed and it has not been allowed to accrue again.

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Q11/2016
Alameda Gardens –
Bicentenary of opening

Clerk: Question 11, the Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Minister for Heritage please advise what plans the Government has to mark the bicentenary of the opening of the Alameda Gardens in April 1816?

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Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I am answering this question because the gardens are part of my ministerial responsibility in my Environment portfolio.

715

A number of events will mark the bicentenary of the Alameda Gardens. Central to the bicentenary celebration will be the inauguration of a new glasshouse that has been developed specifically to mark the Alameda's bicentenary. This glasshouse will house plants from arid and tropical environments that cannot be displayed outdoors and will form an important educational asset within the Alameda. A flower bed with a special 200th anniversary display is also being developed. The Botanic Gardens run an increasingly successful children's education programme and the theme of the bicentenary is being integrated in the next series of events, which commences in April. A series of commemorative stamps is being prepared. Special guided walks of the gardens will be organised to highlight their history and flora. The Government has been approached to host the International Garden Photographer of the Year display in the Alameda and is currently in negotiations regarding this. The display is held at Kew Gardens on an annual basis and it is possible that Gibraltar could welcome the exhibition to the Alameda on its bicentenary. The management of the Botanic Gardens are also exploring other ideas for the summer period.

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These events will be accompanied by a series of articles in the press, which will summarise the history of the Alameda, the role of plants and botanic gardens, and explain the varied horticultural, educational and biological work that the Gibraltar Botanic Gardens at the Alameda now perform.

730

Hon. R M Clinton: Mr Speaker, I thank the hon. Member for his response and I look forward to the events in due course.

735

Can I ask him a supplementary on the plans to create a trust fund for the Alameda Gardens to ensure their future enjoyment for generations to come?

Hon. Dr J E Cortes: Mr Speaker, not at the moment. This is an idea that I had when I was director, and in fact I am sure we discussed it at the time and it did not happen for a number of reasons, including the fact that there was another Chief Minister in place. It is not something that I have been approached about by the management and it is something that could be a possibility for the future, but at this point in time there are no such plans.

740

Hon. R M Clinton: I thank the Member opposite. I was hoping to address the Minister for Heritage and just to remind him perhaps ... This is not a question, but just to remind him that next year will be the 200th anniversary of this House's foundation stone being laid in April 1817 ... and we should obviously mark that event as well.

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Mr Speaker: May I say that, as Speaker, I am very much aware of the fact that next year we are celebrating the bicentenary of this building. The Clerk will vouch for the fact that I have

spoken to him on a number of occasions, and by the middle of the year I shall be putting one or two ideas to the Government as to how we can celebrate the event.

755 It is, I think, pertinent to point out that we shall be hosting a Commonwealth Parliamentary Association conference next year, so that will be a very useful way of marking the occasion.

Another idea that I should mention: if hon. Members will care to look on the table, that mace leaves a lot to be desired. I am seeing whether we can obtain a new one, whether Parliament will vote the necessary funds for a new mace to mark the occasion. I commend my idea to hon. Members.

760

Chief Minister (Hon. F R Picardo): Mr Speaker, if I might, we have had occasion to have this discussion on a number of occasions and, as I have told you, it is something that, in my view, is entirely appropriate. I think there is an important anniversary coming up, in respect not just of the House but also of the mace, which would give us a great opportunity to have a new mace in place, and I sincerely hope that at least that part of the estimate of expenditure this year will have a fairer wind through this House than I expect some of the others might. *(Interjection)*

765

Hon. R M Clinton: Mr Speaker, if for any reason the estimates do not cover the cost of the mace, I do know where the original time capsule is buried in this building – we might be able to dig it up and cover the costs! *(Laughter)*

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Q12/2016
Patients in Spanish hospitals –
Post-op collection by ambulance

Clerk: Question 12, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, can the Hon. the Minister for Health explain what is the criteria for deciding whether an ambulance collects a patient from any Spanish hospital after an operation?

775

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, when any patient is discharged from a Spanish hospital, the discharging consultant in Spain will make the recommendations on the form of transport required, based on the patient's condition.

780

Hon. Ms M D Hassan Nahon: Mr Speaker, I would just like to bring up the issue that there seems to be a lack of communication here and I would like to make the hon. Member, the Minister for Health, aware that I have received a few reports of people who have been told one minute to the next they are to take a taxi.

785

Firstly, this causes them a lot of uncertainty and confusion; and secondly, on a practical level, they are actually not ready because many patients do not even take cash with them – so they find themselves without having informed family, that they could have informed to pick them up. They find themselves a bit lost and confused; they find themselves not having the cash to pay and having to cross the border on their own. I would like to make the Minister aware of this lack of communication which seems to be resulting in poor care and causing them some anxiety ... and if he could perhaps enhance this level of communication for the good of the patient.

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I would also like to suggest the possibility, seeing as we seem to have a lot of interaction with the hospitals in Spain, of the possibility perhaps of even like a shuttle or a carpool service that would pile some of the patients in and make things swifter, for the experience.

Thank you.

800

Hon. Dr J E Cortes: Mr Speaker, I am grateful for the comments, I will certainly look into any specific cases.

805

Clearly there could be changes in condition, there could be lack of information perhaps in certain cases perhaps when somebody has gone away urgently and they have not been informed of the possibilities that they may have to pay for taxis, or whatever. I will certainly take that up.

The question of a shuttle, this has been considered. It is very difficult because even though there are regular movements it is not predictable, and no given time will be predictable. So even if we have a shuttle there are going to be people who are going to be outside of that time.

810

We are looking at shuttles possibly for some of the more regular appointments like, for example, Clínica Radon in Algeciras, where we do have *some* kind of control of where they go. But it is not as simple as just providing a shuttle because we are not going to be able to satisfy everybody.

But I am grateful for the comments and I will certainly look into them.

815

Chief Minister (Hon. F R Picardo): If I may say so, Mr Speaker, in respect of this matter, this is an issue which has affected my family on a number of occasions – both, or after I have been elected and before I had been elected as Chief Minister; and in respect of which the hon. Gentleman and I are approached, probably as often as the hon. Lady will, by other families. There is an operational disconnect sometimes on this issue.

820

And can I associate myself and the Government with the remarks that she has made about how this can affect individuals who are already ill, and the last thing they need is to be told either that they are going to be moved, when they are then not going to be moved, or that they *can* move but that transport cannot be provided.

825

This is something which we have to get right, because people do not need that angst once they are already ill and their families are concerned about them. And she can be assured that this is something which will have our greatest consideration.

**Q13/2016
Xanit Hospital –
GHA professionals' interest**

Clerk: Question 13/2016, the Hon. Ms M D Hassan Nahon.

830

Hon. Ms M D Hassan Nahon: Mr Speaker, do any of the GHA professionals have a commercial, financial or business interest in the new venture between Xanit Hospital in Spain and the GHA, or in Xanit Hospital?

Thank you.

835

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): No, Mr Speaker.

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Q14/2016
Children sponsored patients –
Carer entitlement

Clerk: Question 14/2016, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, will the Government not consider the current
845 policy whereby children sponsored patients in London, or abroad in general, are only financially
entitled to one carer during their stay in London? Was the original question, but I mean in
general terms.

Thank you.

Clerk: Answer the Hon. the Minister for Health, the Environment, Energy and Climate
850 Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
Mr Speaker, this is already the case. The improvements to the sponsored patient policy
855 introduced last year – and indeed we had done this on an *ad hoc* basis before that – allow for
two carers to accompany children during the time away from Gibraltar in London, or elsewhere.

In fact, this can sometimes apply to very dependent elderly people and we have on some
occasions allowed two carers to accompany them.

Hon. Ms M D Hassan Nahon: Mr Speaker, I am afraid to inform the hon. Member, the
860 Minister for Health, that this is not the case – at least not in the cases of a couple of parents I
have spoken to with children who are gravely ill in London. I can provide him details in
confidential later, but I know of one case in particular with a child who is suffering in London at
the moment with cancer – a five-year-old child – where only one parent is entitled to care. And
865 of course, as you can imagine, both parents want to and need to be there with the child, and this
is causing them huge financial strain.

And not only the financial strain ... because the father... I mean, obviously the mother is
normally the one parent who is with the child, but also the emotional and psychological strain
for the one parent who is there who cannot even take a ten-minute coffee break, because the
870 child wants to be with that one parent all the time. So it just shows that both parents really need
to be there; and it is not the case that both parents are being subsidised.

And considering the fact that thankfully, the statistics must be pretty low of children who are
outside Gibraltar, I would think that the added cost of ensuring that two carers are there would
be minimal.

875 Thank you.

Hon. Dr J E Cortes: Mr Speaker, I would definitely want to know the details because the
policy is clear that children under 18 – and depending on conditions we are sometimes flexible
even there – are allowed to have both parents as carers, and sometimes it is a parent and
880 another family member or other close relative.

So it is possible, Mr Speaker, that it is not a question that the GHA has not allowed, so to
speak, the second carer, but that the employer of one of the carers may not have given them
leave to attend. In the case of employees in the public sector, general orders allow for special
leave to accompany ... and because both carers would be official escorts, both employees – if
885 they were Government employees – would be given leave to attend.

Some employers may not be so considerate in that respect, but certainly the policy ... and, as
I say, even before we formalised this in the policy last year when we revised the allowances,
cases like that that came to me were always approved for the *very reason* that the hon. Member
has explained. We have families with young children who are concerned ... a great deal of

890 turmoil and a great deal of stress – and as many people who have come to see me in my office know, they are always given maximum attention and we always try to help as much as possible.

So this must be the exception and if it is not I really want to know the details, because this is something that we have to put right; and we would contact the family concerned and make sure that we put it right.

895

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you for your response; and just to clarify, the second parent is actually unemployed so there is no doubt that it is not an issue about the employer.

But thank you, I will forward you the details.

900

Chief Minister (Hon. F R Picardo): Mr Speaker, if I might, just in relation to this matter?

These questions were posed over five days ago. If the hon. Lady has this sort of issue brought to her attention again in the future, she must not allow seven days to pass before this issue is dealt with. She should feel free to get in touch with any of us on this side of the House – I know that the hon. Gentleman will be easily accessible to her, as would any other Member, and we would look into it straight away.

905

The question can then be put whenever it is time to put it, and it can be dealt with in this Parliament – or not. But the resolution can come much sooner for the family in question if this is a case where, despite the fact that the policy has been changed some time ago, someone has applied a different policy on the ground.

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Hon. Ms M D Hassan Nahon: Thank you, Chief Minister, but as I took it as a matter of policy, I thought it was something to bring up in Parliament; but I am grateful for the humanity in this.

Thank you.

Q15/2016

Low income sponsored patients – Availability of added financial aid

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Clerk: Question 15/2016, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Would the Government reveal what added financial aid, if any, is available to low-income earners who are sponsored patients?

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Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the system is means-tested so that low-income earners will receive the maximum allowance.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I am grateful for that and I know about the means-testing – we introduced it a while back; and we were on the other side of the House being told to abolish it. But it seems to have been working and continues to work very well and no-one wants to abolish it now.

930

But what I would like to say is that even the *maximum* level of means-testing does not appear to be enough for some patients at the bottom end of the economic scale and if they are finding it difficult to survive abroad. So I was simply asking if there was an added framework to help those in more severe need, out of the box of the usual means-testing spectrum.

935 Thank you.

Hon. Dr J E Cortes: Mr Speaker, there are a number of things that I think may be relevant here.

940 One of them is that, again, following our review of the policy last year we are now able to arrange in those hospitals – and increasingly we are using hospitals where they have their own in-house accommodation – we actually take over the cost of the accommodation and pay an allowance for food and so on. So that will be an assistance.

945 Also the Gibraltar Community Association, with whom we meet regularly and with which the Sponsored Patient Department meets regularly, also has a fund to assist low earners when they are in difficulty.

But I will add one more thing ... and, again, I regularly attend to patients and families who have particular concerns and in as far as it is possible, my office will always do whatever it can in genuine cases to support them, and help people who are going through these difficult times.

950 So, once again, if there is any particular case that comes to her, or anybody else's, attention that needs special consideration, I would be only too happy to meet with them, see them and see how we can assist.

**Q16/2016
Complaints against GHA –
Number and breakdown**

Clerk: Question 16/2016, the Hon. Ms M D Hassan Nahon.

955 **Hon. Ms M D Hassan Nahon:** Can the Minister of Health provide details of how many complaints have been lodged against the GHA in 2015, giving a breakdown by department, month and resolution, if any? Thank you.

960 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, following Government policy – this was part of our 2011 manifesto – the handling of complaints in relation to the Gibraltar Health Authority were received and dealt with by the Complaints Handling Scheme, the CHS, under the auspices of the Public Services Ombudsman ...
965 we amended the law last year in order to allow this.

The figures available to the CHS are from its start date – 1st April 2015 – and are contained in the schedule I now hand over.

970 I will just explain, Mr Speaker, that the January to March figures were received by the GHA complaints office, so the schedule will give the breakdown from April onwards; but because of the different way in which the information was compiled, the total number of complaints – which is sub-section (i) – includes the first three months, but the breakdown does *not* include the first three months.

975 It will be possible to obtain that information, but it is going to take a little bit more time. But I think the information given would probably be sufficient for the purposes of this question.

Mr Speaker: May I explain to the hon. Lady that the procedure that I try to follow when a lengthy schedule is involved, is that in order to give her time to study it closely we move on with other questions, but reserve her right to come back at any stage during the course of this

980 meeting with whatever detailed supplementary she has. (Hon. Ms M D Hassan Nahon: Thank you.)
 Okay?
 So we will call the next question.

Schedule to Question 16 of 2016

(i) NUMBER OF COMPLAINTS AND ENQUIRIES FOR 2015

Complaints received	177
Enquiries	99

(ii) LIST OF COMPLAINTS AND ENQUIRIES BY DEPARTMENT:

DEPARTMENT	COMPLAINTS/ENQUIRIES	DEPARTMENT	COMPLAINTS/ENQUIRIES
Primary Care Centre	33	Radiology	6
Orthopaedic	29	Maternity Ward	5
Surgical Unit	23	ICU	4
A & E	22	Rainbow Ward	4
Medical Investigations Unit	21	John Mac Ward	4
Ophthalmology	16	Diabetic Clinic	3
Sponsored Patients	8	CEO	3
Gynaecology	7	Paediatrics	2
Dental	7	Spinal Clinic	2
ENT	7	Facilities	2
Dudley Toomey Ward	7	Pain Clinic	2
Records	7	Others	13
Outpatients	6		

(iii) LIST OF COMPLAINTS AND ENQUIRIES BY MONTH:

The Complaints Handling Scheme – Health Office has received 164 complaints and 79 enquiries since it opened its doors to the public (1st July 2015 to 31st December 2015). The busiest months were April 2015 (when the office opened) and November 2015. The average number of complaints received per month for 2015 is 18.

Table 1 – GHA Complaints and Enquiries received by month (1st January 15 to 31st December 15)

MONTH	COMPLAINTS	ENQUIRIES	ITEMS TOTAL
January 2015	2	8	10
February 2015	6	5	11
March 2015	5	7	12
April 2015	25	5	30
May 2015	15	4	19
June 2015	21	7	28
July 2015	11	16	27
August 2015	22	14	36
September 2015	13	4	17
October 2015	19	8	27
November 2015	25	11	36
December 2015	13	10	23

Q17/2016
Dental service –
Added subsidy plans

Clerk: Question 17/2016, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Can the Minister for Health provide any information as to whether there are any plans for Government to look into providing added subsidy in the dental service?

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Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the Government's manifesto includes a commitment to provide subsidised dental checks to the elderly and exempt patients.

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Hon. Ms M D Hassan Nahon: Are there no plans to extend this to the average working civilian who might actually forego appointments because they cannot make the payments? And in the end, thinking about the long term, they could actually prove more costly for the GHA because more complex treatments have to be made in the end, and it is a bit of a domino effect costing more in the long term?

But, of course, the main issue here is to facilitate the average person who finds it difficult to make these payments.

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Hon. Dr J E Cortes: Mr Speaker, dental services have never been included in the Health Service and in order to provide a full dental service there would have to be a very detailed study – and the cost implications would be considerable.

1010

Therefore, what we are intending to do at this stage – and this is our commitment for now – is to look at the more vulnerable and to look at those who could greatly benefit. We are starting with looking at the elderly and exempt patients; there may be one or two other categories where such support could be given, but at this point in time it is not the Government's intention to open a dental service for the whole of the community – and that could not be done without a very detailed survey of what the implications would be and what the cost would be to the taxpayer.

Q18/2016
Orthodontic waiting time –
Plans to decrease

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Clerk: Question 18/2016, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Can the hon. Gentleman, the Minister for Health, provide any information as to whether Government has any plans to decrease the current, and increasing, orthodontic waiting time of about three to five years?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1025 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):**
Mr Speaker, at present there is no waiting list for severe, interceptive or urgent orthodontic cases. An international grading system is used to allocate cases into five groups, with group 5 being allocated for immediate start and group 1 not being severe enough to warrant any treatment.

1030 Grade 5 is the one that is dealt with immediately and there is no waiting time for that; grades 2, 3 and 4 are placed on the waiting list.

Mr Speaker, the waiting list is long-standing. When the latest addition to the orthodontic complement commenced in 2008, there were cases waiting from 2001 – and that was seven years at the time and although inroads have been made, the waiting list has not been cleared.

1035 Patients wait approximately 13 weeks for an appointment to see an orthodontist. The GHA management is working with the dental department to develop a strategy to reduce the waiting list further.

Hon. Ms M D Hassan Nahon: Mr Speaker, from my research into the statistics the waiting list was increasing – I was not as aware as he was, on the different grades of priority.

I accept his answer, but just to let him know that from what I can see in the statistics the list is actually increasing in terms of waiting time. But I take his response on board.

Thank you.

1045 **Hon. Dr J E Cortes:** Mr Speaker, the information I have is that the list in 2008 was longer than it is now, but whether it has gone up and down and so on I could not say, as I have not got any more details. But I am grateful that the hon. Member has accepted the explanation, and I do repeat that this is something we are working on with the dental department.

1050 The crucial thing is that the critical cases, the ones that score 5 are dealt with *very, very* quickly.

Q19-20/2016
PCC appointment system –
Appointment details; choice of GP

Clerk: Question 19/2016, the Hon. Ms M D Hassan Nahon.

1055 **Hon. Ms M D Hassan Nahon:** Mr Speaker, with reference to the new PCC appointment system, can the Minister for Health please provide information as to how many appointments per GP are being released, and how patients get to see the GP of their choice in the new system?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1060 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):**
Mr Speaker, I will answer this with the next question. My script has the wrong number, I think the next question is 20, so I will answer this with Question 20. (*Interjection*)

Not 109, obviously a typing error, and I was for a moment worried that I had skipped about 100 questions!

1065

Clerk: Question 20/2016, the Hon. Ms M D Hassan Nahon.

1070 **Hon. Ms M D Hassan Nahon:** Can the Minister for Health reveal how many patients are being turned away daily, unable to make an appointment; and what guarantee he can give the house that this will not be a regular problem and, if so, what is the contingency?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1075 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the appointments for on-the-day appointments are released in the morning at 8.15 a.m. Last prescription appointments are booked over a three-month cycle.

Review appointments are booked as per GP requests in accordance to the medical need, that is, the doctor needs to see the patient at a predetermined time in the future.

1080 Advance bookings are released every day to cover a 48-hour period, with these being released at 12 midday.

Critical illness slots are booked after triage by the nurses so that there is never a problem with extremely ill patients having access to their GP. This is also a new system and part of the new appointments review.

1085 It will be more difficult to see the more popular doctors than it will be to see the less popular ones. If I may add, that if you happen to have one of the more popular doctors then he is not always going to be available, particularly if they may be sick or on leave.

1090 No patients are being turned away at the counter. Patients who have turned up to the counter and have waited have all been given appointments; and in fact at the counter we have still had appointments left by the time the queue has dissipated. Some patients, however, have walked away and given their tickets back, the reason being that they do not want to wait, that there was no longer any appointments with their chosen doctor, or that the doctor they want to see is not working that day. This is clearly patient choice and not operational deficiency.

1095 To improve matters further we are increasing the number of on-the-day appointments as from 1st February. It is of course possible that patients at the counter may, on a given date, exceed the availability for that day. This has not so far occurred since we changed the system on 4th January.

1100 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am wondering whether the hon. Gentleman has read some of the comments on social media of people recounting their stories of how they do feel like they have been turned away. Other people who have run out of credit on their mobile phones whilst waiting for almost hours – if not almost 50 minutes to an hour – to speak to somebody.

1105 Does the hon. Gentleman think that this is a good system that he has put in place? That it is a better system than the one that we had before? Is he satisfied that he has improved the communication and the overall care in the Primary Care Centre with this new system?

1110 **Hon. Dr J E Cortes:** Mr Speaker, the question of the phone is not related to the question that I have answered – so, I was answering in relation to people turning up and being turned away at the queue. So I was not replying to that one.

1115 As to the system, yes, I think it is a better system. The comments on social media were at the height, clearly, in the week after we changed the system ... and this is always going to happen with a new system, when people turn up and may not understand it. I think that things have settled down a little bit – and the staff there are working very hard in order to accommodate the changes.

I think, clearly, it is a new system and we need to give it a little bit of time to settle. With the increase in on-the-day appointments on 1st February I think it will settle further, and at least it did prevent the long queues on the first of the month at 6 a.m.; and this did not happen this month on 4th January, and I was there to see for myself.

1120 So I think we are improving. It is always going to be difficult because there will be days when there are so many people who want to see a doctor – and there may be doctors who are themselves sick; so it is always going to be difficult.

1125 What I would ask the hon. Member opposite is to give this a little bit of time and let's talk again in a month or two and see whether things have settled. If not, we would be very happy to review it again because this is something that we want to improve for the benefit of service users.

Hon. Ms M D Hassan Nahon: Thank you, I appreciate that.

1130 Just to recap, the hon. Member believes that a month or two is more or less the correct time for him to decipher whether this system is a workable system? Is that more or less the amount of time – or six months, or a year?

What are we looking at until we feel that this system is a working system that is viable for our community?

1135 **Hon. Dr J E Cortes:** I do not know, we are developing it all as we go along and we are try different things ... well we... the management there, are working very hard on this and it is all the professionals working together.

1140 It might mean that it needs a little bit more time; but I would be very uncomfortable if, two months after a new system, the system is clearly not working. So I would like to think that I believe that the system is better. I believe it needs more time and might need a bit of tweaking, so I think we should review it in a couple of months' time and see how we are going.

Q21/2016

Alzheimer's and Dementia Care Unit – Completion date

Clerk: Question 21/2016, the Hon. Ms M D Hassan Nahon.

1145 **Hon. Ms M D Hassan Nahon:** Can the Minister for Health state when the Government expects to complete the Alzheimer's and Dementia Care Unit?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1150 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, works are virtually completed. Furniture and equipment are being ordered and the workforce contracts are about to be awarded.

The Unit should open during the first half of this year.

Q22-31/2016

Dealing with infectious diseases – Death of Filipino seaman from crew of *Capetan Vassilis*

Clerk: Question 22/2016, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: This question has already been advertised in the press but I will repeat it anyway.

1160 Can the Minister for Health confirm of what causes did the Filipino national who had been part of the crew of the *Capetan Vassilis* die of on the way to St Bernard's Hospital on Sunday, 10th January?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1165 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 23 to 31.

Clerk: Question 23/2016, the Hon. Ms M D Hassan Nahon.

1170 **Hon. Ms M D Hassan Nahon:** Mr Speaker, what measures has the GHA got in place for the transportation of biological substances to protect from contamination and does the GHA comply with IATA regulations?

Clerk: Question 24/2016, the Hon. Ms M D Hassan Nahon.

1175 **Hon. Ms M D Hassan Nahon:** Mr Speaker, at what point, if any, was Ebola written off as a potential threat on examining the Filipino seaman?

Clerk: Question 25/2016, the Hon. Ms M D Hassan .Nahon.

1180 **Hon. Ms M D Hassan Nahon:** Can the Minister of Health demonstrate or explain the GHA's Infectious Disease Protocol, and whether this was activated partially or in its entirety in connection with the case of the Filipino seaman, explaining to what level they were put in place?

1185 **Clerk:** Question 26/2016, the Hon. Ms M D Hassan Nahon.

1190 **Hon. Ms M D Hassan Nahon:** Mr Speaker, is it correct to say that the infectious disease room kitted out during the Ebola crisis has been decommissioned to give way for a bigger rehab gymnasium, and that therefore there is currently no dedicated infectious disease reception facility at St Bernard's with self-contained air-conditioning, special brackish water collection facilities, pressurised air-locks for entry and exit, and staff decontamination areas; and not just for Ebola but for any infectious disease requiring quarantine?

Clerk: Question 27/2016, the Hon. Ms M D Hassan Nahon.

1195 **Hon. Ms M D Hassan Nahon:** Mr Speaker, could the Minister for Health confirm whether the hospital staff that received short training on Ebola during the global crisis, felt confident on the night to handle the crisis of the Filipino seaman, or whether instead they hesitated to treat him?

1200 **Clerk:** Question 28/2016, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, could the Minister for Health confirm whether there has been a programme of continuous training for emergency staff dealing with infectious diseases since the Ebola crisis first hit a couple of years ago?

1205 **Clerk:** Question 29/2016, the Hon. Ms M D Hassan Nahon.

1210 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister for Health confirm whether there was cross contamination among the ambulance crew through blood which the Filipino seaman had vomited, or other fluids?

Clerk: Question 30/2016, the Hon. Ms M D Hassan Nahon.

1215 **Hon. Ms M D Hassan Nahon:** Can the Minister for Health confirm whether, in the case of the Filipino seaman, it is true or not true that the ambulance crew were walking in and out of A&E without being properly decontaminated first?

Clerk: Question 31/2016, the Hon. Ms M D Hassan Nahon.

1220 **Hon. Ms M D Hassan Nahon:** Can the Minister for Health confirm whether, in the case of the Filipino seaman, it is true that the duty anaesthetist who was on duty and lives in Spain actually checked himself into a hotel away from his family awaiting results of the dead seaman?

1225 **Clerk:** Answer the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, before I answer, I think I should clarify a point. The hon. Member has alluded to a public statement made which in part answered her first question in this series.

1230 I think I should say two points. The press release was issued on Thursday 14th. I got verbal communication over the phone in the evening of the Wednesday from the Director of Public Health, Doctor Kumar, as soon as he had verbal confirmation as well that the illness was in fact Malaria and not one of the viral hemorrhagic fevers, which some people were suggesting it could have been.

1235 I informed the Chief Minister immediately and we decided almost immediately too that it was in the public interest – because of the concerns that were going round in some sectors of the community, not least in those who may have had contact with this unfortunate young Filipino seaman – that we should allay fears by stating that it was Malaria and therefore nothing major to worry about.

1240 It is also likely – and my exact recollection may fail me now – but I suspect that I had not yet seen the questions, because they would have been handed in on the Wednesday and I may not have seen them until 24 hours later. So, if our statement has caused offence I am sorry that that is the case, but in any case we felt justified in issuing this in the public interest.

1245 So, Mr Speaker, to answer the question: test results indicate that this was from Malaria, possibly Cerebral Malaria. The GHA has longstanding protocols to harvest, transport and store potentially hazardous samples within its premises. The majority of pathology staff have received training in the safe handling and packaging of hazardous substances, and only these staff deal with hazardous samples. The GHA contracts with couriers who have due compliance in transporting hazardous substances. The airline carrying the sample is aware of the nature of the sample and transports it in compliance with IATA regulations.

1250 Ebola was written-off almost immediately, as soon as the ship's itinerary was known. The World Health Organisation has declared all the affected countries of West Africa free from Ebola virus disease. In any case, Ebola has not been reported in any of the points visited by the ship in the preceding two months.

1255 Given that the diagnosis was unknown and could have been a serious infectious disease, the GHA applied a staged infectious disease prevention protocol. First responders were required to apply all precautions as if they were dealing with a serious infectious disease. As and when the diagnosis became clear, an appropriate protocol would be applied in subsequent stages. In the

1260 case of the seaman, as a diagnosis was never established before he sadly passed away, the full protocol remained operational throughout, until his death.

All staff directly involved in the case of the seaman continued to be monitored as if he had had a serious infectious disease in line with PHE – that is Public Health England – protocol until the results became available late on Thursday evening. I believe that should read ‘Wednesday evening’. I may be wrong. I think it was 14th, so that probably was Thursday.

1265 St Bernard’s Hospital has several isolation rooms to manage infectious cases. These are found in John Ward, Victoria Ward and in the Critical Care Unit. In the specific case of Ebola or the Ebola crisis, a decision was taken to set up a separate temporary facility converting one of the rehabilitation gyms into a dedicated isolation unit for the management of potential Ebola cases. This is the first time ever that such a facility has existed in St Bernard’s hospital.

1270 Once the WHO declared the Ebola crisis over, the decision to dismantle the temporary facility was taken and reverted to its former use. However, additionally the Government and GHA has invested in the following: a Patient Isolator Pod which assists with the safe transport and transfer of infectious cases. A Trexlor Isolator Tent: this is a mobile unit which can be used in any of the isolation rooms providing additional protection, negative pressure and appropriate filtration systems. And conversion of one of the ambulances into a so-called ‘Dirty Ambulance’ for the safe use of infectious cases and indeed radiation contamination.

1275 The GHA requires all its staff to receive basic training on personal protection, universal precautions and safe infection prevention procedures. These, if applied correctly, should protect against Ebola and other infectious diseases. Some staff also had additional training specific to Ebola. In addition, two infection control practitioners were physically present to train, guide and supervise staff in the Emergency Department. Given this level of training and support, staff should be confident.

1280 Ebola specific training was delivered to 527 personnel. These included all ambulance staff; all Critical Care Unit staff and over 80% of emergency room staff. In addition *ad hoc* training was delivered throughout the year at different locations including A&E. This specific training supplements the mandatory training received by GHA staff covering personal protection, universal precautions and safe inspection practice which protects against Ebola and other diseases. Such training will continue.

1290 Mr Speaker, hesitation in dealing with dangerous cases is natural, even for the most seasoned professional and may have been the case in some individuals. More credit to all who fulfilled the professional duties as effectively as ever.

All ambulance personnel wore full protective equipment, as recommended by Public Health England, and therefore contamination of the personnel did not occur. Given that it was Malaria in the end, it could not have occurred either. Ambulance staff did not enter A&E.

1295 Finally, Mr Speaker, I am not aware of where the anaesthetist spent the night.

Hon. Ms M D Hassan Nahon: Mr Speaker, I would like to thank the hon. Gentleman, Minister Cortes, for explaining the timeline of the results versus my question and I thank him for the details and I understand. Of course it is a matter of public interest and in the interests of the population, this goes above any parliamentary procedure. I understand that.

1300 A couple of questions: firstly, how could the Minister say that Ebola was written off when the results were not in? It would have been anybody’s game. I believe that, in general terms, it is a fortunate coincidence that it was Malaria and not Ebola. It could have been anything until we knew the results.

1305 The next thing I would like to draw him to a couple of articles from the World Health Organisation that state – one on 13th and one on the 15th January – stating that Ebola is still prevalent and they are still in the fight against Ebola. There is a new case in Sierra Leone and a briefing by the UN General Assembly on Ebola stating very clearly that Ebola has not yet been eradicated. Of course I am sure I do not need to remind him that, Gibraltar being a maritime motorway junction where we have seamen and all sorts of individuals, organisations coming in

from the North Sea, from the South Sea, from the Mediterranean, Bay of Biscay, all over the world. We would have to step up any and all protocols in order to ensure that this junction of ours is kept very much as healthy and decontaminated as possible.

The issue of the anaesthetist: I would just like to draw to him, for his own –

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Mr Speaker: I think it is best that we deal with one issue at a time. Let the Minister answer about the first one: Ebola. Then we will go on.

Hon. Ms M D Hassan Nahon: Yes. Thank you.

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Hon. Dr J E Cortes: Mr Speaker, protocols were stepped up when the Ebola crisis was announced and there were numerous meetings held, multidisciplinary, between the Port Department, the Police, the Fire Services, the GHA and the protocol was introduced. The Viral Hemorrhagic Fever Policy of the GHA was widely circulated and part of the training that I have explained to 527 members of related services who did deal with this and with increased awareness and that continues.

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Ebola was written off by the Director of Public Health – I might say in his professional capacity, not by me as a politician – because the ship had not called in any country where Ebola was present, regardless of whether the epidemic was considered a dangerous one at the level that the WHO considered at the time. So it was not possible to pick up Ebola in the countries or in the ports where this ship had called and that is when it was written-off.

1330

Nevertheless, the protocols followed – as I have explained in my answer – were those for a serious infectious disease. So the risk was not taken by the Director of Public Health, even though he reassured me – and in conversation, again, with the Chief Minister who was kept informed, I reassured him – that the indication was that Ebola was not possible. Nevertheless, the precautions were taken. In the end the results clearly showed – I would not say that it was a ‘fortunate coincidence’, because a person did lose his life as a result of the Malaria. But in effect there were tests carried out for: Dengue, Rift Valley Fever, Ebola, Lassa Fever, Congo Fever, Leptospirosis, all sorts of other diseases. I am pleased to say all of those proved negative and only Malaria proved positive. So precautions were taken. As I have explained we have a number of isolation rooms within the hospital and also these pods and tents which will create the negative pressure which will isolate the patient.

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At this point of time, I think I have covered most of the points that the hon. Lady has raised in this part of her supplementaries.

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Hon. Ms M D Hassan Nahon: Thank you.

Can I just make it very clear that when I say ‘fortunate coincidence’... I know, I just want to put it on record that there is nothing fortunate about a loss of life. I was talking in terms of an epidemic for a population versus one individual; speaking very coldly in terms of statistics.

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When you say that part of deciphering whether it was Ebola or not, because of where the boat was coming from and so and so forth, I respectfully want to tell the Minister for Health that I think that is a weak argument, because we cannot be on top of where vessels are coming from and judging them in that way.

The fact is that there is a very serious epidemic which is still prevalent in the world and we do not know where boats are coming from; who came off what boat and who goes on. We have to have a protocol in general terms that applies across the board.

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The issue about the anaesthetist going into quarantine, I would just –

Hon. Dr J E Cortes: Would the hon. Member give way on that particular point.

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Mr Speaker: Yes, but for an answer.

Hon. Dr J E Cortes: I just want to say, the point was made specifically about this ship and we did know where the ship had been on this particular occasion. That is why it was written off.

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Chief Minister (Hon. F R Picardo): I fear we are straying in a direction which has nothing to do with this case. But can I just clarify that – one of the Ministers for the Port can come in and say this – one of the things that is essential in the maritime world is that you know exactly where a ship has been.

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The hon. Lady can go onto the Lloyd's website, for example – not the Lloyd's Register Energy website; she does not need to concern herself with that issue today. The Lloyd's List website, for example: that will tell her exactly where that vessel has been; at what times it has left the dock, etc. Part of the control that the Maritime Authority applies is to know exactly where a vessel has been and different determinations – aside from the issue that she is raising – about how a ship is dealt with. It can come, not just from a place where there might be an infectious disease, it can come from a place which is subject to sanctions for a particular issue. We often have to deal – for example before the arrangements with Iran were entered into – with vessels that might be coming from Iran and whether the oil that they have is subject to sanctions or not.

1375

Can I just ask her to focus her question in relation to the issue of why Ebola was discovered without concerning herself that one does not know where a ship comes from? One knows exactly where a ship comes from. Whether or not that is a good enough reason to discard Ebola or not, I think is the issue that she is getting at. But the simple fact: whether or not you know and whether you have to check, that is in a moment the person at the VTS at the Port can show her the history of where that vessel has been for years.

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Hon. Ms M D Hassan Nahon: Thank you.

Hon. A J Isola: Mr Speaker, may I just also add...?

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Mr Speaker: Further information?

Minister for Financial Services and Gaming (Hon. A J Isola): Yes, on the same point. There is an established protocol which is run by the Port Department, the VTS operators. Ships do not just turn up, they have to report many, many hours before – normally 24 hours – before they come into British Gibraltar territorial waters. They need to report and answer a whole series of questions about where they have come from, what they are having, what they are doing, the purpose of the visit. So it is not a sporadic, they just happen to turn up; it is pre-programmed and everyone here knows exactly who, what and why. So there is not just an open sea out there – if that helps.

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Hon. Ms M D Hasan Nahon: Thank you, but we might know the whereabouts of the ship, but we do not know the whereabouts of the individuals. You do not know when that seaman jumped on the boat; where he was. Nobody is microchipped, you know. So (*Interjection*) it is not about the ship. The ship does not carry the disease. It is the individual, as well as where the trajectory of that vessel. It can be one or the other.

1405

Anyway, the other point I wanted to make, given that I am putting to the hon. Member the situation or the reports that I have about the anaesthetist checking himself into quarantine, and from what I understand some of the GHA staff who did not go to work the next day and were also allegedly recommended to stay home. If you have a clinical expert who voluntarily decides to stay home for fear of contamination, is that enough of a reason for the hon. Gentleman to review protocols, taking the cue of a clinical expert who might be scared himself on the events of the evening and the way that things went? Perhaps he was not satisfied with the way that things were developing and the way that protocols were adhered to.

1410

1415 **Hon. Dr J E Cortes:** Mr Speaker, I will give way to the Hon. Mr Costa who wants to make a comment, no doubt due to his previous responsibilities for the port.

Hon. D A Feetham: Mr Speaker, *is he* answering the question?

1420 **Hon. N F Costa:** Mr Speaker, on the point –

Mr Speaker: My understanding is he is providing additional information regarding the movement of ships and the crews.

1425 **Hon. N F Costa:** Mr Speaker, the Hon. the Chief Minister and my hon. colleague have already explained to the House that when a ship arrives in port, the port knows exactly at which port that ship has called from; where it has sailed and its trajectory and even its intended trajectory. For those reasons, therefore, the port knows exactly where the ship has been and where it will go.

1430 The hon. Lady then stood up to say that whereas that may well be the case, the information that the port will have does not detail the information on individual crew members, but that is also incorrect. The port will have at its disposal and immediately on request a crew manifest. That crew manifest will detail absolutely everything: where the crew member has been; at which point of port did they embark, etc. It will also contain very detailed medical history, precisely for
1435 the reason that, if there is a reason to come on shore because they need medical attention, the first thing that the port operator will ask for is that crew's medical history.

So she can rest assured that in respect of procedures to validate where a person has been, the port staff will have all of that information available to it immediately.

1440 **Hon. Ms M D Hassan Nahon:** So the hon. Gentleman says that all the medical history is available, yet they say that he did not have a chain saying diseased or infected when he was and eventually died. So where are we at with that?

Hon. Dr J E Cortes: Mr Speaker, I think that comment, that question is in relation to an earlier
1445 question when we were informed that it is a subject of an investigation. So I am not going to go against what has already been agreed: that we have to await the investigation.

If I may answer the other points, I think I have to repeat that the Director of Public Health professionally reassured me that because of the itinerary Ebola was not the disease in consideration, but nevertheless did activate the full serious infectious diseases protocol. So even
1450 though he discarded Ebola, there are other diseases it could have been.

Fortunately, clearly I take the point that there was not any disrespectful implication earlier, but fortunately it was Malaria – again I use it in the same context that the hon. Lady used the expression earlier – but the protocols were in place.

Regarding the decision of one particular clinician to not go home, if in fact he did not: I have
1455 not got direct information, but no doubt I will ask him next time I bump into him in the corridor – that is his own personal choice. He may have felt that he was exposed or he had been exposed. He may have been worried for whatever reason. I do not know what other things might have caused him to spend the night in a hotel. But there are clinical (*Laughter*) experts in all sorts of different disciplines. There we go. (*Interjection*) Yes. I think it has been a good meeting so far today.

The clinical expertise is different. The person we are talking about is an anaesthetist. We were following advice from the Director of Public Health. I would not for one moment place myself in an operation under Dr Vijay Kumar as an anaesthetist. So I am not sure whether we can compare the clinical knowledge of each other. But, as I say, that was personal choice.

1465 In the end, I think clearly lessons have to be learned in every kind of situation like this. Clearly there has been at least one multi-disciplinary meeting within the GHA to look at the case in

detail and to see what lessons can be learned. If we need to change anything we certainly will and I would be very happy to advise the Member opposite as and when we do that.

1470 **Hon. D A Feetham:** Mr Speaker, may I?

Mr Speaker: Yes.

1475 **Hon. D A Feetham:** Yes, Mr Speaker, bearing in mind the answer that Mr Costa gave a few moments ago, which is that the port is provided with a list of crew members: where they have come from, where they have come on board, etc. and also with any medical condition that those crew members may have – and by ‘medical condition’ I mean whether they are ill or not ill, because of course it is very difficult to diagnose, on transit, medical conditions. Were the
1480 authorities here in Gibraltar told that there was a seaman on board this particular ship that was gravely ill before this particular seaman was effectively placed quayside and left there for the authorities, to be picked up?

Hon. Chief Minister: Mr Speaker, this is not a GHA matter. This is the issue which is the subject of the investigation that we referred to earlier in respect of which I think there was
1485 broad agreement that this is something that has to be determined; all of the facts here have to be determined: what really happened versus what people are saying happened, etc. in order to ensure that the events of that day are properly scrutinised and understood.

As the hon. Gentleman said in respect of the GHA, but also in respect of the Port Authority and all instruments of Government, that any lessons which have to be learned are learned. But I
1490 think the hon. Gentleman will accept that until that investigation is complete, it would be remiss of us to make comment and assert anything as fact without having a very clear final view of what happened.

Hon. D A Feetham: Yes, Mr Speaker, I accept that this is obviously a difficult area. The
1495 Government is conducting an investigation. I accept nobody would wish to prejudice the investigation. I also accept that one would wish to get to the bottom of the facts and have all the facts available and then draw appropriate conclusions. But of course we are also, on this side of the House, charged obviously in our own way with investigating these matters to ensure that the Government and the authorities – because this is really not political. The Chief Minister does not
1500 himself make a decision as to whether a seaman is allowed onto the dock or is not allowed onto the dock, but nonetheless it is our job also to test the resilience of any protocols.

Therefore, we are well within our rights to ask questions about what exactly happened in relation to the facts, so that we can then test that as against the protocols that have been outlined by the hon. Member. Because I am certainly quite concerned about – and I know that
1505 he must be very concerned – about how a seaman with a disease which has been undiagnosed basically is left quayside whilst the ship leaves.

I have also been told that the first on the scene were the Gibraltar Fire and Rescue Service ambulance who then took the view, they did not want to get involved because they were not equipped to deal with contagious diseases and they left, and then the GHA ambulance ...

1510 Now, the Hon. the Chief Minister said, when we were talking about this earlier on when the Minister for Transport was dealing with this, he said that the conclusions of the report will be made available. Now, in the light of what I have said: that we have got a job here to test the resilience of those protocols as against the facts, can I invite the Chief Minister – and then I will sit down and we will not ask further questions in relation to this – not to limit the disclosure of
1515 the report to just simply the conclusions but also the entirety of the report, so that we can actually see the facts and what actually happened here. And if there are any questions that need to be asked of the Government in relation to those protocols and the application, that we can come to this House and ask them in the future?

1520 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has asserted things as fact; the things
that he has heard. Well, look, Mr Speaker, I have heard all of those things and others. Some of
the things I have heard conflict with some of those things and other things I have heard
corroborate those things. So that is why it is hugely important in a situation such as this, where
there could have been a danger to the population of Gibraltar, we determine exactly what
happened and whether there was ever any danger; whether protocols were properly followed.
1525 Now in doing that there is an investigation. The hon. Gentleman has said, 'We have a duty to
investigate.' Well, look, your investigation has resulted in an enquiry, which has resulted in an
answer, which has told you that there is an investigation. Allow that investigation to come to a
conclusion.

1530 There is already a commitment on the part of the Government to put into the public domain
the conclusions of that investigation. I am not going to say more at this stage. I think that should
be satisfactory for everybody in our community, because if the conclusions of the investigations
say that there were no issue in respect of the protocols, then that is it. If it says that there is an
issue, then we will have to look into what those issues are. But I am committed to publishing
whatever those conclusions may be because I believe that this is an issue of general public
1535 importance.

As the hon. Gentleman has said, this is not an issue that reflects on the Government. I must
tell him, I was as concerned as he would have been when I received the telephone call informing
me of what had happened. We are all in this community in it together, in particular if something
happens which creates the opportunity for an infectious disease to spread in our community.

1540 I will tell him this much. It is not in the nature of the great men who make up the Gibraltar
Fire and Rescue Service to simply turn their backs on someone. My understanding of that aspect
of this is that they did not simply turn tail and leave the matter for others to deal with simply
because they were unable to deal with it. The good men ... I do not add women because there
are no women in the Gibraltar Fire and Rescue Service. That is perhaps an issue for another day.
1545 The good men of the Gibraltar Fire and Rescue Service did not simply turn tail and run when
they think a situation is too difficult for them.

But we must let this investigation run its course. It is too important for this issue to become a
political football. So I would urge the hon. Gentleman simply to leave it there and with our
commitment that we will publish the conclusions of that investigation.

1550

Hon D A Feetham: Mr Speaker, no one has suggested that the Fire and Rescue Service
'turned tail and ran', which is a phrase that the Hon. the Chief Minister has used. What I said was
that we have been told... The information that we have – and certainly the Hon. the Chief
Minister appears to be confirming they were the first on the scene – that they took the view
1555 when they were first on the scene that they were not equipped to deal with a potentially
contagious disease. It was then that the GHA ambulance came along. So I just want to clarify
that nobody on this side of the House is suggesting that this was inappropriately dealt with by
the Gibraltar Fire and Rescue Service or that they turned tail and that they ran.

1560 Mr Speaker, I will sit back, not ask any further questions. I know that my friend, Mr
Hammond, has one further question. I will look at the conclusions in relation to this investigation
and then we will take a position in relation to whether we seek the disclosure from the
Government of the rest of the report. But I emphasise, nobody is trying to make politics in
relation to this, but no one can say that in a democratic system of Government and opposition,
particularly in a small community like this one, that the opposition is not entitled to scrutinise
1565 how an event of this nature is tested as against the protocols that are in place to ensure that the
people of Gibraltar are kept safe and these things are being dealt with appropriately, whatever
the Chief Minister may say about the appropriateness of how it is being dealt with on this
particular occasion or on any occasions.

1570 **Hon. Chief Minister:** Mr Speaker, I do sometimes think that the hon. Gentleman and I could even argue about the desirability of winning a lottery, because it appears that he is able to pick a quarrel with me on just any subject.

I am not saying or confirming that the GFRS were the first to attend. I am confirming absolutely nothing because there is an investigation ongoing. I have told him that I have heard the same things that he has heard and others in terms of what is out there and happening. But there is an investigation now ongoing and I want to leave it entirely at that.

1580 Neither has anybody suggested for one moment that an opposition in a democratic system such as ours is not able to stand up and ask questions. They have and there is absolutely no difficulty with that. Neither can anybody for one moment suggest that the Government in a democratic system such as ours, especially one recently re-elected, is not able to get up and say we are carrying out an investigation; please let us reach the conclusions which we will make public. I think what one's role in a democracy is has little to do with the very serious issue that we are trying to ensure we get to the bottom of in respect of what happened on that day in respect of this ill-fated individual and the potential consequences for Gibraltar. That is what we have to be concentrating on and he can ask as many questions as he likes because this is the Parliament and he can get up and the person who will determine what questions he can ask is not me; it is the Speaker.

1590 **Mr Speaker:** The Hon. Trevor Hammond.

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

Just with respect to the scope of the investigation that is underway – and we very much look forward to seeing the conclusions of that investigation – can I ask the Minister for Health whether the activity within the GHA on the night forms part of that investigation or whether a separate investigation is being conducted to provide the assurance.

1595 I recognise you gave a very complete narrative of the events of the night, but of course there is a lot of lesson-learning to be done, still no doubt, as is always the case with unusual events such as these, and I cannot believe it will be possible for that lesson-learning to have been concluded mere days after the event, particularly appreciating the timelines involved with most investigations. Will that element of this incident be separately investigated and will similar conclusions be made available?

1600 **Hon. Dr J E Cortes:** Mr Speaker, there may be some overlap but the main investigation that my Hon. Friend, Minister Balban, is referring to relates to the arrival of this unfortunate gentleman to Gibraltar and that immediate effect, and what led to that.

1605 The GHA is carrying out its own internal review of the case. There have been, as I have said – I am not sure how many but – a number of meetings and I am expecting a report and recommendations very very soon, but as I say there could well be overlap and there could be things that that investigation will enquire of the GHA's internal investigations. But at the moment GHA is carrying out its own assessment of how things were done and whether we can learn and make any further improvements to the way we do it.

1610 I must insist that – I said it earlier but I must not forget – the work done by the actual professionals in very difficult circumstances is something worthy of praise, but I have said so. *(Banging on desks)*

1615 **Mr Speaker:** I think this is an appropriate moment to have a recess of about 20 minutes.

When we return we will be dealing with Questions to the Hon. the Minister for Education and Justice.

1620 **Hon. D A Feetham:** Mr Speaker, I would like to question the Hon. the Minister for Health further in relation to this and I will just give the Hon. the Minister heads up in relation to this.

1625 You see, when the Hon. the Chief Minister stood up and he has talked about an investigation and, 'We need to allow that investigation to run its course and we will publish conclusions,' the Hon. the Minister is indicating that that investigation is about how the patient is left quayside ... or somebody with a serious disease comes to Gibraltar, is left quayside and then the ship leaves.

1630 I am interested, that is very important, but I am also interested in testing how the protocols are then handled from there, all the way to this individual getting to the Accident & Emergency, which is equally as important in the context of how you protect individuals; because if this person had been suffering from Ebola – God forbid! – or some other contagious disease, that is equally as important or even more important.

1635 I mean how one tested against ... and that is what I am interested in and that is what my questions were directed ... the questions that I was going to ask about the Fire and Rescue Service, the questions about the GHA Ambulance and how that interacts with Accident & Emergency. Because with something like this – where you have not diagnosed that person with, or you have not ruled out that he has got a contagious disease – an individual like this being brought to Accident & Emergency, potentially when he goes into Accident & Emergency, there leads to a contagion of that area of the Hospital and potentially, through the air conditioning unit, others. So that is what really concerns me.

1640 **Hon. Dr J E Cortes:** Mr Speaker, obviously let's finish this, with your leave, before we recess.

1645 I think I have given a fairly lengthy account of what happened and of the protocols that are in place. There are protocols; there are policies to deal with these infectious diseases. I have actually mentioned them before in Parliament when I was questioned about Ebola some time ago, by the Hon. Isobel Ellul-Hammond. So there are protocols in place and those protocols can be shared – there is absolutely no problem at all.

As I say, the GHA is looking at how it carried out its procedures. The big questions, I think, are the ones we have already referred to. But the protocols are in place and I think I have given a very full answer.

1650 **Hon. D A Feetham:** But, Mr Speaker, it is not about...the protocols may be in place and nobody disputes that there are protocols that have been in place; what I am trying to test is, in this particular instance, where we did not know until later – indeed, we did not know until Wednesday or Thursday of last week – that this gentleman was suffering from malaria, which as I understand is non-contagious, rather than a contagious disease – how the protocols were applied in this particular case; because it strikes me that if we have a situation ... That is why I did not want to go ... I was agreeing, not going to go into the facts if there was an investigation.

1655 But how does one effectively take a patient that one does not know is contagious to the Accident & Emergency; he is put into the Accident & Emergency in circumstances where it could lead to contagious – (*Interjection*) Well, that is what I want to ask the Hon. Minister about and I was prepared not to ask it because there was going to be an investigation.

1665 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman needs to listen to the answers that are given. The Hon. the Minister for Health gave a very full answer about exactly what happened and the hon. Gentleman needs to look at what was said or at least remember what was said by the Hon. Minister.

1670 He said, given that the diagnosis was unknown and could have been a serious infectious disease, the GHA applied a staged infectious disease prevention protocol. First respondents were required to apply all precautions as if they were dealing with a serious infectious disease. As and when the diagnosis became clear, an appropriate protocol will be applied in subsequent stages. Mr Speaker, as there was no diagnosis ever established, a full protocol remained operational throughout until his death. That is what the hon. Gentleman has explained in detail.

So we are concerned that issues may not have been dealt with appropriately in respect of the arrival of this seaman to the dockside in Gibraltar and that is the subject of an investigation. We

1675 are happy that the GHA dealt with that instance, which could manifest in different ways ... I
mean an aircraft could bring somebody with an infectious disease or somebody could turn up
through the frontier with an infectious disease, right, and what do you do then? You deal with it
in the way the GHA properly and rightly dealt with it this time. That is not the subject of the
investigation because we are satisfied that that went well.

1680 The issue is that the fellow with the infection arrived in Gibraltar and was brought into
Gibraltar and there something may or may not – and that is why it is an investigation – have
fallen down, but not at the GHA level!

Hon. D A Feetham: Where was this individual, if he was not taken to Accident & Emergency,
which is the information that I have been provided with, and there was a discussion between
1685 Dr Kumar and people at the Accident & Emergency about whether the patient would be treated
at the Accident & Emergency or not?

Where was this particular patient treated if he was not in the Accident & Emergency?

Hon. Dr J E Cortes: Mr Speaker, preparations were being made to receive the patient in one
1690 area of St Bernard's Hospital. The patient was receiving treatment in the ambulance and passed
away in the ambulance; he did not actually get into Accident & Emergency.

Mr Speaker: We will now recess for 20 minutes.

The House recessed at 5.28 p.m. and resumed its sitting at 5.50 p.m.

Procedural

Clerk: Question 79/2016, the Hon. T N Hammond.

1695

Hon. Ms M D Hassan Nahon: Excuse me, Mr Speaker, there were a couple of
supplementaries that I wanted to add before the break. (**Mr Speaker:** Go ahead.) I know the
Minister for Health is not here –

1700 **Mr Speaker:** Go ahead. Oh, he is not here?

Hon. Ms M D Hassan Nahon: – and neither is the Chief Minister, who may have been able to
take them.

1705 **Mr Speaker:** We will come back to them.

Hon. Ms M D Hassan Nahon: Okay, thank you.

EDUCATION AND JUSTICE & INTERNATIONAL EXCHANGE OF INFORMATION

Q79/2016

Festive fireworks – Plans to curb antisocial behaviour

Clerk: Question 79/2016, the Hon. T N Hammond.

1710

1715 **Hon. T N Hammond:** Mr Speaker, numerous constituents have approached me recently raising concerns at the incessant use of fireworks, and in particular those designed solely for the purpose of producing a loud noise, causing distress to many people and indeed their pets. Does the Government intend to put any plans in place to curb this unsociable behaviour and ensure the majority can enjoy a more peaceful festive season next year?

Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

1720 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, the Government supports the celebration of the festive season, particularly during prominent festive events, such as New Year, and believes that this should be done in a safe, legal and responsible way.

1725 H.M. Customs, the Royal Gibraltar Police and the Gibraltar Fire and Rescue Service jointly produced this year a pamphlet shortly before New Year's Eve, making it clear that fireworks are prohibited imports except under licence granted by the Collector of Customs, warning about the possible criminal offences concerning the use and possession of fireworks in certain circumstances, and setting out the Firework Code for the safe handling and use of fireworks. This was part of a campaign which also included interviews with local media and social media releases.

1730 Flyers have been circulated by the GFRS fire prevention officers, with posters warning of the dangers. Her Majesty's Customs have been enforcing the relevant legislation at the land frontier and this has been augmented by RGP officers who have this year specifically trained a search dog to detect fireworks grade powder. This has served as a valuable deterrent in respect of illegal importation of fireworks.

1735 The Government proposes to continue in future years to promote similar campaigns which are designed to prevent illegal importations and to promote, as I have said, the safe, legal and responsible use of fireworks.

1740 **Hon. T N Hammond:** If I may ask the Minister: was anyone actually caught or prosecuted with respect to the use of these illegal fireworks over the festive season; and also, bearing in mind the use of these fireworks really commenced from the beginning of December, if not late November, does he not think it is a bit late to issue pamphlets just before the New Year?

1745 **Hon. G H Licudi:** Mr Speaker, I am not sure exactly the date when the pamphlet and the campaign started, but certainly fireworks are generally imported and used in the run up, and in fact on New Year's Eve itself, so it is important to have the campaign at the time.

1750 If the issue is whether the campaign should have started earlier then that is something that certainly we would be prepared to consider and discuss with Customs, Gibraltar Fire & Rescue Service and the Royal Gibraltar Police, if it is felt that not enough time was given in respect of the campaign.

1755 The hon. Member asked whether anybody was arrested or cautioned in respect of possession of fireworks; I am told that three juveniles were arrested for being in possession of a prohibited import – that is a firework – during the Christmas period; and there was also one report of a firework being thrown into a residence and one report of a fire at a bin store which may have been caused by a firework, although this could not be confirmed.

1760 As I have said, the enforcement measures that have been taken, particularly this year, has in our view led to a significant, not just deterrent but reduction in the amount of illegal fireworks. I certainly remember not so many years ago prevalence of what we commonly call '*cohete de caña*' those... certainly – I have not seen any this year, and it is certainly felt by the law enforcement agencies that celebrations have been more responsible and quieter than in the

previous year. I also remember the sort of celebrations that we used to see on Christmas Eve and on New Year's Eve, and certainly this year has been quieter than in previous years.

1765 So our view is that what is needed is a continuation of the promotion of safe, legal and responsible use of fireworks through campaigns and we are certainly happy to look at the campaign that was mounted this year, and if we can improve and expand on the campaign, that is certainly what we should be doing for next year.

1770 **Hon. T N Hammond:** Mr Speaker, I, in general, welcome the comments of the Minister. I do have to disagree with him that it was perhaps a quieter year. I think obviously that is a subjective opinion, but it was also the opinion of those who expressed the concerns to me, and the period over which the nuisances were being caused seems to be extended. As Christmas seems to be extended every year earlier and earlier, it seemed to be the case with the fireworks.

1775 So, as I say, I am content with the response and will ask no further questions, but I would just like to make the point that it is certainly subjective as to whether it was a quieter year or not.

1780 **Hon. G H Licudi:** Mr Speaker, it is not subjective; it is the view that has been expressed to me by the relevant authorities, particularly in relation to the illegal importation and the substantial drop in that, and the type of fireworks that were imported illegally, which are no longer, and which were fireworks solely designed to cause noise – the example that I gave.

So it is not my subjective evaluation of me sitting at home and wondering whether a bang is going off now in half an hour. This is the assessment that has been made by the authorities.

1785 **Hon. T N Hammond:** But the assessment is still subjective, unless there is some evidence to support otherwise, surely.

Q80-81/2016
Small Boats Marina –
Expenditure; Completion date and number of berths

Clerk: Question 80/2016, the Hon. E J Reyes.

1790 **Hon. E J Reyes:** Can Government provide a breakdown with details of all expenditure already incurred in respect of the Small Boats Marina, together with details of any other pending and/or estimated forthcoming expenditure?

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

1795 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I will answer this Question together with Question 81/2016.

Clerk: Question 81/2016, the Hon. E J Reyes.

1800 **Hon. E J Reyes:** Can Government state the estimated completion date for the Small Boats Marina, together with details of the number of berths which will become available?

Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

1805

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the estimated completion date for the Small Boats Marina is 14th February 2016.

1810 There will be 700 berths available, as has previously been announced. The cost of the Small Boats Marina to 18th January 2016, is £23,510,003.32 with an estimated balance to complete of £772,733.09. This will result in an estimated total project cost of £24,282,736.41.

1815 **Hon. T N Hammond:** If I may, Mr Speaker, could I just ask: does the Government know at this point what the rental – I do not know what the correct phrase is for an individual berth... (**A Member:** Berthing fees.) berthing fees will be set at, at this time?

1820 **Hon. G H Licudi:** Mr Speaker, berthing fees are the subject of final discussions within the Government, and the Port Authority in particular. What we intend to do is to publish regulations, in fact by way of amendment to the Small Boats Mooring Regulations, which will set out the rules in relation to the marina which set out the initial fees that will be payable and which will set out also the allocation criteria for the Small Boats Marina so there is absolutely no doubt by anyone; in fact it will be set out in law and therefore it will be clear to everyone exactly what has been done and why.

1825 **Hon. E J Reyes:** I welcome that, Mr Speaker, and this whole set of measures will be taken, including, what the Minister has just said, the allocation criteria and so on – will that be handled by the Port department or any particular authority set out for the purpose? I do not know if the Minister has any additional information in that respect?

1830 **Hon. G H Licudi:** Mr Speaker, the rules, in fact – and I have a draft with me – is the Small Vessels (Mooring Controls) Rules 1990, so all this will be done by way of amendment to those rules and the schedules, including the constitution of the new club and the allocation process with. All of this clearly comes under the Port and primarily under the responsibility of the Captain of the Port.

1835 **Hon. R M Clinton:** Mr Speaker, if I may ask the Minister: has any thought gone into how Government might recover the £24 million spent on the small boats marina? Is there any thinking, for example, to reclaim land where the existing small boats marina is and receive a premium for that land?

1840 **Hon. G H Licudi:** Mr Speaker, I am not sure what existing small boats marina the hon. Member is referring to, but if he is suggesting – and particularly if he is saying it is the GSD's view – that another small boats marina somewhere else should be removed and reclaimed so that those boats are removed from their current moorings, that is certainly not the current Government's thinking.

1845 So I am not sure where the hon. Member is coming from, but in terms of the cost this is clearly a very substantial investment that the Government has made into this area; and it is an investment that the Government has made because it was felt there was a dire need for a facility such as this. It was, in fact, included as one of ... I would not say one of the main issues, but certainly a prominent manifesto commitment of our 2011 manifesto – the building of a marina for 700 small boats.

1850 That was because for some time we have felt that there has been a loss of access to the sea and many people who wanted to have the facility of being able to enjoy a small vessel for fishing and recreational facilities have not been able to do that. For many, many years there has been a constraint in people being able to buy a small boat and being able to enjoy pleasurable activities such as this; and we felt that we could make very very significant inroads into that by building a facility of 700 berths.

1860 It is in fact quite a facility – as hon. Members hopefully will be able to enjoy very soon, once it is inaugurated in the next month or so. I would not call it a marvel of engineering work, but it is a very, very substantial marine engineering project, of the like that I am told has not been seen even in the Mediterranean for many many years. So this is a very very significant project.

1865 The project involves two aspects, essentially: one is the wharf side with close to 600 metres of additional wharfing space or wharfage available to the Captain of the Port; and then the interior – the marina side. So the cost is not entirely attributed to the marina itself but the infrastructure that has gone to creating a vertical wharf which is going to be enjoyed. And all that...There is the public highway and the wharf, and all that will be available to the Port department for commercial activity; and we envisage that that is going to be something which is going to generate some income, particularly for the Port, in the category primarily of the super yacht marina and the big yacht category.

1870 As far as the marina itself, it is, as I have explained, an investment in recreational activities for the local population. There will be, clearly, an obligation for the marina to be run on the basis that it does not cost the Government any additional amounts. So there will be, clearly, berthing fees which will be collected, which must be sufficient to cover not just the maintenance costs but also the replacement costs of the marina in something... I forget the time, but something like 1875 20 or 25 years. That is the extent of the guarantee of the pontoons by the manufacturer and the marina area and, therefore, there will have to be a kitty built up over time so that that replacement cost is not something that would be met by the Government but would build up over time through the berthing fees that will be collected on an annual basis by the association, by the club that runs the marina.

1880 Certainly from the Port's point of view – and I would be happy to defer to my colleagues who have responsibilities for the Port – it is considered that this is going to be a very valuable facility for the Port. It is the first time that Gibraltar has created additional commercial wharfage of this nature, particularly around 600 metres of commercial wharfage which is going to be a very significant addition to what the Port has to offer and which will be exploited from a commercial point of view. 1885

Hon. R M Clinton: From the Hon. Minister's answer, I take it then that there is no intention whatsoever to move the boat owners in the existing Coaling Island facility and that facility will continue as is and that land is not going to be reclaimed? 1890

Hon. G H Licudi: Absolutely, Mr Speaker. There has never been any indication or intention... I am very surprised by the suggestion implicit in the question, almost urging the Government to take that back and reclaim the land in order to recover the cost of this marina. There has never ever been any intention of taking that back. That is subject to, I understand, licence and lease arrangements with the club and they will continue to be able to enjoy those facilities for as long as they want to. 1895

Q82/2016
Prison population –
Numbers and details of inmates

Clerk: Question 82/2016, the Hon. E J Phillips.

1900 **Hon. E J Phillips:** Can the Government confirm the current prison population by number, age, gender, type of offence and length of custodial sentence?

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

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the information requested by the hon. Member is set out in a schedule that I now hand to him.

1905

Schedule to Q82/2016

The current prison population as at Thursday 14th January 2016 are as follows:

TOTAL POPULATION: 58

BREAKDOWN BY AGE

UNDER 18: 0
 18-20: 4
 21-25: 9
 26-50: 35
 51 AND OVER: 10

BREAKDOWN BY GENDER

MALE: 55
 FEMALE: 3

BREAKDOWN BY TYPE OF OFFENCE

VIOLENCE RELATED: 9
 SEXUAL OFFENCES: 4
 THEFT/ROBBERY/BURGLARY: 14
 DRUG RELATED: 21
 FRAUD: 4
 TOBACCO RELATED: 1
 IMMIGRATION: 5

BREAKDOWN BY LENGTH OF SENTENCE

LESS THAN 6 MONTHS: 7
 6 MONTHS TO 1 YEAR: 5
 OVER 1 YEAR TO 4 YEARS: 13
 OVER 4 YEARS TO 8 YEARS: 14
 OVER 8 YEARS TO 15 YEARS: 1
 OVER 15 YEARS TO LIFE: 3
 REMANDS: 11
 DETENTION AND REMOVAL ORDERS: 4

**Q83/2016
 Prison population –
 Number of re-offenders**

Clerk: Question 83/2016, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Minister for Justice confirm what percentage of the current prison population are re-offenders?

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Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I was not sure whether the hon. Member, by 're-offenders' intended to mean simply previous convictions or having previously served a custodial sentence and, not being sure, I am going to give him both figures.

1915

Mr Speaker, on 14th January 2016, 58% of inmates had previous convictions and 46% had previously served a custodial sentence.

1920

Hon. E J Phillips: I am grateful for the response.

Does the Minister for Justice agree with me that the key to reducing re-offending is getting people back into work and gainful employment?

1925

Hon. G H Licudi: That certainly is one of the key elements of a rehabilitation system and being able to do that. I understand that there is another question in the Order Paper which will be answered by my colleague, Minister Bossano, which deals specifically with that issue and the efforts that are being made for assistance to people who have been in prison once they leave prison.

Q84-85/2016

Community sentences – Categories and numbers

1930

Clerk: Question 84/2016, the Hon. E J Phillips.

Hon. E J Phillips: Can the Minister for Justice confirm what each category of community sentences are currently available to the Courts and what plans the Government have to widen the scope of community sentences available?

1935

Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I will answer this Question together with Question 85/2016.

1940

Clerk: Question 85/2016, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Minister for Justice confirm the number of individuals currently engaged in community sentences by reference to each category of community sentence?

1945

Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

1950

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the categories of community sentences available to the Courts are set out in sections 521 and 522 of the Criminal Procedure and Evidence Act. Ordinarily I would leave the first part of the Question to that, but because I am feeling in a very helpful mood, I will set out some further information about what the sections contain.

1955

Mr Speaker, section 521 deals with the community orders in respect of adults convicted of an offence punishable with imprisonment for which a sentence is not fixed by law. The court may make an order imposing one or more of the following requirements: (a) an unpaid work requirement, (b) an activity requirement, (c) a programme requirement, (d) a prohibited activity requirement, (e) a curfew requirement, (f) an exclusion requirement, (g) a residence requirement, (h) a mental health treatment requirement, (i) a drug rehabilitation requirement, (j) an alcohol treatment requirement, and (k) a supervision requirement.

1960

1965 Mr Speaker, section 522 deals with youth rehabilitation orders in respect of juveniles convicted of an offence punishable with imprisonment for which a sentence is not fixed by law. The court may make an order imposing one or more of the requirements I have already referred to which apply to section 521, save that in respect of an unpaid work requirement that can only be imposed if the offender is age 16 or 17 at the time of conviction, and an alcohol treatment requirement is replaced, in the case of a youth offender, by an intoxicating substance treatment requirement. There are no current plans to widen the scope of the community sentences available to the courts.

1970 There are currently 31 individuals subject to community sentences. Of these, 26 are subject to unpaid work requirements; three are subject to unpaid work requirement youth rehabilitation orders; and two are subject to supervision orders.

1975 **Hon. E J Phillips:** Mr Speaker, I take it from that answer that the overwhelming majority of those are unpaid work requirements: 26 plus 3 are 29 out of the 31.

1980 **Hon. G H Licudi:** Yes. If what the hon. Member wants to say is that 29 out of the 31 subject to community sentences are subject to unpaid work requirements, that would have been what the courts had determined was the most appropriate requirement to impose in respect of those particular individuals in the particular case.

Q86/2016
Probation Service –
Current composition

Clerk: Question 86/2016, the Hon. E J Phillips.

1985 **Hon. E J Phillips:** Can the Minister for Justice confirm the current composition of the Probation Service?

Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the Probation Service currently consists of a Head of Probation and two Probation Officers.

Q87/2016
Prisoners –
Activities available

1990 **Clerk:** Question 87/2016, the Hon. E J Phillips.

Hon. E J Phillips: Can the Minister for Justice confirm what activities outside academic and vocational training are available to male, female and juvenile prisoners?

1995 **Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

Minister for Education and Justice & International Exchange of Information

2000 **(Hon. G H Licudi):** Mr Speaker, activities outside academic and vocational training available to male, female and juvenile prisoners are: (1) counselling with a psychologist, including group sessions; (2) substance abuse – there is something called a 12-step programme; (3) general counselling with a counsellor; (4) aerobic training at the gymnasium; (5) weight training at the gymnasium; (6) football; (7) basketball; (8) Narcotics Anonymous meetings; (9) religious services in the multi-denominational room; (10) religious education, whether Catholic, Jewish or Muslim; 2005 and (11) engaging with external volunteer groups, such as St Vincent de Paul, Legion of Mary, or Co-Workers of Blessed Mother Teresa.

Q88-90/2016

HMP Windmill Hill –

CPT recommendations; juvenile offenders

Clerk: Question 88/2016, the Hon. E J Phillips.

2010 **Hon. E J Phillips:** Mr Speaker, as a result of its visit to Gibraltar on 13th to 17th November 2014, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) recommended that as long as juveniles are kept at Windmill Hill Prison additional efforts must be made to provide them with a full range of purposeful activities and socio-educative support. In its response, the Government stated that a full-time teacher should be available as well as greater involvement from social services professionals. Can the 2015 Government confirm what steps it has taken in order to implement the CPT recommendation? That is at paragraph 40 of the Government's response to that report.

Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

2020

Minister for Education and Justice & International Exchange of Information

(Hon. G H Licudi): Mr Speaker, I will answer this question together with Questions 89/2016 and 90/2016.

2025

Clerk: Question 89, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, the executive summary to the CPT report stated that Windmill Hill Prison 'is not a suitable place to accommodate children'. Can the Government confirm the 2030 Government's position with regard to the establishment of a small secure detention unit for juvenile offenders?

Clerk: Question 90, the Hon. E J Phillips.

2035 **Hon. E J Phillips:** Mr Speaker, the executive summary to the CPT stated that HMP Windmill Hill (1) had no specific rules for managing juveniles; and (2) staff were not trained specifically to work with juveniles. Can the Government confirm what the Government's position is with regard to the training of all prison staff to manage juvenile offenders?

2040 **Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the position with regard to the accommodation of juveniles, how juveniles are dealt with and support provided to juveniles at HM Prison was set out in my replies to Questions 322/2014 and 675/2014.

2045

In addition, a number of Government Departments and Agencies have been working together and also within their own spheres on particular aspects of how best to cater for the needs of juveniles, particularly those who have had a brush with delinquency.

2050

The Department of Education is working closely with the prison authorities and arrangements are in place for a teacher to be available for juveniles on a needs basis. The Care Agency provides support to any looked-after children who receive a custodial sentence. Care plans for these children identify issues of health, education, leisure/recreation, contact with family or significant persons, and how to meet the needs of the child whilst in custody. These include arrangements in relation to the child's education, as well as visits from his or her social worker and key workers over and above the weekly visits from family and friends.

2055

With regard to the training of prison staff specifically tailored to working with juveniles, discussions have taken place between the Care Agency and the Prison Service. Arrangements are in hand to deliver multi-agency child protection training to prison staff. The Government expects that this will result in a significant improvement in the provision of training for prison officers working with juveniles, including safeguarding, mental health, substance abuse and behaviour management.

2060

Mr Speaker, can I just add that these are additional measures. Clearly, all prison staff receive training on induction when they are made prison officers, and clearly they also receive on-the-job training, so there is training which goes on, on a constant basis. What I have identified here is specifically in relation to training tailored to meet the needs of juveniles, and the arrangements that are in hand are those specifically to do with that area over and above the normal training that the prison officers receive and the on-the-job training that is constant and happening all the time.

2065

2070

Hon. E J Phillips: I am grateful for the Hon. Minister's response, but I would like to know what the Government's position is insofar as the comment made by the CPT report in that Windmill Hill Prison is not a suitable place to accommodate children. I would like to know what the Government's position is in respect of that statement that was made.

2075

Hon. G H Licudi: Mr Speaker, I have indicated that the position of the Government in relation to the accommodation of juveniles, which is obviously what the hon. Member is referring to, was set out already in my replies to previous questions, so I would urge the hon. Member to look at *Hansard* and see the relevant questions.

2080

Mr Speaker: I suggest, to the hon. Member, for guidance – given that obviously he was not a Member of Parliament at the time and therefore he may not have in his possession the relevant *Hansards* – that he can ask for the *Hansards*, read them up, and then pursue the matter at a subsequent meeting.

2085

Hon. E J Phillips: The difficulty with that, Mr Speaker, is the report was published after the meeting of Parliament, and therefore my question is pertinent to the extent that CPT has made a statement to which the Government has replied in its report after that meeting of Parliament, and I just want to know what the Government's position is in relation to that comment.

2090

Hon. G H Licudi: I have just said so, Mr Speaker. The position is as stated previously in those answers.

If the hon. Member wants to know whether we take the view that juveniles should not be there at all, which is the thrust, we do not agree with that statement and neither does the GSD.

2095 Does the hon. Member not know that the Leader of the Opposition was the Minister for Justice when the Prison was built? And does the hon. Member not know that the Prison was built under the supervision of the current Leader of the Opposition? Does the hon. Member not know that the plans included provisions for a juvenile wing, and it was the Leader of the Opposition who specifically decided that this should not happen and that juveniles should be accommodated in a different way?

2100 I would urge the hon. Member to look at my reply specifically to Question 322/2104, which sets out exactly how juveniles are accommodated and are dealt with, and which we consider still amounts to an adequate way, subject to the discussions that are currently taking place within Government Departments in order to see whether the system can be approved, and if there is a need at some point to have a very specific secure detention facility, then that is something that we are willing to consider and move on, as I stated in answer to Question 322/2014.

Hon. D A Feetham: Mr Speaker, the Leader of the Opposition does know, because the Leader of the Opposition, as he rightly says, was Minister for Justice when he and also the hon. Member, Minister Costa used to ask me questions, and in particular questions of Minister Netto, as to how on earth we could allow a situation to prevail of offenders being imprisoned in Windmill Prison, and this was very degrading – (*Interjection*) No, and that one as well too, absolutely, because there was a controversy one particular year, with one individual who was up there, and many of the questions that have been asked by the hon. Member, Mr Phillips ... Obviously, he is asking in the context of this new report, but many of the questions about the teachers etc. Those were the same questions that I was fielding then, and I was saying that our position was it is perfectly adequate, and in Gibraltar, where you have limited resources etc. we feel that this deals with the situation adequately.

2115 But of course they did not think that it was adequate, because they were badgering us, when we were in Government, to actually provide different accommodation. So obviously the position has changed from when they were in Opposition.

2120 Does the Government have no plans at all ...? Does the Government have no plans at all because from recollection of the answers that he gave last time round, I think they did not rule out the construction of a secure unit for juveniles at some point in the future. Therefore, the question is: well, you, know, how soon will the Government deploy those plans, so that juveniles do not have to be locked up, so to speak, at Windmill Hill Prison?

Hon. G H Licudi: Mr Speaker, I am happy to just read part of it, because the hon. Member is right in his recollection that we did not rule anything out, and I did say at the time ... I am quoting from *Hansard*, Mr Speaker. I said ‘there are no immediate plans but it is something we are prepared to consider if it is deemed necessary.’

2130 When I refer back to that question, that is still the position. There are no immediate plans – as in today. I cannot say today we have plans to do x or do y, which is different, but it is something that we are actively considering, actively looking at. There are multi-agency meetings looking at, as I mentioned in the original answer, the whole question of juveniles – in particular, those who have a brush with delinquency – and how it is best that those should be dealt with.

2135 There is a multi-agency approach to this issue and clearly one of the matters that needs to be considered is whether, as the hon. Member has indicated, in a small place like Gibraltar, where ... I have given the hon. Member, in answer to a previous question, a list of the inmates, and as I recall – and the hon. Member may have it there – the number of juveniles there stated is zero at the moment, so cases are few and far between. Sometimes you have one, sometimes you have more than one, so is it justified to have a separate secure detention facility just for that odd occasion, or are the arrangements that are currently in place ... which we consider may be improved upon, certainly, but certainly work in respect of the detention of juveniles for the facilities that we have.

2145 So, it is something that we are not putting out of our minds, it is something that we are not discarding; it is something that we are constantly reviewing and it is something that is currently being discussed on that multi-agency basis.

2150 **Hon. D A Feetham:** Mr Speaker, may I take a moment? Mr Speaker he has provided me with almost a carbon copy of the type of answers that I think that I used to provide (*Interjection*) – yes – which was, it is not an ideal situation to have a juvenile in Windmill Hill Prison, that we have got to take into account costs and we have got to take into account the size of the community, and that the Government obviously is always reviewing the situation because inherently it feels uncomfortable, and no doubt the hon. Gentleman feels uncomfortable with
2155 the situation that a juvenile ought to be in prison with adults at Windmill Hill Prison.

But I think that what my learned and hon. Friend, Mr Phillips, is getting at is that there is a different situation now, in the sense that there is now a report from an international organisation that is condemning the current situation, that there are now reputational issues involved as well, and does that therefore alter the Government's thinking in terms of the urgency, for example, in reviewing this kind of situation?
2160

It appears, really, from the answers that the hon. Gentleman has given is, that no, it has not really altered the Government's thinking. The Government really was reviewing it in 2014, it is reviewing it now – but, reading between the lines, really this is not one of the priorities the Government has and certainly not one of the priorities in his Ministry.
2165

Hon. G H Licudi: Mr Speaker, no, that would not be a fair reflection of the current position.

Let me just mention first, when the hon. Member talks of juveniles 'with adults' in the prison, as I set out, I do not want the impression being given that they are just mixed together and not treated differently in any way. In fact, the legislation provides for different treatment in respect
2170 of juveniles. It also provides that they should not be unduly left without contact with other people, so if there is only one juvenile, it is not fair to keep that person almost as if he was in solitary confinement just because you segregate, so there is supervised contact in some way. But certainly there is a separate wing which is set aside whenever there is a juvenile and that wing is used essentially as a juvenile wing as if it was a separate detention facility, with the other
2175 facilities that are available – like the classroom, like the workshop and the gym – also available to the juvenile.

The hon. Member uses a word in relation to the report, that this 'condemns' the Government. I am not sure that the report ... Yes, 'condemning' – that is the word that the hon. Member used. I would disagree that that is a phrase either that has been used or that it is
2180 intended to be used. There are recommendations, and there are views set out in that report.

The position certainly has moved on since 2014. That is why, apart from referring to 2014, I said 'in addition, these things are being considered', and I did talk of the multi-agency approach and there is active consideration about all these issues and we are awaiting consideration of proposals, possibly from this group, as to whether we should move in that direction or not – and
2185 then the Government will have to take a policy decision, because although it might seem on paper to be desirable, there are all the other factors that the hon. Member has highlighted in terms of proportionality and the effectiveness of the current regime in respect of juveniles that was to be considered when it comes to Government taking a policy decision on that.

This is something that is being actively considered. It was being considered at the time. It has
2190 been ... I would not say 'reactivated' but certainly it is something that is very much on the agenda in terms of consideration, particularly as a result of the report and the review and the discussions we had with the gentleman who came over in terms of the committee to review the facilities – not just at Windmill Hill but also in the police station and the other facilities that were reviewed. So yes, this is something that is under active consideration now, so the position
2195 certainly has moved on from 2014.

2200 **Hon. Ms M D Hassan Nahon:** May I raise a very basic point? Mr Speaker, from what I understand, the juvenile wing is only a door apart from the convicted paedophile wing, with a small space in between. So I would ask the Minister to reconsider the logistics of the spacing of these two sets of offenders. It might be worth looking at.

Thank you.

2205 **Hon. G H Licudi:** Mr Speaker, I do not know the exact logistics. Certainly there is a wing where, as the hon. Member will know, where vulnerable, or, so-called considered vulnerable prisoners, which would include sex offenders ... I would not call it, certainly, any paedophile wing; that is not terminology that is being used either by us or the prison authorities, or would have been used by the former Minister for Justice, now the Leader of the Opposition.

2210 But separate wings are separate wings – whether they are separated by a door or a corridor, they are separate wings – and as long as the arrangements are adequate to keep juveniles separate and adequately supervised, those are arrangements for the Prison Superintendent to make and judgements for the Prison Superintendent to make, and I am satisfied that those arrangements are in place and are adequate in respect of the separation of juveniles.

2215 **Hon. D A Feetham:** Is the hon. Member ... I beg your pardon. I will give way, if you ...

2220 No, it is just that as information flows, my recollection of the scheme of this comes back to me. One of the issues ... I recall the schematics of it. You had the women's section and then there was a space, then there is this section that is used for juveniles when there are juveniles, then there is a small space, and then there is a further area where one would place prisoners that are at risk – for example, sexual offenders and paedophiles. Most people out there would call them paedophiles: that is what it is and we should not be ashamed of calling them such. *(Interjection)* But it is not a paedophile wing. I understand it is not a paedophile wing. It is a wing for those who are vulnerable, from potentially, to attack from other prisoners.

2225 One of the problems, as I recall, was that of course when you have a prison population that starts going up and space starts obviously becoming scarce within the prison, that then you have a situation where even these areas would then need to be used. Is the Hon. Minister aware of whether that has happened over the recent past, where this particular area which is reserved for juveniles has had to be used for the purposes of other prisoners because of the increase in the prison population, or spikes in the prison population at any particular time? That is what really causes ... and that you see was my concern at the time. My concern at the time, we built a prison, we have actually planned ahead, it has increased capacity hugely, but if the prison population continues to rise and rise, at some stage you have a situation where even these two spaces for the vulnerable prisoners and also for juveniles starts getting used by the general prison population.

2235 **Hon. G H Licudi:** Mr Speaker, as I understand it – and I am speaking just from recollection – the prison can cater for something like 96 or 98 prisoners. In the last couple of years numbers have come down. Although we had a spike reaching 80-odd, numbers have come down and stabilised in the order of 50 to 60 inmates, so in that context making room available is not a problem. The hon. Member is right: if we had 98 adult prisoners ... well, we would have a problem in accommodating the 99th or the 100th adult prisoner, so it is not just a question of the at-risk or vulnerable prisoners and juveniles. That would be a problem in itself. It is not a problem that we have had, certainly, I recall, in the last couple of years where those numbers are stabilised.

2245 The effort must be made and must continue to be made in the other area that the hon. Member was talking about: reducing reoffending rates, reducing rates at which prisoners end up in prison on a second or third occasion. The efforts that the Government has been making – and I do not want to go into the other question, which will be answered, I imagine, tomorrow – the efforts that the Government has been making in respect of counselling facilities and the

2250 assistance in respect of employment we believe is the right way forward and the right way to
reduce that kind of reoffending to the point that people not just reoffend but end up having
further custodial sentences.

2255 So this does not involve just looking at numbers – the number of beds, how many people do
we have; it involves looking at the criminal justice system across the board and seeing in what
ways those who do offend can be assisted to become again good citizens and good members of
society that make a valid contribution. That is the effort that the Government is making.

2260 **Hon. E J Phillips:** I am grateful for the lengthy response to that question. I just have one
further question: I would like, hopefully, a very simple answer to the question. The report from
the European Committee has stated, and I repeated this statement: it is not a suitable place to
accommodate children. All I want to know is whether the Government's position is: do they
agree or disagree with that proposition put forward in the executive summary? That is all.

2265 **Hon. G H Licudi:** Mr Speaker, if we agreed, we would not have juveniles in that prison. So we
agree that adequate arrangements can be made for the keeping of juveniles, but we are keeping
our options open and actively considering alternative arrangements.

Q91/2016
HMP Windmill Hill –
Admission of prison visitors

Clerk: Question 91/2016, the Hon. E J Phillips.

2270 **Hon. E J Phillips:** Mr Speaker, section 13 of the Prison Act provides that the rules and
guidance of the Prison Board govern the admission of prison visitors. Can the Government
confirm that all religious leaders, irrespective of religious affiliation, are afforded equality of
access to HMP Windmill Hill?

2275 **Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of
Information.

Minister for Education and Justice & International Exchange of Information
(Hon. G H Licudi): Mr Speaker, all ministers of religion, irrespective of religious affiliation, are
afforded equality of access to HM Prison.

Q92/2016
Arrest referral workers –
Allocation of additional resources

2280 **Clerk:** Question 92/ 2016, the Hon. E J Phillips.

2285 **Hon. E J Phillips:** Mr Speaker, Her Majesty's Government has committed to the
implementation of Arrest Referral Workers and the relevant protocol. Can the Government
confirm what additional resources are being allocated to Her Majesty's Court Service and the
Royal Gibraltar Police to ensure that those persons who come into contact with the criminal
justice system can access Arrest Referral Workers?

Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

2290 **Minister for Education and Justice & International Exchange of Information**
(Hon. G H Licudi): Mr Speaker, the Government has not made any commitment in relation to
Arrest Referral Workers as the question suggests. The Government's commitment is as set out in
page 93 of our manifesto, namely to introduce arrest referral protocols throughout law
enforcement agencies to facilitate the process of dealing with detainees who are suffering from
2295 addictions.

To repeat what the Hon. the Chief Minister said this morning, as with other manifesto
commitments that do not have a specific date for implementation, this will be introduced within
this term of office.

2300 **Hon. E J Phillips:** In relation to Arrest Referral Workers, the whole purpose of these protocols
and procedures and the engaging of individuals to work within the criminal justice system is that
so that when someone presents at the court, or indeed at New Mole House themselves ... When
they present with a difficulty with addiction or substance abuse, then someone, an individual,
can be approached, an arrest referral worker ... Under a protocol they can be approached in
2305 order to deal with the situation, to tackle drug addiction at the very start of the process. That is
the question I was getting at: does the Government, insofar as protocols are concerned ... ?

And I would point the Minister to the Scottish executive example of arrest protocols, where
they introduced them and they set out a detailed pilot scheme within which they looked at
arrest referral protocols, and they said in their report that there should be that interaction
2310 between the criminal justice system at the detainee level and at the court service, where
individuals will need their own space at the court service and at the police station in order to
deal with someone who presents with an addiction problem from the outset.

2315 **Hon. G H Licudi:** Mr Speaker, fortunately for us, it is for the Government to set the policy and
the agenda, and not for the hon. Member.

When the hon. Member says 'the whole purpose of this', I am not sure whether he is trying
to interpret our manifesto and saying, 'The whole purpose of what you intended, was this.' We
will be the judges of what we intend to do, as we set out in our manifesto.

2320 What we have identified is that there is a referral process to somebody who is identified as
the person to whom that person with an addiction should be referred. How it is done and what
it involves is a matter that the hon. Member will have to wait and see. As I have indicated, we
have this term of office to do it.

2325 **Hon. E J Phillips:** Just for the record, I was referring to, yes, page 93 of your manifesto, in
which you state:

Arrest referral protocols throughout the law enforcement agencies to facilitate the process of dealing with
detainees who are suffering from addictions;

2330 What I am suggesting to you is that when someone presents at New Mole House and is
detained and arrested, that you will have to refer him to an individual who has expertise in
addiction so that that can be dealt with. It follows that you will have to engage arrest referral
workers to deal with this issue when someone presents at New Mole House, or indeed the court
service.

Hon. G H Licudi: No, Mr Speaker, it does not follow at all. It may be what the hon. Member
might like to see, but it does not follow at all. All that we need to do is make sure that we know
who is a person who can deal with addictions, and as long as we know that ... because the hon.

2335 Member has assumed that this necessarily has to do with workers and it is going to involve additional resources. Well, we will have to wait and see, once we decide how we are going to implement the manifesto commitment; and the hon. Member has read the manifesto commitment which is exactly in the terms of the answer that I gave him. (*Interjection*)

2340 So, if he wants to continue to read our manifesto and let everyone know the wonderful range of ideas (**Several Members:** Hear, hear.) (*Banging on desks*) that we have set out, which ... Let me try and recollect, was it seven out of 10? Almost seven out of 10 have voted for, so it must contain some very very good ideas and we will be very proud of implementing our manifesto during the next term of office – as we did in the last term of office and we were applauded back into office!

2345

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

Hon. E J Phillips: With respect, my learned and hon. Friend finds it quite difficult to answer the question that I am putting to him.

2350 We are dealing with a very serious issue about addiction and people that interact with the criminal justice system at New Mole House and the court service. I am asking a very very simple question: how does the Government intend to deal with people that present at New Mole House and at the courts, that have deep addiction problems and who are committing crimes?

2355 It is all well and good having an arrest warrant protocol but you need the people to back up the system. And that is the question I am asking: what are the plans that the Government have in place to deal with that situation? At the moment you have said, in response to my previous question, that you are not going to engage workers. Well, I am just trying to dig down on what you actually mean by the protocol, and what you are going to do about it?

2360 **Hon. G H Licudi:** Mr Speaker, I have not said that we are not going to *engage* workers. I may have implied that it does not necessarily *lead* to that, but how we do it is a matter that we will have to consider. And as we will be saying again and again and again– because it seems that this is going to be a constant issue between us in this term – manifesto commitments will be fulfilled during this term of office.

2365

Hon. D A Feetham: Mr Speaker, there is a distinction, does he not agree, between saying a manifesto commitment is going to be dealt with over a period of two, or three or four years ... ? You have got four years and you refuse to give us a timescale.

2370 My learned Friend's question is about the *policy*; it is not about the timescale. What he is getting at is, 'Look, you have got a manifesto commitment, how are you intending to fulfil that manifesto commitment?'

He has suggested that logically, to fulfil this manifesto commitment, what you would have to do is engage these types of workers. Now, the Hon. Minister has said, 'Well, not necessarily.'

2375 Can he give us, at the very least, a flavour of the type of options that the Government is currently considering, so that we can assess that? Because you see, otherwise we are left with a situation where we do not know what the Government is planning to do.

All it has – with respect to the Hon. Minister – is a vague manifesto commitment. And until the day that the Hon. Minister makes an announcement – two, three, four years, or indeed a year from now ... But actually, part of the democratic process – (*Interjections*)

2380 Shall I sit down, or is he listening? (*Interjections*)

Part of the democratic process –

Mr Speaker: I know we have had a tiring day and Members, when they get tired, begin to lose their control. (*Laughter*)

2385

Hon. D A Feetham: Thank you very much, Mr Speaker.

2390 Part of the democratic process, the to-ing and fro-ing, is also input from the Opposition – and it may well be that the Opposition could provide some constructive input in relation to those plans, in order to improve them. Because at the end of the day, we have all got a vested interest in ensuring that people are dealt with at an early juncture so they do not re-offend. (*Banging on desks*)

2395 **Hon. G H Licudi:** Mr Speaker, the hon. Member (*Interjection*) makes an extraordinary statement talking of ‘vague manifesto commitments’. Well, at least we had a manifesto – they did not even *have* a manifesto for this election!

And the commitment is not vague at all – *at all!* It makes it clear: we are going to introduce arrest referral protocol throughout law enforcement agencies to facilitate the process of dealing with detainees who are suffering from addiction. The question is, does it necessarily lead to engagement of more people?

2400 But we may already have people, whether it is in the drug unit, the drug rehabilitation workers, who deal with people with addictions, who work at Bruce’s Farm and who know about these things. And all they need, perhaps, is a protocol as to notification to appropriately identified people – not necessarily newly engaged workers – but appropriately-identified people to whom a referral would be made, when someone is presented with the sort of addiction that the hon. Member has referred to, and which is clearly set out in the manifesto.

2405 So the position is simple: there will be a referral system to people who will be able to deal and assist that person, in respect of that addiction, whether it involves the engagement of one or two workers, or the use of existing workers who have expertise in that area. That is a matter that the Government will have to consider when it introduces the policy and the protocols.

2410 **Mr Speaker:** Having aired Justice, we will now go on to Education.
Next question.

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q22-31/2016

Dealing with infectious diseases – Further supplementary questions

Clerk: Question 93/2016, the Hon. Ms M D Hassan Nahon.

2415 **Hon. Ms M D Hassan Nahon:** May I first finish on a question regarding the incident on Health, before we went for the break, please?

I just want to take this opportunity to extend my thanks as Shadow Minister for Health – and the rest of the Opposition Members – to the GFRS and the staff at the GHA for their bravery and professionalism on the night of the incident. It must have been a very challenging and scary time for them, and we thank them. And just to make it very clear that we have not questioned their professionalism in any way; we have just been asking questions about procedures and protocols in order to maintain standards.

2420 Can I just ask the Minister for Health, Mr Speaker: when the investigations that are being carried out, when we can expect a conclusion, please?

2425 Thank you.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I cannot speak for the Port investigation which is a primary investigation.

2430 The internal discussions within the GHA: I do not have a date but I expect to have a full report within the next couple of weeks; but I am not aware of the Port's.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, if I may assist, as I think my colleague mentioned before –

2435 **Hon. D A Feetham:** Mr Speaker, the question was not about –

Hon. A J Isola: Do you want the information?

Hon. D A Feetham: No, the Port –

2440

Hon. A J Isola: Ah no, just Health?

Hon. D A Feetham: Just Health. We are talking about Health and I just have one further question in relation to this.

2445 The Hon. Minister has talked about internal discussion: I assume we are talking about an internal investigation conducted by the GHA. Who is conducting the internal investigation on behalf of the GHA? Can the Hon. Minister perhaps supply some information about that?

2450 **Hon. Dr J E Cortes:** Mr Speaker, I do not know how we can go back now, after we had finished matters on that question. The hon. Lady raised a few –

Mr Speaker: What happened was that immediately after the recess, the hon. Lady would have wished to have pursued one or two supplementaries. But you were not in the Chamber at the time, so I suggested –

2455

Hon. Dr J E Cortes: Ah, ok. Well I am happy to answer it.

This is an internal review of what happened. Whenever there is anything that happens which is out of the ordinary – and this clearly was out of the ordinary – the Health Authority and its different departments get together and discuss what lessons can be learned, what was done right and what could have been done better. And this is general in any organisation.

2460

So it is internal and, as I said, I expect to have a report within the next couple of weeks.

Chief Minister (Hon. F R Picardo): Mr Speaker, if I might, can I thank the hon. Lady for the remarks she has made in respect of the professionalism of the GHA staff and the staff of the Gibraltar Fire and Rescue Service. They are there always to provide that assistance that anybody may need, and in this instance to ensure that even though others might have failed in the way that they dealt with these issues, they properly applied their professional skills to ensure that all of those issues were dealt with in the appropriate way; hence the confidence that we were able to express in the way that they had dealt with this matter, in this House, to reassure the community as we had done previously.

2465

2470

May I also extend that vote of thanks on behalf of the community to the staff of the Gibraltar Port Authority who obviously also did a *very* very important job on the day, even though it is important to ensure that all of the steps followed on that day were adequately dealt with. And I am sure that she would also wish to extend her thanks on behalf of the community, as I do to them also.

2475

Mr Speaker: Can we proceed to Question 93?

Q93-95, 97-98/2016
University of Gibraltar –
Enrolment; employees; volunteers; costs; courses

Clerk: Question 93/2016, the Hon. Ms M D Hassan Nahon.

2480 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister for Education provide information on how many students have been enrolled at the University since its opening in 2015, providing a breakdown by subject matter, age and nationality?

2485 **Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I will answer this question together with Questions 94, 95, 97 and 98 of 2016.

2490 **Clerk:** Question 94/2016, the Hon. Ms M D Hassan Nahon.

2495 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister for Education provide a list of all the employees of the University, giving a breakdown of salary, including bonuses and added benefits, personal and financial?

Clerk: Question 95/2016, the Hon. Ms M D Hassan Nahon.

2500 **Hon. Ms M D Hassan Nahon:** Can the Minister for Education provide a list of non-salaried volunteer positions within the University?

Clerk: Question 97/2016, the Hon. Ms M D Hassan Nahon.

2505 **Hon. Ms M D Hassan Nahon:** Can the Minister for Education provide details of the running and recurrent costs of the University? (*Interjections*)
Number 97, you asked me to omit 96. Thank you.

Clerk: Question 98/2016, the Hon. Ms M D Hassan Nahon.

2510 **Hon. Ms M D Hassan Nahon:** Can the Minister for Education provide details of the format of the Gibraltar Law course offered at the University to qualified barristers, including the number of lectures in the course, how many exams need taking in order to pass the course, how spaced out those exams are from each other, and how many exams is a student allowed to fail but yet passing the course overall?

2515 **Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

2520 **The Hon. the Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, the University is an independent statutory body established under the University of Gibraltar Act. The matters raised in these questions are therefore for the University and not for the Government.

2525 I would just add, Mr Speaker, that some of the information which is requested including, for example, the format of the Gibraltar Law course, I understand may be available on the University's website. And just to correct, by way of assistance: when Question 98 talks about

Gibraltar Law course offered to qualified barristers, there is no limitation, as I understand it, in the course – certainly none was intended when we set up the course, that it was only available to qualified barristers. It is available to anyone who might want to undertake the course on Gibraltar Law.

2530

Hon. Ms M D Hassan Nahon: I was asking the question because, from what I understand, it is qualified barristers who are under the requirement and the stipulation to take this course in order for them to be able to practise in Gibraltar. That is why I was trying to gather some more information about how they have to qualify for this course in order to continue practising in Gibraltar.

2535

Thank you.

Hon. G H Licudi: Mr Speaker, just on that course: that provision that the hon. Lady refers to is actually provided, I seem to recall, under the Supreme Court Act. The new training requirements that we introduced, which had an academic element, which was going to be met by doing this particular course. That is certainly a requirement, but it is not just for barristers – it is for barristers and solicitors. *(Interjections)*

2540

Hon. D A Feetham: Mr Speaker, the Hon. the Minister for Education has effectively refused to answer the question on the basis that it is not a matter for which the Government is responsible, and it is a matter which should be directed to the University.

2545

But with respect to the Minister, for example Question 93 which is, ‘How many students have enrolled at the University?’ you are talking about a university that is being funded at taxpayers’ expense. Surely the Hon. Minister can see that it is a perfectly legitimate question to ask how many students have been enrolled at a University for which the taxpayer is basically paying £10 million – that is what we voted for.

2550

Everybody wants this University to succeed, for example, but how do we on this side of the House, or the public in general, then find out how many students are there? You could have an empty university. I am not suggesting that this is the case, I am just setting a stark example in order to test the proposition.

2555

You could have a university that has no students, it is being funded to the tune of £10 million by the taxpayer and the Hon. Minister says, ‘Well, it is nothing to do with me; it is to do with the University.’ That surely cannot be right.

Therefore, I would urge the Hon. Minister to rethink the answer that he has given because I certainly believe that that is a perfectly legitimate question to ask.

2560

Hon. G H Licudi: No, Mr Speaker, it is not a perfectly legitimate question to ask. The issue is: for what is the Government *answerable* and *accountable* to the people of Gibraltar in this Parliament? That is, surely, the question.

2565

I can certainly act as a post-box and I can receive a question like this, and I can ask the University, ‘How many students have you got enrolled now; and give me a breakdown?’ And I can come here and give the information, but I would just be acting as a post-box. And if the hon. Member thinks that Government Ministers should simply act as a post-box, I think he has got the wrong end of the stick. *(Interjections)*

2570

But in relation to the importance of the independence of the University ... and it is not that the Government is refusing to answer. This is not information which is available to the Government. It is information that is available to an independent statutory body and I can *ask*, but I cannot force them to provide me with that information; and I cannot be accountable for that information.

2575

Hon. Members will recall that they placed a lot of importance in the University being established as an independent institution. Or does the hon. Member not recall asking Question 540/2014 which stated:

Mr Speaker, when will the Government grant the Gibraltar University a charter guaranteeing its independence and befitting its status as a University?

If it is independent, it is independent.

2580 And does the hon. Member not recall also the statements made during the Second Reading of the Bill on the University, in particular by the person who was then the hon. the backbencher, Sir Peter Caruana, who set out the statutory provisions in relation to lack of external interference and freedom of enquiry and research? And he had this to say, and I quote:

So that is the statutory statement of the desired level of independence and autonomy that the Government, in my view rightly, wants for this institution.

2585 So if it is independent, it is independent. And I can certainly ask, but the hon. Members can also ask; and I do not see why the hon. Members cannot write to the University –

Mr Speaker: This is a point that I precisely wanted to raise, as Speaker: can the hon. Members of the Opposition obtain this information from the University?

2590 You see, the position which I, as Speaker, find myself in: here are a number of questions which I could have disallowed, say, on the basis that in the House of Commons, Mr Speaker Bercow would have disallowed them. No Member of Parliament can stand and ask the Government in the House of Commons to provide information about the number of students that have been taken on by the University of Leicester, say.

2595 But the position is different because the University of Leicester is probably not funded at all from public funds; but this University of Gibraltar is. Therefore what I am saying is that, hon. Members, Parliament needs to arrive at a considered position as to what is the reality.

2600 Now, if the Hon. the Minister for Education is saying that if hon. Members of the Opposition ask the University, the Vice-Chancellor, for this information, it is readily available, then surely they do not have a problem because they would have that information at a time when the estimates of expenditure are discussed, when there could be a sub-head providing further funding for the University.

So I think it is something that needs to be considered.

2605 **Hon. Ms M D Hassan Nahon:** At what point does the Government subsidise a venture like the University and then wash its hands of it, in the same way as ... ?

A Member: Nobody is washing their hands.

2610 **Hon. Ms M D Hassan Nahon:** Who will take ownership in the end, to answer these questions?

On the Board of Governors, are there civil servants involved? At what point do you separate yourself from providing information about something that you have proudly built and been so proud of? (*Interjection*)

2615 **Hon. G H Licudi:** Mr Speaker, it is an institution to be proud of and the Government is very proud to have inaugurated the University on 21st September! (*Banging on desks*) And so are the 2,300 people who visited the University on the immediately-preceding weekend and were all marvelled at the University. (*Interjection*)

2620 It is not a question about whether I can or cannot answer questions on the University. It is a question as to whether the Government and Government Ministers are *answerable* in this Parliament for these issues.

If I were to ask for the information – which I can do, get the information and pass it on – and if the question is then, ‘Why have they done this? Why have they engaged so-and-so? Why have

they created this position?' (*Interjection*) Well, that is not an answer that I am prepared or *able* to give.

2625 Mr Speaker raises two issues: one is about public funding of universities. My understanding is that most universities in the UK do receive a large element of public funding, (*Interjection*) and that is precisely why fees are capped. They were capped at £3,000 until a few years ago and they are now capped at £9,000. That is clearly not the cost–

2630 **Mr Speaker:** But having said that, I cannot envisage a similar question being asked in the House of Commons.

Hon. G H Licudi: Of course not, no!

2635 **Mr Speaker:** It would not happen.

Hon. G H Licudi: Even though there is a great amount of public founding, there are one or two (*Interjection*) so-called private institutions, like I understand Buckinghamshire is a purely private university – but most universities in the UK are publicly funded to a great extent.

2640 Mr Speaker asked whether the information would be readily available from the University. I cannot answer for the University itself, but I do not see why not. I would encourage the hon. Members to write to the University and if there are further issues that they would like me to take up as Minister for Education, I am happy to do so.

2645 **Mr Speaker:** Is the University required to produce something akin to an annual report?

Hon. G H Licudi: Mr Speaker, I cannot recall off-hand whether that was a provision in the Act – I would have to look at it.

2650 **Hon. D A Feetham:** Mr Speaker, this places everybody – certainly on this side of the House – in an invidious position. You have a situation, and this is really what it amounts to, where the Government could in future come and say to this House, 'We want funding for this University' – a University which is funded at the moment solely from public funds; and at the same time we are not being provided with information in this House – (*Interjection*) in this House.

2655 It is funded and approved by this House and we are not being provided with information as to how this University ... basically, whether it is good value for money for the Taxpayer, or it is not good value for money for the Taxpayer.

I do not want anybody out there to come out with the impression, from these exchanges, that we do not want the University to succeed and we do not want it to be a huge success. Of course we do! But a question like, 'How many students have been enrolled at the University?' is the type of question that I would have *thought* that the hon. Gentleman would have provided an answer.

I can understand when he then gets into a situation where there are supplementaries about the mechanics of the University, that is a different kettle of fish. But of course, let's assume for one moment that in two years' time there were 50 students, and this Parliament is funding it to the tune of millions of pounds of taxpayers' money. If I go to the University and say to the University, 'How many students are enrolled at your University?', and the University says, 'I am not going to provide you with that information', look we are, then left with a situation of then not approving funding, because we do not have the information to see whether it is cost-effective or it is not cost-effective.

2670 It really could be dealt with on a very common-sense basis where perhaps the Minister would say, 'Look, I have a concern here: it is a separate statutory body, I do not want to get myself involved in answering day-to-day questions about this University, it would not be right, therefore I am setting a marker but I am providing some basic information.'

2675 Because it seems quite basic to me, the information that the hon. Lady has sought from the Hon. Minister.

Mr Speaker: Yes, but I would also comment that it would not be sustainable for the University to refuse to answer the sort of information, 'How many students have been enrolled?'

I mean, if the University were not to provide that information – (*Interjections*) it would be very difficult for them to justify as to why they should not.

Hon. G H Licudi: And, Mr Speaker, particularly in the context of the public funding which the hon. Member has indicated. Clearly, the hon. Members opposite did not think about the effect of this independence when they were championing the University as an independent body, and the question is ... The hon. Member says we are refusing to answer; I am not refusing to answer, the answer is I do not know. It is not information that I have available myself. I can *ask*, but in the same way that *I* can ask and can oblige, the hon. Members can ask.

Mr Speaker: Looking at Question 93: '... providing a breakdown by subject matter, age and nationality ...' that kind of information might even be subject to data protection. That kind of information. Can a body like the University put into the public domain information of that nature? I am not sure. (*Interjections*)

I do not know, but it is something that has to be given some thought to.

Chief Minister (Hon. F R Picardo): If I can try and assist the House on this matter, look, think the issue is a simple one. At Question Time the Government provides information *it has* on the questions of the Opposition. If the Government does not have the information – and that means the wider Government, the Departments, the Agencies, the Authorities, etc – well, then, the Government is not able to provide the information.

In the context of this particular example, the seed capital is provided by the public in a Bill which is brought to the Parliament to create the University, and a vote of money. If hon. Members would like to think of it this way: if they were to write to the Gibraltar Health Authority, to the Care Agency, to the Head of the Civil Service, and seek the sort of information that they are seeking in these questions, the answer will be, 'Please ask in the Parliament so that the Government provides the information.'

If they write to the University, the answer will be whatever the University likes – where they can address it to the Chancellor, the Vice Chancellor, the board, or whoever they like. But it will not be, 'Ask the Government in Parliament'. We have *created* the University, but as the Hon. Minister rightly says, if we are challenged on any item that these questions could have been on, and then follow up on, because it is independent we would not be able to deal with the issue. And I think that is the dichotomy that we have to have – that is not to wash our hands of it, that is not to be not accountable for the money, that is not for us to want to see something continue which is not flourishing.

But let's be clear: Question Time is about Government information. This is *not* Government information and for that reason is not susceptible to this sort of question.

I think Mr Speaker has indicated to the House why it was that he thought the question should be allowed in this case – because of the issues he has alerted us to – but I think in the context now of these answers ... Nobody is saying to the Opposition, 'You should not have that information.' But this is not information in the possession, custody, or power of the Government.

Hon. R M Clinton: Mr Speaker, if I may, I have in front of me what I believe is the final version of the University of Gibraltar Act 2015 and I am reading, with interest, section 19(1) regarding the composition of the Board of Governors which it says can be:

... up to seven members,
(a) the chancellor,
(b) the vice-chancellor,
(c) the Director,
(d) up to four persons appointed by the Minister.

Now the Minister can appoint the majority of the board, and therefore *de facto* has control of the Board of Governors. (*Interjection*) He can then *de facto* ask for the information.

2730 How does he reconcile the independence of the institution (*Interjections*) versus his ability to control the Board?

Hon. G H Licudi: Mr Speaker, that is an extraordinary statement. Just because there is a power to appoint members to an independent statutory body, the hon. Member is suggesting that the Government (*Interjections*) *de facto* controls that statutory body, and that they do what I tell them. Nothing could be further from the truth. (*Interjections*)

2735 Just as an example, the Chairman of the Board has been announced as Jose Julio Pisharello. One of the members of the Board is Peter Montegriffo. They have been appointed by me, but they now have duties in accordance with the Act. They are certainly not controlled by me in any way in the manner that is suggested by the hon. Member.

2740

A Member: Totally independent – totally!

Hon. Chief Minister: Mr Speaker, if I might just also, to deal with that point: the hon. Gentleman is remiss not to read to the House section 5 of the Act, which says this:

Institutional autonomy.

5. The university, its board and its other constituent bodies shall be free from interference from all external bodies, ...

2745 – as we are –

authorities or agencies in the exercise of the powers conferred by this Act, including as regards the following ...

And then it sets out three particular rights that it will be independent of.

But it is a blanket independence. So even the question from the Minister – ‘Give me ...’ rather than ‘Would you give me ...’ – ‘Give me the information because it has to go to Parliament,’ would be in breach of section 5.

2750

Hon. D A Feetham: Mr Speaker, the question of what a Government has a responsibility to answer is dealt with in Standing Order 15 and it says:

Any question addressed to the Chief Minister or a Minister shall relate to the public affairs with which he is officially connected ...

That is one limb, and the second limb is:

... or to a matter of administration for which the Government is responsible.

So there are two limbs: ‘relate to the public affairs with which he is officially connected ...’

2755 Now, there is no doubt that in this particular case, he is officially connected, the public affairs with which he is officially connected is the University of Gibraltar, in respect of which he has brought a Bill to this Parliament in order to officially constitute it as a legal body, but has also come to this House in order to seek funding in order to fund this particular University. Now, so in my respectful view it would fall within clause 15.

2760

But can I ask him this: has the Hon. the Minister for Education not asked the University, in his capacity as a Government Minister – I would be surprised if he had not – how many students

2765 have enrolled at the University since its opening in 2015? Because if I were Minister for Education – bearing in mind that this is a flagship project, not only for the Government but also for Gibraltar; I mean, it is a flagship for all of us – one of the things that I would be doing is asking the Chancellor, ‘Well, how many students do you have enrolled?’

Because you see, if he has asked that information and that information has been provided to the Hon. Minister, then I just cannot see why he should not be providing it to this House. But maybe the Hon. Minister has not sought that information.

2770 **Mr Speaker:** The Hon. the Leader of the Opposition has quoted, has read out, Rule 15. I have to pose an issue: ‘shall relate to the public affairs with which he is officially connected’ – is information about subject matter, age, nationality and so on, of students of the University, public affairs? I do not know. I cannot make a ruling immediately. I do not know. One might have to take advice on whether it is.

2775 But I think what hon. Members have to realise is that we are treading on new ground here. We have a new situation, but a situation that is not dissimilar to a body like the Gibraltar Broadcasting Corporation. (*Interjection*) No, it is not dissimilar alright. That is a statutory body and we have long experience of the Gibraltar Broadcasting Corporation, but we do not have long experience of a University which has just been created. Therefore, we need to treat warily; we have to consider ...

2780 It is fine the questions were brought here; they are *bona fide* questions. I said we have allowed them for the reason that we have, but we now need to go away from here and rethink, perhaps give some thought and reflect what is the exact position; do a little bit of homework. What exactly is the position of the University *vis-à-vis* this Parliament, *vis-à-vis* the responsibilities of Ministers and the legitimate function which hon. Members have of trying to get information in order to precisely justify public expenditure?

2785 These are matters that I think we need to reflect on and perhaps if nothing is concluded today ... We do not have to come to conclusions today. We give the matter some thought for the future.

2790 **Hon. Chief Minister:** Mr Speaker, can I just be very clear in the attitude that we are taking to this, because I think sometimes we have a discussion which becomes an argument. It is not that we do not want them to have this information. It is that we do not have it to give them. But it may be that this issue can be very simply resolved, because the information can be provided to them directly by the University.

2795 In the analysis I did before, you know whilst the Department and agency or authority would not give the information and would refer them to the procedure established, the University may give the information. Then with that information they may wish to bring a motion in the House, all the rest of it. But that, in my view, is where we need to look to see what procedure we establish. It may be that the Board of the University does not feel comfortable simply answering a list of questions from the Opposition on a periodic basis and then they might take a different view. But it is for – (*Interjection*) exactly, but it is a matter for the Board to decide.

2800 When people are appointed to boards, Mr Speaker, by the Government – and there are many boards to which the Government makes appointments – the people who are appointed to boards are asked, certainly by this Government and I assume – I will give them the benefit of the doubt – by every other Government before to bring their independent decision-making capability to the board, not simply to be appointed in order to do what the Government says at any particular time.

2805 Should there be any residual concern in that respect, I say here publicly the Government would expect – even those members that we have appointed to the Board – in respect of this matter – as we do in respect of every other – to bring their own independent mind to whether they would wish to provide the Opposition or any other individual with the sort of information that is being sought today. The answer may be yes.

2815 **Hon. D A Feetham:** Mr Speaker, you see, there is a broader principle and Mr Speaker's
analysis was a very fair analysis and indeed reflects my thinking you know as these exchanges
have transpired. Because of course it is all very well for us to engage with the University directly
– we may well do that – but again what is the difference between this University and GBC, for
example? Is there an obligation for the Government – as we believe there is an obligation on the
Government – to provide certain information about the University before this House? Not all not
2820 all, the information, because I accept that it would not be proper for the Opposition to be asking
questions about the day-to-day running of the University.

Indeed, when I have asked the supplementary question that I have asked – that the Hon.
Minister has not answered – I do not know whether he has the information or he does not have
the information. I repeat the supplementary. I have narrowed down the supplementary, not to a
2825 question of subject matter, age or nationality. I have said how many students has the University
enrolled? Because that is something that I would have expected a Government Minister,
certainly a Minister for Education in relation to this flagship project, to have sought from the
University.

If he has sought that, I think that he does have an obligation to provide it to this House, even
2830 if he says, 'Look, I do not have the information in relation to subject matter, age and nationality.
I do not believe that it is appropriate' – even though we disagree. But if he does have the
information about the students being enrolled and how many students the University has, he
ought to provide it.

2835 **Hon. G H Licudi:** Mr Speaker, I can tell him that I am aware that over 200 students have
enrolled, but that is not information that I have obtained in respect of specific courses, as a
result of this question, I have gone and asked in order to be able to provide this information. Of
course I have enquired over time in my discussions with Board members, 'How is enrolment
going and how many people have enrolled?' I have been to the University myself and I have seen
2840 the evening classes taking place; but that is very different to 'the Government' having an
obligation to answer questions.

The Hon. the Chief Minister mentioned previously – I believe it was section 5, which is the
guarantee of independence. That was one of the clauses that the Hon. Sir Peter Caruana
referred to when during the Second Reading of the Bill, when it talked about:

... free from interference from all external bodies ...

2845 And he added:

In which I am certain the Minister would wish to include himself as an external authority and agency.

So there was a recognition there, certainly by Sir Peter Caruana, that that degree of
independence was independent of the Minister. We now have a constituent body, within the,
established under the Act and working in practice, which is the Board of Governors. These
decisions are for the Board of Governors. We may agree or disagree with any decision that the
2850 Board of Governors make.

So the hon. Member may ask and there may be a certain decision and we may agree or
disagree whether that decision was right or wrong. But if the hon. Members want information
which they believe they should have in relation to the University, I would urge them to write to
the University itself through the Board of Governors. Then they can make an assessment as to
2855 whether the Board is providing the information that they want or not.

Hon. D A Feetham: Mr Speaker, just one question. Mr Speaker, section 45 of the Act provides
as follows:

At the request of the Minister, the University shall provide the Minister with reports and any other information that the Minister considers necessary to carry out the Minister's responsibilities in relation to the University.

Has the Minister sought any such report from the University since the University was created?

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Hon. G H Licudi: No, sir, and that specifically refers to the *Minister's* responsibilities under the Act. It certainly does not refer to seeking information and seeking reports in relation to the questions that are being asked, but I have not asked for any section 45 report – (**A Member:** 43.) or 43! Any section 43 report yet. I may do so next week or next month or at the end of the academic year, but as of today I have not asked for that report.

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Mr Speaker: Before we proceed with Question 96, where the Government are able to provide information, there is another matter that Members should keep in mind. Information about the activities of the University will over a period of time come into the public domain. It is inevitable. In respect of undergraduate students, it might take three years before there is a convocation where degrees are awarded, but when that happens it will be in the public domain as to how many degrees have been awarded.

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In respect of graduate courses, that can happen sooner because a graduate course can be a year or two years. So over a period of time it is inevitable that we will all get to know how many students are being successful at the University and what courses they are pursuing.

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Hon. G H Licudi: Mr Speaker, not just that, there is an obligation on the University to provide an annual report to the Minister.

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Mr Speaker: I thought I had asked you that.

Hon. G H Licudi: No, I thought the question was whether there was an obligation to lay the report before Parliament. (*Mr Speaker: No, no, an annual report*)

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There is no obligation to lay the report before Parliament. There is an obligation to provide an annual report to the Minister and, of course, if the Minister has that information after receipt of the annual report, it is right and proper that the hon. Members can ask, because that is then information that is in the possession of the Government. (*Interjection*) I can make a statement here in Government as to the affairs of the University following receipt of that annual report. I am happy to do so, of course.

Q96/2016
University of Gibraltar –
Cost of construction

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Clerk: Question 96/2016, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Minister for Education provide the exact cost of the construction of the University?

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Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the University was a Government project. Therefore, the Government was in control of the project and has the relevant details.

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Mr Speaker, the cost of construction of the University was £4,736,808.86. Good value for money, if I may say so myself.

Q99/2016
A-level subjects –
Available exclusively at Bayside or Westside Schools

Clerk: Question 99, the Hon. Ms M D Hassan Nahon.

2905 **Hon. Ms M D Hassan Nahon:** Can the Minister for Education please provide a list of A-level subjects which are only available in either Bayside or Westside School? Thanks.

Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

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Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, Sociology, Product Design, Italian and Further Mathematics are only available at Bayside. Economics and History of Art are only available at Westside. The offering of these subjects only at Bayside or Westside is determined by the availability of subject specialists to teach these at A-level and also to an extent by demand.

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It is the Government's policy that all students, irrespective of whether they are a boy or a girl, should have access to all subjects which are offered at A-level, irrespective of whether that subject is offered only at Bayside or only at Westside. This is of course subject to timetable constraints and the student satisfying the subject's entry criteria, in the same way as would apply, for example, to a Bayside student choosing subjects which are available completely at Bayside.

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Although some strides have been made in the implementation of this policy – for example, we have girls this year doing Further Mathematics and Sociology at Bayside; and not just this year, I understand this has happened in previous years as well – there has been no formal structure in place to make sure that the choice of all subjects is available to all students. Such a formal structure will be in place as from September 2016. This will mean that, subject to the constraints that I have already mentioned on timetable and entry criteria, subject to that, all students will be offered a full choice of subjects which are available at both Bayside and Westside.

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The result of certain choices could mean that a number of boys could become Westside students and a number of girls could become Bayside students. As an example, a girl wishing to do Sociology, French and Spanish can do so at Bayside and a boy wishing to do Economics, Physics and Maths can do so at Westside.

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The effect of the Government's policy is that no student will in the future be denied the opportunity of opting for a particular subject at A-level solely because that subject is not available in the school in which they are due to attend. Students will in the future have a full choice of all subjects offered at A-level across both secondary schools.

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I trust that this policy will be welcomed across both sides of the House.

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Hon. Ms M D Hassan Nahon: It certainly will.

Mr Speaker, considering the response – which I am grateful for – by the Minister for Education, doesn't this effectively express the desire, the appetite or the need to in fact merge the co-education issue that you know we were all discussing during the election campaign? Some were pro and some were against. Isn't this *de facto* evidence here that there is a case for

2945 co-education just by virtue of the fact that these subjects ... ? There is a demand by both schools and it would make sense to merge them.

Mr Speaker: I can allow a short answer, but no debate on the question of co-education at this stage.

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Hon. G H Licudi: Yes, Mr Speaker. Although I would be happy to have a debate, I am sure this is not the time or the place for it.

The effect of this is not that overnight we are going to have co-education in the sixth form. We are not going to have an integrated sixth form because we are going to have a sixth form at Bayside and a sixth form at Westside and in some cases some subjects offered in one and some subjects offered in another, for the reasons I have explained, particularly availability of subject specialists to teach that particular subject at A-level, which makes it unfeasible. Also due to numbers and demand may make it unfeasible to offer the two subjects in both schools.

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But the result of this is that there will be, over time – possibly as from September 2016 but certainly over time – an integration of boys and girls. So we will see an element if not full co-education at sixth form level, more by default than by design.

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This policy has not been designed or thought of in order to bring about co-education, because co-education is the ultimate aim. This policy has been thought of and introduced simply for the purpose of allowing a full choice to all students, and by default somebody who chooses subjects which are available in one school will attend that school. If there are timetable possibilities of attending only one particular subject, that is also a possibility, but certainly this will start at least at sixth form level.

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It is a different matter – and I do not want to go into the debate on co-education generally in the secondary sector. That is a wider debate which I understand certainly the Chief Minister answered some questions recently about this. This would be subject to careful thought and even a consultation process, because there are arguments for and against; there are educational issues that need to be considered.

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But the question solely relates to the sixth form or rather as they are now, years 12 and 13 at both Bayside and Westside. So yes, we will see inroads in that direction.

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Hon. E J Reyes: May I, Mr Speaker, very briefly just to ask the Minister ... ? He may already have it in his sort of forward planning.

In welcoming the news of greater choice of subjects at A levels in respect of our male and female students and so on at present, again there is some sort of arrangement whereby students on a certain particular subject area – Psychology comes to mind – have within timetabling constraints and so on, have an ability or a concession to be able to attend that class at the College of Further Education. Will the Minister at least be able to guarantee the young students that he will try and keep that option available? Because in gaining a lot of, of a greater scope in the choice of A-levels, we would not like to see the loss out of what we already have in that sort of backdoor type of unofficial consortium that does exist in many areas. It has for many years, and across the House we are all supportive of the principle that the Minister is aiming for.

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Hon. G H Licudi: Mr Speaker, the hon. Member is right. This is intended to widen choice, certainly not to limit choice in any way. So whatever choices are available now, will continue to exist in the future in addition to these provisions. The example the hon. Member raises, for example in Psychology – and IT is another example which is offered at the College – that is a consortium subject which is offered in a particular institution but is as a consortium of the three second schools in the secondary sector. This is not intended to dent in any way ... In other words it supplements and enhances the work done at consortium level by the three schools in the secondary sector and introduces a formal structure whereby all students will be given a choice.

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3000 You will no longer have a student at Bayside getting three columns or four columns saying, 'Choose one from each' and 'These are the subjects offered at Bayside'. There will be full choice across the board, whether the subject is offered at Bayside or is offered at Westside. Then administrative arrangements will be made to make sure that that student is able – subject again to timetable constraints and entry criteria, as the Hon Member will know – the administrative arrangements will be made so that student will be able to attend those classes, even if it means becoming a student of the other school.

3005 That to an extent has already happened in some areas and I mentioned Further Mathematics. Further Mathematics is a case in point because that is offered usually – certainly in the last few years – in Bayside and students doing Further Mathematics at A Level clearly also did Mathematics at A-level. Girls would do that at Bayside. In some cases, we have had, for timetabling reasons, those girls doing Further Mathematics and Mathematics – that they had to do in Bayside – if they chose Further Mathematics also doing the third subject at Bayside, because it was not compatible with them being in Westside. So this has already been introduced in some way and that is why I said that there had been some inroads already being made into this. But this is now a formal structure of all choice being given to all students.

3010 **Hon. E J Reyes:** May I invite the Minister – and I hope he says yes – when this is achieved by September 2016, we can together with Mr Speaker, as an ex-teacher, we can all go out together and have a celebratory drink and toast to the students' health!

Q100/2016
Educational standards and school performance –
Assessment

Clerk: Question 100/2016, the Hon. Ms M D Hassan Nahon.

3020 **Hon. Ms M D Hassan Nahon:** Mr Speaker, may I ask the hon. Member, the Minister for Education, are there any plans to review the possibility of establishing an independent unit or contract an independent unit to assess educational standards and school performance?

3025 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, there are currently no plans to set up or contract an independent body to assess educational standards and school performance and I would emphasise the word 'currently'. What I am saying is *today* I do not have plans to do this, but this is something that I am keen to discuss with professionals at the Department of Education and the position may change when a decision in a different direction may be made.

3030 But, if the question is, '*Today*, do I intend to set up an independent body or contract somebody to do it now?', the answer is *currently* we have no plans to do that.

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House do therefore now (*Interjections*) adjourn until 3 p.m. tomorrow afternoon, when we will deal with my questions first and then with those remaining on the Order Paper.

3035 **Mr Speaker:** The House will now adjourn until tomorrow at three o'clock.

The House adjourned at 7.37 p.m.