



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.32 a.m. – 1.21 p.m.

Gibraltar, Wednesday, 18th January 2017

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The Gibraltar Parliament

The Parliament met at 11.32 a.m.

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

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

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Wednesday, 18th January 2017.
Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 20th, 21st and 22nd December 2016.

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

Mr Speaker signed the Minutes.

PAPERS TO BE LAID

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

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Gibraltar Annual Policing Plan for 2016-17 and the Annual Report of the Gibraltar Police Authority for the year ended 31st March 2016.

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

Questions for Oral Answer

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q82-87/2017

Public finance – Breakdown of figures

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

We commence with Question 82/2017. The Hon. R M Clinton.

20 **Hon. R M Clinton:** Mr Speaker, can the Government advise whether PwC have completed any audits of Credit Finance Company Ltd?

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

25 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, I will answer this question together with Questions 83 to 87.

Clerk: Question 83. The Hon. R M Clinton.

30 **Hon. R M Clinton:** Mr Speaker, can the Government please advise the total gross debt aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date, being 1st December 2016?

Clerk: Question 84. The Hon. R M Clinton.

35 **Hon. R M Clinton:** Mr Speaker, can the Government please advise the total liquid reserves figure and its constituents, namely Consolidated Fund, Improvements and Development Fund, Government-owned companies, deposits, contingencies and other funds for the following date, being 1st December 2016?

40 **Clerk:** Question 85. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise how total liquid reserves are invested/held, giving details of all bank/saving bank accounts and cash held for the following date, being 1st December 2016?

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Clerk: Question 86. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide a statement as to its financial performance by individual heads of revenue and expenditure as compared to the 2016-17 approved estimates for the six-month period to 30th September 2016, including Government authorities and agencies?

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Clerk: Question 87. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government please advise all companies, with the exception of Aquagib Ltd, in which it or the Gibraltar Development Corporation has a joint

venture interest and the monetary value that interest and the percentage of the joint venture company owned?

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

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, the PwC audit is still ongoing.

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The position as regards total liquid assets composition, when, where and how these are invested on a particular date chosen by the Member opposite continues to be as previously stated.

The position of the public debt on 1st December 2016 is as it was estimated on 1st November 2016, except that the cash reserves were then £79 million and the net debt was £367 million.

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As regards the estimates of revenue and expenditure for the first six months of the current financial year which I volunteered to provide to the hon. Member, I can confirm that I will provide them to the hon. Member during the course of the month. As previously stated, these half-year figures cannot be interpreted as indicating what the full year result will be.

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There are no other joint ventures other than the one mentioned in the question.

Hon. R M Clinton: Mr Speaker, I thank the hon. Member for his response.

If I can ask him, in terms of the audits of Credit Finance Ltd, which he says are ongoing, could he advise for which financial years they are ongoing?

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Hon. J J Bossano: For all the financial years for which they are being undertaken. I think they are being undertaken for all the years since it started, because none of them have been done so far. So we will get them all together, I imagine.

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Hon. R M Clinton: Mr Speaker, as I am sure the hon. Member is aware, audits are usually done on annual rotation and you would expect the audit report to be signed within at least six months of the year end. Are there any issues that PwC have identified that are delaying the audits, or is there a delay, or is this actually a planned process whereby four or five years are done in one go?

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Hon. J J Bossano: No, it is not planned to be done every five years in one go, although we have been doing more than five years in a go because we inherited 15 years of his Government when none were done. So, by this standard, five years is one third of the time.

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Hon. R M Clinton: Mr Speaker, I am grateful for that perhaps predictable reply. But would he not agree that this company was obviously incorporated under his watch, and therefore he has had complete control over the management and the finances of this entity? Therefore, would he not wish the audits to at least be completed on an annual basis?

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Hon. J J Bossano: Yes, I would wish it to be done on an annual basis but this is what it has taken. I do not know whether it is that accountants and auditors have the same practice as lawyers, which usually is that the longer they take the more they charge. All I can say is that the sooner I have it the better, and the happier I will be.

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Hon. R M Clinton: Mr Speaker, I would perhaps advise the hon. Member to make sure he agrees his audit fee in advance so that we do not get landed with a big bill. In any case, I look forward to seeing the accounts when they are prepared.

Mr Speaker, if I may, turning to the response to Question 86, in which the hon. Member has kindly agreed to provide information – and I understand what he says when it does not

110 necessarily mean that it is on a pro rata basis reflective of what the end-of-year results will be,
as there will obviously be tidying issues – in what way does he hope to get that information to
me, given that this is a question that I am asking in this House and I would want it reflected in
Hansard?

115 **Hon. J J Bossano:** He will get it the same day as I get it and I will deliver it to him, Mr Speaker.

Hon. R M Clinton: Mr Speaker, if I may address you, how would we get this information into
Hansard?

120 **Mr Speaker:** There is no way in which a private communication between a Minister and the
hon. mover of the question ... there is no way in which it can be entered into the *Hansard*. It can
only be entered into the *Hansard* if the information is provided here in Parliament.

125 **Hon. R M Clinton:** Mr Speaker, would it perhaps then be – and I excuse my use of English in
this way of saying it – more correct perhaps to wait until February, when the Hon. Minister will
have the information to hand and can provide it in this House?

Mr Speaker: If the Minister is prepared to provide the information here in the House, I can be
liberal in allowing a question to be put by the hon. Member that will enable the Minister to
130 make the information available here. It is up to him.

Hon. J J Bossano: I am not sure why he is so keen to have it in the House, Mr Speaker, but ... I
used to get it the way I propose to provide it to him – that is, when it was ready the Chief
Minister's office used to send me a letter giving me the information. When I get it and I am
135 ready ... I am prepared to give it to him as soon as I get it.

Mr Speaker: The other thing, of course, is –

140 **Hon. J J Bossano:** Unless he wants me to repeat what he has already got here.

Mr Speaker: Apart from that, whether it is in the *Hansard* or not, that does not stop the hon.
Member from making use of it subsequently, either by way of asking further questions or by
referring to that information in the course of any debate.

145 **Hon. J J Bossano:** Let us clarify that I am not saying that I am providing it to him confidentially
and that he cannot make use of it; I am just providing it in the most convenient way.

Hon. R M Clinton: Mr Speaker, on that basis then that will be fine, and then, as you say, we
can refer to it in this House later on. I look forward to receiving the information in due course.

150 If I may ask: in his experience, not having seen the previous presentation and information
that he used to receive, to what level of detail would this information be? Would it just be
headline numbers, or would there be a breakdown?

Hon. J J Bossano: In effect, it is an update of the summary, the pages that we get in the
155 estimates... It is the summary that we get in the estimates by head of expenditure. That is what I
used to get, and in fact normally the expenditure ... you can then see which head ... if a lot of
money has been spent on that head at the beginning of the year, then you are almost heading to
be overspending in that head, because usually it comes in at less than 50% by 50% of the year.

160 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Hon. Minister and I look forward to
receiving the information in due course.

Q88/2017

**Gibraltar Health Authority –
Efficiency measures; frontier workers**

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Clerk: Question 88. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, is the Government planning to introduce any efficiency measures within the GHA?

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

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):
Mr Speaker, I will answer this question with Question 89.

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Clerk: Question 89. The Hon. D A Feetham.

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Hon. D A Feetham: Does the Government intend to change the employment status of frontier workers employed directly by the GHA as nurses on short-term contract from direct employment by the GHA to placement via the services of a recruitment consultant?

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

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Hon. J J Bossano: Mr Speaker, the Ministry for Economic Development is responsible for identifying potential efficiency measures throughout the public sector, which includes the GHA.

As regards contract workers in the GHA, no one is being changed from being an employee of the authority to being an employee of a consultant.

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Hon. D A Feetham: Mr Speaker, what he has said is that his Department is responsible for efficiencies, and we all know that, but does his Department, or the Minister, plan to introduce any efficiencies in relation to the GHA?

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Hon. J J Bossano: The plan is to introduce the measures that are identified as producing greater efficiency in the use of existing resources, whether it is in the GHA or anywhere else. It is not that there is a different policy for the GHA from what is being applied in the rest of the public service. As I think I have said before, I welcome any ideas that others may have that will lead to a more efficient use of public funds.

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Hon. D A Feetham: May I ask the Minister where is he with the plan to introduce possible efficiencies – is this at drawing board stage? Has he been able to identify areas already where there are going to be efficiencies? Has he sat down with the employees and with management in order to consider whether there are any efficiencies to be made? If he can give me more information in relation to where we are at with that potential plan I would appreciate it.

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Hon. J J Bossano: I am already having monthly meetings with different unions and I am happy to report that they have been very co-operative to date, once I explained to them what it was and they got over the initial anxieties. I have asked them, in fact, to involve their memberships because I actually believe that the people who are doing the job are the people who are best placed to tell us whether the way they are doing it is the most efficient way of doing it, or not, particularly because there is a tendency, I think, in any organisation and certainly in Government organisations that things are initiated and, unless somebody comes back and says 'we do not

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215 need to be doing that anymore because it is no longer relevant', people tend to keep on doing the same thing or doing it in the same way until a new instruction is issued to stop it.

220 So the whole idea is that we already started on the process of getting feedback where ... For example, I have been told of particular things that happen in the preparation of the estimates and in the presentation of them to the House and in the work that the Treasury has to be done – and this has come from the union, not from the management, where they have said to me that it involves a lot of man hours being expended on doing something that would save resources if we found a way of getting to the same result without doing it in the way that it is being done. That is one example.

225 I will not be making public specific things that we do, but what I hope is that the results will be seen in the money that we need to spend as the financial year progresses and as the new estimates have been brought in, because the whole idea is, as I have already explained to the unions, that what I am looking for is improvements in the service that we provide or that additional services that are provided should be achieved by better use of existing resources rather than the expectation that every year there will be an automatic increase in manning levels or an automatic increase in the provision of funds. If this succeeds it will succeed in us
230 being able to take on the responsibility of delivering things within the resources that we have got because we are using those resources better.

Hon. D A Feetham: In terms of the plan for efficiencies – and, as I understand it, that is an ongoing situation and it is not definite at the present moment because he is still talking to
235 employees and he has spoken to the union – when does he think that he will be in a position to have that plan or list of actions that he thinks need to be taken? And will that then be presented to the unions and to the employees before the plan of action is executed, or is this on the go – effectively a live plan of action?

240 **Hon. J J Bossano:** It is intended to be a permanent thing. It is not that we have got a plan, and then we save that plan and then it is finished and then there is no more efficiency needed. That is to say on a daily basis we will be introducing changes that people suggest to us or that we ourselves think can be applied, having first done an exercise to make sure that the effect of the change will not be that we finish up paying more for what we are doing than we were before –
245 clearly, because the whole idea is to be able to make savings in order to be able to do things within the budgets and money levels that we have got today. Therefore, if it succeeds it will be seen to be succeeding because that is the position that Members will find when they are being asked to approve funds in this Parliament. If it does not succeed, then Members will see us having to come back and ask for more money or ask for more man power in order to deliver
250 things because we have not been able to achieve efficiencies.

They were persuaded, Mr Speaker, if I may say so, that the efficiencies potentially were there before I was asked to do something about it, so presumably ... If they have got a plan and they are willing to share it with me, I will be happy to look at it.

255 **Hon. D A Feetham:** Mr Speaker, of course success is measured by much more than just simply money; it is also measured by the delivery of service, and we would hope that the delivery of service is not actually affected by the efficiencies. But that is not what I am ...

260 The next question that I am going to ask ... On current predictions at the moment we are spending over £100 million annually in relation to health. My understanding of the situation is if we transposed past increases to the future, we would have rapidly got to about £120 million annually – that is a £10 million per month spending on health. Does the hon. Gentleman hope to have a decrease in the amount that we are spending, or does he hope to have a situation where there is effectively a freeze on any projected future increases of the amount that we spend?

265 **Hon. J J Bossano:** Mr Speaker, we will have an opportunity to debate the estimates when the
estimates are presented to the House, but certainly in terms of the size of the budget the
efficiency is not necessarily going to lead to a smaller budget, but it can lead to a situation
where, with the same budget and without a further increase, we are able to do more things or
270 provide the services to more people. So, in fact, let me say that in terms of the introduction that
he made, if there was a decline in the service to the public or a decline in the service to the user,
there would not be any efficiency involved. Efficiency, by definition, means that you are
delivering at least the same as you were before at a lower cost, or that you are delivering more
at no higher cost. But there will be a process of identifying things and that will be reflected in the
results that we achieve.

275 It is true that the Health Service grows substantially and has grown substantially in the term
of office that we were here. I think it is important to recognise that the service that we want to
provide is one which meets all the needs of our community but that if one particular
Department kept on growing faster than anything else, eventually we would all have to be
working in that Department.

280 For the sake of comparison let me say that, in percentage terms, the increase in the first eight
years of the GSLP administration between 1988 and 1996 was greater than anything we have
seen recently, because we went from £8 million to £20 million, so we actually increased the
budget of the Health Service two and a half times in those eight years. We certainly have not
done that this time because otherwise we would now be in the £300 million area!

285 I would hope that, given the concerns that Members opposite have previously expressed
about the prudential use of public resources, I would enjoy their support in the efforts that I am
going to be making.

Mr Speaker: May I intervene to say that of course we are now getting into specific details
290 which are well outside the ambit of the original questions. It is the responsibility of the Minister
to what extent he opens himself to further supplementaries, but I also have a responsibility to
try to keep the matter within reasonable control.

Hon. D A Feetham: Mr Speaker, turning to the second question – the one about the change
295 of employment status of frontier workers – the position at the moment is that there is a
substantial number of frontier workers that work, particularly nurses, at the hospital. A lot of
those are on short-term contracts. Although they are on short-term contracts – not permanent
and pensionable, if I can call it that – they are ... If I may please ask my question: although they
are on short-term contracts ...

300 Does the Hon. Chief Minister want to say something? I will give way to him.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am very grateful to the hon. Gentleman
giving way to me. I am having a conversation with Members on this side of the House, which I
intend to continue.

305 **Hon. D A Feetham:** Well, thank you very much. He can continue to be rude.

There are a substantial number of these nurses, my understanding is, on short-term
contracts. But short-term contracts are in themselves also recurrent expenditure – it is there, it
is recurrent expenditure. Is there a plan from the Government to reduce recurrent expenditure
310 by effectively reducing those frontier workers on short-term contracts working at the hospital
and then allow them to be re-engaged via recruitment consultants, which would then of course
basically substantially reduce potentially the recurrent expenditure burden on the Government
–on the GHA in this case?

315 **Hon. J J Bossano:** Mr Speaker, the hon. Gentleman knows I am always happy to answer his questions, but all he has done is ask the original question in different words, and the answer he has already had.

320 **Hon. R M Clinton:** Mr Speaker, as always I am grateful for the Minister's interventions in respect of public efficiency. Can I ask him: is this review purely internal? I know he has no love of consultants from outside, and neither do I, but is there any plan to bring in any particular experts in the field of healthcare in terms of identifying any greater efficiencies, or ways or management systems that might produce not just a financial outcome but also a positive healthcare outcome?

325 **Hon. J J Bossano:** I am glad that the hon. Member and I share the same view of consultants. In my experience they tend to cost more than the savings that they produce, so there is no improvement in efficiency.

330 No, I think the experts are the people working in the system. Clearly, what we want to do requires their co-operation, and I have sent a very clear message that this is in the interest of everybody because we are all taxpayers and we are all consumers of a service.

335 This is not about making people work harder, but making people work better so that the things that do not need to be done we stop doing, or the things that are being done in ways that may require more effort which is unnecessary are done. So it is more an organisational thing than doing anything else.

At the same time we are going to be looking logically at the way we procure things, because all those things are not exclusively within the workload of the Department in the sense of delivering the service to the customer where the service is consumed at the point of delivery.

340 For example, a number of different outfits doing more or less the same thing, we may find that it is more efficient to do it. In my own Department, Members will see that I am making some changes in the structure of my Department, although my budget never goes up. Nevertheless, I believe in leading by example, so I am making some savings in my Department and that will be reflected in the estimates.

345 So, where it has an impact on the way that the work is organised, Members will see it. There may be lots of small things that change, but at the end of the day the cumulative effect of those changes hopefully will lead to a situation where Parliament has the satisfaction of seeing that more is being done for the same amount of money that has been voted, and that is really part of the role that we have, whichever side of the House we are on.

CULTURE, THE MEDIA, YOUTH AND SPORT

Q1/2017

Gibraltar Sports and Leisure Authority – Update re vacancies

350 **Clerk:** We now move to Question 1/2017. The questioner is the Hon. E J Reyes.

Hon. E J Reyes: Following on from answers provided to Questions 732/2016 and 842/2016, can the Minister for Sport update this House in respect of the two vacancies within the Gibraltar Sports and Leisure Authority?

355 **Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the selection process for the Centre Manager, grade 5, vacancy was undertaken in late December 2016. The successful candidate has been informed and will start official duties in the new role on 1st February 2017.

The interview board for Assistant Resource Manager, grade 4, will be undertaken in the very near future.

Hon. E J Reyes: I am grateful for that, Mr Speaker. We now know that for the grade 5, where the Minister had indicated last month it would be taking place shortly, we now know there has been a successful candidate due to take up the post on 1st February. But in December, in respect of the other post, the assistant admin post, the Minister said that he expected to hold interviews, or the selection board would meet in January 2017. We are now halfway through January 2017. He is not specific on the date in today's answer. He said 'shortly': is it outside the scope of January now, or does he mean January but just in other words than the way he has answered today?

Hon. S E Linares: Mr Speaker, knowing the efficiency of the GSLA management, I am sure that they will be doing it during January, if not then the first week in February. But the hon. Member must understand that this has been ongoing, all these vacancies, and it is being done in a very efficient way. What I would suggest is that if they have indicated to me 'in the near future', for the GSLA the near future could be a couple of weeks.

Hon. E J Reyes: Yes, thank you, Mr Speaker.

One small thing I forgot to ask before: the successful candidate for the grade 5 post – was that an internal successful candidate, or is it someone externally now moving into the GSLA?

Hon. S E Linares: No, Mr Speaker, as in the norm, these vacancies are usually internal unless there is no suitable candidate, and then they could be looking for somebody else outside. But obviously people who are SLOs – sports and leisure officers – would like to get the post. It is like being in the Civil Service: if you are an AO you want to be an EO. In this case it is the same thing. It is all done internally and they have been able to get a successful candidate.

Hon. E J Reyes: So, Mr Speaker, can the Minister confirm I am right then in deducting from there that there will now be a further vacancy somewhere down the road because someone is moving up to grade 5? And when will that vacancy be filled and will it just be an internal process first; or is it at such a low grade, for example, that it just goes straight out to the public on the first go?

Hon. S E Linares: No, Mr Speaker, because this is part and parcel of the whole restructure of the GSLA. As the hon. Member knows, we are still working with the unions and the workforce in the GSLA on what is the right manning level. So there might be, for example, people moving up, and therefore at the bottom you might not need ... because we might have over and above what we need.

This is what the GSLA is currently doing. As the hon. Member knows, we started this restructure with the management and it is working all the way down. It could well be that we might not need it. It is part and parcel probably of the efficiency strategy where you might not need an SLO or an SLA at the bottom of the line. But this is ongoing, and again, like I said, the management ... if people go up the ladder and a manning level is agreed, that will be kept, and if at that point we need to go outside we will do.

Q2/2017

**Gibraltar Sports and Leisure Authority premises –
Details of any further cancellations**

Clerk: Question 2. The Hon. E J Reyes.

410 **Hon. E J Reyes:** Can the Minister for Sport provide details of any further cancellations since the answer provided to Question 845/2016 at any of the Gibraltar Sports and Leisure Authority's premises due to the facilities being unfit for use, inclusive of reasons why the cancellations were necessary and the dates involved?

415 **Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, since the answer provided to Question 845/2016 there have been no further cancellations due to the premises being unfit for use.

420 **Mr Speaker:** I am not sure whether I can allow the hon. Member to ask the same question at the next meeting, given the answer to this question. When there is an ongoing process where information can change from one month to another, when we know when it is established that information can change from one month to another, I do allow the same question to be asked essentially, because the answer is going to be different, it is going to be an update. But in this case you cannot just automatically ask a question on the assumption that there may have been cancellations. Does the Member get the point?

425 **Hon. E J Reyes:** Yes, Mr Speaker, sir. I am quite content with that and I concur with what you said.

430 The reason why I posed this question was, looking at the date of the December meeting when I was given the answer, and seeing that some inclement weather had occurred after that ... I posed this question keeping my fingers crossed that you would see my genuineness in getting the updated information. The Minister was able to provide last time the information up to the date when the answer was tabled in this Parliament, but because there has been bad weather since then I was just asking.

435 Certainly, Mr Speaker, unless something drastic happens – which we all hope in this House does not happen again – then there will be no need for me to pose the question. I know that there are occasionally minor cancellations due to some minor works. The reason for posing this question in December is, as the Minister explained in his answer, it was a rather big job from something that does not happen ... that bad weather does not happen luckily every month. So I do not foresee, Mr Speaker ... and should I have a need, what I will do is via the Clerk I will contact you and say, 'Look, Mr Speaker, what do you think is correct in that case?' But there is no need for us to have any disagreement on this matter; we are both on the same wave length.

Q3/2017

**Albert Risso House exercise equipment –
Accessibility**

445 **Clerk:** Question 3. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government explain why the installed exercise equipment adjacent to Albert Risso House has been fenced off and made inaccessible for a period of four years?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

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Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the exercise equipment adjacent to Albert Risso House has neither been fenced off nor made inaccessible for a period of four years as the hon. Member asserts in his question.

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The exercise equipment was installed by the Gibraltar Sports and Leisure Authority in May 2015 at the request of the residents. The area is used on a daily basis by those who reside there. A gate controls access to the area to avoid unauthorised entry, thus reducing the possibility of damage via instances of vandalism etc.

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Hon. E J Phillips: Mr Speaker, just one supplementary. I walk past that gate every single morning. It is locked with a bolt; it is inaccessible. I would like an explanation as to why the residents of Albert Risso House are not allowed to access that. Surely it is in the interests of our elderly to have exercise equipment available to them in that area; it has been put there for their use and for their health and welfare and to promote that. It is inaccessible. I have walked past that area. I walk my dog every single morning at seven o'clock and it is inaccessible, Mr Speaker.

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Hon. S E Linares: Mr Speaker, he might walk with his dog every morning and it might be locked. That does not mean that a resident of ... The residents, what they do is if they want to use it there is a caretaker where they can get the key and open the place – and probably somebody goes and helps them to open the place – in order to use the facilities. I have just answered that in saying that when he walks his dog it might be closed, but he obviously has not gone when somebody is using it. So it is a question of the management there having the key and the people who reside there going to the management and saying, 'Can I have the key? I want to do my exercise.' They go and open the gate, they use it and then they close it again – because of instances of damages or vandalism.

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So the hon. Member might walk his dog in front of the gate every day, and if he finds it closed it does not mean it is not being used. The residents have access to it when they want to use it, and all they have to do is go to the janitor or the caretaker, get the key, open the place, use it and then close it up again.

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Q4/2017
Victoria Stadium floodlights –
Maintenance programme

Clerk: Question 4. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government provide details of maintenance programmes in place in respect of the floodlights at the training pitches at Victoria Stadium?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

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Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the Gibraltar Sports and Leisure Authority has a maintenance contract with a local electrical contractor which includes quarterly maintenance checks, including periodic replacement of fittings as and when necessary. In addition, there is an agreed callout service for emergencies and ad hoc repairs or replacements.

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Hon. E J Phillips: Mr Speaker, is the Hon. Minister aware ... As he knows, I am a regular. I frequent that area three times a week and for the last three months lights have been

495 inoperative at pitches 3 and 4 and there has been low-level floodlighting from two of the six that operate each pitch.

In terms of periodical attendance there has clearly been a failing there. Is he aware of those particular failings and the lack of lighting in the evenings for children's football?

500 **Hon. S E Linares:** Mr Speaker, I am not aware, but the hon. Member must be made aware there are times when the flood lights cannot be on. We had the issue with the hockey where ... Remember, we are just beside an airport and the hon. Member, who works for NATS, must know that if an aeroplane lands at a given time, the lights have to be put off. So it could well be the case that when the children were training and all that, aeroplanes were landing or were scheduled to land and therefore the lights were not on. They might put some dimmer lights on
505 in order for training to continue.

I can assure the Member, like I have just said, that there is a maintenance programme and the maintenance programme is that if they are not working they are fixed. So it cannot be the case that you go there training and ... If they are not working, there is a callout system. Somebody comes and fixes it. It might take an hour or it might take half an hour, and maybe that
510 session might have been cancelled, but the hon. Member must understand that these are things that, if they happen, will be fixed as soon as is possible.

I can assure the hon. Member that there have not been any cancellations of allocations. As far as the previous question to do with the stadium inside and outside it is the same case – if not, they would have informed me.
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520 **Hon. E J Phillips:** Mr Speaker, in relation to the incidents – just to clarify the incidents that I am referring to – within moments of this question being filed it was fixed, so obviously it is effective. We made a complaint, or I may have raised a question which alarmed the individual concerned, maybe your office, and the contractors fixed the lights. But it did take a number of complaints from parents, who approached me as well, to have the lights replaced. It is not a question of flights landing, Mr Speaker. It is a question of them just not being replaced within a reasonable period of time – that is the point made – and it took parents to complain several times and a question put to remedy the situation.

525 **Hon. S E Linares:** Mr Speaker, I do not agree with him that it has to be three parents going to complain in order for it to be fixed – that is not the case. If the parents complained, fine, they complained; but even if they had not complained, the management would have realised that the lights were down and they would have made the call and people would have fixed it. So it is not a question of going to complain.

530 Fine, if you want to complain, you complain. You can have 20 complaints. You do not even have to complain – you just probably have to inform them and say, 'Look, the lights are out. Can you please have someone to ...' And like the hon. Member said, within a certain period of time, a short period of time, it was fixed. So I do not know what the issue is, Mr Speaker.

Q5/2017
Gibraltar Music Festival –
Net cost of 2016 event

535 **Clerk:** Question 5. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the net cost of the 2016 Gibraltar Music Festival?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

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Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, full details of payments and income generated from the 2016 Gibraltar Music Festival have not been finalised. Government will be publishing full details once it has been finalised.

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Hon. R M Clinton: Mr Speaker, given that this is a multi-million-pound event, I find it surprising that the Minister, in pretty much the same vein as last year, has responded that he does not yet have the figures available.

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This was an event that was held in September last year, and somehow ... I would ask the Minister whether he thinks it is acceptable that his Department is unable to tell him whether that event made a profit or a loss.

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Chief Minister (Hon. F R Picardo): Mr Speaker, it is because this event is a multi-million-pound event that finalising the accounts of it in a way that we can give figures in this House which are ones that we can rely on, which can then be in *Hansard* and which can then form the subject of debate, takes longer than the hon. Gentleman might wish. The event took place in September. That is last year, of course, but it is four months into last year; it is not 12 months into last year. The figures that the hon. Gentleman has said will be available shortly and a statement will be made reflecting those precise detailed and accurate figures. That is the sort of figure that I would have thought the hon. Gentleman would want to see us bringing to this House.

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That does not mean to say that we do not have an idea of what the figures are, that we do not know what the ballpark of the figures are and we do not know what the budget of it was and that there has been strict control of that to ensure that it comes in as close as possible, as with any event, to the budget. Those figures will be made public as soon as they are available.

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Hon. R M Clinton: Mr Speaker, I would ask the Minister to give an undertaking to this House that he will have those figures presented to us by no later than the end of March – *before* we get handed the Budget Book and then he refuses to answer the questions in this House.

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Hon. Chief Minister: Mr Speaker, we will give no such undertaking. What we will do is to prudently deal with the finances of Gibraltar, as we have been doing until now, and provide a statement, as the hon. Gentleman has said, as soon as the figures are ready.

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The hon. Gentleman should have now known – he has been here for one cycle already – that 1st April is a new financial year, that the Government works to that new financial year, that he will have his estimates during the course of April, that he will not be able to refer to them until the Budget debate but that he will have them and that will give him a forecast outturn for the year before.

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When the hon. Gentleman asks for undertakings he needs to understand what he is asking for. He needs to understand that it is not relevant to the sort of argument we are having today. The Government will provide the figures as set out in the first answer.

Hon. R M Clinton: Mr Speaker, I thank the Chief Minister for his intervention; naturally, he has not been able to shed any light on the matter.

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I would ask the Minister again. He must have some idea, or, as the Chief Minister himself just said, some kind of ballpark figure in his head – and I am willing to accept that it maybe not entirely accurate, but would he be willing to share with this House what that ballpark figure is?

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Hon. Chief Minister: Mr Speaker, I could not disagree more with the hon. Gentleman. I have shed a lot of light on the issue. I have made clear what it is that the Government is doing in respect of these figures and how they will be available. I have also indicated to him that at the

595 very least he will have the forecast outturn by April. It is very likely that before then we will have the detailed statement that he is requesting in the context of the statement that the Government will make. But this is not a place where people are going to be given ballpark figures. This is a place where they are going to be given precise figures that can be relied on and we will not be baited into giving those ball park figures. But I will tell him this, Mr Speaker: if he wants a ballpark – better referred to as an estimate – all he needs to do is open the relevant page of the Estimates Book and he will know what the ballpark was. He has had it for a year.

Hon. R M Clinton: So, Mr Speaker, if I understand the Chief Minister correctly he is saying that on a ballpark basis he expects the Music Festival of 2016 to come in at least at a loss of £½ million. Would I be correct in saying that?
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Hon. Chief Minister: Mr Speaker, I do not know which remarks I made that the hon. Gentleman heard that might have led him to that conclusion. What I have said is that he should go to the Estimates Book and see what the estimate was for this year, and that is the only legitimate ballpark that he can refer to.
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Hon. R M Clinton: Mr Speaker, at the risk of trying your patience, the ballpark net loss of £½ million I referred to came precisely from the Estimates Book he is so fond of. So again I ask him: does he confirm that in his view there would be at least a loss of £½ million on the Music Festival 2016?
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Hon. Chief Minister: Mr Speaker, although he has been here already for a full cycle, he does not seem to get it. The Estimates Book contains the forecast outlook for the year before, which is where he is getting that figure from, and then it contains the estimate for this year.
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What I am saying to him is that in the context of asking for a ballpark AKA, an estimate of what the Festival has cost this year, we gave him in April last year a book that said ‘this is what it cost last year and this is the net cost to the taxpayer and this is what it is going to cost next year’. He has had that information now for almost a year. I know that he will have looked at it. That is the ballpark that he can refer to until there is a detailed statement that tells him exactly every penny that has been spent, how much was recovered and how much was not recovered.
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It is becoming increasingly clear to me – not that it took much since his statements last year – that he is an enemy of the Gibraltar Music Festival. He does not believe that we should be holding a Gibraltar Music Festival and he is probably therefore not going to want to congratulate the Government for the magnificent deal that we have been able to do with MTV which has been ushered in by the Minister for Culture with the former Minister for Tourism, Samantha Sacramento, doing a considerable amount of work which is now going to produce for Gibraltar, in the context of the Music Festival this year, the advertising value that will be measured in many millions of pounds, because we are going to benefit from exposure on MTV and the advertisement of the Gibraltar tourist product around the world – not just on MTV in the United Kingdom and on MTV in Europe, but also on MTV channels and derivative channels in the United States and around the world.
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So, Mr Speaker, I could not disagree more with every aspect of the premise of his question, in particular his enmity for the Gibraltar Music Festival.
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Hon. R M Clinton: Mr Speaker, what a wonderful speech! I have no particular aversion to music or even to the Music Festival. What I have an aversion to is the misuse of taxpayers’ money in which last year they blew £2¼ million pounds on the Music Festival and this last year they were due to blow £½ million on the Music Festival – but he cannot tell us how much was actually spent.
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So, Mr Speaker, I will wait for the Hon. Mr Bossano's half-year numbers to September, and hopefully they will include those numbers. In the meantime, I would ask the Chief Minister to perhaps invest a little bit more time and effort in getting the Music Festival to make a profit.

645 **Mr Speaker:** No, that question does not arise. We will now move on to the next question.

Hon. Chief Minister: It does not, Mr Speaker, but the hon. Gentleman surely cannot make a speech without having a response. The idea that the Government 'blows' anything is really quite preposterous and unbecoming a Member of this House. The idea that the Gibraltar Music Festival is the Government 'blowing' taxpayers' money does not just betray that the hon. Gentleman is against the organisation of the Gibraltar Music Festival; it betrays that he must therefore consciously be against any spending whatsoever on any matter of culture. Or is it that if the Government sponsors a classical concert in the sum of £1,000 and we do not recover the £1,000, that is not blowing £1,000 on a concert, but if the Government invests in an event which entertains 13,000 people, which attracts people to Gibraltar, which provides an opportunity for businesses in Gibraltar to bring their international boards to Gibraltar, and which projects the image of Gibraltar abroad, then we are blowing taxpayers' money?

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665 Mr Speaker, I could not consider that the hon. Gentleman has failed in his duty to the people of Gibraltar more than in the context of what he has said today. It is perfectly proper to look at the detail of every penny that we spent and ensure that it is being spent in a manner that is appropriate and that is value for money. But from that to the statement that the hon. Gentleman has made now I think is just a headline-grabbing attempt by somebody who has failed to demonstrate any imagination whatsoever in the time that he has been here in the context of the way that we invest in culture in our community and how we project the image of Gibraltar abroad. And I must say to him, Mr Speaker –

Mr Speaker: May I ask the Chief Minister, please, to bring the matter to a close.

670 **Hon. Chief Minister:** I will round up. I must say to him, Mr Speaker, it would be a pity indeed if he ever had an opportunity to get his hands on the purse strings of Gibraltar and did not continue to organise events like the Gibraltar Music Festival. We would go back to the desert that Gibraltar was under the GSD when it came to these issues. We would go back to the desert of events for our young people, the desert of culture that Gibraltar was becoming under the GSD. I am very happy and very proud of the work that we have done on the Gibraltar Music Festival, and now, in particular, our alliance with MTV.

680 **Mr Speaker:** I am not going to allow for the rest of this session exchanges of that nature or of that length. I warn hon. Members: they know the attitude that I am going to take. I made a statement at the beginning of the summer precisely as to how I was going to deal with Question Time, but the hon. questioner invited that kind of response from the Chief Minister, so that is why he is getting it, but I am not going to allow any further exchanges of that nature.

We move on to the next question.

Q6/2017
Gibraltar Music Festival –
MTV

Clerk: Question 6. The Hon. Ms M D Hassan Nahon.

685 **Hon. Ms M D Hassan Nahon:** Mr Speaker, this question may come as a little outdated, given yesterday's press conference on the upcoming alliance with MTV, but I shall ask it anyway.

Can the Government confirm or deny whether there are plans to move the production and organisation of the GMF from our local setup to MTV?

690 **Clerk:** Answer, the Hon. Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, as announced yesterday in the press release, HMGoG has signed an agreement with MTV as a media partner for the 2017 Gibraltar Music Festival.

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Chief Minister (Hon. F R Picardo): If the hon. Lady would give way before she gets up, the Government respects the convention that if a question is put on a matter that the Government has not yet acted upon, the Government would not act upon it until we answered the question. And so, if the hon. Lady had asked us about something which was local and we had not somehow programmed already, for some other reason, an announcement on a particular date, then we would simply have waited and given the information to her in the Parliament.

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When I saw her question come in I realised that in this instance we were going to be unable to do that because the announcement yesterday, as she may have seen from the media, involved members of the company she refers to, MTV, having flown out to Gibraltar, having made the arrangements and needing to move on to other things that they were going to announce elsewhere. Therefore, we were not able to respect the convention in this case, but we meant no slight or disrespect in having done so.

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Hon. S E Linares: Mr Speaker, may I just add that I have been looking at my e-mails, and in order to clarify all this, if there is an issue, we started planning the press conference and the reception we did yesterday way back on 23rd December, so it was not a thing that came out of your question; we were already planning the actual date. I have been looking at the e-mails and we homed in to 17th January way back on 23rd December.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Chief Minister and the Minister for Sport and Leisure for their explanations, and I have no issue with that at all.

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If I may, a couple of supplementaries to this effect: can I just ask who will be the local agent, or who will be the intermediary between Government and MTV?

Hon. S E Linares: Mr Speaker, there is a company that works for or with MTV that does the production. MTV does the broadcasting, or the television side, and then there is a company that works for MTV that does the production. But I can assure everybody in Gibraltar that most, if not all, the things that the GMF have previously done will be done by probably the same people or agencies that are local, because when MTV moves into, for example, Plymouth, or moves into wherever they go – Malta, for example – what they do is they use the local expertise to do the actual production. They will not fly from London, say, stages, lights or sound equipment. They will get it from where the locals have previously done. So I can assure the people of Gibraltar and I can assure all the people who have been involved in the GMF that they will continue to be involved in the GMF. It is not a question of MTV taking over the GMF. It is an evolution. It is a completely different step that we are taking. MTV will come in and will use all the footage of GMF in order to, as the Chief Minister said, to broadcast the news on MTV in order to expose Gibraltar and put Gibraltar on the map in the question of music.

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Hon. Ms M D Hassan Nahon: Thank you for that. Can I just ask: can the Government guarantee the same level of local contributions from our very own local bands and artists, or would this be down to MTV? Do we have control over such an inventory or schedule for the event?

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740 **Hon. S E Linares:** Mr Speaker, as I mentioned yesterday in the press release and I have just mentioned now, the GMF will continue to have the same concept that we have had previously. It has been very successful. That is why it took the attention of MTV itself.

Of course we are going to have local bands. In fact, I am pleased that we can have the local bands playing with MTV watching them and listening to them, which might give opportunities to our local bands to become even bigger. So we always say, and I am convinced, that Gibraltar is 745 full of talent, and having MTV here with us, looking at and listening to our talent is a very, very big plus.

So not only will bands in Gibraltar now have to do their own marketing, but they will have MTV actually listening to them, seeing the act and maybe getting them to become big stars. So of course the local is going to be involved. Not only is he going to be involved in the music sector 750 but he is going to be involved in all the organisation.

Also, the concept of the GMF, which has been very successful, is the fact that it is a family ... and I do not know whether the hon. Member would like to come to it, but it is very much a family festival. Therefore, the whole community enjoys it, because you see parents with prams, grandparents, aunties and uncles seeing and listening to different types of music – music that I 755 like from the 1970s and 1980s to what is current today. That is what has attracted MTV, and MTV has realised the value of the GMF that we have produced with the producers, and therefore the value is intense.

What they will do is, because they have different types of channels in which they have an MTV which have the update, which has the most current musicians that are coming, they also 760 have channels for the retro – that means the bands that I might like that are around – and they will use that footage in another channel. So, basically, whatever the GMF has done has drawn the attention of MTV and they are quite happy to come to Gibraltar, and I am really proud that they are coming here. It is a great thing for Gibraltar. It is going to attract more people. The social media network that MTV has goes to the hundreds of millions of followers, and all that 765 will be exposing Gibraltar.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you for that explanation. Are costs expected to go down as a result of this partnership?

770 **Hon. S E Linares:** Mr Speaker, there will be set budgets to the companies. Will costs go down? In actual fact, they might do, and I am convinced they will do because of the artists. You see, when you have an independent Gibraltar Music Festival like we used to have, hiring an artist costs more because the exposure that the artists are coming here for is one gig and then they go, whilst with MTV it is a completely different kettle of fish because they can attract artists for a 775 better price because the artist is exposed on MTV and its promotion for them. Therefore, we will be able to get not only ... I would not say better, because the line-ups the GMF have had have been brilliant. MTV have actually said, 'Your line up has been excellent', so they were really happy with the sort of line-up we have had. But now they can attract big stars coming here for less money because of the exposure that they get on MTV. The same will happen with all the 780 other things around MTV – sponsorship, exposure, all these issues that can market Gibraltar – so it pushes the GMF to another level.

Hon. Ms M D Hassan Nahon: Thank you. If I may just ask one more question: is the Government confident that we have the resources, in terms of hotels and catering, to 785 accommodate the expected rise in this event-led tourism for this festival?

Hon. S E Linares: Mr Speaker, to be honest, there are many, many events that we organise, like the darts, like the pool, like the Literary Festival and the snooker. There are many events that we do. It is attracting the sort of tourists we want. We are short of beds, yes. We have 790 about 700 beds available and sometimes we get events that we cannot handle, but it means that

the hinterland will get the benefit. That is why we are attracting ... or trying to get investors to do more hotels and more beds, because the more events we do and the more we are attracting people, it means Gibraltar is being more successful. Therefore, the more beds we have the better. Instead of the money going elsewhere, it will come to Gibraltar. So, yes, in a way ...

795 I have had proposals of people wanting to bring the Formula 1 here to Gibraltar, and it is a no-no; we would not be able to handle that. There are many events I get proposals for and, look, Gibraltar cannot handle it. So what we are doing is ... and if you can see the type of events that we have been attracting for the past four or five years are events that we can manage: snooker, pool and darts. These attract 300 to 400 people at a go, and this is what events-led tourism means.

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Hon. Ms M D Hassan Nahon: Mr Speaker, if the Government appoints any intermediaries or local agents ... I understand what the Minister has just said, that it will most likely be the people who have already worked with the GMF, which sounds about fair because they have been fostering this event and growing it; but if there are any new local agents, will that be by direct allocation, or will these positions go out to tender?

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Hon. S E Linares: Mr Speaker, the hon. Lady must understand that it is a partnership with MTV, and it is MTV that then procures most of the things of which most of it will be local, like I said. It is not a question of the Government having to go out to tender or anything; it is MTV.

810 This is like a franchise. When you have a franchise you have quality control. MTV puts in the quality control, and therefore it is MTV that contracts their companies. And anyway, the company that MTV is working with does this everywhere else. They go around doing the organisation everywhere else. So it is MTV that decides, it is not us that decide who does it, and then those companies will get all the locals to do all the other things.

815 **Hon. Ms M D Hasson Nahon:** Mr Speaker, sorry, maybe I just do not understand, but if MTV is deciding, then we cannot at the same time guarantee that it is going to be the same people.

Hon. Chief Minister: Mr Speaker, we have put the people who were organising the Music Festival and MTV together and they are working very well together. They could fall out tomorrow and they may not do the festival together, but the Government has appointed MTV to do it for all of the reasons that the Minister has indicated and all the reasons that I gave yesterday – but they have to come to a commercial arrangement.

825 The hon. Lady has to understand what she is saying to us. There was a process by which people have been appointed for some time now and they have delivered a festival, but the people they appointed below them were not something that the Government was responsible for or went to tender for. So, if they decided to have Mr X sell hot dogs or Mr Y sell hot dogs, or Mr F bring the stage or Mr E bring the stage, that was a matter for them. The Government had an agreement with them and they dealt with it.

830 We now have an agreement with MTV. MTV will be delivering the festival, and of course it makes sense that in the context of doing that the people they will want to work with and whom they are already in contact with etc. will be the ones who have been doing it until now, and they are already working together on that basis and the logistical exercise will be one which will be harder for MTV to do without those who have been delivering that festival for the past five years than if they do it with them. It is that simple.

835 What there is no replacement for in this equation is MTV. As the hon. Gentleman has told her a minute ago, and just to put this in context, MTV UK has 2.8 million followers on Twitter social media, which is one of the ways that they will be reaching out to people to advertise Gibraltar and the product. In the United States, the President-elect, Donal Trump, has 19 million Twitter followers. The White House and the Office of the President of the United States each have 840 17 million Twitter followers. MTV has 48 million Twitter followers. That is the reach into which

we are buying for the Gibraltar brand and for the Gibraltar product at this time in our history, when we are looking to open up new markets for Gibraltar. That partnership will result in people being appointed in Gibraltar to do certain things. We have put them in touch with the people
845 who were doing it for us. They are working very well together until now and we hope that that will be the way it continues. But it is not possible for us to say that MTV are not able to contract in some parts or in others with parties who have not provided services to the Government of Gibraltar until now and that they may do so in that way produce a saving to the taxpayer, because as the hon. Lady has been told, if we go out and contract artist X for September, artist X
850 comes out with the cost of doing one concert. If MTV contract artist X to do 10 concerts around the world and one of them happens to be ours in September, the cost of that artist in respect of the September gig – to use a term not often used in Parliament – may be much lower and therefore a huge benefit to the Gibraltar taxpayer. That is what we need to be looking for here: the benefit for the taxpayer. If we have a wider reach for the Gibraltar product and we
855 potentially are able to bring some of the artists' costs down also in that context, I think that is a very good thing, and in particular when you layer on top of that the exposure that local bands are going to have to the people from MTV who discover bands etc. and the potential for those Gibraltar bands to form part of the product produced by MTV for its television station ... Well, look, it is going to be like gold dust for a local band to have 30 seconds on an MTV programme
860 and expose themselves.

There is nothing to sneeze at here; there is everything to applaud in my submission.

Hon. D A Feetham: Mr Speaker, can the Government tell us whether it is also taking any of the financial risk. Are there, for example, any guarantees in place in relation to the income that
865 MTV will take from this? Or are there any guarantees in relation to the expenditure that the Government might share with MTV?

Hon. Chief Minister: Mr Speaker, the Government is unable to guarantee without coming to the House and asking for a resolution of the House.
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Hon. D A Feetham: Mr Speaker, with respect, he knows the drift of my question: is the Government taking any financial risk shared with MTV in relation to this particular event?

Hon. Chief Minister: Mr Speaker, the Hon. Minister has made it very clear: we have
875 contracted MTV to deliver this product. There is no question of there being a joint financial risk in any way. There will be an estimate of what the concert is going to cost the Government of Gibraltar, and that is going to be it. There is no question of the Government guaranteeing anything with MTV that might produce a financial risk to the Government. It just does not arise. And that is why, whether I catch the drift of his question or not, if he uses the word 'guarantee' I
880 have to refer him to the public finance legislation, which says that the Government is unable to guarantee anything without having a resolution of this House.

Hon. D A Feetham: Effectively, Mr Speaker, what he is saying is that there has been a contract with MTV for a specific price and then MTV take any risk over and above that specific
885 contract price. Is my understanding correct?

Hon. Chief Minister: Mr Speaker, there is a contract with MTV. That contract with MTV and Neon Angel which was announced yesterday is a contract for the organisation of concert and for the sourcing of artists in exactly the same way as there was previously a contract with a local
890 consortium that did exactly the same thing for us. So we are as at risk now as we were before.

Hon. R M Clinton: Mr Speaker, I am grateful for the Chief Minister's response there.

895 Looking at the press release, they characterise it as a partnership, but am I correct in saying that this is not in fact a partnership in the legal sense and that this is a simple contractual relationship where party A contracts party B to deliver a service? And can he advise the House for how many years this contract is in place? And in terms of the administration of the concert, is it still the case that all the revenues of the concert will accrue to the Government?

900 **Hon. Chief Minister:** Mr Speaker, he is referring to a press release and therefore the use of the word 'partnership' in a press release is not used in its legal terminology. So I can confirm to the House that the Government of Gibraltar and MTV have not entered into a legal partnership under the Partnerships Act, but we are describing our contractual relationship, as is common, as a partnership. We have a rolling agreement, so we will renew every year.

905 We are not committed to any particular period and the revenue of the concert will accrue to the Government.

Q7/2017
New stadium –
Location

Clerk: Question 7. The Hon. Ms M D Hassan Nahon.

910 **Hon. Ms M D Hassan Nahon:** Has Government made a decision on where the new stadium will be constructed?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

915 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the Government is not undertaking construction of a new stadium. Otherwise, the answer remains the same as the answer to Question 705/2016.

920 **Hon. Ms M D Hassan Nahon:** Mr Speaker, perhaps the Government does not construct the stadium, but surely it has a say or the authority to authorise the location of the stadium in the same way as we saw when it was going to be in Europa Point and when the whole of Gibraltar were up in arms about it it backtracked. The Government had something to do with that as well, so it cannot just say that it has nothing to do with the construction of the stadium. Maybe not per se, but I am sure maybe they could tell us one way or another if they know, or there are any plans for where the new stadium will be held.

925 **Hon. S E Linares:** Mr Speaker, the simple answer is that the Government might provide a location for the GFA and then the GFA does its work towards whether they are going to do the stadium there or not. It is public knowledge where some of the locations she mentioned were – one, Europa Point, and we have mentioned Lathbury.

930 This is a decision that the GFA has to take. The Government might be able to provide some ideas of locations where they can put the stadium, but this is a GFA-run project. It is not that the Government is going to construct or contract people to do things. It is a totally independent thing that the GFA is doing.

935 **Hon. Ms M D Hassan Nahon:** Thank you. So, Mr Speaker, there are no costs or funds anywhere in this scenario being spent by Government?

Hon. S E Linares: Mr Speaker, this is public knowledge again about the loans the Government gave to the GFA at the time and all these issues.

940 As far as Gibraltar is concerned, this is a GFA with UEFA and FIFA project which the Government have nothing to do with. There might be loans advanced like what has been done previously, but we can assure the hon. Lady that this is not going to cost the taxpayer money. The stadium is done by the GFA together with UEFA and FIFA.

945 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the hon. Gentleman not give me any clues as to where the current location is being looked at for the construction of a new stadium? Yes, we spoke about Europa Point, but I believed that prospect was now done with.

950 **Mr Speaker:** No – (**Hon. Chief Minister:** Mr Speaker –) No, may I? (**Hon. Chief Minister:** Sorry.) The hon. Member has already said it is Lathbury. This is where the new stadium is now being considered. That is public knowledge, so there is no need for the Hon. Minister to answer that question –

Hon. S E Linares: Mr Speaker, it is –

955 **Mr Speaker:** – unless I am wrong.

Hon. S E Linares: No, ‘considered’. The word that you said about considered is what should be looked at –

960 **Mr Speaker:** This is a site that has been identified as a possibility. There is a due process, including the Development and Planning Commission and all that. All that is in due course, but we do not have to deal with that now.
Any other supplementaries?

965 **Hon. Ms M D Hassan Nahon:** Mr Speaker, on looking at the guidelines one would have realised that an outside broadcasting van cannot get into Lathbury, so it is not even possible to do the stadium there.

970 **Mr Speaker:** No, no. That is not a matter, who can get in or who cannot get in. Sorry.
(*Interjection by Ms M D Hassan Nahon*)

975 **Hon. S E Linares:** Mr Speaker, the hon. Lady has said that that is not a possibility. I do not think either she nor I am qualified to say whether it is possible or not. This is where the GFA comes in. They bring their technicians, they bring their building surveyors, quantity surveyors, their architects, their engineers and everybody to see whether it is feasible there. What the Government does is say, ‘Right, this is the location that we have available – can you do it or not?’
(*Interjection*) Exactly.

Mr Speaker: Any other supplementary questions?

INFRASTRUCTURE AND PLANNING

Q33/2017

Segways –

Confiscations by HM Customs

980 **Clerk:** Question 33. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, in connection with Government Press Release 905/2015 dated 9th December 2015, how many Segways have been confiscated by HM Customs?

985 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, no Segways have been confiscated by H M Customs. However, one was detained, which was imported by a tourist being unaware of its import provision and the visitor was therefore escorted out of Gibraltar.

990 On occasions, HM Customs have stopped visitors and locals who have declared these for duty purposes and, having been informed of the prohibition under the Imports and Exports (Control) Regulations, have not been allowed to be imported.

995 **Hon. L F Llamas:** Mr Speaker, given that none have been seized or confiscated and there is obviously a surge, especially after the Christmas period, in Segways, is Government intending to at least regulate them or curtail the use of them, or something? Obviously, they are being used on the roads, in Main Street and in parks, so either we deal with them or we regulate where they can be used or not. I think to just allow an illegal item to be used everywhere and not deal with it is creating a problem, and it also creates a problem in the sense that other children see
1000 Segways and ask their parents, 'Why can't I get one?' Obviously, you try to explain to children it is against the law, but the children are seeing these gadgets being used out there.

So what is Government's intention in dealing with the surge that we have had over the last 18 months?

1005 **Hon. P J Balban:** Mr Speaker, clearly the hon. Gentleman is not talking about Segways.

Mr Speaker: May I, as a dinosaur of a Speaker, (*Laughter*) have an explanation either from the Hon. Minister or the questioner as to what on earth a Segway is about, so that I know what it is that you are talking about? (*Laughter*)

1010

Hon. P J Balban: Mr Speaker, Segway is a brand name. It is a name for a type of vehicle which is a self-propelled electric vehicle. These are characteristic ones with handles. You move your centre of gravity forward and they go in the forward action and then reverse. They are often used in the US by police officers. The brand Segway also produce other ones where the handles are not so high – they are slightly lower, around this area – but that is a Segway.

1015

Clearly, the hon. Gentleman is not talking about this product, because, as I said, Segways are something which you will not find. I have never seen a Segway in Gibraltar to date. What I think the hon. Gentleman is referring to is other electric toy gadgets which are coming onto the market. They are loosely termed ... Some are called 'sweways' and hoverboards, electric
1020 skateboards and scooters and all these types of contraptions. But that was not the question asked.

1020

Hon. L F Llamas: Sorry for my confusion. Obviously it is from the press release, where it does mention Segways as a self-balancing two-wheeled electrical-powered transport. It does not say
1025 whether it has a handle or not. So, with reference to the press release, are the hoverboards illegal imports?

1025

Hon. P J Balban: Mr Speaker, the hoverboards are classified, I believe, as self-balancing devices. Some of them do fall under the category and the Segways are also self-balancing
1030 devices, so the generic term of all these types of devices are illegal imports. But because these are being developed at such a fast rate in the industry it is important to keep track of the products. Remember, Segway is a brand name. If any other company decided to produce a type

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of vehicle and they called it a BMW or Mercedes or whatever it was, it would be impossible to legislate for all these types.

1035 Obviously, the Government is aware that there are these electric scooters. How they are defined is something we need to look at. In fact, I recently had a meeting with the Collector of Customs regarding these products and there is also a meeting scheduled with the RGP to discuss and get opinions and see where we wish to take this in terms of policy.

1040 **Mr Speaker:** Next question.

Q34/2017
Mid-Town Car Park –
Cost of zebra crossing

Clerk: Question 34. The Hon. L F Llamas.

1045 **Hon. L F Llamas:** Mr Speaker, can the Government confirm whether the cost of the recently refurbished zebra crossing at Mid-Town Car Park has been in addition to the overall cost of the project, or not?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

1050 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the works to the recently refurbished zebra crossing did not form part of the original scope of works because in the initial design it was never intended for a crossing to be provided at that location.

A temporary crossing was provided at that location because pedestrian access through the adjacent Mid-Town development is not yet possible. This temporary crossing has now been made more permanent and upgraded to serve disabled users.

1055 The works were carried out by GJBS at a cost of £4,354.04.

Hon. L F Llamas: So is it intended that this zebra crossing will be moving at a later stage? Or what is the plan with this zebra crossing?

1060 **Hon. P J Balban:** Mr Speaker, with the whole development itself, the idea was that people exiting the car park would walk in a southerly direction through the complex itself. I believe the intention is that there will be some shopping facilities within the complex. This will then lead them straight to what we refer to as English Steps and the way into town.

We do not know how the project will develop and how people will decide to walk in the future. It could be that persons parking their cars at Mid-Town development may wish to walk in a northerly direction and we may need to consider that when the time comes. But the reason why the zebra crossing was not part of the project was because it was never intended to be put there. The intention was that people would walk, as I said earlier, south and up the steps into town.

Q35-36/2017
Parking offences –
Clamping; fixed penalty notices

Clerk: Question 35. The Hon. T N Hammond.

1065 **Hon. T N Hammond:** Mr Speaker, can the Minister with responsibility for traffic provide figures for the number of vehicles clamped during the months of October, November and December 2016?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

1070 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 36.

Clerk: Question 36. The Hon. T N Hammond.

1075 **Hon. T N Hammond:** Can the Minister with responsibility for traffic say how many fixed penalty notices were issued to vehicles for parking offences in November and December of 2016?

1080 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

Hon. P J Balban: Mr Speaker, according to the records held at Gibraltar Car Parks Ltd, during the month of November 2016 a total of 2,731 FPNs were issued. During the month of December 2016 a total of 1,582 FPNs were issued.

1085 **Mr Speaker:** FPNs being?

Hon. P J Balban: Fixed penalty notices.

1090 Furthermore, Mr Speaker, the records of the contractors of Gibraltar Car Parks Ltd show as follows: during the month of October 2016 a total of 366 vehicles were clamped; during the month of November 2016 a total of 252 vehicles were clamped; and during the month of December 2016 a total of 141 vehicles were clamped.

1095 **Hon. T N Hammond:** Mr Speaker, could I just ask the Minister to repeat the figure for fixed penalty notices in December 2016? My hon. Friend cleared his throat at an inopportune moment.

Hon. P J Balban: Sorry, the amount of FPNs or ...?

1100 **Hon. T N Hammond:** FPNs.

Hon. P J Balban: For the month of December, 1,582.

Q37-39/2017

Mid-Town Car Park –

Sale of additional spaces; renting of additional spaces

Clerk: Question 37. The Hon. T N Hammond.

1105 **Hon. T N Hammond:** Mr Speaker, in his Budget speech the Minister with responsibility for traffic stated that 326 parking spaces had been sold in the Mid-Town Car Park. In answers to questions in December, these sales figures had risen to 456. That constitutes an additional 130 spaces being sold. Can the Minister say what prompted the decision to sell more spaces which had previously been available to the public for parking?

1110 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 38 and 39.

1115 **Clerk:** Question 38. The Hon. T N Hammond.

Hon. T N Hammond: In his Budget speech, the Minister with responsibility for traffic stated that some parking spaces in the Mid-Town Car Park had been let out, the implications being that it was a small number. In answers to questions last month he stated the number of rented spaces was 131. What prompted Government to rent more spaces and remove them from public use?

Clerk: Question 39. The Hon. T N Hammond.

1125 **Hon. T N Hammond:** Can the Minister with responsibility for traffic confirm that the claim made in his Budget speech that with the parking in Mid-Town the Government has provided more than 100 additional public parking spaces than were previously available at the Commonwealth Parade and Naval Ground can no longer be substantiated given the sale of an additional 130 of the Mid-Town spaces and the rental of further spaces?

1130

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Hon. P J Balban: Mr Speaker, the commitment set out in the 2011 GSLP Liberal manifesto committed the then incoming administration to provide double the number of parking spaces which will be free for residents of Gibraltar. That commitment is more than entirely provided for and complied with.

1135

Following the initial sale of 326 spaces, Her Majesty's Government of Gibraltar sold two more levels comprising the additional 130 spaces as a result of the high demand from members of the public wishing to purchase parking's.

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During my Budget address reference to rented parking, spaces, although allocated, are also considered of public use and these serve members of our community.

1145

Furthermore, Her Majesty's Government of Gibraltar had a commitment to provide rental parking facilities at Mid-Town to meet an existing demand in the area and to provide rental parking for the people who were originally renting at the Naval Grounds before they were moved onto the ICC car park as a temporary measure whilst Mid-Town was being built. Again, the figures quoted in the past have always taken account of rented spaces that existed previously and therefore there has been a net gain in parking in the town area.

1150

Mr Speaker, spaces sold or rented have all been sold or rented to residents. In the circumstances, the manifesto commitment is complied with, exceeded and something to be proud of.

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Hon. T N Hammond: Mr Speaker, the maths just does not add up. In his Budget speech, the Minister was saying that with Mid-Town they were not providing double the number of spaces previously available, but that 100 more additional parking spaces were available to the public. Last month he effectively stated, and he has repeated that statement, that 130 additional spaces had been sold. So, of that 100, even if we take the rental and the semantics as to whether those are public spaces or not and even if we take the rental out of the equation, that means of the more than 100 spaces that were previously available to the public, over and above those that had been available at Commonwealth Parade and at the Regal House car park, 130 spaces have been sold since that point. So, clearly it is not possible that we now have double the amount of spaces that were previously available. In fact, the maths would indicate that we have fewer

1160

spaces available to the public than were previously available to the public to access in their daily commute.

1165 **Hon. P J Balban:** Mr Speaker, as sold or rented parking spaces it does not mean they are lost parking spaces. They are still there for members of the community, and in fact it is the members of the community ... These have not been sold to people outside of Gibraltar; they have been sold to people who are residents of Gibraltar. Hence they are available for them to use, whether they have been rented, sold or free.

1170 **Hon. T N Hammond:** Clearly, without conducting an audit of specifically who has been sold a parking space it is not possible to determine whether all those parking spaces have gone to different individuals or whether parking spaces have gone to multiple individuals. However, the maths remain as I have stated: there are fewer.

1175 It is the Minister who made the claim, not I, that there were now more than 100 more spaces available than were previously available at the car parks of Commonwealth Park and Naval Ground. To my recollection, certainly the ground floor of Naval Ground and the entirety of Commonwealth Park were free public spaces that could be accessed on a daily basis. They were not sold spaces and they were not rented to anyone. We are now in a position where the
1180 Minister has rectified or adjusted the figures last month that he made in his Budget speech because we asked questions last month on the new situation, the new scenario, and it seems that his claim that in his Budget there were 100 spaces more than were previously available cannot be substantiated because they have sold 130 of those spaces.

1185 **Hon. P J Balban:** Mr Speaker, there are a thousand spaces within the car park. There were 356 spaces, I recall, in the Commonwealth Car Park. And not only that, but clearly these parking spaces are still being accessed on a daily basis by either those who have rented or have decided to purchase, or by members of the public who, with the means of their electronic ID card, manage to access parking spaces for free.

1190 I think it is clear mathematics that what we had there before, the great park that was built, was 356 spaces. But a thousand spaces have been built, and I do not think anyone can dispute that.

Hon. R M Clinton: Mr Speaker, if I may ask the Minister – and before I ask the Minister, I
1195 declare that I am the proud owner of one of those car parks in Mid-Town car park: was the decision to release more parking spaces for sale that of the Government?

Chief Minister (Hon. F R Picardo): It was, Mr Speaker, and it was the Government in the form of the person answering the question who made the decision.
1200

Hon. R M Clinton: Thank you. So, Mr Speaker, would I be correct in surmising then that the company that is actually selling the car parking spaces and issuing the leases is in fact controlled by the Government?

1205 **Hon. Chief Minister:** No, Mr Speaker.

Hon. R M Clinton: Mr Speaker, perhaps the Chief Minister could clarify for the benefit of this House how it is that he makes a decision that more parking spaces should be sold to the public, and yet I presume from the answer that he has given that the benefit of the revenue of the sale of those parking spaces does not accrue to the Government. Is that correct?
1210

Hon. Chief Minister: That is not correct, Mr Speaker.

1215 **Hon. R M Clinton:** Well, Mr Speaker, perhaps the Chief Minister, for the benefit of my sanity, would explain to me exactly how the structure works.

Hon. Chief Minister: It is very simple, Mr Speaker: the company that is doing the sales is not controlled by the Government; it is the Government's agent and it sells on behalf of the Government, and therefore the revenue accrues to the Government through its agent.

Q40/2017

**Government garage and workshop –
Commitment to funding**

1220 **Clerk:** Question 40. The Hon. T N Hammond.

1225 **Hon. T N Hammond:** Mr Speaker, is the Government continuing with its commitment, as set out in the Budget speech of the Minister with responsibility for traffic, to provide funding this financial year to the garage and workshop for new equipment, and also that the garage and workshop will continue to provide a service to maintain the fleet of Government vehicles, including the refuse collection vehicles?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

1230 **Minister for Infrastructure and Planning (Hon. P J Balban):** Yes, Mr Speaker.

1235 **Hon. T N Hammond:** Mr Speaker, is the Minister in a position to say whether that will continue for the next financial year, bearing in mind the request for expressions of interest that were put out reference the Government's fleet of vehicles?

Hon. P J Balban: Mr Speaker, the future of the garage and workshop is currently under review and is being considered with the union, especially in the context of the advertisement for expressions of interest in respect of the Government's vehicle fleet.

Q41/2017

**Camp Bay waterfall –
Reason for diversion and costs**

1240 **Clerk:** Question 41. The Hon. T N Hammond.

Hon. T N Hammond: Can the Government provide the reason for the diversion of the waterfall at Camp Bay; and what costs, if any, have been incurred in the project?

1245 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

1250 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the works to the Camp Bay waterfall are not a Government project. They have been undertaken by the developer of the Buena Vista Development. The developer is undertaking re-profiling works to the rock face to try and reduce the amount of salt water spray that is blown over the top of the cliff and impacts on the development above. The developer has installed pipes as a temporary measure to divert the waterflow while the re-profiling works are carried out.

Hon. T N Hammond: Mr Speaker, if I may, Mr Speaker, just ask: from that I surmise that there has been no cost to Government.

1255

Hon. P J Balban: Mr Speaker, none that I am aware of, no.

ADJOURNMENT

1260

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House do now adjourn to Monday at 10 a.m.

Mr Speaker: When we return on Monday, just for the sake of convenience, the Hon. Minister John Cortes will be answering questions.

1265

I now put the question that the House do now adjourn to Monday at 10 in the morning. Those in favour? (**Members:** Aye.) Those against? Carried.
The House will now adjourn until Monday at 10 a.m.

The House adjourned at 1.21 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.02 a.m. – 1.17 p.m.

Gibraltar, Monday, 23rd January 2017

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The Gibraltar Parliament

The Parliament met at 10.02 a.m.

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

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

Questions for Oral Answer

ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

Q20/2017

Climate and Clean Air Coalition – Benefits derived from participation

Clerk: Monday, 23rd January, we continue with the meeting of Parliament and we continue with answers to Oral Questions.

We start with Question 20. The Hon. T N Hammond.

5

Hon. T N Hammond: Mr Speaker, can Government say to what extent has Gibraltar participated in the Climate and Clean Air Coalition in the last year and what benefits have been derived from that participation?

10

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

15

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Yes, Mr Speaker, Gibraltar has had limited but continued participation with the CCAC. This is largely related to the fact that the coalition is initiative led. This said, the benefits include expanding Gibraltar's network of contacts, increasing technical knowledge, and assistance where needed.

20

Hon. T N Hammond: Can I just ask the Minister to expand on his comment reference increasing technical knowledge – what the nature of that might be?

25

Hon. Dr J E Cortes: Mr Speaker, as I said, it is initiative led, so if there is an initiative – for example, a campaign on anything in particular – then we can join in, and if it is relevant to Gibraltar then we will do so.

As far as technical knowledge, a lot of countries are represented there with their own technical expertise, so we are able to call upon it, should we need it, in order to advance any particular area that we may be interested in.

30

Some of the campaigns have not been related directly to Gibraltar. They have one, for example, which relates to the use of wood fires in African countries – for example, in small huts, where it has a negative effect on health and they are trying to introduce different systems so

that there will not be so many particles within such a confined space. Clearly, those are not relevant here, so that is not an initiative we would be involved in. Where there are other initiatives – and there have not been any in the last year or so – which are more directly related to Gibraltar, then we would be able to form part of that and draw on the expertise of the network.

Hon. T N Hammond: So, Mr Speaker, when the Minister said, back in February of last year, that it is a highly proactive organisation from which we can learn a great deal and to whose work we can contribute from our own progress, is it fair to say that we have not quite reached those expectations?

Hon. Dr J E Cortes: No, I do not think it is fair to say. As I say, when there is a particular campaign or a particular initiative, then all those things will kick in. But if they are talking about wood fires in huts in African countries, then that is not something in which we will participate or contribute. It really depends on the initiative that is current at the time.

Q21/2017
European flat oyster –
Re-introduction programme

Clerk: Question 21. The Hon. T N Hammond.

Hon. T N Hammond: Can the Government report on the progress of the programme to re-introduce the European flat oyster to our waters?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the population of the European flat oyster is progressing well, with additional restocking exercises planned for the near future. The Department's dive team continues to monitor selected sites where the oysters were transplanted.

Q22/2017
Junta de Andalucía –
Technical meetings and topics discussed

Clerk: Question 22. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, since the first meeting with the Head of the Environment for the Junta de Andalucía in May last year, how many technical meetings have subsequently taken place and what has been discussed at these meetings?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, at the time of preparation of the answer, expecting to have delivered it in the

70 middle of last week, the answer was four technical meetings, but there was another one on
Friday so five technical meetings have been held in Spain to discuss various initiatives of mutual
interest. The difference from the prepared answer is clearly that we have had a day or two
between and there was a fifth meeting on Friday last.

75 **Hon. T N Hammond:** And could the Minister give us a flavour of what has been discussed at
those meetings?

80 **Hon. Dr J E Cortes:** Mr Speaker, there has been discussion on collaboration in dealing with
stranded dolphins and turtles, there have been meetings discussing waste treatment and the
different ways in which we deal with waste, there have been meetings discussing the re-
introduction programmes of osprey and other species, and the last meeting was one on
educational exchange to promote our nature reserve in the surrounding area and to bring some
information about the richness of the area of the Straits of Gibraltar to schools and to the
general public.

85 **Hon. T N Hammond:** When the Hon. the Minister says that waste treatment and how we
manage it was discussed, and bearing in mind currently most of our waste goes to Spain, could
he clarify whether that had anything to do with the current treatment works that are planned?

90 **Hon. Dr J E Cortes:** No, not at all, nothing to do with that; just discussing how different
technologies are available. We, for example, have explained that we are looking at new low-
polluting technologies for our treatment of waste and so on and they were quite interested in
that kind of technology because there is no plant of such a type in the surrounding area. Purely
technical meetings with no political implications whatsoever.

Q23/2017

Hospital solar panel project – Progress and expected completion date

95 **Clerk:** Question 23. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, what progress has been made on the solar panel project
for the hospital and when might we expect it to be completed?

100 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and
Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, works have started on site. All materials have been ordered and have scheduled
delivery dates within the next few weeks. It is expected that the system will be installed and
operational by the end of March.

Q24/2017

Bufadero –

Use as dog park and future intended use

Clerk: Question 24, the Hon. E J Phillips.

110 **Hon. E J Phillips:** Can the Government provide details of the arrangements that are currently in place for the use of Bufadero at Lathbury Barracks as a dog park and the intention of the Government for the use of this site moving forward?

115 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, there are no arrangements.

120 **Hon. E J Phillips:** So is it the position that Bufadero is currently being used as a dog park by members of the public?

125 **Hon. Dr J E Cortes:** Mr Speaker, not as a dog park. I am aware from conversations with dog owners – of which I used to be one; I now dog-sit my son’s dog occasionally – that the area, like many other areas in Gibraltar, is an area where dogs are walked and exercised. But that is a totally informal arrangement, which I suppose is not an arrangement at all. It is almost like talking about ‘alternative facts’, Mr Speaker! *(Laughter)*

130 **Hon. E J Phillips:** Just to confirm then, the Minister has not been approached by members of the public in relation to formalising any arrangement for the use of that site.

Hon. Dr J E Cortes: Mr Speaker, that is not what I have said. I have had a discussion with a group of dog owners, who I am aware exercise their dogs in that area, about the possibility of formalising. I have been approached about it, no decision has been taken; that is the situation.

Q25/2017

DNA sampling of dog faeces –

Cost to public purse

135 **Clerk:** Question 25. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government provide the projected cost to the public purse for the undertaking of DNA sampling of dog faeces?

140 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

145 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, there is no expense to the taxpayer for the DNA sampling of dogs and faeces. As I have already stated several times in this House, it is expected that the increase in licence fee from £5 to £30 and any fines will cover the costs.

Hon. E J Phillips: Just one further supplementary question in relation to that: has the Government commenced the sampling process?

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Hon. Dr J E Cortes: Mr Speaker, I believe so, but I could be wrong. The intention was to start in January. I know that in the first few days of January there were some software issues regarding the database that had to be sorted out, but I believe that the sampling has started. I would have to check in order to be 100% certain, but I am virtually certain. It did not start in the first couple of days in January because the database needed some tweaking, but I believe that it has started already. I would be happy to get the information for him during the course of the morning.

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Hon. E J Phillips: Just insofar as the sampling and the process is concerned, is it envisaged that we will have a team that will effectively walk around Gibraltar's streets sampling faeces that have been left by owners who have not removed them? Is that how it is envisaged that this will work?

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Hon. Dr J E Cortes: Mr Speaker, there are a number of different people who work at the Ministry who will be involved. This includes the environmental protection officers, it includes the Environmental Agency, it includes the litter wardens, who will be carrying out these duties and who will all be trained as to the proper way of getting samples and so on.

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We are not going to start doing that for several months. We want the database to be set up. We have given until March for the whole process of licensing so that it gives more time for the DNA samples to be taken. Then, shortly after that we will start doing the sampling. The people are already in place and have related duties already and they will be trained in order to carry this out.

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Hon. E J Phillips: Just to be clear: there will be a process of training for those individuals who will be taking DNA samples?

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Hon. Dr J E Cortes: Yes absolutely, Mr Speaker.

Hon. E J Phillips: So, in other words, Mr Speaker, this has not yet commenced, this process?

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Hon. Dr J E Cortes: The process of collecting faeces has not commenced. The whole programme has. What I meant I was not sure whether they had started was the sampling of the dogs, the taking of the bloods or swabs or whatever, and the DNA profiling. That, I think, has started – that is what I said earlier – but the question of collecting faeces has not yet started and there will be a time lag of a couple of months before we do that.

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Hon. E J Phillips: The reason why I asked about costs and resources in relation to this particular question, is if we are going to be using the environmental officers and indeed the litter wardens as agents for the Government to effectively test this and they are roaming our streets in order to obtain these samples, is this going to be a full time exercise of their duties? Are they going to be able to concentrate on litter warden duties and other environmental duties? It just seems that if these officers are going to be on our streets sampling faeces and testing them against samples that have been deposited by their owners, surely there must be a need for other people in the area of litter wardens to be introduced. It is just that I am struggling to understand the cost analysis here. *(Interjection)*

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Hon. Dr J E Cortes: Mr Speaker, yes. I do not know whether to take that, as my hon. Friend has suggested, as a suggestion we increase the size of the Civil Service. I think, on the other

200 hand, the Minister for Efficiency would be very proud of the fact that we are adding additional duties.

No, it is going to be people who are going round on the beat, so to speak, and they will be looking ... They are already looking out for people who dog foul and so on. Part of that work will now involve the collecting of samples for processing. Hopefully it will be very effective, so there will not be a lot to do after the first few months, but time will tell.

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Hon. E J Phillips: Just to confirm ... one final question. There will be an expansion of those individual roles to encompass DNA sampling of dog faeces? Thank you.

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Hon. Dr J E Cortes: Yes, the current officers will be doing that as well as the other things that they do.

Q26/2017

Bayside and Westside Schools – Unauthorised entries

Clerk: Question 26. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government provide the number and nature of incidents relating to unauthorised entries by individuals at both Bayside and Westside Schools since December 2011?

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

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Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, let me start by reiterating the answer I gave at the last parliamentary session: the matter is a longstanding deficiency which is being addressed.

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Most of the unauthorised entries concern parents wanting to see particular teachers without securing appointments. They are not normally logged. These parents are seen by the headteacher or deputy and advised accordingly. Past pupils have also wandered into school, smoking and behaving inappropriately. These incidents are dealt with by senior management and the Community Constable.

One unauthorised entry, however, has given us cause for concern – a person trespassing into Bayside, claiming to be lost – and the Police was called.

Q27/2017

Hardship funding for students in UK – Operation

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Clerk: Question 27. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government explain how the hardship grant for students undertaking studies in the United Kingdom operates?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):

Mr Speaker, qualification for hardship funding is based on the full household income of the applicant and family residing in the property. Applicants earning less than £27,000 per calendar year are eligible to apply, although savings, assets and/or dividends or interest are also taken into account.

An application form must be completed and proof of income and bank statements in respect of the student must also be submitted so that expenditure can be assessed for spending patterns on non-essentials. Consideration is also given to applicants who have more than one dependent child studying abroad.

If the criteria are met, then an initial sum of £900 is afforded for the current academic year. The student will need to reapply for hardship funding if he or she wishes to be considered for any further years of study. If the criteria continue to be met, then hardship funding is afforded on a declining scale: £450 for year two and £300 for year three.

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Clerk: Question 28. The Hon. E J Phillips.

Hon. D A Feetham: Mr Speaker, may I? The Hon. the Minister has spoken about a declining scale. Can he explain the policy behind a declining scale? It does appear to me that if you are in need of extra assistance because there is hardship in your family, it should not necessarily decline in years two and in years three.

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Hon. Dr J E Cortes: Yes, Mr Speaker. I must say that this is not a new system that we have imposed, it is one that has been inherited, but I can give the explanation, and that is that the student is expected to take certain steps themselves in order to better their financial situation. It is well known that students sometimes get jobs in the summer or in the evenings and so on. It is to encourage the student to become more self-sufficient and not to rely entirely on this.

Clearly, should, for any reason, the hardship be so dire that the sliding scale would not be appropriate, this is something that the appropriate board would consider.

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Hon. E J Phillips: So, Mr Speaker, there is a discretion based on the board to allow for a further top-up to the full £900 in the event that hardship is demonstrated by the applicant?

Hon. Dr J E Cortes: It has never been necessary, but certainly this is something that would be available should the situation be dire, but the student is encouraged to take control of his own situation and is encouraged to take steps in order to become more self-sufficient. It is part of growing up, I suppose.

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Hon. D A Feetham: I do not suppose the Hon. Minister has any statistics in relation to the applications of people for top-ups, because the Hon. Minister says it has never been necessary, but it may well be that people simply do not know that there is a discretion on the part of the board and therefore people do not apply.

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Hon. Dr J E Cortes: Mr Speaker, I do not have that information. I am happy to find it out, but I do not have it here.

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Hon. R M Clinton: Mr Speaker, I would be grateful if the Hon. Minister could clarify: when he says it is assessed on household income, how would he define a household?

Hon. Dr J E Cortes: The answer explains – based on the full household income of the applicant and family residing in the property.

I do not have personal experience of this, because obviously there has not been a new academic year since I took over responsibility for Education. I remember that in assessing this

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290 sort of income for sponsored patients it was, I think, a similar process in which the whole family
income was included. At the time, it would normally be both parents. I do not think that if there
was a sibling with an income that was taken into account, but again that is information that I
would need to find out ... I was almost doing a Trump there, sorry! I would need to find out
exactly whether, if there is a sibling or an uncle living in the same house ... I think the board
would be able to weed that out and be sensible about it.

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Hon. R M Clinton: Mr Speaker, I would be grateful if the Minister would look at this. Certainly
I have come across an instance where there was a single mother with a child and happened to
be living with the grandparents and extended family and they get penalised because they are
living with the grandparents and they cannot afford a property of their own. So I would be
300 grateful if you would consider those kind of circumstances.

Q28/2017

Postgraduate degrees and professional vocational training – Monetary funding

Clerk: Question 28. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government explain its position with respect to
monetary funding of postgraduate degrees and professional vocational training?
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Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and
Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
310 Mr Speaker, in implementation of our manifesto commitment, the Government is committed to
mandatory funding for postgraduate degrees and professional vocational training. As such,
students who complete their first degree can apply for continued mandatory funding to
complete a higher degree or attain a professional or vocational qualification, as long as this is
related to their initial area of study. If the pathway chosen represents a complete change, then
315 the funding is deemed discretionary and is subject to an application and interview process.

Hon. D A Feetham: Mr Speaker, does the Minister have any numbers in terms of applications
that have been successful and applications that have been unsuccessful in relation to this area of
funding?
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Hon. Dr J E Cortes: No, Mr Speaker, the question did not ask for numbers so I do not have
that information here, but once again it is something that I would be very happy to provide.

I know I have committed today to providing a lot of things, so perhaps if I could get a letter
asking me specifically what information is required of these several education questions, it
325 would ease my Department's work and then we would reply in writing.

If specifically you want it stated in Parliament, then perhaps you can ask that in the next
parliamentary session and I will very happily give the answer across the floor.

Hon. D A Feetham: Is this an area that the Government is currently reviewing, or does
330 Government policy hold firm and it is not a matter that is likely to be reviewed in the near
future?

Chief Minister (Hon. F R Picardo): Mr Speaker, I will not tire of telling him that the Government intends to comply with all of its manifesto commitments and sees no reason why we should not proceed, in particular in important areas such as this where the GSLP, and now the GSLP Liberals, have been consistently leading in respect of the nation's attitude to education. In particular of further education, between 1988 and 1996 we introduced compulsory scholarships for undergraduate degrees and after 2011 we introduced this policy in relation to second degrees, as the world of work has changed and we believe this continues to be an important policy enabling people to get the further qualifications they may now need in a more competitive economic environment.

Hon. D A Feetham: Mr Speaker, the reason why I asked the question, and perhaps the Hon. the Chief Minister can enlighten me in relation to this, is because the information that has come to my attention is that in a talk with students the Chief Minister is stated as saying – I was not there, so obviously I cannot confirm this – that if the economy took a downturn, this would be the first area that would go, this area of postgraduate funding.

Hon. Chief Minister: Mr Speaker, his information is not just wrong, it is absolutely and completely woefully and completely incorrect and untrue.

Q29/2017

Heritage Management Plan for Gibraltar working group – Membership and number of meetings

Clerk: Question 29. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise who are the members of the working group for the development of a Heritage Management Plan for Gibraltar and how often has it met since the announcement of its creation in November 2016?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the group has not yet been set up. A draft plan is being prepared internally, which will then be discussed once the group meets.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer. Does he have any idea in his mind as to who would form part of this working group?

Hon. Dr J E Cortes: Yes, certainly. The composition will probably be quite similar to the Heritage Advisory Committee that is going to be created with the new Heritage and Antiquities Act, again broadly similar to the Heritage Action Committee, which will include all stakeholders including the Heritage Trust for example.

I have tasked the preparation of a draft internally, and then, when that is ready, the group will start working on it. Rather than getting a group together and doing a draft after that I think it makes much more sense to have something concrete to work on, and that is the plan.

Hon. R M Clinton: Mr Speaker, you may or may not allow this kind of supplementary, but maybe the Minister will indulge me. Would the Minister envisage that the management plan would also make some kind of provision for properties that are currently owned by the MoD?

380 **Hon. Dr J E Cortes:** I think that the management plan should be as inclusive as possible, which I think it should include ... What we cannot get the MoD to do is not relevant to having a management plan that we would like to see as the way forward. But as I say, I cannot really say much more because I have not seen a draft, Mr Speaker.

Q30/2017
Archaeologists –
Number of full-time professionals employed

385 **Clerk:** Question 30. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how many professional archaeologists are currently employed by it on a full-time basis?

390 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, one professional archaeologist who is currently on a sabbatical until August.

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Hon. R M Clinton: Mr Speaker, I am grateful for the Minister's answer. Could he perhaps elaborate as to what is meant by a sabbatical; and how long has this sabbatical been for?

400 **Hon. Dr J E Cortes:** Mr Speaker, the sabbatical is until August; I have just said that. He is still providing advice remotely. He is also required to attend several times a year to Gibraltar – he will be here next week. Of course, the Government has access to additional archaeological advice – the Gibraltar Museum, for example, employs two archaeologists and also provides the Ministry with advice. So, if the hon. Member is concerned that we do not have archaeological advice, I can assure him that we do.

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Hon. R M Clinton: Again, Mr Speaker, I am grateful to the Minister. When he says 'until August', can he tell us when the period started; and is it his understanding that, once the sabbatical ends, the individual will return to full-time employment in Gibraltar?

410 **Hon. Dr J E Cortes:** Mr Speaker, it started a year before it is due to end. I think I actually said it was for a year. (*Interjection*) No, I did not, 'a sabbatical until August'. It is for a year.

Whether that particular individual decides to return or not is something for him to discuss with the Government and that discussion will take place at the appropriate time.

Q31/2017
Moorish Castle –
Progress re excavation

415 **Clerk:** Question 31. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise what progress has been made on the archaeological study or excavation of the Moorish Castle complex?

420 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

425 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the Moorish Castle complex can be split into two parts: the Tower of Homage, which is open to the public; and the old prison complex. With regard to the former, there is no current plan for study or excavation. The old prison complex has been surveyed and its future use is being considered. The whole area has been made safe and rubbish removed.

430 **Hon. R M Clinton:** Mr Speaker, I would be grateful if the Minister could elaborate on what he meant by 'surveyed'? Was that an archaeological survey, architectural survey or structural survey?

435 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, if I could assist the hon. Member, the Minister said it was split into two, which is the actual Tower of Homage and the prison. When I was Minister for Heritage, what they did was, when it was looked at, it was not only archaeological but on the structure of the buildings and a survey of all the area in all its aspects – engineering, the lot. So it was not just looking for things of archaeological interest.

440 **Hon. R M Clinton:** Mr Speaker, perhaps the Minister could advise the House as to what the next steps would be in respect of the old prison complex in terms of opening up to the public or excavation?

445 **Hon. Dr J E Cortes:** Mr Speaker, as I have said, the future use is under consideration. We have no firm plans one way or the other. We are looking at the best use for the site.

450 **Hon. D A Feetham:** Mr Speaker, does he not agree with me that – in the light of the fact that this is a national monument, effectively – the best use is to attempt to open it up to the public so that it is enjoyed by the public and not any kind of commercial use, in the sense of commercial use as we see in Spain, for example, where these things are turned into hotels, for example. That is not something that the Government is considering ... or is the Government open minded across the board in terms of its use?

455 **Hon. Dr J E Cortes:** I do not know whether there might be some niche tourism which would enjoy spending the night in what used to be a prison cell! (*Laughter and interjection*)

I really cannot expand further, other than to say that clearly it will be consistent with the heritage value of the site, but it is too early for me to commit any further than that.

Q32/2017
Certificate in Gibraltar Law –
Government satisfaction with operation

Clerk: Question 32. The Hon. Ms M D Hassan Nahon.

460 **Hon. Ms M D Hassan Nahon:** Is Government satisfied that the Certificate in Gibraltar Law, which is in its second year and is a requirement in order to practise law in Gibraltar, is being run smoothly?

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

465 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**
Mr Speaker, yes, sir.

Hon. Ms M D Hassan Nahon: Mr Speaker, as the Government well knows, this is a new Government policy that was legislated here in the last couple of years where law graduates are obliged to take this course, yet it still has not been organised to start and it has not taken off for this academic year, which means that in order for it to finish when it must, by the time that it starts there is no doubt that the lessons will have to be crammed in. Many of these students have lives and are training and have jobs and it is causing an inconvenience, given that it still has not started and there is no clear picture of when it will start.

475 Is the Government aware of the inconvenience that this is causing to the many trainees who are still waiting for dates of commencement?

Hon. Dr J E Cortes: Mr Speaker, yes. Not just law students but all students have lives, but I understand what the hon. Member is saying.

480 The course is due to start on 16th February. The requirement is 48 hours of training. The course is expected to take 24 weeks and, as I say, it is due to start on 16th February. Everything is in place and we are confident that it will be more than adequately catered for in this academic year.

485 **Clerk:** We now move to Question 73.

Hon. Dr J E Cortes: Mr Speaker, I have more questions but they are not being asked and nobody –

490 **A Member:** Mr Llamas is not here.

Mr Speaker: Perhaps I should explain at this stage that, owing to the absence of the Hon. Mr Llamas, the decision that he took was that he preferred to have Written Answers.

495 **Hon. Dr J E Cortes:** Thank you, Mr Speaker. I was not aware. I just wondered whether perhaps I had missed something or I had to make myself available at some other time.
Thank you, Mr Speaker.

Q73/2017

Housing waiting lists –

House size requirements of applicants awaiting allocation

500 **Clerk:** We now proceed with Question 73, and the questioner is the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing provide details pertaining to the house size requirements in respect of applicants who joined any category of housing waiting lists prior to 8th December 2011 and who have still not been handed keys to a new home, inclusive of dates of joining said lists?

505 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, there are 266 applicants who have not yet physically received their keys.

510 The house size requirements range from 1RKB to 6RKB and these applicants joined the list as follows: between 1999 and 2004, 26; between 2005 and 2010, 144; and in 2011 up to 8th December 2011, 110.

515 **Hon. E J Reyes:** Mr Speaker, in respect of the house size requirements, the Minister obviously has given me the full range. Does she by chance happen to have any breakdown of how many from those would be just the 1RKB category and how many would be the larger-size houses?

520 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, more than half relate to 1RKB: there are 167. As the hon. Member may recall, there was no commitment in respect of the 1RKB flats. For the 6RKB there is only one, and for the 5RKB there are five.

Hon. E J Reyes: And the date ranges? The Hon. Minister said from 1999 to 2004 – that is a five-year period. Does she have a little bit more of a breakdown of that?

525 **Hon. Miss S J Sacramento:** I do not have it, Mr Speaker, but I did ask why there were people on the list dating back to 1999 and there are only 26 people in this five-year period. It seems like there are people who, for some reason, have been on this list for a long time, are continuously offered houses and continuously reject them. So it may be that I have to look at the policy – which surprises me, because the policy has always been that you are offered three chances and if you do not accept it you are removed from the list. But these people, between 1999 and 2004 ... It was GSD policy. I am aware that that was the GSD policy at the time and I need to look at if there are special circumstances as to why they are not applied.

530 ... It was GSD policy. I am aware that that was the GSD policy at the time and I need to look at if there are special circumstances as to why they are not applied.
I was surprised when I looked and saw that these was someone ... There was only one person on the list from 1999, the others are more recent, but I thought it strange so I need ... It is an internal thing I have to do to look and see why these people have been there for so long. Clearly, in respect of the person from 1999, when I looked at that particular file that person had been made a lot of offers and had rejected them because that person wants a particular flat in a particular area. Apparently, that is the case for quite a number of the historic applications, so it may be that those need to be reviewed and policy may need to be reviewed.

Q74/2017
Housing waiting lists –
Updated details

540 **Clerk:** Question 74. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide updated details in respect of the number of applicants on all Government housing waiting lists, inclusive of the pre-list and social and medical lists, as well as indicating the room composition entitlements and dates when these applicants joined the respective lists?
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Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, by way of update, the following are applicants who joined the waiting lists, inclusive of the pre-list, social list and medical list, since the last answer to this question in September 2016: 76 have joined the 1RKB, 10 the 2RKB, 11 the 3RKB, 6 the 4RKB, and 1 the 6RKB.
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Hon. E J Reyes: Mr Speaker, perhaps I did not quite get it –

555 **Hon. Miss S J Sacramento:** Sorry, Mr Speaker ... And since that date, 40 people have been allocated a flat and accordingly have been removed from the waiting list.

560 **Hon. E J Reyes:** Yes, Mr Speaker, a couple of things. Firstly, in the latter part the Minister just said that 40 have been allocated the flats. Does that mean that they are now already in possession of the keys to the property?

Hon. Miss S J Sacramento: Yes, Mr Speaker, and they have been removed from the waiting list.

565 **Hon. E J Reyes:** And the other part, Mr Speaker: at the very beginning the Minister started to answer questions referring to figures she had given me in the past. That has given me a bit of confusion. What I have asked for is updated details in respect of the number of applicants. Does that mean that, as we speak today, there are 76 applicants for the 1RKB or there are 76 plus some other figure? I am not entirely certain.

570 **Hon. Miss S J Sacramento:** No, Mr Speaker, in September the hon. Gentleman asked this question and now he has asked for that answer to be updated, so I have updated it since the last question. So I have told him who has come in and who has gone out.

575 **Hon. E J Reyes:** Yes, Mr Speaker, but the reason why I ask this question is because, since we have dealt with it before and have had figures, in trying to do my mathematics – and you know, as my past teacher, I am not the brightest of mathematicians – I wanted to get an accurate picture today. So it is 76 plus some figures, and although one can look it up in *Hansard* there is a human error in adding up and a misunderstanding. I did not refer to any other previous question. I just said I wanted updated details in respect of the number of applicants on the housing list, thinking I would get an answer as we speak today or as of last week, whenever the figures were provided to the Minister – how many people are actually in the category of 1RKB, 2RKB and so on, so that there is no confusion. Perhaps we can get to that stage, Mr Speaker.

580 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, I also prefer English to Maths, if we are talking about it like that, so when I was asked for updated details what I did was I updated the last answer. If what the hon. Gentleman wants is an up-to-date list, then if that is how the question is phrased on the next occasion ... It is now my understanding that what he requires is an up-to-date list as opposed to an updated list, so if he asks me for an up-to-date list on the next occasion, then I will provide it in that format. What I have done is I have replied on the basis of
590 the way that the question was formulated.

Hon. E J Reyes: Would Mr Speaker then give me leave to ask at the next session, using the wording 'up-to-date lists', and now that the Minister knows would I have it? Would we will be able to settle this?
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Mr Speaker: Yes. The only thing is, draw my attention to the fact that it is the same question for this reason. Okay?

600 **Hon. Miss S J Sacramento:** In fact, Mr Speaker, if I could assist: if the hon. Gentleman just asks for the list, there is no need to use the words 'up-to-date' or 'updated' because automatically the information provided will be the current information, so it will always be up to date.

605 **Hon. E J Reyes:** Mr Speaker, the hon. Lady is not necessarily wrong, but I will let her know that part of the reason why the word 'updated' came in is because when one looks at the

Government website it is February 2016 when the figures were last updated, so therefore I do not think I am wrong in using the word 'updated', because it is now 11 months since the website provided any updated details.

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Q75/2017
Empty Government housing –
Details of properties

Clerk: Question 75. The Hon. E J Reyes.

615 **Hon. E J Reyes:** Can the Minister for Housing provide a list showing the total number of homes which are currently empty, providing a breakdown of pre-war and post-war properties, indicating the room composition, locations and dates as from when these homes have been empty?

620 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, there are 11 pre-war flats and 47 post-war flats which are empty and currently undergoing the refurbishment process, of which there are 6 1RKB, 22 2RKB, 16 3RKB, 12 4RKB and 2 6RKB.

625 **Hon. E J Reyes:** Mr Speaker, in my question I put location. I do not want the actual particular address but location. One can accept a general nomenclature such as Laguna Estate or Upper Town, or something. Can I have some indication of the geographical location?

630 **Hon. Miss S J Sacramento:** Mr Speaker, I do not have the geographical information, other than, obviously, that these are in Gibraltar. What I can do is I can get the breakdown by zones, the south district and the north district, and that may be helpful for the hon. Gentleman. I will forward that to him.

Another part of the question which I forgot to answer is that these flats have been under refurbishment for different dates since February 2016.

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Hon. E J Reyes: I am grateful, Mr Speaker, that the Minister is going to try and get the location. Can I ask her, if possible, can she get her staff to be a bit more generous, not just north district or south district but more in keeping with the example I gave – whether we are talking of the Upper Town or which housing estate? Given that a very big number of flats are on a particular housing estate, it should not be that difficult to pull them in together as the example I gave – Laguna Estate or Varyl Begg Estate, or something like that.

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Hon. Miss S J Sacramento: Yes, Mr Speaker, other than people will then go hunting the 6RKB that is in, for example, Laguna Estate or the Upper Town. But I have realised that as part of my supplementary I do have the information; I just looked at the wrong page. There are 12 in the North District, 14 in the South, 24 in the Upper Town and 15 in the West District.

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Hon. E J Reyes: I know she is trying to be as helpful as possible, Mr Speaker, but given that we are talking about Government rental, by the West District as opposed to the North District where would one classify places like Glacis, which is really to the west of Gibraltar but most people perhaps call it north? Is there anymore accuracy in that respect?

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655 **Hon. Miss S J Sacramento:** Mr Speaker, I am happy to write to him and explain to him where these are. It is just that, as you know, there are only a few houses with these compositions. The last thing I want is people going on a treasure hunt looking for the empty house. He has been in Government – he knows what it is like when people want houses.

Q76/2017
Government rental homes –
Outstanding repairs

660 **Clerk:** Question 76. The Hon. E J Reyes.

665 **Hon. E J Reyes:** Can the Minister for Housing provide details of how many jobs in respect of repairs to rental homes are currently pending, that is still not fully completed, indicating the dates when these reports were first made by tenants?

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

670 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, there are a total of 324 pending repairs and these were reported to us as follows ... remaining, and of course these are remaining because we provide these almost monthly: one in May 2016, nine in June, five in July, 11 in August, eight in September, three in October, 138 in November, 149 in December – and all these are 2016.

675 **Hon. E J Reyes:** I am grateful, Mr Speaker. May I, with your leave, ask the hon. Lady ... I know we have spoken in the past and she very generously agreed to look into issues because I said I had some constituents who said that they had pending jobs for a long time back, and I forwarded her that information. Is she now satisfied that those jobs have been completed and therefore those who were on the list that I had forwarded to her have now been fully settled?

680 **Hon. Miss S J Sacramento:** Mr Speaker, they are not here, so I am assuming that they have been. Certainly we spoke a couple of months ago and the hon. Gentleman gave me works which I passed on to the Department and asked that they be processed accordingly.

685 As I was telling the hon. Gentleman, some of the works did not appear in our system so it may be that people may have referred it and there may have been an error in the system; or, as of late, unfortunately people think that the appropriate way of reporting things is reporting it on a Facebook page and assuming that someone is going to check it, or maybe the fairy godmother of Facebook is going to come and undertake the works. Mr Speaker, I am not being flippant; it happens very, very regularly. People seem to think that it is normal, instead of reporting a problem to the Housing Department, to report it on Facebook and expect someone to see it.

690 There are, of course, circumstances where – of course, we are dealing with a huge volume of works – some works sometimes fall through the net, as happens and unfortunately does happen, but as soon as those are brought to our attention they are obviously expedited.

695 **Hon. E J Reyes:** Yes, I understand, Mr Speaker, what the Hon. Minister is trying to say. As a result of those exchanges that we had I know one tenant reported back that after months of nothing happening someone actually came round to their flat, looked at what works needed to be done and said, 'We will get back to you.' They waited for I think it was another two months and then I know the hon. Lady must have done some chasing up because someone eventually turned up again and said, 'The old measurements we took seem to have been lost,'
700 and they say that the works were due to start before the end of January. Therefore, I am

grateful for the action that has been taken but I would still classify that as one of those I was requesting and is still not fully completed. That seems to be a rather long time outstanding job and it is still not fully completed.

705 May I, Mr Speaker, just say: would the hon. Lady please agree that she can ask someone in her Department to look it up, just to ensure that people keep to their word? I know she gives it out to Gibraltar General Construction and so on, and as far as the Housing Works Agency is concerned the job is well in hand, but it is not quite fully completed and these are where occasionally they slip through the net. So would the hon. Lady please agree with me that she will look into this and update this House if need be?

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Hon. Miss S J Sacramento: Yes, of course, because, as far as I am concerned, my understanding was that they had been done. So if they have not been done and they have not been provided to me in this question I will follow it up in more ways than one, Mr Speaker, and that goes beyond ensuring that the works are repaired.

Q77-78/2017

**Government rental homes –
Urgent decanting of tenants**

715 **Clerk:** Question 77. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes since the answer to Question 884/2016, indicating the reason why, the date when said decanting became necessary and the dates when the tenants were able to return to their homes?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 78.

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Clerk: Question 78. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details of how many tenants who required urgent decanting from their homes at any time in the past, are still waiting to be able to return to their homes?

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

735 **Hon. Miss S J Sacramento:** Mr Speaker, none.

Q79/2017

**Government rental homes –
Eviction of squatters**

Clerk: Question 79. The Hon. E J Reyes.

740 **Hon. E J Reyes:** Can the Minister for Housing say how much expenditure has been incurred in respect of legal costs relating to the eviction of squatters from Government rental homes since the answer to Question 885/2016, providing a breakdown showing the number of homes involved and to whom payments were made?

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

745 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, none.

Q80/2017

Government rental homes – Works to make suitable for reallocation

750 **Clerk:** Question 80. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details of all expenditure incurred since the answer to Question 887/2016 in respect of contracts awarded for making empty homes suitable for reallocation, stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment, as well as indicating the type/nature of repair works or cleaning services undertaken?

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

760 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, since Question 887/2016, Prestige Builders was paid £12,200 for one property, Avanti was paid £12,434 for one property, Ceprano Ltd was paid £13,470 for one property, and Ace Plumbing was paid £16,360 for one property.

The works carried out by these companies were general refurbishment works, which included plastering walls and ceilings, painting, replacing floor tiles, doors, plumbing and electrical works.

Q81/2017

Government rental homes – Outstanding arrears

765 **Clerk:** Question 81. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide updated details of outstanding arrears in respect of Government rental homes?

770 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, as of 1st January 2017 the level of outstanding arrears in respect of Government rental homes stood at £5,189,641.67.

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COMMERCE

Q42/2017

**Crypto-currency Working Group second report –
Reason for recall**

Clerk: We now move to Question 42. The Questioner is the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government explain why the Crypto-currency working group's second report of 22nd February 2016 was recalled?

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Clerk: Answer, the Hon. the Minister for Health, Care and Justice on behalf of the Hon. the Minister for Commerce.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the email dated 22nd February 2016 under the heading 'Working Group on Virtual Currencies proposal for a regulatory framework' was not recalled as has been suggested. Should the Member opposite furnish me with further details, I will happily look into the matter. It may be that the question arises as a small number of emails were returned undelivered. Where this occurred, we amended the email address and resent.

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HEALTH, CARE AND JUSTICE

Q45-47/2017

**HMP Windmill Hill –
Mandatory drugs testing of prisoners**

Clerk: We now move to Question 45. The Hon. E J Phillips.

Hon. E J Phillips: Further to Question 524/2016, can the Government confirm that the Superintendent of Prisons has now issued the requisite notice for the mandatory drugs testing of prisoners at HMP Windmill Hill?

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I should add that it should read Question 525 from my record of *Hansard* – apologies.

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

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Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Questions 46 and 47.

Clerk: Question 46. The Hon. E J Phillips.

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Hon. E J Phillips: Further to Question 524/2016 – which should read 525/2016 – can the Government provide details pertaining to the number of mandatory drugs tests conducted on prisoners at HMP Windmill Hill?

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Clerk: Question 47. The Hon. E J Phillips.

Hon. E J Phillips: Further to Question 524 and 525/2016, can the Government confirm that it is the Prison Service itself that prefers voluntary drugs testing arrangements as opposed to the exercise of the power to conduct mandatory drugs testing of prisoners at HMP Windmill Hill?

815 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the Prison Superintendent has not issued an authorisation under section 48 of the Prison Act.

No mandatory drug tests have been conducted at Her Majesty's Prison Windmill Hill to date.

820 The view held by the management of the Prison is that both voluntary and mandatory drug testing are necessary components of an overall drug strategy for the prison. Each of these programmes have different aims and objectives and it is by having them working in tandem that can achieve the most desirable impact on tackling the problems of drugs in prison and rehabilitate offenders.

825 To be clear, Mr Speaker, it is for the Prison Superintendent and for the Prison authorities to decide whether and when to exercise the statutory authorisation under section 48 of the Prison Act.

Hon. E J Phillips: Mr Speaker, can the Minister help me with a supplementary question relating to this matter? My understanding is that the delay in providing the mechanism for the section 61 mandatory testing of prisoners related to the calibration of the machinery available to the Prison Service so that they can conduct these tests, and there was an issue, I believe, with the GHA at the time relating to the calibration of that. My understanding from the answer to the question that I put to the former Minister for Justice related to the fact that he did confirm that

830 the arrangements are now in place for mandatory drugs testing.

835 The question that I have is that if we do have this power available to us, given the fact that drugs are a problem in society in any event and they are also a problem in the Prison, why can't we now engage the Prison Service to ensure that mandatory drugs testing does take place? Although there is a requirement in the law for that to happen – and I understand the Superintendent's view as to voluntary testing – surely we should move towards also mandatory testing to try and tackle drugs at both these levels.

840 As described by the learned and Hon. Leader of the Opposition in relation to that, there are three strands to this. One, obviously, is the voluntary testing, but also the mandatory testing. I would ask the Minister to clarify the position in relation to mandatory testing, so that we can have that strand running in tandem with the voluntary arrangements at the Prison Service.

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Hon. N F Costa: Mr Speaker, I agree with everything that the hon. Gentleman has said. In fact, I would go even further: I think that there should be a public-sectorwide policy in terms of drug testing and I have discussed that with the hon. Lady, the Minister for Drugs, in respect of introducing a public sector policy, indeed from the Minister down.

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In respect of the mandatory testing in prisons, I know, having spoken with the Superintendent, that it is his view that there has to be mandatory testing working in tandem with voluntary testing, and he is right in saying that my predecessor, Mr Gilbert Licudi, did mention the benefits of voluntary drug testing and the compact made between the Prison Authorities and the inmates and the benefits that has for the rehabilitation of the offender while in prison.

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Having calibrated the GHA machinery properly to be able to do that, it is certainly a matter for the Prison Superintendent to issue the notice under the statute. He has no direction from me other than that he should proceed to do so as he sees fit. So, whenever he sees fit he is certainly in a position to be able to do so.

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Hon. E J Phillips: Does the Minister also agree with me that it should be part of the Prison Service duties to make sure that these are conducted? Drugs are a problem everywhere in society, including in the Prison, and therefore would he agree that we should be encouraging at least the Prison Superintendent to engage that part of the law which provides for that notice to be issued so that he can engage in this tandem process? I believe we are *ad idem* in relation to

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that. Would he commit to approaching the Prison Superintendent in order to recommend that we pursue that tandem process of voluntary and mandatory drugs testing?

870 **Hon. N F Costa:** Mr Speaker, yes, and once again I would like to go further than the hon. Gentleman. He also raised in the last session of Parliament the fact that the Parole Board has not introduced a condition as to drug testing as part of the licence, and when I meet with the Superintendent of Prisons I will also raise with him the fact that section 61 has not seemed to have been activated either.

875 So, given that we all agree, in this House and outside, that there should be mandatory and voluntary drug testing at the same time, I will ask for the Superintendent's views on when he intends to engage section 61 in respect of mandatory drug testing, and I will be very happy to write to the hon. Gentleman in that respect after my meeting with him.

880 **Hon. E J Phillips:** I am grateful for the response, and if he could also commit to setting out the response from the Prison Superintendent in this House it would also be helpful. I am grateful.

Hon. N F Costa: Mr Speaker, I would be obliged to do so.

885 **Hon. D A Feetham:** Mr Speaker, just to place my question in context, the mandatory drugs testing is something that was introduced by the then GSD Government, both the mandatory drugs testing in prison and also the drugs testing as part of the parole process. I think everybody listening to the exchanges agrees that they are worthwhile measures.

I listened to the Hon. Minister's answer where he is effectively saying that both the Government and the Superintendent agree that mandatory and voluntary drugs testing ought to proceed in tandem, and yet I am curious as to why the notice has not been issued yet. What is the reason for the delay? I have never understood, I have to say, why voluntary drugs testing can take place but why mandatory drugs testing, as a matter of technology, cannot take place. It seems to me that it must be the same technology. But secondly, this issue with the recalibration – although I do not understand how it works, because as I say I think they must be the same – has been sorted out sometime ago. Why hasn't the Superintendent of Prisons issued the relevant notice under both sections?

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Hon. N F Costa: Mr Speaker, in a way, the issue of the calibration of the machine is outdated because, as the hon. Gentleman knows, the Royal Gibraltar Police have the ability to drug test people who are driving, so there is no need for that machine in any case. In any event, now you have the portable test that you can conduct on site.

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I think the key in understanding my answer is that it is a statutory power vested in the Superintendent of Prisons. It is not for me to tell him when and where. I have certainly communicated to the Superintendent of the Prison my view and it is also his view that there should be mandatory and voluntary drug testing in tandem.

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Given the exchanges we have had in this House, at my next meeting with him I will be specific as to my questions and say to him that if it is his policy that there should be mandatory drug testing along with voluntary drug testing, then he should feel free to exercise his statutory power whenever he thinks it is appropriate to do so. But I am not going to tell him how or when to do it; that is a matter for him to do so.

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Hon. D A Feetham: No, I understand that. I understand that the power vests in the Superintendent, but he is the Minister responsible for the prisons and having told this House that both the Government and the Superintendent of Prisons both believe that this is a policy that ought to operate in tandem, and bearing in mind that none of this has actually happened over the last five years, I would have thought that the Hon. Minister would have asked the Superintendent 'Why haven't you issued the notice yet?' It does not appear to be a dispute

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920 about the policy, and that is what I am asking: what are the reasons for the delay? But if he hasn't asked ask the Superintendent I would urge upon him that he should ask the Superintendent, because bearing in mind that we all agree that this is a very worthwhile policy it ought to be instigated as soon as possible.

Q51/2017
Dementia Daycare Centre –
Contract details

925 **Clerk:** As Mr Llamas is not in the Chamber today we move to Question 51. The questioner is the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, is the Government in a position to advise to whom the contract has been awarded in respect of the Dementia Care Centre and for how much?

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Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Yes, Mr Speaker, the Government awarded the contract in respect of the Dementia Day Centre to Medoc for £712,779 per annum.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his response. Perhaps he could advise what track record this company has in providing such services in Gibraltar?

Mr Speaker: I do not think it arises from the question.

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Hon. D A Feetham: Of course it arises!

Mr Speaker: The track record does not arise. What may arise is to ask is the Minister satisfied that this company is able to carry out the work for which they are contracted. Yes, that is a valid question, but to give details about their track record has got nothing to do with Government.

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The Government does not have, in this House, to provide details of the track record of any company established in Gibraltar. Given that they have awarded a contract to this company, it is perfectly acceptable to ask whether the Government is satisfied that they can carry out the necessary task.

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Hon. R M Clinton: Thank you, Mr Speaker, I will rephrase my question. Could the Government advise what due diligence they undertook on the successful tenderer in terms of their experience in providing such services?

955 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman heard my answer to that last week in the *Viewpoint* programme. (*Interjection*) Then he was not listening to me.

At the time it was my formidable predecessor, Dr John Cortes, who headed the GHA. There was a competitive tender board set up. The GHA sought quotes from all the existing care providers in Gibraltar. If memory serves, I believe there were six. Of the six companies that were approached, only three submitted quotes. Of those three that submitted quotes, they were, of course, interviewed by this tender board, as a result of which there was a recommendation made to the Minister. As a result of that, the Minister came to this House to announce that Medoc, a private provider, had been made the preferred bidder. Following that, there were direct negotiations, as is usual, between the GHA and the preferred bidder to finalise the details of the contract.

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I am working entirely from memory, but I think that my recollection is correct (**Hon. Dr J E Cortes:** It is.) – but my hon. Friend will assist.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):

970 Yes, Mr Speaker. As soon as the board had considered ... I believe it was two proposals that were the favoured ones, there was a great deal of interchange with them, asking for all sorts of credentials, membership of ... who the people they were going to be engaging or had engaged were. So there was a great deal of toing and froing from the people running the selection board in order to ensure that this was the best available option.

975 I have very clear recollection of how incisive and how insistent the selection panel was in order to obtain all the necessary guarantees.

Hon. R M Clinton: Mr Speaker, I am very grateful to the Minister and the former Minister for Health for their answers in this respect.

980 Can I ask: in terms of their due diligence, do they also carry out any due diligence as to the ownership of Meddoc, and can the Minister advise who are the beneficial owners of Meddoc?

Hon. N F Costa: Mr Speaker, I am afraid that I do not have that information with me.

985 **Hon. R M Clinton:** Mr Speaker, would the Minister be willing to come back to this House and provide that?

Hon. N F Costa: Mr Speaker, unless I am mistaken, the beneficial ownership of the company would be reflected in the documents found at Companies House, so I would have no difficulty in relaying to this House what is available in a public document, none at all.

995 **Hon. R M Clinton:** Mr Speaker, I understand what the Minister is saying, but in fact a search of the company at Companies House will indicate that 50% of it is owned through a nominee company. So, if I file a specific question on that, would the Minister be comfortable in answering that question?

1000 **Chief Minister (Hon. F R Picardo)** Mr Speaker, the Government always insists in knowing who the beneficial owners of a company are when they grant any agreement in relation ... or any contract. We do not accept that we should simply be told who are the registered shareholders of a company. So, if a question is put then I am sure the information will be brought to this House.

Q52/2017

St Bernard's Hospital escalators – Cost of purchase and installation

Clerk: Question 52. The Hon. R M Clinton.

1005 **Hon. R M Clinton:** Mr Speaker, can the Government advise how much the escalators to St Bernard's Hospital cost to purchase and install?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1010 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, each escalator cost £54,110.16. The installation and design cost was £91,290.86.

Hon. R M Clinton: Sorry, Mr Speaker, I may have misheard the Minister: did he say that the design cost was £91,000?

Hon. N F Costa: Installation *and* design.

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Hon. R M Clinton: So £91,000 was the total cost of purchase, installation and design?

Hon. N F Costa: No, Mr Speaker, each escalator cost £54,110.16, so that amount times two. And then, in addition, the installation and design cost was £91,290.86.

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Hon. R M Clinton: Mr Speaker, I thank the Hon. Minister. Again, I presume ... it is a question of some more maths just to make sure I have got the right numbers: so the total cost of purchase, design and installation for both escalators would come to £195,000?

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Hon. N F Costa: It is £199,511.18.

Hon. R M Clinton: Mr Speaker, in the last meeting in December I brought to the Minister's attention that the escalator was not working, and in his answer he said that he was hoping that it would be operational by the end of the week. That was 21st December. Last week I went to have a look at them and they were not working. I would be grateful if the Minister could advise what the problem is with the escalators, given that they cost the taxpayer £200,000.

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Mr Speaker: No, you do not have to answer that question. It does not arise from the specific question about installation and cost. If the escalator is not working it should be the subject of a separate question.

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Hon. R M Clinton: Mr Speaker, £200,000 of taxpayers' money for a system that is not working ... Surely the supplementary must be relevant.

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Mr Speaker: No, it does not matter. The cost could be a million pounds. You have asked a specific question. You have wanted to know how much has the escalator cost and how much has it cost to install, okay? That is what you are asking for.

Obviously you expect to get value for money, but that is another matter. But to ask a specific question about the reason why on a particular date the escalator was not working ... That is a separate matter.

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Hon. N F Costa: Mr Speaker, would you like me to assist the House?

Mr Speaker: If you want to. I will allow the Minister to answer if he wants to, but he does not have to.

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Hon. N F Costa: Thank you, Mr Speaker.

Just to put the hon. Gentleman's mind at rest, I was also not impressed that the escalators were not working by the time that I indicated in this House that they should be working. But subsequent to the session in the House I was informed that a particular critical piece had been unfortunately destroyed because of the flooding; it was not at all operational. Because, of course, the piece is under warranty, we will be able to claim for the amount that it has cost to replace it, but I am assured that the escalators will be operational by the 27th of this month.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his response. Thank you.

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Mr Speaker: And I would be grateful if the hon. Member takes note of the guidance that I am giving him. All right? He may have been in time: if the escalator was non-operational last week he could have asked a specific question on the matter.

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Q53-56/2017
Primary Care Centre –
Waiting times

Clerk: Question 53. The Hon. D A Feetham.

1070 **Hon. D A Feetham:** Mr Speaker, can the Government please provide details of average waiting times at the Primary Care Centre on a monthly basis for the last six months?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1075 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 54, 55 and 56.

Clerk: Question 54. The Hon. D A Feetham.

1080 **Hon. D A Feetham:** Can the Government please provide details of the longest a patient has had to wait to be treated at the Primary Care Centre in each of the last six months?

Clerk: Question 55. The Hon. D A Feetham.

1085 **Hon. D A Feetham:** Can the Government please provide details of average waiting times for non-urgent referrals from the Primary Care Centre to consultants or doctors at the hospital for each of the last six months?

Clerk: Question 56. The Hon. D A Feetham.

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Hon. D A Feetham: Can the Government please provide details of average waiting times for urgent cancer referrals from the Primary Care Centre to consultants or doctors at the hospital for each of the last six months?

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Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, in respect of the last six months the information is as follows.

1100 The Primary Care Centre offers a range of services, and for ease of reference waiting times at the PCC have been broken down by service providers.

Dermatology: urgent cases, two to six weeks; routine cases, 10 to 12 weeks.

Dental department: varies depending on the treatment and clinician, nine to 21 weeks.

Audiology: no waiting time for initial appointment for hearing tests; for the issue of new hearing aids, 16 weeks.

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Physiotherapy: urgent cases, two to four weeks; routine cases, 10 months.

Physiotherapy paediatric: acute referrals, within a week; routine referrals within two months.

Children with developmental delay/neurological problems: within a month.

Occupational therapists: routine referrals, 20 weeks to nine months.

1110 Diabetes: annual review check-ups, four months; review, one to two weeks; newly diagnosed, five weeks.

Mr Speaker, service users have access to our GPs on a daily basis for appointments on the day, emergency care and to a 48-hour appointment system. Further, no service user has made a specific verbal or written complaint in respect of any of the waiting times over the last six months.

1115 In respect of the last six months the information of average waiting times for non-urgent referrals from the PCC to consultants or doctors at St Bernard's Hospital is in the schedule I now hand over to the hon. Gentleman.

1120 In respect of the last six months, from the moment a patient is referred as an urgent possible cancer case the patient will be seen by the relevant consultant or doctor within two weeks in accordance with NHS best practice. The National Institute for Health and Care Excellence Guidelines state that suspect cancer presentation at primary care are to be referred to the secondary care consultant within two weeks.

Answer to Question 55/2017

MEDICAL INVESTIGATION UNIT	URGENT REFERRALS	ROUTINE REFERRALS
Cardiologist – Dr Mejias	2 weeks	4 weeks
Gastroenterologist – Dr Latin	2 weeks	6 weeks
Geriatrics – Dr Marin	1 week	2 weeks
Respiratory – Dr Haider	1 week	2 weeks
General – Dr Lorenc	1 week	8 weeks

ORTHOPAEDICS DEPARTMENT	URGENT REFERRALS	ROUTINE REFERRALS
Mr Malik	1 to 2 weeks	12 to 14 months
Mr Boerger	1 to 2 weeks	12 to 14 months
Mr P Kovacs	1 to 2 weeks	12 to 14 months

EAR, NOSE & THROAT	URGENT REFERRALS	ROUTINE REFERRALS
Mr Kubik	1 to 2 days	2 weeks
Mr Mueller	1 to 2 days	2 weeks

ORAL & MAXILLOFACIAL SURGEON	URGENT REFERRALS	ROUTINE REFERRALS
Mr F Morillo	1 to 2 days	4 months
	NB Cancer patients seen within 4 weeks as per protocol	

GYNAECOLOGY	URGENT REFERRALS	ROUTINE REFERRALS
Dr Van Der Borden	1 to 2 days	6 months
Dr Cerne	1 to 2 days	6 months
Dr Yiga	1 to 2 days	6 months

SURGICAL DEPARTMENT	URGENT REFERRALS	ROUTINE REFERRALS
Vascular Surgeon – Dr Aranda	1 week	3 months
Urologist – Dr Arocena	1 week	4 weeks
General Surgeons - Mr Salman	1 to 2 days	2 weeks
General Surgeon – Mr Golda	1 to 2 days	3 months
General Surgeon – Mr Kovacs	1 to 2 days	4 weeks

PAEDIATRICS	URGENT REFERRALS	ROUTINE REFERRALS
Dr Molnar	1 to 2 days	1 to 2 weeks
Dr Dai	1 to 2 days	1 to 2 weeks
Dr Cassaglia	1 to 2 days	1 to 2 weeks

1125 **Hon. D A Feetham:** Mr Speaker, these questions asked for details of each of the last six months on a monthly basis. Am I right in saying that therefore, from the answers, the Government does not have the statistics for each month, or is it that the average that he is giving me is a constant average in each month of the last six months?

1130 **Hon. N F Costa:** Yes, Mr Speaker, the information as explained to me represents an average in respect of each of the specialisms that I have mentioned to him. If he looks, for example, at the schedule that I provided to him, in respect of referrals to cardiologists, geriatrics and respiratory he will also see that there are urgent referrals and routine referrals.

1135 **Hon. D A Feetham:** Yes, I know. I understand that. It may well be that the statistics cannot be converted in the way that I have asked for them – I do not know. But let me give the hon. Gentleman an example and why I have asked it in this particular way.

When one looks at the report provided to the GHA board in terms of statistics of bed occupancy, very helpfully they are divided in months and for a period of six months it shows bed occupancy going up from 103%, then the next month there is 105%. Individually in each month it gives you the actual statistic, so it allows you to see a trend, which in that case was upwards for the period that was examined, and that is really what I want to see: whether there are trends in the last six months, whether the waiting lists are actually going up or whether they are going down. This just gives me an average over six months. Does the Government have the statistics in the format that I want them?

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Hon. N F Costa: No, Mr Speaker. In the first place, the hon. Gentleman is absolutely right – what he does have are averages. The system is not wired to be able to provide that statistical information that he requests.

1150 Of course, whether a person waits for two weeks or more, or less, will depend on a whole variety of factors, and the programme as currently configured does not provide that information. I am not at all certain whether the new programme will be able to – *(Interjection by Hon. Dr J E Cortes)* Yes, Dr John Cortes, my hon. Friend, is telling me that in fact the new electronic program will be able to provide those statistics, but as currently configured the programme that we have only provides average waiting times. So I will not be able to tell him, for example, that a particular individual on a particular date, awaiting for example a dental appointment, took three weeks.

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1160 **Hon. D A Feetham:** And I take it from that that the Hon. Minister – bearing in mind that he has come into his Ministry quite recently and one of the things that he would want to do is what I am doing as well, which is looking at these statistics and looking at trends; that is precisely why I am asking them – he has not been able to check these averages, or has he, these averages as against averages in the past, to see whether, for example, routine referral waiting times are actually going up, going down or whether they have been static. Is this something that the Hon. Minister has done?

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Hon. N F Costa: No, Mr Speaker, in preparing the information I asked my officials to answer the hon. Gentleman's question so that the information that I have provided to him relates only in respect of the last six months. We have not looked in respect of these six months and compared them to the previous six months.

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1175 **Hon. D A Feetham:** Is he therefore satisfied or not satisfied that actual waiting times are going up? This is precisely the type of exercise that I would have expected the Minister to have done in order to see whether waiting times are going up or are going down, and I would urge the Hon. Minister to conduct this kind of exercise to see whether the service is improving or whether it is static or whether it is not improving.

Hon. N F Costa: Mr Speaker, whereas I have not been able to conduct it in the time frame between the questions being asked and attending Parliament, I have of course instructed my officials to do exactly that kind of exercise.

1180 **Hon. D A Feetham:** I am very grateful. And can the Hon. Minister indicate to me – so that then I can come back to this House and perhaps ask further questions on it, because I do not want to bombard the Minister with statistical questions that really will not take it very much further from my point of view – when the exercise will be completed, so that I can then ask the Minister whether he sees any trends in the statistics?

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Hon. N F Costa: Mr Speaker, I envisage having discussed this issue with various staff members ... perhaps four weeks.

Clerk: Question 57. The Hon. D A Feetham.

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Hon. E J Phillips: I just have one question after looking at the answer to the question that the Minister has handed up. One thing that obviously shines out quite brightly in relation to routine referrals is the orthopaedic department's routine referrals of between 12 and 14 months. Can the Minister explain the duration? It seems to be a lot longer than other routine referrals in the GHA and I assume there is a good reason for that or there are reasons that the Government can explain for over a year for routine referrals in relation to orthopaedics.

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Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, perhaps I can assist. Orthopaedics are a very special kind of medicine, and I am not aware of the detail of the current waiting list but certainly when it comes to surgery, because orthopaedic surgeons are the ones who are called in whenever there is a trauma case – something as serious as a traffic accident or somebody falls at home and breaks a hip or an ankle or whatever – they tend to interfere with routine clinics and surgeries more than other types of surgery. Therefore, without commenting on the particular situation now because my information is a few months old, normally you will find that orthopaedics have longer waiting lists or longer waiting times because the surgeons are often involved frontline, dealing with emergency cases, which deals to other operations and clinics having to be put off.

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I just say that by way of assistance.

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Hon. E J Phillips: I thank the Minister for that answer and for clarifying the position, but would he agree with me that we should try to target this and bring this time down because it does appear to be a fairly long time, 12 to 14 months, to see an orthopaedic surgeon for routine referrals. It would be helpful to see if we can reduce and get a better target time for those that need that care and attention.

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I appreciate the fact that there are trauma clinics, and the Minister has tried to explain that, but it would seem like a long time to me, particularly when you are looking at other specialisations such as gastroenterology or surgical departments that have two weeks to three months on average for routine referrals.

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Hon. N F Costa: Yes, Mr Speaker, I do agree with the hon. Gentleman and, as no doubt he would have expected, I have in fact sought the reasons why the referrals are over a year and what we can do to make sure that we reduce that more consistently in line with other non-referrals, which in some specialisms are only one month and three months. But I agree with him, there is certainly work to be done in that respect.

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Hon. D A Feetham: I am very grateful to the Hon. Minister for the candour of his answer. What about gynaecology, where that also seems to be out of sync? Gynaecology in the middle of

1230 the schedule, that six months routine referrals to all three doctors seems to be higher than all
the others. Obviously it is way below orthopaedics, but still six months is a long time to wait for
a referral. Does he have any answer in relation to that, why that seems to be out of sync with
the rest of the waiting times?

1235 **Hon. N F Costa:** Mr Speaker, as the hon. Gentleman will have seen, there are three specialists
for gynaecology and he will also have seen that next to the routine referrals there are urgent
referrals. Any patient who presents with an urgent case is seen by one of these three
gynaecologists between one to two days. Then, of course, any other referral which is not
deemed urgent is then referred within six months. Remember that this is an average; it does not
necessarily take every patient to the six months.

1240 I think it is also fair, Mr Speaker, to make the point as well that in respect of the orthopaedics
department, whereas routine operations I agree are too high at 12 months, if there are any
urgent referrals we are looking at between one to two weeks. So, in other words, any matter
that presents as urgent will be seen by a gynaecologist between one to two days.

1245 **Hon. Dr J E Cortes:** If I may assist, Mr Speaker, again using my own memory of that, we are
looking at six months for gynaecologists. I do recall several years ago it was between 10 and 12
months, so it is actually going down. It depends on what you compare it to, Mr Speaker.

Mr Speaker: Next question.

Q57-59/2017
Accident and Emergency –
Waiting times

1250 **Clerk:** Question 57. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please provide details of monthly
average waiting times for people waiting to be treated at the Accident and Emergency at the
hospital during the last six months?

1255 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Yes Mr Speaker, I will answer this
question together with Questions 58 and 59.

1260 **Clerk:** Question 59. The Hon. D A Feetham.

Hon. D A Feetham: You mean 58?

1265 **Clerk:** Sorry, I beg your pardon, yes.

Hon. D A Feetham: Can the Government please provide details of the longest a patient has
had to wait to be treated at the Accident and Emergency department in each of the last six
months?

1270 **Clerk:** Question 59. The Hon. D A Feetham.

Hon. D A Feetham: I want to thank the Hon. the Minister as well for not bunching all 20-something questions together and breaking them into these very sensible segments.

1275 Can the Government please provide details of how many patients have been placed or been admitted to the Accident and Emergency department in each of the last six months and have had to wait for over an hour before their admission to a ward within the hospital?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1280 **Hon. N F Costa:** Mr Speaker, in respect of the last six months the information is as follows: 16th July, two hours and four minutes; 16th August, two hours and 10 minutes; 16th September, two hours and 28 minutes; 16th October, two hours and 34 minutes; 16th November, two hours and 31 minutes; 16th December, two hours and 28 minutes in respect of average waiting times.

1285 In respect of the longest waiting times: 16th July, 12 hours and 39 minutes; 16th August, 10 hours and 55 minutes; 16th September, 14 hours and 13 minutes, 16th October, 11 hours and six minutes; 16th November, 18 hours and 25 minutes; 16th December, 28 hours and six minutes.

1290 Mr Speaker, in respect of the longest a patient has had to wait to be treated at A&E it is critical to note that of the last six months the only patient who was not admitted sooner due to the lack of a bed was in December.

1295 As the House will know, the GHA experienced a surge of patients of over 75 years of age who presented with critical illnesses, and 83 out of 338 patients seen required admission. The surge in patient admissions with critical illnesses and over 75 years of age is the highest ever recorded. As a result, the very good work of the GHA to prepare for the seasonal influx faced unexpected and unforeseeable increase.

As the House will know, the Hon. and learned Chief Minister announced in his New Year message that the Dementia Residential Home will open its doors this quarter. This House will also remember that I announced an additional 24 beds for elderly residential stay. I am currently considering additional measures.

1300 Further, the Medical Director and clinical nurse managers have confirmed to me that the addition of a qualified social worker as an integral part of the bed management team, the increase of such meetings to weekly and the introduction of a rolling discharge process have vastly improved discharges and, just as importantly, the avoidance of unnecessary admissions.

1305 The preparation of individual care packages has been instrumental in achieving the highest number of bed availability in January, which is ordinarily the busiest time.

In respect of the other longest waiting time, i.e. July to November, the reasons related to other factors not connected to bed availability.

1310 In respect of patients having to wait for over an hour, the new electronic system is not currently configured to provide this report. In this respect I have asked one of the GHA's unit general managers to investigate with a system administrator the possibility of reconfiguring the current reporting system to provide the report.

1315 **Hon. D A Feetham:** Mr Speaker, just turning to Question 58, there are some very startling statistics that are emerging from the answer that the Hon. the Minister has very graciously provided: 28 hours, somebody waiting – the top waiting time, 28 hours – to be treated at Accident and Emergency. Obviously it is something that the Hon. Minister must have looked at. Does he have a reason why somebody waits 28 hours at Accident and Emergency? It is really way off the scale of what I would have thought was the highest waiting time.

1320 **Hon. N F Costa:** Mr Speaker, a few things. As I noted, and understandably, the Hon. the Leader of the Opposition has focused his supplementary on the last fact that I provided to him, which is the December statistic, but I did alight in my original answer that over the last six

months, the five months before December where there were higher waiting times, the wait was not due to any lack of bed availability, it related to individual –

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Hon. D A Feetham: I am not asking that.

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Hon. N F Costa: No, I know that he is not asking that. I appreciate that he is focusing his supplementary just on the December fact, but he needs to understand ... I hope that he did not misunderstand my answer to mean that the person was waiting outside of A&E. What happened was that the person was in A&E on a proper bed receiving adequate medication, doctors' rounds being carried out, food and drink being provided, open visiting for relatives, shower and toilet facilities provided and all adequate nursing, so that the person was in a proper bed with proper care awaiting for admission to a ward. I hope that he does not leave the House with the image of somebody waiting outside of A&E, sat without proper care. It was simply waiting in a bed whilst the bed management team made arrangements for the person to be admitted into the ward.

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Hon. D A Feetham: Yes, Mr Speaker, I focused on 28 hours because it is, as I said, way off the scale. But in November it is 18 hours, in October it is 14 hours and in August it is 12 hours. These are very, very high figures indeed.

The Hon. the Minister said 28 hours, yes, but the person is on a stretcher or –

Hon. N F Costa: On a bed.

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Hon. D A Feetham: On a bed. I beg your pardon, on a bed. But if the Hon. the Minister is saying this has absolutely nothing to do with bed availability, which is the answer that he has given me, but then he is saying to me in the same breath that that person is on a bed waiting to be sent and admitted into a ward, well the system must be failing in some very, very material way if there are beds available and yet somebody has got to wait 28 hours in Accident and Emergency.

Hon. N F Costa: Will he give way?

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No, Mr Speaker, I think he misunderstood my answer to his first supplementary. I said that in respect of July to November the waiting times did not relate to a bed shortage, but that it did relate to a bed shortage in December. I hope that that is clear now.

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Hon. D A Feetham: I am grateful for that because I had not understood that to be the case. But what about the 18 hours that a person had to wait in November? Has the Minister enquired as to why that person had to wait 18 hours? I presume that if it is not related to admission to a ward, that is 18 hours outside waiting.

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Hon. N F Costa: No, Mr Speaker, I think it is important that I explain the situation properly because I do not want anyone listening in to Parliament to think that the statistics that I have given relate to people waiting outside of A&E. These are people who have been admitted to A&E, are on a bed and are receiving care: doctors' care, nursing care and so on. Right?

Hon. D A Feetham: Will you give way?

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Hon. N F Costa: Yes.

Hon. D A Feetham: The original question – and if there is any confusion it arises out of the answer, but the original question is: can the Government please provide details of the longest a patient has had to wait to be treated at Accident and Emergency? To be *treated* – that is the question.

1375 **Hon. N F Costa:** No, I am sorry – No, Mr Speaker, the question was ‘had to wait to be treated’ at A&E. Then my answers to the House are incorrect. Those answers would not be correct. They would be receiving medical care and nursing care the moment they had been admitted into A&E and would be receiving treatment then. The waiting time is between being admitted into A&E and waiting for a ward.

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Hon D A Feetham: Mr Speaker, that is how I understood it just a moment ago, and the question therefore still stands. I will ask the question next time round because he has not understood the question.

1385 Let me take a step back. First of all, I want to know what is the longest time that a person has had to wait at Accident and Emergency before he is treated, because the complaint from people is that they are waiting four hours before they are treated. The hon. Gentleman has provided me with these statistics. Now he is saying – (*Interjection*) I understand. Now he is saying to me no, that is not waiting to be treated because they are already being treated waiting to be admitted to a ward. But if they are waiting to be admitted to a ward it must be because there is a bed shortage problem. (*Interjection*) Well, on what basis does somebody ...? Because if that is not
1390 the case, then the system is failing very badly because I could understand that there are no beds.

Hon. N F Costa: No, Mr Speaker, this is why I said during the course of my original answer that from July to November the reasons did not relate to a bed and the information that has
1395 been provided to me in respect of July, August, September and October in respect of the longest waiting time relates to very individual circumstances and without making or revealing any details that may identify the person.

For example, in July there was a person who was admitted into A&E and received nursing and medical care, as a result of which the person is not eventually admitted into the ward. So it is
1400 not that there are no beds, there were beds; it is just that the doctor decided that in fact there was no reason to admit the person into a ward.

In August there was an elderly person who came in and was admitted eventually, not because there was any medical indication but because the hospital was concerned about the absence of support and proper care at home, but it was not because there was a lack of a bed. In
1405 September, once the doctor and A&E diagnosed the person they called in a psychiatrist and further to treatment at A&E again the person is not admitted. It had nothing to do with the absence of a bed.

And it could continue. The only time that it related to an absence of a bed was in December. As I explained to the hon. Gentleman, there was the highest recorded number of persons over
1410 75 years of age who presented with critical illnesses. There were around 330-odd, 83 of them were admitted and that caused an issue in December.

But I can assure him that it is not due to the concerns that he has raised, that there is awful bed management or an awful management of the system. These were individual cases that because of medical indications there were no reasons to admit those persons initially and
1415 therefore that is why they were there at A&E.

Hon. D A Feetham: Can the hon. Gentleman provide me or ask his staff to provide me with details of the maximum somebody has had to wait at Accident and Emergency before being
1420 treated? That was my question.

We have been exchanging these exchanges across the floor of the House unnecessarily because this information is not the information that I wanted, helpful as the December one may be because there was a strong demand in December.

I want to know what is the longest that somebody has had to wait before being treated at Accident and Emergency. In other words, sitting there waiting. That is the problem that is
1425 constantly coming back to me, the complaints from people, and that is what I want to know. If the hon. Gentleman does not have the statistics there, will he undertake to provide me with

those statistics during the next week, which should be available quite easily to the Hon. Minister?

1430 **Hon. N F Costa:** But, Mr Speaker, whereas I agree with him that I have misunderstood the nature of his second question and what we are talking about is people admitted to A&E to receive treatment, I have given him the answer in respect of average waiting time. The average waiting time for a person before being seen at A&E is an average of two hours.

1435 **Hon. D A Feetham:** Two and a half here.

Hon. N F Costa: No, it depends on the month. Two hours and four minutes. He always takes it to the edge of the worst. (**Hon. D A Feetham:** No.) Yes, he does! (*Interjection by Hon. D A Feetham*) Yes, he does! (*Interjection by Hon. Chief Minister*) Yes, two hours and four minutes, 1440 two hours and 10 minutes, two hours and 28 minutes, two hours and 34 minutes. It is – (*Interjection by Hon. D A Feetham*) Yes, but it is also close as well to two hours. So persons waiting to be seen at A&E will wait around two hours and I think it is fair to say that I think that A&E department should certainly be congratulated if Gibraltarians are able to attend A&E and are seen within two hours. (*Banging on desks*)

1445 **Hon. D A Feetham:** I certainly congratulate the staff at Accident and Emergency who work under very, very difficult circumstances, including under a system that is not fit for purpose, (*Interjections*) and I do wholeheartedly congratulate staff for that.

1450 But the question that I asked, Mr Speaker, was will the hon. Gentleman undertake, bearing in mind that he has not misunderstood this question that asks for –

Mr Speaker: Does the Hon. the Leader of the Opposition continue to have to repeat? Because I have understood what your question is –

1455 **Hon. D A Feetham:** But he hasn't.

Mr Speaker: – and I think the Minister, from the reply that he has given, has understood what you are after. It is established. I think we all understand what you are after. You cannot get the information today. You have asked whether you can get it within seven days. Surely you do 1460 not have to repeat the question.

Hon. D A Feetham: But he has not told me that I can get it within seven days – that is the point.

1465 **Mr Speaker:** But that is what you have asked.

Hon. D A Feetham: Of course I have, and that is why I am asking him again – because he has not told me, he has not committed himself to providing the information.

1470 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman has said something during the course of what was clearly a speech and not actually a question, which the Government does not agree with and we will take issue with repeatedly if he decides that he wants to say it again. That is that the system of accident and emergency that is in place in Gibraltar is not fit for purpose. The Government believes that the system –

1475 **Mr Speaker:** I am not going to allow ... I will allow the Chief Minister to reply to that point but I am not going to allow here today a debate on whether it is fit for purpose or not. I will give the

Chief Minister the opportunity to reply to that, and that is it – we do not deal anymore with that issue.

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Hon. D A Feetham: But you will give him the opportunity?

Mr Speaker: Of course, because you have asked – you have made the point.

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Hon. D A Feetham: The Minister has –

Mr Speaker: You have made the point that it is not fit for purpose. The Chief Minister is going to answer that and I am not going to allow a debate on whether it is fit for purpose or not. That is my responsibility, surely, not to allow a debate.

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Hon. Chief Minister: I am grateful, Mr Speaker.

The Government stands by the professionals in the Gibraltar Health Authority, in particular those at the sharp end, the Accident and Emergency Department of St Bernard's, who do a job that is not just fit for purpose – using a system that is fit for purpose, which incidentally is not a system we introduced but is a system they introduced when they moved the hospital from old St Bernard's to new St Bernard's. It is a sterling job where there are some instances when people may have to wait longer than any of us might wish, where we have to assist them to be able to do better, but where they do a better job than most people in this room, myself included, do in the jobs that they do, with greater responsibilities because their responsibilities are life and death.

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To see a local politician get up in this House and say that what they do is not fit for purpose is utterly disgraceful, Mr Speaker, and if the hon. Gentleman –

Hon. D A Feetham: A point of order, Mr Speaker!

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Hon. Chief Minister: If the hon. Gentleman –

Hon D A Feetham: A point of order, Mr Speaker!

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Hon. Chief Minister: If the hon. Gentleman –

Hon. D A Feetham: A point of order, Mr Speaker!

Hon. Chief Minister: If the hon. Gentleman, Mr Speaker –

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Hon. D A Feetham: A point of order, Mr Speaker!

Mr Speaker: A point of order to you both!

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Hon. D A Feetham: A point of order!

Mr Speaker: Sit down and keep your tempers, and do not stand again like that, shouting at me 'Point of order!'

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Hon. D A Feetham: I have –

Mr Speaker: Do not shout at me again.

Hon. D A Feetham: Mr Speaker, a point of order.

1530 **Mr Speaker:** So keep your tempers, because otherwise I will suspend the sitting, and that is the end of the matter.

Hon. D A Feetham: A point of order, Mr Speaker.

1535 **Mr Speaker:** Let us see if we can carry on at the temperature that we had prior to you raising the question of whether it was fit for purpose or not, and I am not going to allow any further comments on that. I am only going to allow the Hon. Minister to reply on whether he can have the information available within seven days or what the period might be, and then we are going to move on.

1540 **Hon. Chief Minister:** Mr Speaker –

Mr Speaker: If hon. Members carry on in this way, if they carry on in the way that has been established in the last five minutes, I will suspend this sitting. So grow up and behave like what you are, representatives of the people of Gibraltar, and not like children in a playground!

1545 **Hon. Chief Minister:** Mr Speaker, this is a grown-up discussion about the most important thing affecting our community: the Health Services. I am going to finish the sentence I was embarked upon, which is to say that if the hon. Gentleman believes what he is saying, he should better inform himself by perhaps looking at what the criteria in the United Kingdom is for people to be treated at accident and emergency departments, where the time where people are expected to be seen, in keeping with the instructions of the British government, is four hours and in the United Kingdom they do not hit that average. Here in Gibraltar he has seen today that the excellent people who care for our community at Accident and Emergency manage to do that in half the time, Mr Speaker, in two hours, and he needs to put his comments in that context.

1555 **Hon. D A Feetham:** Is Mr Speaker going to hear my point of order, or is Mr Speaker just simply going to allow –?

1560 **Mr Speaker:** No. What is your point?

Hon. D A Feetham: My point of order is he has completely mischaracterised what I said and he is not entitled to do that, Mr Speaker. I did not say that the work that the staff did at Accident and Emergency was not fit for purpose; I said the system was not fit for purpose, and Mr Speaker, who was listening to the debate, must agree with that because it is in *Hansard*.

Mr Speaker: I understood that perfectly well –

1570 **Hon. Chief Minister:** Mr Speaker –

Mr Speaker: – but the point that you were making was that the system was not fit for purpose. I allowed the Chief Minister an opportunity to reply because this is an issue of great public interest. Anyone who puts the news on in the UK knows that the NHS is the subject of daily comment and it is going to become like that in Gibraltar, as I can see.

1575 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman –

Mr Speaker: So I am giving the Chief Minister the opportunity to deal with whether the system is fit for purpose, to answer that, but then I am not allowing a debate.

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman has made a point of order and I intend to reply to the point of order before you determine how to rule on it.

1585 The hon. Gentleman said the system is not fit for purpose. Well, Mr Speaker, *they* implemented the system and the people who run the system are the people who are subject to the criticism that he makes. He cannot get away with trying to divide the people who administer the system that they introduced and the effects of that system, because it would be politically hypocritical to say 'I am not criticising you, I am criticising what you are doing and the way that you do it.' Mr Speaker, anybody will see through that, and that is why he has got the response that he has got.

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Mr Speaker: Now the Hon. Neil Costa on the issue of the information that the Leader of the Opposition is asking for.

1595 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman can ask me the question at the next session of the House and I will be happy to provide it to him.

Mr Speaker: Don't speak to yourself, speak to the ...

1600 **Hon. N F Costa:** Mr Speaker, I will be happy to provide the information to the hon. Gentleman when he asks.

Mr Speaker: Right, we move on to the next question.

Q60-61/2017

St Bernard's Hospital operations – Waiting times and number of cancellations

Clerk: Question 60. The Hon. D A Feetham.

1605 **Hon. D A Feetham:** Can the Government please provide details of average waiting times at St Bernard's Hospital for all operations during each of the last six months?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1610 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Question 61.

Clerk: Question 61. The Hon. D A Feetham.

1615 **Hon. D A Feetham:** Can the Government please state how many cancellations of operations there have been at St Bernard's Hospital in each of the last six months?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1620 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the information is available on the Gibraltar Government website.

Mr Speaker: Was it available at the time that the questions were ...? Very well.

Q62/2017
Xanit Hospital –
Number of in-patients receiving treatment

Clerk: Question 62. The Hon. D A Feetham.

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Hon. D A Feetham: Can the Government please provide details of the monthly number of in-patients being treated at Xanit Hospital in Spain for each of the last six months?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

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Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, in respect of the last six months, the information is as follows. Xanit in-patient admissions: July, 71; August, 74; September, 79; October, 79; November, 93; December, 83.

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Hon. D A Feetham: Mr Speaker, these are very, very high numbers. I cannot calculate on my feet the actual proportion in terms of the proportion of beds at St Bernard's Hospital, but it must be a very significant proportion when viewed in terms of overall beds at St Bernard's Hospital. Does the Government and the Minister have an explanation about why there are such high levels of in-patient admittance to Xanit Hospital?

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Hon. N F Costa: Mr Speaker, the explanation provided to me are that instead of sending patients to the UK, as they would have been sent, clinicians have decided to send these patients to Xanit instead, not just because of the specialisms that they offer but of course because they provide convenience to the patient and to the family members. As opposed to having to get on a plane and go to the UK they can just drive up to Xanit.

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Hon. D A Feetham: So is the Hon. Minister saying that these are all in respect of patients that would have otherwise been sent to the United Kingdom? So we are talking about, for example, cancer patients or patients who require very specialist operations, who would normally have been sent to the United Kingdom?

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Chief Minister (Hon. F R Picardo): Mr Speaker, it goes further than that. This is a decision that we all took together in Government and it is important that the community understand it.

At the time that the GSD were in government, Bernard Linares led on an issue where I think he was absolutely right, where he said that there were some in our community who would benefit from not having to go to the United Kingdom for care but being able to go to Spanish hospitals for care, in particular those who might have been more elderly and who wished to have their families around them whilst they receive care. This concept was introduced of people going into Spain if they wished to or if the clinician thought there was better care there. They were closer to Gibraltar and the whole family was able to visit while they were suffering their illnesses.

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As austerity started to bite in Spain the GHA found that the care that was afforded to Gibraltar patients in the Spanish public health system was suffering considerably. The matter was brought to the Cabinet's attention and the Cabinet made a decision that, if necessary and in certain disciplines in particular, we would ensure that we sent Gibraltar patients to Spanish hospitals only when we were satisfied that the care that they would have would be the care of the standard that we wished Gibraltarians to have.

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In those circumstances the numbers that hon. Members are seeing are the pooling of numbers first of those who are choosing not to go to the UK, those who are referred to Spain because that is the better clinical decision, and all of those who would have been all over Andalucía in different hospitals – in the hospital in Cádiz, in the hospital in Malaga, in all of those

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1675 other areas – except for specific disciplines where we would still send people to some public health hospitals in Spain ... are now at one particular private hospital in Spain. This is a private hospital within driving distance of Gibraltar where relatives are able to visit, because people choose to be treated in Spain or it is better to treat them in this hospital, and it is a Rolls Royce service, which we all agreed we should provide, given how austerity was biting in the public healthcare system in Spain.

1680 That is not to say that when we sent people to the public healthcare system in Spain we did not pay for it. Of course we did pay for it, but we paid for it in a different way. Xanit is a private hospital that invoices direct. The public health hospitals in Spain would invoice for Gibraltarian patients through the United Kingdom and the European Union on a reconciliation involving the E111 and those rights, and so the numbers would have been seen in a different way.

1685 But that is the way that these numbers are determined and it is something which I think our community can be justly proud of, that as austerity bit in the Spanish public health system we were able and right to send our people to the Spanish private system, where possible, in a further development or evolution of the policy introduced by Minister Linares – Minister Bernard Linares – when he was on this side of the House.

1690 **Hon. D A Feetham:** Mr Speaker, it follows from that answer that none of these numbers actually relate to services that were previously provided from St Bernard's Hospital that over recent times are now being effectively services rendered by Xanit Hospital. These are all services that have always been dealt with through UK hospitals or other hospitals and not from Gibraltar.

1695 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, if I might just comment, I have no recent information. In my time there were rare occasions in which there was an emergency where, for reasons of perhaps the theatre being in use and so on, in order not to delay it they may have been sent to Xanit, but those were exceptional and only in order to assist a patient who for some unique reason could not receive the treatment they would have otherwise received here. But as I say, those would have been very, very rare and I have no knowledge of the present situation, but if somebody came in with an urgent condition and for some reason or another it could not be done here, then rather than make them wait they would have been sent over. Pero, as I say ... Sorry. But, as I say, on the fingers of one –

1705 **A Member:** Bilingualism!

Hon. Dr J E Cortes: Bilingualism, yes.

1710 **Hon. N F Costa:** Mr Speaker, yes, in addition to what the Hon. Dr John Cortes said, in explanations with clinicians it was explained to me that Xanit provides a variety of specialised tertiary care services which *cannot* be provided in Gibraltar, which cannot be provided in Gibraltar. The main tertiary care provided by Xanit are cardiology, cardiovascular, neurosurgery, neurology, nephrology and oncology.

1715 **Hon. E J Phillips:** Just picking up on the last answer to the question in relation to tertiary care, is it not the case though that when we look at healthcare and developing our healthcare system and the facilities at the hospital that the Government would undertake a cost-benefit analysis of how we bring back those services or introduce those services within our health authority? I appreciate it is a very, very careful balance, given the fact that we are spending huge sums of money on the Health Service, but has the Government conducted that cost-benefit analysis in respect of bringing those services to Gibraltar and providing them here? Obviously we spend a lot of money, millions of pounds, sending patients to Xanit, and I appreciate that the Government's view is to have a Rolls Royce service, but has the Government at least conducted

1720

1725 that process to see whether we can offer those services within a particular budget? I am grateful.

Hon. N F Costa: Mr Speaker, the hon. Gentleman asks me a question on what is a *huge*, huge subject. I think the hon. Gentleman will recall that my hon. colleague Dr John Cortes did, in fact, during the course of his tenure repatriate many services to Gibraltar – chemotherapy, if I recall correctly, being the last one, (**Hon. Dr J E Cortes:** Yes.) but a dermatology service as well during 1730 the first few years, and other services. I myself have, very recently after being made Minister for Health, asked for certain specialisms that could be provided in Gibraltar and have asked for that cost-benefit analysis.

In respect of the patients we have sent to Xanit that we would have sent to the UK, my 1735 information and my explanations are that we are in fact saving money when we do send a patient, who would ordinarily be sent to the UK, to Xanit for, as I said tertiary care that is not provided in Gibraltar. But the hon. Gentleman asked me the right question. There certainly has to be a cost-benefit analysis on whether these specialisms could be carried out in Gibraltar and whether it is possible to have, for example ... The hon. Gentleman will know that neurosurgery is 1740 a very specialised field and in order for a neurosurgeon to be able to continue practising, his license must be kept up to date with skills. It may not be possible for a neurosurgeon to be based in Gibraltar, because he may have maybe one or two operations during the course of the year and that would, in effect, de-skill him and he would not be able to operate anymore. So the question arises as to whether we can have neurosurgeons visiting the GHA and whether having a 1745 visiting team of neurosurgeons would in fact mean more cost effective than sending every patient to Xanit, and that is an analysis that he is right to flag because it is being conducted.

Hon. E J Phillips: I am grateful for the response, and in fact I would have expected that process to be underway. But if you look at cardiology, for example, one could argue that if we 1750 had a team of two cardiologists here rather than spending the millions that we do spend on Xanit ... I am sure the Government is looking at this and I am grateful that the Government will obviously commit to informing us that that process is underway and there will be a conclusion as to whether bringing cardiologists here rather than sending patients to Xanit, but clearly I think, I respectfully ask for your view on this as to whether we should develop the Health Service in that 1755 way in the future.

Hon. N F Costa: Yes, Mr Speaker, without going into each individual specialism but to limit the discussion to the question that the hon. Gentleman has asked me, cardiology is in fact one of the specialisms that I have discussed, and the issue that arises is whether there would be able to 1760 be somebody based in Gibraltar, given the number of patients who would require that kind of surgery, and that whether it would even be feasible to have a visiting consultant, because of course the visiting consultant may not come at the most opportune time for the patient requiring the surgery. So even with the best will in the world in having a visiting consultant for cardiology, it may not be possible for that surgeon to operate because for medical/clinical 1765 reasons we may have had to have sent that patient to Xanit or the UK before the visiting consultant does visit. So it is not as straightforward as just a cost-benefit analysis, although I agree that a cost-benefit analysis is one of the strands that is being considered.

1770

Q63-66/2017
St Bernard's Hospital –
Number of patients by ward; bed occupancy; additional beds

Clerk: Question 63. The Hon. D A Feetham.

Hon. D A Feetham: Can the Government please provide details of the monthly number of patients in each ward at St Bernard's Hospital for each of the last six months?

1775 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Questions 64, 65 and 66.

1780 **Clerk:** Question 64. The Hon. D A Feetham.

Hon. D A Feetham: Can the Government please provide details of monthly average bed occupancy levels at St Bernard's Hospital for each of the last six months?

1785 **Clerk:** Question 65. The Hon. D A Feetham.

Hon. D A Feetham: Can the Government confirm how many additional beds have been added to wards in the last two months in order to cater for patient admissions at the hospital?

1790 **Clerk:** Question 66. The Hon. D A Feetham.

Hon. D A Feetham: Can the Government confirm that the GHA has placed beds in the hospital gym in case it needs extra beds for admissions?

1795 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

1800 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, in respect of the last six months I hand over to the hon. Gentleman the schedule with the information he requested, detailing the monthly number of patients in each ward at St Bernard's Hospital. I would also like to note that at the time of drafting the answer to the question, we currently have the highest number of bed availability recorded for the month of January. *(Banging on desk)*

ANSWER TO QUESTION 66/2017

Answer to question 63/2017

July 2016

DAY	WARD NAME						
	VICTORIA	JOHN	DUDLEY TOOMEY	CAPTAIN MURCHISON	ITU	RAINBOW	MATERNITY
1	34	32	30	34	10	0	14
2	34	29	24	34	10	0	4
3	34	29	30	34	9	1	9
4	34	33	29	34	8	1	8
5	34	32	25	34	7	1	6
6	34	31	26	34	9	1	9
7	34	32	28	34	10	4	12
8	34	30	25	34	7	3	6
9	34	29	23	34	8	2	2
10	34	30	24	34	9	2	0
11	34	31	28	34	7	3	1
12	34	31	26	34	9	3	5
13	34	31	30	34	10	1	7
14	34	33	32	34	11	1	5
15	34	30	29	34	9	3	3
16	34	29	30	34	11	1	4
17	34	31	31	34	11	0	4
18	34	31	31	34	9	0	2
19	34	30	32	34	9	1	0
20	34	31	31	34	11	3	5
21	34	32	29	34	9	2	6
22	34	32	29	34	9	2	6
23	34	31	32	34	11	2	2
24	34	31	32	34	11	2	2
25	34	33	29	34	9	2	2
26	34	33	30	34	8	1	2
27	34	33	30	34	8	1	2
28	34	34	31	34	9	2	5
29	34	33	33	34	11	1	15
30	34	32	30	34	9	1	9
31	34	31	30	34	8	1	6

CONT ANSWER TO QUESTION 66/2017

Continued answer to question 63/2017

August 2016

DAY	WARD NAME						
	VICTORIA	JOHN	DUDLEY TOOMEY	CAPTAIN MURCHISON	ITU	RAINBOW	MATERNITY
1	34	30	32	34	9	4	8
2	34	31	32	34	7	5	9
3	34	32	31	34	8	6	9
4	34	31	31	34	9	1	0
5	34	28	25	34	6	1	3
6	34	27	23	34	6	3	5
7	34	26	24	34	6	2	4
8	34	27	25	34	5	1	8
9	34	29	28	34	4	2	3
10	34	32	23	34	6	2	10
11	34	32	21	34	8	1	8
12	34	29	23	34	8	0	6
13	34	29	25	34	7	1	3
14	34	29	28	34	8	2	7
15	34	31	28	34	7	2	2
16	34	30	30	34	8	2	3
17	34	28	25	34	9	3	8
18	34	31	30	34	8	1	9
19	34	31	23	34	5	1	6
20	34	30	26	34	5	2	4
21	34	30	29	34	5	2	2
22	34	31	30	34	5	4	8
23	34	32	27	34	6	5	9
24	34	30	28	34	9	4	15
25	34	29	31	34	8	5	11
26	34	29	24	34	10	2	14
27	34	31	28	34	10	2	12
28	34	32	30	34	9	1	0
29	34	34	30	34	11	1	4
30	34	32	30	34	10	1	6
31	34	27	28	34	10	2	14

CONT ANSWER TO QUESTION 66/2017

Continued answer to question 63/2017

September 2016

DAY	WARD NAME						
	VICTORIA	JOHN	DUDLEY TOOMEY	CAPTAIN MURCHISON	ITU	RAINBOW	MATERNITY
1	34	29	25	34	10	4	12
2	34	29	25	34	10	4	12
3	34	30	21	34	7	8	3
4	34	29	21	34	8	5	2
5	34	29	23	34	9	1	3
6	34	30	26	34	9	1	2
7	34	32	30	34	10	1	5
8	34	31	31	34	9	0	7
9	34	31	28	34	9	2	5
10	34	33	28	34	6	1	6
11	34	31	29	34	6	0	4
12	34	32	25	34	7	3	11
13	34	32	25	34	7	3	11
14	34	31	24	34	8	1	11
15	34	32	30	34	7	3	9
16	34	28	28	34	7	6	6
17	34	30	25	34	6	3	8
18	34	30	26	34	7	3	5
19	34	30	30	34	7	4	2
20	34	32	33	34	10	3	5
21	34	32	30	34	9	1	9
22	34	31	32	34	11	3	11
23	34	32	30	34	9	3	8
24	34	31	31	34	10	3	4
25	34	33	30	34	8	4	10
26	34	31	29	34	8	6	10
27	34	30	28	34	10	3	2
28	34	33	31	34	10	5	6
29	34	32	32	34	9	3	2
30	34	32	31	34	8	3	1

CONT ANSWER TO QUESTION 66/2017

Continued answer to question 63/2017

October 2016

DAY	WARD NAME						
	VICTORIA	JOHN	DUDLEY TOOMEY	CAPTAIN MURCHISON	ITU	RAINBOW	MATERNITY
1	34	31	29	34	8	2	2
2	34	31	29	34	8	2	2
3	34	31	31	34	7	1	8
4	34	31	31	34	10	3	6
5	34	33	27	34	9	3	10
6	34	34	28	33	9	3	6
7	34	30	28	33	10	3	5
8	34	30	28	34	7	2	9
9	34	30	26	34	6	3	12
10	34	29	24	34	4	4	0
11	34	30	27	34	6	4	0
12	34	30	27	34	8	2	4
13	34	29	26	34	8	3	9
14	34	30	29	34	4	4	7
15	34	28	23	33	3	2	3
16	34	27	22	34	4	2	6
17	34	27	19	34	9	6	4
18	34	29	22	34	10	3	0
19	34	29	27	34	10	4	2
20	34	30	28	34	12	6	6
21	34	31	25	34	12	2	6
22	34	31	25	34	10	1	4
23	34	31	29	34	7	1	2
24	34	28	29	34	6	3	1
25	34	32	28	34	7	3	3
26	34	30	21	34	10	4	6
27	34	31	23	34	9	6	6
28	34	31	23	34	5	4	4
29	34	30	22	34	6	3	0
30	34	30	29	34	5	2	1
31	34	31	27	34	6	3	0

GIBRALTAR PARLIAMENT, MONDAY, 23rd JANUARY 2017

CONT ANSWER TO QUESTION 66/2017

Continued answer to question 63/2017

November 2016

DAY	WARD NAME						
	VICTORIA	JOHN	DUDLEY TOOMEY	CAPTAIN MURCHISON	ITU	RAINBOW	MATERNITY
1	34	31	24	32	7	2	2
2	34	28	20	34	4	3	7
3	34	31	14	34	6	3	8
4	34	30	18	34	7	6	3
5	34	30	18	34	7	6	3
6	34	30	20	34	6	4	4
7	34	29	23	34	5	2	2
8	34	28	22	34	6	2	2
9	34	30	24	34	7	2	4
10	34	31	19	34	7	4	3
11	33	31	20	34	8	4	3
12	33	32	25	34	9	4	3
13	32	31	29	34	9	2	4
14	34	29	30	34	8	4	5
15	34	29	30	34	10	2	3
16	34	30	29	34	9	3	5
17	34	30	29	34	11	3	9
18	34	32	30	34	8	3	4
19	34	30	31	34	11	4	6
20	34	31	31	34	8	3	7
21	34	30	32	34	11	2	6
22	34	29	32	34	9	2	5
23	34	29	30	34	8	4	6
24	34	32	33	34	9	4	5
25	34	32	25	34	9	3	5
26	34	32	27	34	10	3	4
27	34	30	29	34	9	5	6
28	34	31	32	34	8	4	7
29	34	31	31	34	8	3	7
30	34	30	32	34	7	4	9

CONT ANSWER TO QUESTION 66/2017

Continued answer to question 63/2017

December 2016

DAY	WARD NAME						
	VICTORIA	JOHN	DUDLEY TOOMEY	CAPTAIN MURCHISON	ITU	RAINBOW	MATERNITY
1	34	33	30	34	7	3	7
2	34	31	28	34	10	2	8
3	34	32	26	34	8	2	10
4	34	32	26	34	8	2	10
5	34	32	30	34	8	2	12
6	34	32	29	34	9	2	6
7	34	34	30	34	10	3	10
8	34	33	28	34	10	3	10
9	34	31	28	34	8	2	12
10	34	33	32	34	11	4	10
11	34	34	31	34	9	3	7
12	34	34	31	34	9	3	7
13	34	32	30	34	9	2	5
14	34	32	27	34	7	2	9
15	34	32	26	34	8	2	9
16	34	32	28	34	8	1	15
17	34	33	32	34	8	0	6
18	34	33	32	34	8	0	6
19	34	33	33	34	9	3	9
20	34	33	33	34	9	3	7
21	34	32	32	34	8	2	8
22	34	32	31	34	8	3	5
23	34	32	25	34	9	2	7
24	34	33	29	34	8	1	5
25	34	33	29	34	10	2	5
26	34	34	34	34	10	1	3
27	34	33	30	34	9	1	6
28	34	33	34	34	10	1	6
29	34	34	34	34	10	1	3
30	34	33	31	34	7	3	8
31	34	33	27	34	9	3	9

1805 In respect of the last six months the average bed occupancy levels were as follows: July, 105.5%; August, 105%; September, 105.5%; October, 100.6%; November, 102%; December, 107%. However, it bears pointing out to the House that had the previous administration kept to the same level of beds as at 2004 when the old St Bernard's Hospital was moved to the new St Bernard's Hospital, the average bed occupancy would have been as follows: July, 98%; August, 95%; September, 99%; October, 96%; November, 98%; December, 98%. It is therefore incontrovertible and indisputable that as we on this side of the House noted from the Opposition benches on numerous occasions at that time, it was indeed a grave mistake to ignore
1810 clinicians' advice to maintain the same number of beds.

Further, Mr Speaker, in total four additional beds have been added to two wards in the last two months.

1815 The Gibraltar Health Authority has temporarily refurbished and commissioned the cardiac rehabilitation gym into a seven-bed ward and this has been operational since Monday, 9th January. To date, seven patients have been transferred. Mr Speaker, it should have been added in the answer to the question that it relates to elderly residential care in the cardiac rehabilitation gym.

1820 **Hon. D A Feetham:** Mr Speaker, the hon. Gentleman provided the bed occupancy rates in answer to Question 64, and I will be corrected if I am wrong but the answer for December was 107%.

1825 Bearing in mind what the hon. Gentleman has been at pains to say, both publicly and indeed in our earlier exchanges to this House, has been that there was a surge in bed demand in December, this does not actually bear that out – perhaps there is an explanation – because when you look at these statistics, in July it is 105%, the next month it is 105%, then again 105%, then 106%, then 102% and then 107%. That is actually just 2% higher than in the first three months of those six months and only 1% higher than 106%. So how –

1830 **Mr Speaker:** It is not 106%; it 100.6%.

Hon. D A Feetham: Oh, sorry, I beg your pardon.

Mr Speaker: October, 100.6%.

1835 **Hon. D A Feetham:** Just so that I get this right, is it 105% or 100.5%? My understanding was it was 105%, 105%, 105%, then 100.6%, then 102%, and then 107%. That is correct. They do not appear to indicate that there is a huge surge in bed demand for December. Indeed, if you look at the six months prior to this period you are looking at a range between 103% to 111%, so it is actually even greater prior to these six months. Yes. You can have a look at it in the statistics
1840 provided to the GHA report, which provided statistics right up to the month just before I have asked in this House. That is a range of 103% to 111%. It is in press release exchanges that I have had with the hon. Gentleman in recent weeks. That does not indicate that there has been a huge surge in demand in December, and I just wonder whether the hon. Gentleman can comment on that and explain those statistics.

1845 **Hon. N F Costa:** Yes, Mr Speaker, the hon. Gentleman is right in saying that I had noted that there was a surge in admissions. That is the information that has been provided to me by A&E and the clinicians, that they had the highest number of elderly patients of 75 years of age or older presenting for critical illnesses, which happened in December of this year.

1850 **Hon. D A Feetham:** But Mr Speaker, how does the hon. Gentleman reconcile that with the fact that earlier than these six months there was 111%. I think it was in June or May of 2016 that it was 111%, and that is actually higher than the 107%. It is just simply that the statistics do not

1855 appear to indicate that there has been a massive surge of beds in December, bearing in mind the
bed occupancy levels of 107%, which is just barely over the other figures that he has provided
me for these six months and lower than the ones for the six months before that.

1860 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman I do not think is putting into his analysis the
fact that I noted to him that over the past few weeks since I was made Minister for Health there
has been an increase in the discharge process. We have included a qualified social worker as
part of the bed management team. There used to be a meeting of the bed management every
two weeks; now bed management meets much more frequently. There are now the possibility
of care packages. So a person being admitted will not necessarily stay for as long as they would
1865 have in the past, because there is now a qualified social worker who is able, with the bed
management team, to be able to decide on a rolling basis whether a patient could be admitted
with a care package. So that is what I think he is not factoring into the question that he is asking
me.

1870 **Hon. D A Feetham:** I am afraid I still do not understand it, but I will move on because we are
talking about bed occupancy rates and that is the question, and the bed occupancy rates appear
to be fairly static over the last six months with just an increase of 2% in December.

But am I right to also say this – and I will ask the hon. Gentleman to comment on this – that
not only have we had four extra beds in wards and seven beds that are being used in the
physiotherapy gym that are now being used as an extra small ward, but also there have been
1875 extra beds that have been created at Mount Alvernia, so presumably there have been people
who have been decanted from the hospital to Mount Alvernia but still there has been a need for
all these measures that have been introduced by the Government?

1880 **Hon. N F Costa:** Mr Speaker, to be clear, what I said in my answer to his question was that
there has been a total of four additional beds, two in one ward and two in another –
(*Interjection*) that is right – so it is four plus seven; and as I have also said, the refurbishment and
the cardiac rehabilitation gym is a seven-bed ward for elderly residential services. (*Interjection*)
Yes.

1885 **Hon. D A Feetham:** So we are talking about long-term elderly are being placed in the gym,
thus releasing seven extra beds elsewhere in order to be able to treat patients.

But am I right as well that, in addition, the opening of the beds at Mount Alvernia has also
been effective, it has started, so there have been patients who have been moved out of the
hospital into Mount Alvernia? No?
1890

Hon. N F Costa: No, Mr Speaker. I think that the hon. Gentleman – (*Interjection*) What I
announced in the press release was that the Government will be adding 24 additional beds at
Mount Alvernia.

1895 The whole idea, of course, as I noted to Mr Clinton during the course of the debate, was that
we need to move to a position where we have 24-hour care for elderly persons at the
appropriate elderly residential units, so that you have one entity that takes care of elderly
persons, whether with dementia or not, and there is proper nursing care in that entity, and that
we also need to move at the same time at making sure that the hospital in fact remains a
hospital for pre and post-operative care.

1900 So the policy of the Government is to move in that direction. So, although the GHA and the
Care Agency and ERS are now integrated under my Ministry and we are looking at efficiencies
and better reallocation of resources in terms of nursing, skills mix and so on, the policy of the
Government is to move towards having St Bernard's Hospital as an operating hospital, which of
course is the very purpose of its existence, and also having dementia and elderly residential
1905 separately.

Hon. D A Feetham: Mr Speaker, that makes absolute sense and that is something that ought to have been done, in my respectful view, far sooner than the hon. Gentleman has sought to get to grips with it.

1910 But am I also right in saying that there have been patients who have been moved to Ocean Views since December and there has been that extra effort that has gone into trying to move elderly care patients out of the hospital, because quite rightly it is a hospital that needs to treat patients, post-operative care and also medical patients, rather than long-term elderly?

1915 **Hon. N F Costa:** Mr Speaker, unless memory fails me I believe that having elderly residential within the hospital was a GSD (**Hon. Dr J E Cortes:** Absolutely.) (**A Member:** No, no, no.) present which the Hon. Dr John Cortes received.

A Member: It was an old people's home.

1920 **Hon. N F Costa:** Yes, so I think – (*Interjection*) Just to set the record straight.

As I explained to him in the course of a previous answer, I think that, having spoken with the clinical nurse managers and the clinicians, in their view the most important step that we have taken over the past few weeks is having the qualified social worker based 24 hours at the hospital, because not only is a social worker able to determine whether a medically discharged person could go back to their home with their family or not, with appropriate packages of care – so therefore it makes sense that that should be done as seamlessly as possible – but also having the care worker based at the hospital, as far as they are telling me, has in fact stopped unnecessary admissions. So you have a situation at A&E where a person is being treated and the question becomes, 'Well, this person should not really be admitted into a ward because there is nothing medically wrong with this person, but we are concerned about allowing this elderly person to go home without any care,' because perhaps that person is not supported or lives alone. Having the social worker there has meant that they are able to move back home as a result of the care packages that are being provided.

1935 **Hon. D A Feetham:** Quite rightly I am reminded that in fact Ocean Views is not the right place to also treat long-term elderly patients, but am I right in saying that there have been patients who have been decanted from the hospital and placed in Ocean Views in order to release beds at the hospital? Elderly patients?

1940 **Hon. N F Costa:** Mr Speaker, I sincerely, sincerely doubt it. I will certainly ask, but I sincerely doubt that would have happened because, as he rightly says, it would just not be appropriate unless, of course, it is medically indicated; but it would not be because ... What I can tell the hon. Gentleman is that I am not certain whether that has happened, but what I can assure him though is that if there has been any decanting from St Bernard's to Ocean Views it would be on a clinical decision and not because of bed management issues. That I can assure him.

1950 **Hon. D A Feetham:** Mr Speaker, just one final question. Does the Government intend to introduce any plans for domiciliary care, or greater domiciliary care, in relation to elderly patients? Part of the problem here is that of course the strategy cannot be one dimensional; it cannot just simply be Mount Alvernia when, for example, the more appropriate path for treatment or for taking care of an elderly person may actually be within somebody's home with the appropriate levels of care.

In terms of cost, I do not know what the cost is but having long-term patients, elderly care patients, blocking beds at St Bernard's Hospital must come at a considerable cost to the taxpayer in any event.

Hon. N F Costa: Mr Speaker, perhaps I have not been entirely clear in my replies to the Hon. the Leader of the Opposition. The purpose of the qualified social worker being based all the time at St Bernard's Hospital is precisely to provide care packages. By care packages I meant domiciliary care, and in that respect it is important to note that the budget has gone from ... I believe we received £600,000 and we are now almost touching £3 million in terms of the domiciliary care that we provide to elderly members of our community to also include home support. So, to answer his question, yes, we are investing, I think rightly, in being able to allow medically discharged elderly people to go back home with the right care provided to them, of course at the expense of the Government.

But, Mr Speaker, if I may, we have gone beyond that. As the hon. Gentleman knows, we opened the Dementia Day Centre only last week. The Dementia Day Centre by the end of this quarter will see 90 persons who present with dementia being able to use that facility during the course of any given day. I think that the Dementia Day Centre will in fact alleviate some of the budget of the domiciliary care and home support because family members will, I think, feel very comfortable dropping off an elderly loved one during the course of the day because of the memory clinic and all the other therapeutic services that will be provided to make sure that persons who present with mild to moderate dementia are stimulated and there is as little loss as possible of cognitive function and there is as little progression as possible of the very different strands of dementia – because of course dementia is not just one disease, it covers many different diseases.

But apart from the Dementia Day Centre, in addition to the £3 million in care packages the hon. Gentleman also needs to remember that we have for the first time the John Mackintosh Wing. The John Mackintosh Wing was designed specifically and wholly with dementia patients in mind, so that you have a floor specifically designed for persons that present with dementia. And of course in addition I only recently announced the extension of Mount Alvernia to add 24 beds which would come onto stream over the next four months, and I will certainly be taking GAD's lead in that respect to make sure that the furniture that we buy, even at Mount Alvernia, should be dementia-friendly furniture, because of course an elderly person who may not initially present with dementia may, during the course of their stay in Mount Alvernia, eventually do so, and if they do then of course the right furniture and the right equipment should be available for them to make their life as pleasant and as comfortable as possible during that time.

Q67/2017

St Bernard's bed occupancy rates – Dementia and elderly long-stay patients

Clerk: Question 67. The Hon. D A Feetham.

Hon. D A Feetham: Can the Government please provide details of both the numerical and percentage bed occupancy rates at St Bernard's Hospital by sufferers of dementia and elderly long-stay patients in each of the last six months?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, in respect of the last six months, the information the hon. Gentleman requests is as follows.

July of this year: dementia long stay 22, which represents 17%; elderly long stay 35, which represents 27%.

2000 August of this year: dementia long stay 24, which represents 18%; elderly long stay 32, which represents 25%.

September of this year: dementia long stay, 25, which represents 19%; elderly long stay 35, which represents 27%.

2005 October of this year: dementia long stay 23, which represents 18%; elderly long stay 34, which represents 26%.

November of this year: dementia long stay 26, which represents 20%; elderly long stay 33, which represents 25%.

December of this year: dementia long stay 31, which represents 24%; elderly long stay 29, which represents 22%.

2010

Hon. D A Feetham: Mr Speaker, looking at again these very significant statistics, when we take into account the very large percentage of bed occupancy for dementia and also for elderly long stay is the hon. Gentleman satisfied and confident that once the dementia unit opens, which will provide I think it is 54 beds, and also with the advent of more beds at Mount Alvernia, that this very significant statistic – which at times has been over 50% by my calculation, certainly very close to 50% anyway – will be a thing of the past, hopefully, so that we can all progress to having a hospital that basically treats patients who are ill?

2015

Hon. N F Costa: Mr Speaker, in respect of the dementia residential home, as the Hon. the Chief Minister announced during the course of his New Year Message, he has given his personal commitment that it will be open during the course of this quarter. That would represent 52 beds, and of course therefore the number of dementia long stay in the hospital will be catered for.

2020

But he will also remember that I said, during the course of my supplementary answer to his supplementary question, that the 24 additional beds at Mount Alvernia need to be equipped and calibrated in a way that also accounts for elderly persons who may then develop dementia or Alzheimer's, and it makes absolute sense to us that as we move forward and we add additional capacity at Mount Alvernia, or indeed official capacity for any additional dementia residential homes, that there should be equipment and furniture that caters for elderly persons by way of having furniture and equipment that is dementia friendly.

2025

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Hon. D A Feetham: Mr Speaker, bearing in mind again the statistics – 35, 32, 35, 34, 33, 29 – for the last six months, long-term elderly patients, can he explain why the decision, which appears to me to be a very sensible one, I have to say, to open a further 24 beds at Mount Alvernia has not been taken sooner in the five years that the hon. Gentleman has held office and has formed part of the Government?

2035

Hon. N F Costa: Mr Speaker, dementia as –

2040

Hon. D A Feetham: Long-term elderly.

Hon. N F Costa: Long-term elderly, okay. Well, in respect of long-term elderly, as the hon. Gentleman will know from reading any newspaper, that an ageing population is a fact of life in Western Europe and also in Gibraltar.

2045

As I have told the hon. Gentleman, we will be adding 24 beds and I want the hon. Gentleman to know that that is not the only thing that is presently under consideration. That is the one project I have been able to announce because it is moving forward, but we are also not staying still in that respect but are obviously looking at additional measures that we need to take.

2050

The numbers fluctuate between 30 to 35, so of course the capacity has to hit that level. I think it is a little bit unfair for the hon. Gentleman to suggest in his supplementary that my hon.

and formidable predecessor did not tackle the issue. (*Interjection*) The hon. Gentleman did *incredibly* good work at St Bernard's Hospital. One of the staggering statistics that I found when coming in to St Bernard's Hospital was that, for instance, in 2010 the GSD had a cancellation of elective surgeries of 20% and Minister Cortes in 2013 had elective surgery cancellations of 8%.
2055 So an incredibly vast improvement to the number of operations being conducted, and of course it was the Hon. Dr Cortes who brought in the day surgery ward, which was not something that St Bernard's had catered for before.

I think, Mr Speaker, that the Government is moving swiftly in being able to deal with the issue of elderly long stay in the hospital, and, as I have told him during the course of various
2060 answers to his various supplementaries, I am intent in making sure that the policy of the Government is moved forward so that the hospital is a hospital and that elderly residential units are just for elderly residential units.

Hon. D A Feetham: Mr Speaker, the reason why I asked this question is they have been in
2065 power for the last five years and it only seems when this has become a political issue, in the sense that it has been raised by the Opposition, that there is a reaction by the Government to open extra beds at Mount Alvernia.

In relation to the Mount Alvernia initiative, is this something that has been in the pipeline
2070 prior to the hon. Gentleman becoming a Minister for Health with responsibility for health, or is this something that the hon. Gentleman has himself come up with as an initiative – for which, of course, I commend him greatly because it does appear to me to be a very good initiative indeed.

Chief Minister (Hon. F R Picardo): Of course, Mr Speaker, one is left thinking, after those
2075 remarks: if it was such a good initiative why didn't they do it in 2011, in 2010 or in all the many years that they were in Government?

Mr Speaker, what we are able to point to on behalf of the whole Government – on behalf of
the current Minister for Health, on behalf of the former Minister for Health and on behalf of the
former Minister for Social Services and Elderly Residential Care, Samantha Sacramento – is that
we identified this issue as an issue that was one of concern upon our election and we started the
2080 process of ensuring that we provided the additional care that was necessary.

And so, in the five years that the hon. Gentleman is referring to he will have seen the
increase of domiciliary care from £600,000 to just shy of £3 million that the hon. Gentleman has
referred to. He will have seen the development of the old John Mackintosh Wing at the old
2085 St Bernard's Hospital, he will have seen the addition of a number of wards down at Europort
Hospital which are elderly residential wards, and now he is seeing the addition of these 24 beds
at Mount Alvernia. All of that incremental provision made in our time. He will have seen the bold
steps that we took to ensure that the dementia residential facility was fit for purpose and which
at that time – (*Interjection by Hon. Miss S J Sacramento*) I just said that – Minister Sacramento
2090 led on and we soon expect to be opening, and of course the additional provision of the Bella
Vista daycare facility which we recently opened and other daycare provision provided down at
Waterport Terraces. So all of that is what has happened in the past five years, Mr Speaker.

Hon. Members need to realise that in the time that *they* were in office there was no increase
in the provision and in these five years there has been all of that increase in the provision and
perhaps a further increase in the provision, if necessary, in the future as we continue to look at
2095 how we deal with this growing problem, which is a growing problem not just for Gibraltar but for
all of Europe, but which in Gibraltar – given the numbers we have seen today, in particular the
periods in which people are at our hospital etc. – is one which is probably better managed than
it is in other parts of Europe. I am quite happy to commend the former Minister for Health, the
current Minister for Health and in particular the former Minister for Elderly Residential Services
2100 and Social Services, Samantha Sacramento, who had specific responsibility for that, for the
sterling work that they have done in the past five years and the money that we have invested in

this particular area – although of course, Mr Speaker, they do like to say that we spend too much money and then urge us to spend more or ask us why we did not spend it earlier.

2105 **Hon. D A Feetham:** Mr Speaker, he still has not answered the question. Nonetheless, implicit
in the answer and avoiding the question is that this is a new initiative. Therefore it begs the
question: bearing in mind that nearly 50% of bed occupancy at the hospital is being occupied by
either dementia or long-stay elderly patients, why hasn't the Government done something
2110 about it earlier? (*Interjection*) It has not prioritised the dementia unit. Five years after it first got
elected into office it still has not opened, and it is only now, as a consequence of the election ...
or the appointment, I beg your pardon, of the Hon. Mr Costa as Minister for Health, that there is
an initiative in order to open further beds at Mount Alvernia, which would have seemed, looking
at the statistics, to have been an obvious alternative to have been done earlier, which would
have helped to deal with what is a very difficult situation with bed occupancy at the hospital.

2115

Mr Speaker: I will allow one further answer to that question and then we are moving on.

Hon. Chief Minister: Mr Speaker, from a sedentary position I think the former Minister for
Health has best expressed the answer to that, but I will develop it in this way.

2120 This is not avoiding answering a question, this is answering a question in a complex way
because this is a sophisticated area and perhaps he is finding difficulty in understanding it. Let
me take him through it again.

When we were elected there were closed wards at St Bernard's. Does he know that,
Mr Speaker? (**Hon. Miss S J Sacramento:** One ward.) Because he was a Minister in the
2125 Government that had the closed ward. We opened the ward at St Bernard's that was closed by
them and we opened it for elderly residential services; it is called Calpe Ward.

We converted what they were doing up at John Mackintosh Wing, the old St Bernard's
Hospital, and turned it into elderly residential care. He does not seem to remember that,
Mr Speaker. He was a Member in the Government, a Minister in the Government that was doing
2130 the opposite. We turned that into elderly residential care.

So, just before I carry on, let me just pause there so that he understands it and realises I am
not avoiding his question but answering it in a complex and sophisticated way. Those are two
facilities for elderly residential care that we added: the ward at St Bernard's and Old St Bernard's
2135 Hospital, which they were going to use for another purpose. Then we went down the route also
of doing the daycare facility. That is already open, which means people do not have to go to the
hospital. In addition, instead of prison cells for people with dementia, which is what they were
developing up at the Old Naval Hospital, we changed the way that that was done and developed
it properly with advice – in particular with advice given to the hon. Lady, who was then
2140 responsible for elderly residential care – for the new dementia residential facility, an additional
thing that was done. And now we are converting also ... In addition to all of those things that had
already been done to meet demand, which they had done nothing about until December 2011,
we have now taken the decision to turn a wing of Mount Alvernia which they used only for
administration also for these purposes in order to be the Government that has most delivered in
2145 respect of this particular area of Government under the respective Ministers who have been
doing the job.

Now, Mr Speaker, why didn't we do that earlier? Well, we did not do the Mount Alvernia
thing earlier ... He now is going to get a direct answer in respect of the sophisticated and
complex answer I have given him, so that he better understands it, Mr Speaker. Why didn't we
do that thing that we are now doing in relation to Mount Alvernia and those 24 beds earlier?
2150 Because we were doing the Calpe Ward thing earlier, because we were doing the daycare facility
earlier, because we were doing the John Mackintosh facility earlier. If he looks, therefore, at the
number of beds that we have added every year since we were elected, I think he will find that

2155 we have probably added in the region of 10 beds a year, if not more, since 2011. That is why we did not do it earlier: because we were doing those things. Now we are doing this and next year we might do something else, all of which it is much more than they did.

At least let us just look at that narrow bit of time when he was a Minister in the GSD Government – and, Mr Speaker, if things carry on as they are they will be the very narrow period of time in his life and the history of our community when he will ever have been a Minister.

Q68-69/2017

Nurses –

Number directly employed by GHA

Clerk: Question 68. The Hon. D A Feetham.

2160

Hon. D A Feetham: Can the Government say how many nurses are currently employed by the GHA directly?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

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Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Question 69.

Clerk: Question 69. The Hon. D A Feetham.

2170

Hon. D A Feetham: Can the Government say how many nurses are placed within the GHA through the services of a recruitment consultant?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

2175

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the GHA currently employs 524 nurses directly. Seventeen registered nurses are sourced through Medoc. Two nursing auxiliaries are sourced through Grand Home Care.

2180

Mr Speaker, I am sure that the hon. Gentleman opposite will be happy to hear that 20 trainees completed their induction programme last week as nursing assistants. There will be 20 pupil nurses commencing on 27th February this year, who will undertake the 18-month course that leads to registration with the Gibraltar Nurses, Midwives and Health Visitors Registration Board, as well as a QCF Level 3 qualification. This group undertake work-based learning and are employed as nursing assistants.

2185

In addition, there are currently 14 nursing assistants undergoing the enrolled nurse training course who are due to qualify at the end of February 2017. At the end of the course the enrolled nurses will acquire two qualifications: enrolled nursing and registration with the Gibraltar Nurses, Midwives and Health Visitors Registration Board Qualification and Credit Framework Level 3, an internationally recognised qualification.

2190

In addition, the School of Health Studies has a pathway for enrolled nurses to become registered nurses. After successful completion of the programme an application can be made to St George's University of London at Kingston, University of London, to undertake a three-year registered nurses programme. Thus far we have two enrolled nurses doing this, who are due to qualify in September of this year.

Q70/2017
New dementia facility –
Breakdown of costs

2195 **Clerk:** Question 70. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Government say how much the new dementia facility has cost and can they provide a breakdown of the costs?

2200 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I have read the hon. Lady's question as referring to the costs of the Dementia Day Centre. The day centre has cost £5,786,801.14. A breakdown of costs is in the schedule I now hand over to the hon. Lady.

Answer to Question 70/2017

DEMENTIA FACILITY

DEMENTIA DAY CENTRE – BLOCK E – JLC		Valuation
	PRICED BQs	SUMMARY
		£
1/A	Bill 1 Block E Enabling Works	388,367.55
1/B	Bill 2 Block E Demolition Works	73,020.96
1/C	Bill 3 Block E Main Works	2,049,260.63
1/D	Bill 4 Block E Mechanical and Electrical	1,075,209.65
1/E	Bill 5 Block E External Works	664,849.39
1/F	Bill 6 Block E Provisional Sums	14,000.00
	Prelims	563,942.86
	Overheads & Profit	inc
	Variations	958,150.10

2205 **Mr Speaker:** Is there any supplementary arising from this schedule?

Hon. Ms M D Hassan Nahon: Mr Speaker, could I ask the Minister for Health whether he is satisfied that they stuck to budget in general?

2210 **Hon. N F Costa:** Mr Speaker, I am afraid I do not know the answer to the hon. Lady's question, but I will ask and I will write to her.

2215 **Hon. D A Feetham:** Mr Speaker, are these all the total costs of the dementia facility, both including the costs that were incurred when we were in Government and the cost post when they have been in Government? Is this the total cost of the dementia facility? That is the question?

Hon. N F Costa: No, Mr Speaker, the hon. Gentleman will know that the Dementia Day Centre was a GSLP Liberal administration commitment. It was not –

2220 **Hon. D A Feetham:** It is just the day centre?

Hon. N F Costa: It is just the day centre.

2225 **Hon D A Feetham:** It is just that the question said the 'new dementia facility'.

Hon. N F Costa: Yes, okay, my mistake.

Hon. D A Feetham: Oh, right, okay, 'new dementia' as in the day centre.

2230 **Hon. N F Costa:** No. I did say in my answer: 'I have read the hon. Lady's question as referring to the costs of the dementia day centre.'

2235 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am sorry, I do not want to sound nit-picking but I have added the amounts that have been provided in the schedule and it is £1.5 million out. Is there anything that the Minister could enlighten us regarding this, please? One million ... No, I am sorry, I stand to be corrected.

Mr Speaker: You pressed the correct keys?

2240 **Hon. Ms M D Hassan Nahon:** Yes.

Mr Speaker: Check again.

2245 **Hon. Ms M D Hassan Nahon:** No, I think it is actually okay. I forgot to add the bottom ... No, I think it is fine.

Can I ask what 'provisional sums' refers to?

2250 **Hon. N F Costa:** Mr Speaker, I am going to read her exactly what has been provided to me. The preliminaries provide a description of a project that allows the contractor to price costs which, whilst they do not form part of any of the package of works required by the contract, are required by the method and circumstances of delivering the works. In this project they comprise predominantly of the following: GJBS site management and supervision; temporary accommodation, site cabins and welfare; temporary power and electric for both the site accommodation and works; scaffolding, external and internal; plant and equipment such as tower crane and mobile crane; office equipment such as computers, phones and fax lines;

2255 security measures, hoarding and fencing.

2260 **Hon. R M Clinton:** Mr Speaker, if I may. Studying the schedule myself, I notice the variations amount to about what would have been 18% of the original contract. Can the Minister advise the House: was there anything special in the variations that caused what seems to be a large variation number of about 18%?

2265 **Hon. N F Costa:** Mr Speaker, I did ask exactly that question but it has not been provided to me in my supplementary information, so I commit to writing to him when I go back to the office. I apologise for that.

Mr Speaker: Any other questions?

2270

Q71/2017
Mental health crisis line –
Progress

Clerk: Question 71. The Hon. Ms M D Hassan Nahon.

2275 **Hon. Ms M D Hassan Nahon:** Can the Minister for Health state whether there has been any progress for the setting up of a 24-hour crisis line to man and care for emergency mental health issues as per the mental health motion of the November sitting of Parliament?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

2280 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the GHA currently have an out-of-hours service. Mental welfare officers are available at any time to offer advice and support to persons over the phone when required. They will physically attend to a person in cases where they consider this necessary and are responsible to contact the on-call psychiatrist for any emergencies.

2285 In addition to this, as the hon. Lady knows, we are currently exploring a number of possible options in an endeavour to find a tailor-made solution fit for Gibraltar's needs. It is important to note that this is of course a serious undertaking, and as a consequence it is vital to take the necessary time to ensure that ultimately the proposed service is fit for purpose and staff are trained by suitably trained personnel.

2290 To date, the Community Mental Health team have met with one local charitable organisation and are making enquiries with established UK providers in order to be able to be in a position to make an informed decision.

2295 **Hon. Ms M D Hassan Nahon:** Thank you for that answer. I appreciate that there is an ongoing conversation about this and that they are trying to find ways, but can we have a deadline by which the Minister can commit to this motion, which we all agreed on and I think is very urgent in the sense that the sooner we can have this designated line the sooner we could potentially be saving lives. So I would like to commit the Minister to some sort of deadline for this to happen.

2300 **Hon. N F Costa:** Mr Speaker, as the House will recall, the hon. Lady and I agreed that this is a vitally important service. I cannot today give a commitment as to the date by which I expect this crisis line to be up and running because it is still not in a position where I can say with any reasonable certainty by when everything will be in place. But if the hon. Lady were to ask me in the next session of Parliament again, I will make sure that by then I will try my hardest to be able to give her a reasonably realistic estimate of by when the crisis line will be up and running.

CHIEF MINISTER

Q90-91/2017

**Chinese investors –
Benefits for Gibraltar realised thus far**

2305 **Clerk:** We now move to questions to the Chief Minister. We commence with Question 90. The questioner is the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Government say what technology for local improvements to the environment have been brought to Gibraltar by the Hong Kong company Good Resources Holding Ltd since the Government's announcement on 21st January last year?
2310

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 91.
2315

Clerk: Question 91. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, has the partnership with Chinese investors claimed by the Chief Minister in a press release in January of last year been formalised in any way and what fruits has that partnership borne for Gibraltar?
2320

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the partnership is not claimed, it is actual. We are in the process of finalising various arrangements in myriad fields, including opportunities which can be environmentally beneficial. Announcements will be made when appropriate.
2325

Clerk: Question 92. The Hon. R M Clinton.

2330 **Hon. T N Hammond:** Mr Speaker, I realise there may be commercial sensitivities here, but if the Chief Minister could perhaps give a little flavour of what these myriad deals are. Are we still talking about primarily LED, which was the initial purpose of the press release last year; or have we moved into other areas? Is LED still part of that deal?

2335 **Hon. Chief Minister:** Mr Speaker, it includes other areas too.

Q92/2017

**Leasing of Government vehicle fleet –
Expressions of interest**

Clerk: Question 92. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how many expressions of interest were received on the submission deadline of 22nd December 2016 in respect of leasing of its entire vehicle fleet, comprising over 400 vehicles, motorcycles and 90 specialist vehicles?
2340

Clerk: Answer, the Hon. the Chief Minister.

2345 **Chief Minister (Hon. F R Picardo):** Mr Speaker, one expression of interest was received and it is currently being technically assessed.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer. Could he advise the House when he will be in a position to advise the name of the ... well, if he goes ahead with the tender, when he would expect to make a decision?

2350 **Hon. Chief Minister:** Mr Speaker, I am not able to give the House any indication which is binding, but I would have thought that we would have made up our minds in the next six months at most.

2355 **Hon. D A Feetham:** Mr Speaker, does the Hon. the Chief Minister have an explanation as to why there has been just simply one expression of interest?

Hon. Chief Minister: Yes, Mr Speaker: because only one was received.

2360 **Hon. D A Feetham:** Is this Bassadone Motors, by any chance?

Hon. Chief Minister: Mr Speaker, I cannot tell him exactly who it is because I have not been told, but I have been told that one has been received, which is what the question asks.

Q93/2017

Political election manifestos –

Removal from Government websites on calling of General or by-election

2365 **Clerk:** Question 93. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, would the Government agree that under the conventions of purdah any political election manifestos currently uploaded to any Government or Government authority or agency websites will have to be immediately removed upon the calling of a general or by-election?

2370 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, no, sir.

Q94/2017

Public service vacancies –

Number and details

2375 **Clerk:** Question 94. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, further to answers provided to Questions 931 and 932/2016, is the Government now in a position to provide answers to those questions?

2380 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir. The information is attached as the schedule I am providing to the hon. Gentleman.

ANSWER TO QUESTION 94

As at the end of November 2016 there were 135 vacancies across the Civil Service.

Employees temporarily promoted within the Civil Service as at end of November 2016.

GRADE	GRADE TEMPORARILY PROMOTED	DATE TEMPORARILY PROMOTED	DEPARTMENT
Environmental Monitor	HEO	01/05/2012	Culture (Ministerial Office)
AO	EO	09/12/14	Ministry for Housing and Equality
AO	EO	18/09/2015	Ministry for Sports, Culture, Heritage and Youth
AO	EO	01/10/2015	Driver and Vehicle Licensing Department
EO/HEO	Training Officer	03/05/2008	Economic Development
Works Supervisor	PTO	19/10/2012	Environment
Auditor	Audit Manager	27/06/2016	Audit Office
Assistant Auditor	Auditor	15/01/2015	Audit Office
SEO	SO	17/12/2012	Housing
HEO	SEO	07/03/2016	Housing
EO	HEO	28/02/2015	Housing
AO	EO	20/10/2015	Housing
AA	AO	04/01/2016	Housing
HEO	SEO	17/03/2013	Human Resources Department
EO	HEO	13/10/2014	Human Resources Department
AO	EO	30/04/2016	Human Resources Department
AO	EO	09/05/2016	Human Resources Department
AA	AO	23/02/2016	Human Resources Department
SEO	CIT	04/01/2016	Income Tax Office
HEO	SEO	04/01/2016	Income Tax Office

GRADE	GRADE TEMPORARILY PROMOTED	DATE TEMPORARILY PROMOTED	DEPARTMENT
HEO	SEO	11/01/2016	Income Tax Office
AO	Personal Secretary	27/03/2014	Justice
Typist	AO	06/05/2013	No.6 Convent Place
SEO	Director of Social Security (Senior Officer)	08/02/2016	Department of Social Security
HEO	SEO	04/07/2016	Department of Social Security
HPTO	SPTO	02/02/2015	Technical Services
HPTO	SPTO	30/01/2008	TSD - Highways
PTO	HPTO	14/09/2009	TSD - Highways
SEO	Accountant General	20/06/2016	Treasury
HEO	SEO	29/06/2016	Treasury
EO	HEO	11/02/2016	Treasury
EO	HEO	15/08/2016	Treasury
AO	EO	01/06/2016	Treasury
Senior Education Advisor	Director of Education	05/09/2016	Education

2385 **Hon. D A Feetham:** Mr Speaker, this particular schedule just simply provides ... Well, in fact, at the first line it says at the end of November 2016 there were 135 vacancies across the Civil Service. I thought my original question also asked about the GDC, but I will be corrected if I am wrong. (*Interjection*) I have not brought it with me because I thought there was going to be no dispute in relation to the answers. I just took it at face value that he would be providing the answer to the question next time round.

2390 **Hon. Chief Minister:** Mr Speaker, the Government takes the view that the GDC is a provider of labour, not that there are vacancies necessarily within the GDC. He will know that from the way that we have answered questions in the past five years. The recognised manning level vacancies are in the Civil Service. That is why he has got that number and that is why he has got the breakdown that he has got in respect of acting within the temporary promotions in the Civil Service.

2395

Hon. D A Feetham: Is the hon. Gentleman saying that the Government will not provide the number of vacancies in the public service as a whole, which I always understood to mean not only the Civil Service but also inclusive of the GDC? And if I am not mistaken, in fact, my question actually extended further than that, to authorities and Government owned companies. Is it the position of the Government that they will not provide that information in relation to vacancies across the public service?

2400

Hon. Chief Minister: No, Mr Speaker, the position of the Government is that the recognised manning level and the recognised posts are only in the Civil Service, not in the agencies or the authorities or indeed in the Gibraltar Development Corporation, which do not have a recognised manning level and do not have recognised posts. There is therefore no entitlement to see a vacancy as something that will be filled by the Government in that context, and it is only in the Civil Service that we provide that. This has been established in the past five years in the way that

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Hon. D A Feetham: Mr Speaker, there are vacancies within the GDC that come out and are filled. In public authorities there are vacancies that come out and are filled. In Government-owned companies there are vacancies that come out and are filled. All those areas are within

2415 the responsibility of the Government, so I do not understand on what basis the Government is not willing to provide that information.

Hon. Chief Minister: Mr Speaker, when there is a need for a job to be done in an agency, an authority or in the GDC and there is not somebody already available to do that post or that work, then a vacancy is advertised. Just because somebody leaves a post in one of those three types of labour providers for the Government, it does not mean that there is immediately a vacancy or that the Government intends to fill it. In the Civil Service it is different: we are committed to a manning level and therefore when somebody leaves the Civil Service there is definitely a vacancy, because there is a commitment in respect of the manning level.

2425
Hon. D A Feetham: Mr Speaker, within the GDC – and we are talking about very often within the same department civil servants working side by side with GDC employees – GDC employees retire. Then the Government has traditionally advertised those posts. I still do not see the reason why the Government cannot tell me how many vacancies there are within the GDC or within Government-owned companies or within public authorities.

2430 Quite frankly, what he is telling me just does not stack up, unless of course he is saying now ‘the Government is not willing to provide you with that information’. Okay, fine, I cannot go behind that, because he has taken that position across a plethora of areas, not just, as he appears to, in this area.

2435
Hon. Chief Minister: Mr Speaker, it is not true that we have taken that attitude in a plethora of areas; neither is that what I am telling him. I am answering the question that he has asked in respect of the thing that he has asked, which is vacancies.

2440 He needs to understand the things that he is saying about the GDC. When the GSLP left Government in 1996 there were seven employees of the GDC. When we took over again there were well over a hundred, if not more, employees of the GDC. So when he talks about people working side by side between the GDC and the Civil Service, that is the policy that they had when they were here, it was not the policy of the GSLP Liberals. The policy of the GSLP Liberals in relation to the GDC is that it is a workforce and labour provider now to the Government. It is a hugely important part of the labour that the Government has at its disposal and it is also flexible in the way that it provides that labour, and part of that flexibility is that when somebody retires from the GDC their post is not necessarily going to be filled or it is not necessarily going to be filled in a way that produces a vacancy in the context of the GDC.

2445
2450 He has asked for vacancies. We have given him the area where there are vacancies. In other words, in the Civil Service when someone goes they will be replaced, and that is why there are 135 vacancies. If there are good reasons in relation to efficiency why they should not be replaced and that is agreeable to the unions and to the Government and to the administration, well then so be it.

2455 Mr Speaker, that is the information I am giving him. He is getting the information that he is asking for. Maybe he just does not realise that the way we have been giving him the information in the past five years and the things that we have repeatedly explained are as relevant to this question as they are to some others.

2460
Hon. D A Feetham: No, Mr Speaker. The question ... I have got it in front of me: how many vacancies were there across the public service inclusive of Government-owned companies and public authorities as at the end of November 2016?

2465 Now in the past he has provided me – and I can demonstrate that and I will go back and demonstrate it that he has provided me with information in relation to the GDC which is an integral part of the public service. Now he does not want to provide it to me. Is it the case that he does not want to provide me with that information because he has spent so much money that he is now envisaging cuts within the public service, Mr Speaker?

Mr Speaker: No, that ... he does not have to answer that question.

2470 **Hon. Chief Minister:** Mr Speaker, it is a direct question. It is a direct question which he knows the answer to, Mr Speaker.

We have spent a lot of money investing in our community. We have spent a lot of money creating jobs. We have spent a lot of money doing the things that he now seems to be urging us to do more, like opening wards for the elderly at the John Mackintosh Wing, at the Calpe Ward, the new dementia residential facility which is going to open soon, the dementia day facility. We have opened schools, we have opened a university and we have employed more civil servants. We have done all of the things which it was absolutely right to do and invest in our community to do, and we are able to do more because the public finances of Gibraltar are strong, they are ready to face any challenge that we may come across, and if we feel that we need to employ more people we would employ more people.

2480 I am answering his question. His question has resulted in this answer because that is the way that the Government looks at vacancies. I can point him in the direction of other answers we have given in the past which direct him towards having to understand that the manning level that the Government is committed to is the manning level of the Civil Service. The GDC is a hugely important part of the way that the Government runs its administration. The people of the GDC are an important part of what we do. They know that their future is safe with this Government.

2490 There is no question of us having any issue whatsoever with spending money. The only people who have expressed any issue with spending money in the context of this House has been them. They are the ones who spent when they were in Government and now talk about not spending when they are in Opposition. The Government's position will be consistent, and that prudence will not affect anybody's livelihood or anybody's jobs being replaced where they need to be replaced.

2495 It is quite something that those who seem to be arguing only for one thing, and that is austerity, are the ones pushing us to do more in areas where spending is required, and the fact is, Mr Speaker, if you look at their track record, theirs is a track record of increasing spending when they were in Government.

2500 Finally, I would say this. I was not surprised to see what the hon. Gentleman said in his New Year's message in relation to spending, for a simple reason: it is exactly the same thing he has been saying for the past four years. He has not changed his message. He has been saying for four years we are about to be bankrupt. Every year, Gibraltar does better. Every year that he keeps crying wolf the only people he is helping are Gibraltar's enemies.

2505 **Hon. E J Phillips:** Mr Speaker, just one supplementary question. Can the Chief Minister confirm, in relation to the Senior Education Advisor who has now temporarily been promoted – I assume that is Mr Grech who has been promoted to Director of Education – what has happened to Dr Britto?

2510 **Hon. Chief Minister:** Well, in terms of that nobody has heard from him, or something like that? He is himself temporarily promoted to Senior Administrator at No. 6 Convent Place.

Hon. D A Feetham: Mr Speaker, I have gone back and, in actual fact, I asked the question of vacancies in September, and in September there were 177.5 vacancies: 101 vacancies in the Civil Service and 76.5 in the rest of the public service. That is the information he gave me in September.

2515 Is there a reason why he is now changing his position, and he provided me with that information in September and now he only provides me with information in relation to the Civil Service and not the rest of the public service?

2520 **Hon. Chief Minister:** Mr Speaker, I have given him my answer, I do not have the benefit of being able to go back, as he has, because I am on my feet providing the answer. If he wants to pursue this line of questioning at the next House I will look forward to having the discussion then in Questions and Answers, but the position is as I have set out.

Mr Speaker: That is the end of Question Time.

Questions for Written Answer

2525 **Clerk:** Answers to Written Questions. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W1 to W7/2017 inclusive.

2530

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House do now adjourn *sine die*.

2535 **Mr Speaker:** I now put the question, which is that the House do now adjourn *sine die*. All in favour? (**Members:** Aye.) All against? The House will now adjourn *sine die*.

The House adjourned sine die at 1.17 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.33 a.m. – 12.48 p.m.

Gibraltar, Monday, 13th February 2017

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The Gibraltar Parliament

The Parliament met at 9.35 a.m.

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

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

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Monday, 13th February 2017.

Order of Proceedings: (i) Confirmation of Minutes – the Minutes of the last meeting of Parliament which was held on 18th and 23rd January 2017.

5

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

Mr Speaker signed the Minutes.

PAPERS LAID

Clerk: (ii) Communications from the Chair; (iii) Petitions; (iv) Announcements; (v) Papers to be laid.

10

The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the Table the Statement of Supplementary Estimates No. 1 of 2015/2016.

15

Mr Speaker: Ordered to lie.

Questions for Oral Answer

CULTURE, THE MEDIA, YOUTH AND SPORT

Q95/2017

Upper Promenade steps – Plans to install gates

Clerk: (vi) Reports of Committees; (vii) Answers to Oral Questions.
We commence with Question 95, the Hon. L F Llamas.

20

Hon. L F Llamas: Mr Speaker, does the Government intend to install gates at the top of the steps of the recently refurbished Wellington Front Upper Promenade, leading towards the Lower Promenade and also at the top of the steps of the Upper Promenade leading on to Line Wall Road?

25

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, no, sir.

30

Hon. L F Llamas: Mr Speaker, could I ask the Hon. Minister to perhaps review the steps, particularly the ones leading to the Lower Promenade because they are quite steep? I think that given it is a play area where people will be playing with children and so on, it could lead to an accident in the future. Perhaps they could consider placing a gate at least on the steep steps at the top.

35

Hon. S E Linares: Well, Mr Speaker, no one from the Health and Safety Department or anybody has advised me that they are steep. They might be steep but these have been there for nearly 300 years and no considerable accident has happened since.

40

So I do not see why there should be a gate there. The hon. Member must remember that this is supposed to be an open space where people walk through and use the amenity. By putting a gate, it seems as if you have to close the whole area which has recently been refurbished. So I do not agree with the hon. Member in his suggestion.

Q96/2017

Gibraltar Sports and Leisure Authority – Assistant Resources Manager vacancy

Clerk: Question 96, the Hon. E J Reyes.

45

Hon. E J Reyes: Mr Speaker, sir. Following on from answers provided to Question 1/2017, can the Minister for Sport update this House in respect of the Assistant Resources Manager (Grade 4) vacancy within the Gibraltar Sports and Leisure Authority?

50

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the position remains vacant, but management of the GSLA have initiated the internal recruitment process.

55

Hon. E J Reyes: Does that include that interviews have taken place or a date has been set for the interviews to take place?

60

Hon. S E Linares: Mr Speaker, the vacancies were announced internally and as I understand it, there have been two applicants. Therefore the process of interviewing will commence.

Q97/2017

Victoria Stadium and Bayside Sports Complex – Maintenance of floodlights

Clerk: Question 97, the Hon. E J Reyes.

65

Hon. E J Reyes: Further to the answer provided to Question 4/2017, can the Minister for Sport say when the last quarterly maintenance checks were carried out in respect of the floodlights at all the facilities situated at the Victoria Stadium and Bayside Sports Complex, together with any details if there was a need for call out services for emergencies and/or ad hoc repairs/replacements?

70

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the last quarterly maintenance checks at the Victoria Stadium and the Bayside Sports Complex were conducted in November 2016.

75

In addition, a number of floodlight fittings were replaced on Pitch No. 2 and Pitches 3 and 4 in early December 2016.

Hon. E J Reyes: Thank you, Mr Speaker.

80

Given that these are quarterly and I am taking it that they are calendar quarterly, does the Minister have any information when the next quarterly check is due? Technically I know three months has elapsed, but if it is within a quarter or whatever, he could enlighten us with that.

85

Hon. S E Linares: Well yes, Mr Speaker, as I understand it these fittings were put in place on Pitches 3 and 4 and they were replaced. Three have failed in total in both facilities and the GSLA are currently dealing with the local contractors to determine the exact reason for this and to have these replaced as soon as possible.

90

Therefore, my deduction is that they are on constantly. Even though they are checked quarterly, whenever things happen, as I told the hon. Member last time, people are on call, so when anything fails they react straight away and he is right that the next general quarterly would happen within the next three months.

I am sure they are doing it even as we speak, because if things do fail, then they check it again. So the quarterly checks are done just in case they are not failing, so they are checked that they do not fail in the future but they are currently being looked at, especially, like I said, Pitches 3 and 4.

95

Q98/2017

**Gibraltar Football Association –
International matches at Victoria Stadium**

Clerk: Question 98, the Hon. E J Reyes.

100 **Hon. E J Reyes:** Can the Minister for Sport provide updated information in respect of the Gibraltar Football Association's National Team or Club's possibilities to play their forthcoming Official International Home Games at the Victoria Stadium?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

105 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, this question should be directed to the Gibraltar Football Association. The HM Government is not responsible for hosting of international football matches. We continue to work on long-term plans with the GFA and provide support where we are requested to do so.

110 **Hon. E J Reyes:** Mr Speaker, can I ask the Minister as Chairman of the Gibraltar Sports and Leisure Authority, does he have any information to provide? One hears that there could be or could not be a possibility of the games being played due to the fitness of certification of the pitch.

115 In that respect or the details in respect of the worthiness of certification of the pitch lies with the Sports Authority so could he please provide some information in that respect?

Hon. S E Linares: Mr Speaker, as far as the Authority is concerned, the pitches are fit to play. They have been played on currently and they are fit to play. It is then up to the GFA with UEFA to ascertain whether they are happy with the pitch being played on. So therefore I direct the hon. Member to ask the GFA whether they feel, via UEFA or FIFA, whether the pitch is suitable to play.

125 **Hon. E J Reyes:** Well, Mr Speaker, the Minister may have answered me but I have not quite understood. I know the pitches are fit for play because in fact they were playing on them only yesterday. But do they still have a certification that meets the basic requirements set down by UEFA or FIFA? The Sports Authority are the ones who hold the actual certificate, so from when the certificate was last granted there is an expiry date, has that date come and gone has it been renewed, can he please provide some information in that respect?

130 **Hon. S E Linares:** Mr Speaker, I repeat: according to the Authority, the pitches are certified to be played on – if not, they would not be played on. So therefore as far as the Authority is concerned, matches can be played.

135 Now, it is now up to FIFA and UEFA to come and certify and they are the ones who decide if it is up to their standard so therefore it is up to the GFA to have discussions with UEFA and FIFA to see if this pitch is adequate for them or not. As far as the authority is concerned, it is adequate for us.

140 **Hon. E J Reyes:** So, Mr Speaker, as far as the Authority is concerned, we currently hold certification that allows the pitch to be used for UEFA and for FIFA games and if that is the case when do they expire, when is it next due to be inspected and re-certified?

Hon. S E Linares: Mr Speaker, the certification as far as I understand it, goes either to June or July. Therefore up to June/July, these pitches – but I insist that the authority, even in June or July we can get laboratory certifications of the pitch to be good and adequate for use of the pitch.

145 Therefore it is up to FIFA and UEFA who have their own regulations, to come probably during
or after that date to see if it is adequate for them. So therefore I would direct that question to
the GFA and not to the Government or the Authority.

Hon. E J Reyes: Yes, Mr Speaker, I am glad to hear that. So far we seem to be continuing on a
150 process that has been there for a long time. The current certification is valid until June or July. If I
recall correctly, what we used to do is we used to bring the maintenance teams who we have
contracts with, in order to ensure that everything was up to date when it was due for re-
certification.

If the certification is due to expire in June or July, does the Minister have any idea when the
155 Gibraltar Sports and Leisure Authority are next going to have their own external maintenance
team coming over to ensure that when UEFA and FIFA do send their own people, as far as
Gibraltar Sports and Leisure Authority are concerned, everything possible has been done in
order to regain certification?

Hon. S E Linares: Well, Mr Speaker, knowing the Authority as I do, and the hon. Member as
160 well, I am sure that the Authority would be a couple of months before, asking the laboratory to
certify to see if there might be any possible extensions to that certification, but it is too early to
say. We are just four or five months before the certification so I am sure the Authority will get
proper certification of the pitch well before June.

165 **Hon. D A Feetham:** Mr Speaker, the original question relates to the possibility of the Victoria
Stadium being played to host official international matches.

The questions that have been asked in supplementary have been about certification. But is it
really an issue about certification of the pitch as to whether the pitch is of a quality that can host
170 international matches; or is it more complex than that and does it involve in fact the standard,
the facilities that the actual Victoria Stadium offers so that then that will comply with UEFA or
FIFA standards which would allow home matches to be played at Victoria Stadium?

Chief Minister (Hon. F R Picardo): Mr Speaker, I would have thought that from the answers
175 given by the hon. Gentleman it would be clear that the issue relates to the pitch, to the playing
surface. And, Mr Speaker, what we have to reflect on is that in the time that we have been here
on this side of the House, we have seen the GFA achieve two hugely important milestones in its
history, in the history of Gibraltar and the history of football: first, admission to the European
Federation, UEFA; and second, admission to the International Federation, FIFA.

180 In the context of that, there are certain requirements which are of UEFA and certain
requirements which are FIFA and for some reason they are not identical. It is really quite
surprising that that should be the case, but they are not. The things that the GFA are saying to
the Government relate to the requirements of those international organisations on them, on the
GFA and how the Government can assist them in discharging those obligations in order to be
185 able to play international matches of the national squad here and play international matches
and European matches of the clubs here.

Those relate in relation to Victoria essentially to the pitch. The hon. Gentleman knows that
UEFA have not wanted to entertain the opportunity for international matches, European
matches, to be played at the stadium for reasons that they have put to the GFA and the GFA has
190 set out repeatedly.

So from the point of view of the works that were required for the Victoria to be the sort of
facility that the Government felt it could provide to the community generally, not just for
football because Victoria is for all sports and all the community, that work has been done. And
the issues which relate as I understand it and I know my hon. Friend understands it to FIFA
195 matches, the issues relate to the playing surface, Mr Speaker.

Mr Speaker: Next question.

200 **Hon. D A Feetham:** Mr Speaker, may I? But is that also the case with UEFA because my understanding was that the reason why international matches could not be played at Victoria Stadium, official international matches for UEFA, is because the stadium was not a Category 3 UEFA stadium – is was just below a Category 3 UEFA stadium.

205 So are the issues relating to UEFA and FIFA the same, or is FIFA pitch-related and is UEFA stadium-related?

Hon. Chief Minister: Mr Speaker, in relation to FIFA, the issues as I understand them are pitch-related; and in relation to UEFA as I understand it, they are facilities-related and pitch-related.

210 **Hon. E J Reyes:** Mr Speaker, if I may, can I come back to the Hon. Minister?

He said that the current certification of the pitch is valid until June or July. Looking at the calendar of forthcoming games, the Gibraltar Football Association is due to play in its qualifying games in respect of FIFA, I think, on 9th June. Therefore, that I think, calendar-wise, should fit in within the certification period.

215 Can the Minister confirm to all sports lovers that as far as the Gibraltar Sports and Leisure Authority, the pitch is there, fully certified and therefore if the Gibraltar Football Association wish, they could play that game in the Victoria Stadium in June of this year?

Hon. S E Linares: Correct.

INFRASTRUCTURE AND PLANNING

Q99/2017

Electric hoverboards and scooters – Review of law

220

Clerk: Question 99, the Hon. L F Llamas.

225 **Hon. L F Llamas:** Mr Speaker, has the Government taken a decision whether it is going to enforce the law or amend the law in respect of self-balancing, two-wheeled, electrically powered hoverboards and scooters?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

230 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, Government is presently reviewing the position in relation to the importation and use of hoverboards and other similar self-balancing devices.

235 **Hon. L F Llamas:** Does that mean to say, Mr Speaker, that what was issued in the press release last December 2015 would actually not be enforced, where Government informed the community that these items would be seized, regardless of whether they were being imported or already imported?

240 **Hon. P J Balban:** No, Mr Speaker, that is not what would happen. These items are illegal imports. These items are prohibited to be used on the public highway and on the public footpath. So the problem here has been that obviously many of these electric-powered power

boards and hoverboards have actually found the way into Gibraltar and now obviously there is a question of policing to look after that issue.

245 When it comes to the Government's position at the moment, what is happening is that we are actually looking to see whether there is any need to look at these more toy-type related devices in a different way, because you cannot really compare what is a Segway which is what we spoke about in last month's Parliament – which is a bigger piece of equipment which can be used on the public highway, should the law permit it, and on the footpath – and these other devices which are more toy-ish in nature. They have a very short range and they could not withstand being ridden on the road itself.

250 So what we are looking at is to see whether there is any need to classify these toys as toys and whether there is any need perhaps to assign certain areas, if it was decided that they were to be classified as toys.

But as I said, this is all what the Committee or what the group is looking at, at the moment, and this is where we are at present.

255

Hon. L F Llamas: Mr Speaker, there is obviously a secondary concern with this. At the moment as it stands, they are illegal imports and obviously, apart from being used on public highways and in any area because at the moment they are undesignated, there is also an issue where there have been reports abroad internationally where they have caught fire. Obviously if my neighbour, for example – I am not saying my personal neighbour has one, but if my neighbour – has a Segway and that catches fire and causes damage to his property and my property as a result, the home contents insurance would not cover it.

260 So I think we need to tackle this one way or another because obviously the position of the Government as at December 2015 was in fact that the authorities may therefore seize any Segways or equivalents found to be in possession within Gibraltar. If that is not being enforced, then I call on Government to do something, act responsibly and quickly and either call them toys and give them designated areas or start seizing, because otherwise we are just allowing people to break the law and not do anything about it.

270 **Hon. P J Balban:** Mr Speaker, the actual comments that have been made on the fact that it has been reported that some of these catch fire; apparently I am informed that there are different types of these scooters. Some of them have a CE rating which we assume are perfectly safe and others which come from other countries are perhaps the ones that have caught fire in the past. In fact many airline companies will not allow them on board for that very reason.

275 But I am informed that it is the other types. It is very difficult obviously to ... It is Customs and law enforcement bodies' responsibility to police the laws; it is not the Government's responsibility. So if any Segway is caught, it is up to the RGP to deal with. But at the end of the day, if the RGP received a report from yourself, for example, that your neighbour has a Segway then it would be purely a policing matter.

280

Hon. L F Llamas: But, Mr Speaker, I do not think that the RGP needs anybody to call and call on any neighbour or anything when they are blatantly being used all over Gibraltar. Obviously, if they were regulated then perhaps Government could say a certain type which is regulated and licensed and is not originating from a cheap generic version of it, will not be allowed, and the proper ones will be allowed.

285 I think we really need to tackle this issue because we have seen a surge over the Christmas period and obviously the fact that they are being used will only simply encourage others to get any variety and they may go for the cheaper one, rather than the proper one which is regulated.

290 **Hon. P J Balban:** Mr Speaker, the issue is tackled. They are illegal, they are against the law, there are laws which state that clearly. We issued a press release to warn people before Christmas the previous year not to import these items because they are not allowed. So the law

is there, and the Police need to ensure that they deal with people who are riding these things on a public highway.

295 You say it is clearly seen, well it is a policing matter and they are the ones responsible to police the laws in Gibraltar.

Hon. L F Llamas: One final supplementary, Mr Speaker. Has the Government actually advised the RGP not to act because, for example – (*Interjections*) No, because, Mr Speaker, seriously in the Cavalcade there were children walking up and down Main Street – well, not walking; hovering – riding these items and there were plenty of RGP, no need for anybody to call the RGP. Obviously, when you see that the Police are literally just turning a blind eye, then is there an instruction or what is the case? Obviously, there has to be some form of policy from Government to stifle that enforcement of the law, I presume.

305

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has no constitutional power and as a matter of fact on this side of the House we would never pretend to advise the RGP on what to do, to give the RGP instructions on what they have to do or to attempt to stifle them in the exercise of their duties.

310

But, Mr Speaker, on this side of the House we think that the RGP do a very good job. On that side of the House, it is clear that they are complaining about the way the RGP do their job. Mr Speaker, I have no doubt if any member of the RGP is listening, they will be very clear in respect of the attitude that the Opposition take to the sterling work that they do for our community.

315

Hon. Ms M D Hassan Nahon: Mr Speaker.

Hon. D A Feetham: Mr Speaker.

Mr Speaker: The hon. Lady. (*Interjection*)

320

Hon. Ms M D Hassan Nahon: Sorry, Mr Speaker, if I can just intervene. I suppose I have to say, I declare an interest here. For example, my own children keep asking me for a hoverboard because they see all these other children with hoverboards and that the law is not being enforced. So there is some confusion going on around here. I think that what the hon. Gentleman is asking for, more than anything, is clarity. I do not believe with respect that he is having a go at the RGP, but what exactly is the position going on at the moment, because you do see it all around and nothing is being done to stop it?

325

Hon. Chief Minister: Well, Mr Speaker, I am grateful for the hon. Lady's clarification of what it was that another Member of the House was purportedly asking me. But it is of course a much better way of setting out what might be the concerns of members of the community and I appreciate that.

330

But, Mr Speaker, the position is as the Hon. Minister has set out as far as the Government is concerned. We have set out what the position is in law. The enforcement of that, Mr Speaker, is a matter entirely for Customs and for the Police.

335

People sometimes talk about being in power. When you are in administration, you realise that there is precious little by way of power. One is not able to direct police officers, customs officers to do or not do things, otherwise one would come entirely a cropper of the Constitution.

340

But the hon. Lady raises the point of certainty and in the view of the Government, look, the position is clear. That is why if my children ever eye these things, they are going to get a very clear answer from Dad, that there is not going to be a hover board at home – and for very good reason, because if we go to the substance of this debate, why is it that something that actually looks quite fun is something that the Government has decided cannot be imported or used in Gibraltar?

345 It is based on advice, because of the size of our roads, because of the technical problems that
there were with these batteries that were in these boards, etc. It may be, Mr Speaker, that there
is an argument for designating areas where this sort of equipment can be used. A bicycle is a lot
of fun but you cannot ride your bicycle in Main Street because you could hurt people who are
there enjoying the pedestrian facilities.

350 So there may be an argument to be raised there and it is something that certainly the
Government is certainly considering. There are skateboarding parks where you use your
skateboard, using your skateboard in Main Street is not allowed but skateboards are not an
illegal import and they do not catch fire – unless you ride them really well, I guess! But there are
arguments to be had to rationalise this particular area but they do not relate to criticising the
355 Police or criticising other law enforcement agencies and I am grateful the hon. Lady has taken
the debate where she has.

Mr Speaker: The Hon. the Leader of the Opposition. I am sorry but the hon. Lady had caught
my eye before he stood up. *(Interjection and laughter)*

360

Hon. D A Feetham: Mr Speaker, I think that the Hon. the Chief Minister has basically taken it
to the core of the debate in relation to this, and it is this: the Government has taken a decision
not to allow the importation of these items because the Government is concerned about the
safety.

365

Now, in the light of that and in the light of the concern expressed by my hon. Friend, Mr
Llamas that he has personally and indeed some of us have also seen personally people, and
children, using these items down Main Street and elsewhere. Therefore there must be a safety
issue in relation to this because what we do not want is for children to have an accident.

370

What is the Government going to do about that? I quite understand that the enforcement is
for the Police to enforce but surely, if the Government knows that these items are in Gibraltar
and they are being used and that the law is perhaps not being enforced or there might be some
confusion in relation to the law – I do not know but the reality is that they are being used – I
would have thought that the onus or there would be some responsibility on the Government to
obviously do something about it.

375

Hon. Chief Minister: Well, Mr Speaker, I know that there is cannabis in Gibraltar and that it is
being smoked but I do not complain about the RGP's enforcement of our rules against cannabis
because of course there is an agenda to deal with that, as there is an agenda in the RGP to deal
with all of these issues – and not just in the Police, all law enforcement agencies.

380

But I think, Mr Speaker, in the context of the debate as it is now developing –

Mr Speaker: I hope it does not develop very much. *(Laughter)*

385

Hon. Chief Minister: Well, Mr Speaker, if you allow the questions, the answers must come.
But what a privilege that with everything that is happening in the world we have the opportunity
of debating hoverboards and Segways in this Parliament. We sometimes do not realise just how
lucky we are in Gibraltar.

390

Mr Speaker, let me just set in context what has happened here so that we understand the
parameters of action and who took the action. The issue of the prohibition relates to Segways
actually. It started with Segways and it came also in the light of a lot of people winning prizes in
the La Linea Fair, which were skate boards with engines on them. I remember at that time there
was a flurry of political activity relating to whether these items should be banned because they
were dangerous. And it was not this Government; it was the former administration that took the
advice of Customs and the Police to introduce that ban. The policing of the ban, Mr Speaker, is
395 something which is a matter, as I say not for us.

400 It is very easy on something as easy to understand and as visible and innocuous as a motorised skateboard to take the bait of agreeing that of course we must indicate to law enforcement agencies that they should do a little more in this area or not. But our constitutional structure is very clear. I have on my desk a letter asking me, as Chief Minister under the provisions of the Gibraltar Police Authority Act, to set out what my priorities are in respect of policing in Gibraltar for the next year. That is what the Act provides for: the Gibraltar Police Authority writes to me, I think they also write to others, and that is put together in a Police Authority Report.

405 I will not be putting on my list of things which are the Government's priorities for policing in Gibraltar in the next year that police officers should be chasing hoverboards, Mr Speaker. I think that I have indicated to the hon. Lady's more sensible approach to the question, how it is that the Government proposes to deal with some aspects of this – the aspects that relate to Government's competences – and I have full confidence in the law enforcement agencies in Gibraltar knowing how to deal with the issues that are being raised. They are not just being
410 raised here, they are being raised in other fora as well and, Mr Speaker, the community knows that it has an excellent Police Force and an excellent Customs Department that will know how to deal with these concerns.

Q100/2017

**Sustainable Traffic, Transport and Parking Plan –
Publication of final version**

415 **Clerk:** Question 100, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can Government provide an update as to when it intends to publish the final version of its still draft Sustainable Traffic, Transport and Parking Plan and thereby accept accountability for the entirety of its content?

420 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the Government will publish the final version of its draft Sustainable Traffic, Transport and Parking Plan very shortly.

425 **Hon. T N Hammond:** Mr Speaker, could the Minister provide not necessarily a specific definition, but – he has been saying 'very shortly' really for about four years now – are we talking about very shortly, maybe a month from now or very shortly, maybe 12 months from now – some idea of what he means by that?

430 **Hon. P J Balban:** Mr Speaker, shortly –

Mr Speaker: Very shortly was the answer.

Hon. P J Balban: Sorry?

435 **Mr Speaker:** Very shortly was the answer.

Hon. P J Balban: Okay, very shortly has ... in fact the word 'shortly' has a definition in the dictionary. The hon. Gentleman, what he wants is for me to obviously give him a specific date and then hold me to it. But I will let him know that, as per the definition in the dictionary, 'very shortly' means 'very soon'.

445 **Hon. T N Hammond:** Indeed, but because the Minister has been giving that response for over a year now, that would not fit into my definition of 'very shortly'. 'Very shortly' to me means something that is happening or going to happen *imminently*, not something that could happen sometime in the next two, three or four years, which is why I ask the question: not for the Minister to give me a specific date to which I can hold him to account. I am not asking for that; I am just asking for an impression of what he understands from his answer 'very shortly', to ensure that it aligns with what my understanding and perhaps those of many members of the public is of 'very shortly'.

450 **Chief Minister (Hon. F R Picardo)** Well, Mr Speaker, we are taking our definition of 'shortly' as defined in the dictionary and in *Hansard*, Mr Speaker, and there is a huge amount of debate in respect of the definition of 'shortly' and 'very shortly' in the context of the Hansards of 2003 to 2007 and 2007 to 2011, which I commend to the hon. Gentleman.

455 **Hon. T N Hammond:** Mr Speaker, I thank the Hon. the Chief Minister for his answer. All I can say is that I hope I do not have to ask the question again in six months' time.

460 **Hon. Chief Minister:** Well, Mr Speaker, I am grateful for that comment, although I do not detect an answer in it. But if he does do the exercise of going back to the *Hansards*, he might be surprised to note what his own party's definition of 'shortly' was. And given that he defended their record in a general election and commended it to the general public, I assume he has not changed his view on what 'shortly' means, but we will see.

Q101/2017

Government vehicle fleet – Expression of interest for leasing

465 **Clerk:** Question 101, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if it has made a decision in respect of the one expression of interest received for the leasing of its vehicle fleet and if so what are the financial terms agreed?

470

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, not yet.

475 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Hon. Minister for his response. Can I ask him if he has any intention of re-advertising the expression of interest tender, seeing as he only had one expression of interest?

Hon. P J Balban: No, Mr Speaker.

480

Mr Speaker: Next question.

Q102/2017
Bus Tracker App –
Night buses

Clerk: Question 102, the Hon. Ms M D Hassan Nahon.

485 **Hon. Ms M D Hassan Nahon:** Can the Transport Minister look into the possibility of adding the night buses to the Bus Tracker App?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

490 **Minister for Infrastructure and Planning (Hon. P J Balban):** The Gibraltar Bus Tracker WebApp is currently under development and all routes will be included in the platform. The night route N8 is also currently under development by the IT department.

495 **Hon. Ms M D Hassan Nahon:** Can the Minister for Transport give us an idea more or less when the App will be ready?

Hon. P J Balban: Shortly, Mr Speaker. *(Laughter)*

500 **Chief Minister (Hon. F R Picardo):** Defined in *Hansard!*

Hon. Ms M D Hassan Nahon: Before we ask for a definition!

THE ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

Q103-106, 108, 111-112/2017
Visitors to heritage sites –
Statistics

Clerk: Question 103, the Hon. L F Llamas.

505 **Hon. L F Llamas:** Mr Speaker, further to Question 847/2016, can the Government provide a schedule with a detailed breakdown of the works and nature of the works involved, together with a broken down cost of the same and the period during which these works commenced and finished?

510 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

515 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 104 to 106, 108, 111 and 112.

Clerk: Question 104, the Hon. L F Llamas.

520 **Hon. L F Llamas:** Mr Speaker, can the Government provide a schedule detailing by month the total number of visitors to the Upper Rock since December 2011 to date, broken down into the following categories: (a) Private Vehicles; (b) Taxis; (c) Coaches; (d) Cable Car; (e) Walking; (f) Walking with attractions included; (g) 100 Ton Gun?

Clerk: Question 105, the Hon. L F Llamas.

525 **Hon. L F Llamas:** Mr Speaker, can the Government provide a monthly schedule detailing the running cost per attraction/site in the Upper Rock since December 2011, broken down into the following: (a) Wages/Salaries; (b) Electricity; (c) General maintenance; (d) Refurbishments; and (e) Any other expense?

530 **Clerk:** Question 106, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a schedule detailing by month the total revenue collected in connection to the Upper Rock Admission Fees since December 2011 to date broken down into the following categories: (a) Private Vehicles; (b) Taxis; (c) Coaches; (d) Cable Car; (e) Walking only; (f) Walking with sites included; (g) 100 Ton Gun?

Clerk: Question 108, the Hon. L F Llamas.

540 **Hon. L F Llamas:** Mr Speaker, further to Written Question 11/2017, can the Government explain how they do not hold any statistics of visitors to the World War II Tunnels given adult and child tourists must pay an additional £8 and £4 respectively and locals must pay £5 to enter the site?

Clerk: Question 111, the Hon. L F Llamas.

545

Hon. L F Llamas: Mr Speaker, can the Government give an opening date for the Cornwallis Chamber in the Great Siege Tunnel?

Clerk: Question 112, the Hon. L F Llamas.

550

Hon. L F Llamas: Mr Speaker, can the Government explain why O'Hara's Battery may have its gates open Monday to Friday but the main exhibition remains closed and since when has it been closed?

555 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, in relation to Questions 103 to 106, the information requested is in the schedules that I now hand over.

560

Answer to Question 103 – original information provided

Contractor	Works Maintenance	Start Date	Finish Date
J.I. Construction	Repairs to mannequins to all Upper Rock Sites	31-Jan	17-Mar
J.I. Construction	Refurbishment of finger post signs Main Street Inc. new signs	12-Dec	24-Mar
Sound Reinforcement	St. Michael's Cave PA System for evacuation and events £ 975.00	12-Dec	17-Mar
Gibelec	100 Ton Gun stores lighting and emergency lighting	07-Dec	24-Feb
Gibelec	Alarm system	07-Dec	24-Mar
Gibelec	St. Michael's Cave steps lighting - backstage	03-Oct	03-Mar
Portman	Replacement of barriers	09-Jan	30-Jan
Site Trading	Ticket office refurbishment so visitors can purchase tickets inside the office	30-Jan	17-Feb

Answer to Question 103 – updated information provided

	Site	Capital Works	Contractor	Cost	Start Date	Finish Date
UPPER ROCK	Lathbury Barracks	Emergency sewer works – Burst sewer pipe at the entrance to the Upper Rock	Site Trading	£4,100.00	Jul 13	Jul 13
	Lathbury Barracks	New sewer system – Further to the works carried out (above) the remaining sewer below Jews' Gate collapsed and a new sewer line had to be laid/constructed	Site Trading	£29,825.00	Oct 13	Nov 13
	Jews Gate	Repairs to gutter – these works had to be done as tourist where parking their vehicles on metal gutter and causing damage to their vehicles	Site Trading	£3,200.00	Nov 13	Nov 13
	Jews Gate	Ticket Office refurbishment – This office had water penetration therefore it had to be reconstructed as the existing building was very dilapidated	Site Trading	£29,295.00	Jun 14	Sep 14
	St Michael's Cave	Painting Exterior areas (after Hours) – this works had to be done after hours as it was painting of the external areas of entrance to the Cave	Site Trading	£2,618.55	Aug 14	Aug 14
	O'Hara's Battery	Restoration of site – Including interpretation panels, new mannequins, restoration of the internal mechanism, new information panels, restoration/painting of the 9.2" Gun and external areas.	Fotografiks	£135,000.00	Oct 14	Mar 14
	Great Siege Tunnels	Mannequins exhibits – Introduction of new mannequins, further information panels, new exhibits, stainless steel windows to protect mannequins.	Fotografiks	£134,900.00	Jan 14	Mar 14
	Great Siege Tunnels	Cornwallis Chamber – removal of debris (approx. 20 tons) , new spiral staircase, new mannequins, LED Lighting.	Site Trading	£152,900.00	Nov 14	Mar 15

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Great Siege Tunnels	Ticket Office refurbishment – This office had water penetration therefore it had to be reconstructed as the existing building was very dilapidated	Site Trading	£36,716.00	Dec 13	Mar 14
Great Siege Tunnels	Viewing platform and Holy Land Tunnel refurbishment – refurbished the external areas of the Site including new railings and benches. Holy Land Tunnel canopy was removed and the area refurbished and reopened after having it closed for more than 15 years.	Site Trading	£27,813.00	Nov 13	Mar 14
Great Siege Tunnels	St George's Hall – New mannequins, manufacturing of Victoria Gun carriages, information panels and interactive screen.	Site Trading	£147,700.00	Sep 14	Feb 15
Great Siege Tunnels	Extra works to Cornwallis Chamber – Further works has to be done to the floor once the debris was removed.	Site Trading	£10,981.24	Feb 15	Mar 15
City Under Siege	Site refurbishment – New mannequins, exhibits, cinema room and audio/info panels	Site Trading	£105,300.00	Oct 14	Feb 15
City Under Siege	Exterior beautification – The area surrounding the Site was refurbished with railings, extra parking facilities, canopy and removal of old water tank.	Site Trading	£9,650.00	Feb 15	Mar 15
WWII Tunnels	Removal of asbestos – 4,427kg safely disposed of as per regulations	Sky Bridge	£14,680.00	Apr 14	Apr 14
WWII Tunnels	Electrical installation – LED Lighting was installed and a full rewiring of the tunnel was carried out.	Site Trading	£58,350.00	Mar 15	Jun 15
WWII Tunnels	lighting and fire alarm – Whilst the electrical installation was being done the City Fire Bridge instructed us to installed emergency lighting and a fire alarm system.	Site Trading	£7,600.50	May 15	Jul 15
WWII Tunnels	Removal of asbestos – 13,400kg safely disposed of as per regulations	Sky Bridge	£15,245.00	Mar 14	Mar 14
WWII Tunnels	Toilet refurbishment – Refurbishment of the toilet facilities	Home Emergency	£1,149.00	Dec 13	Dec 13
WWII Tunnels	Mannequins exhibits – new mannequins, construction of nissen huts, new exhibitions, sound boxes, construction of an internal ceiling	Site Trading	£215,320.00	Nov 14	Mar 15
100 Ton Gun	Maintenance office and toilets – New kitchen, staff room, shower, locker room, rewiring and plumbing, refurbishment of public toilets.	Site Trading	£50,000.00	Jan 14	Mar 14
100 Ton Gun	Steps to exhibition – The existing steps were unsafe and had to be redone	Site Trading	£2,900.00	Nov 13	Jan 14
100 Ton Gun	Railings and repairs to steps leading to toilet – the area surrounding the exhibit was refurbished and made safe with new flooring and railings	Site Trading	£18,486.00	Feb 14	Mar 14

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	Upper Rock Sites	Maintenance contract – Having a maintenance crew solely for the Upper Rock improved tremendously the upkeep of the Upper Rock. Works entailed painting of the Upper Rock external areas of the sites and minor maintenance works.	Site Trading	£81,806.40	May 14	Apr 15
	Upper Rock Sites	CCTV Cameras – New CCTV cameras where installed at all Tourist Sites to reduce vandalism within the Upper Rock	Securitek	£48,314.24	Nov 14	Mar 15
	Upper Rock	Refurbishment of Upper Rock areas – Refurbishment programme of works was carried out to the Upper Rock including picnic areas, tourist sites internal/external and O'Hara's Battery.	Site Trading	£95,745.00	May 13	Jun 13
CRUISE	Cruise Terminal	X-Ray machine – These machines were purchased as a result of complaints received from BCA as the machines kept breaking up and they took too long to be repaired as the technicians had to travel down from Spain. Minister Costa at the time requested we purchase the same system as GATL had at the airport and include them under their maintenance contract in order to save money.	Commercial Technologias	£60,968.00	Jun 14	Jul 14
BEACHES	Camp Bay	Staircases x3 – Fabrication of brand new marine grade stainless steel stairs for Camp Bay promenade	Selina Ltd	£20,050.00	Nov 13	Apr 14
	Beaches	Walkways and shower platforms – purchase of walkways and shower platforms for Eastern Beach	Portman	£58,320.00	Feb 14	May 14
	Beaches	purchase of Concrete weights for aquaparks, crane hire for the deployment of concrete walkways and purchase of a beach umbrella store for Eastern Beach	Portman	£ 29,525.00	May 14	Jul 14
	Beaches	Installations of waterparks for all beaches	Steel Mac	£10,500.00	Jun 14	Jun 14
	Beaches	Medusa netting and anchoring sets – purchase of a new medusa netting and anchoring sets	Portman	£21,158.00	Jun 13	Jun 13
	Beaches	Medusa netting installation – Purchase of a new medusa netting	Portman	£14,805.00	Jun 13	Jun 13
	Beaches	Walkways – purchase of walkways for Sandy Bay	Portman	£ 13,500.00	Feb 14	Mar 14
	Beaches	Repairs to facilities – Plumbing works at Eastern Beach toilets, resetting of walkways at Eastern/Western Beach and Catalan Bay, repairs/painting to railings at Camp Bay.	MC Construction	£15,250.00	Apr 14	Jun 15
	Beaches	Pre-season works to facilities – Eastern Beach toilets block facilities and railings to lifeguard tower and ramps	Site Trading	£15,480.00	Apr 15	Jun 15

Hon. Dr J E Cortes: Let me just explain, Mr Speaker, that the breakdown into the different Heads by month involves a considerable amount of work, so I have provided the information by year and the staff are currently breaking down that further. But with your permission, Mr Speaker, and that of the Member opposite, that will have to come to him later.

565 So we have broken it down by year but further sub-division of all the different expenditure in all the different areas by month is quite an onerous task and with your permission and that of the Member opposite that will follow and he knows that he has an open line to me if he thinks it is taking rather too long. I am told by the end of the week but I am happy to be reminded if he would bear with me on that one.

570 In relation to Question 108, Government has not stated that we do not hold any statistics of visitors to the World War II Tunnels. What was stated in reply to Question 11/2017 was the fact that locals, visitors arriving at the tunnel by taxi and those arriving by tour operator coaches are charged the same concessionary cash fee and are all presented with the same type ticket on entry. So the total number of sales for this ticket type incorporates all three types of visitors and therefore exclusive figures for locals only cannot be presented. Now we are reviewing this, Mr Speaker.

The Cornwallis Chamber is scheduled to open today. I have not checked whether it has but that is my information.

580 In answer to Question 112, O'Hara's Battery exhibition area has been closed since 7th October due to manning level issues.

There is a requirement, Mr Speaker for site attendants to speak foreign languages and it is proving difficult to recruit persons with German, Dutch and other required languages.

This said, the external areas of the site have remained open from Monday to Friday allowing visitors to enjoy the gun emplacements and vistas from the highest point of the Upper Rock.

585 We expect to have a full complement shortly and we will then be in a position to reopen the exhibition.

Hon. L F Llamas: Mr Speaker, I am grateful for the hon. Minister's schedules and commitment to supply the detailed breakdown in the near future. And I am very grateful that he has at least provided us with an overall view of a yearly basis.

590 In relation to the World War II Tunnels, would I be able to come back next month and ask the Hon. Minister for a statistical analysis overall without having to ask for a breakdown of locals and tourists? Would that be a possibility?

595 **Hon. Dr J E Cortes:** Mr Speaker, I need to check back with the team. As I say, we are reviewing and it does involve considerably more work because we do not just have to count the type of tickets; we have to sub-divide that. And as we are reviewing the whole question of the Upper Rock, it may need a little bit more time than next month.

600 But again, I have to check with the team and confirm when we hope to have that information available.

Hon. L F Llamas: Mr Speaker, if I may come back to these questions once I have had the chance to overview it if I have any supplementaries and carry on with the next question.

Thank you.

605

Q107 & 114/2017

**Admission fees to Upper Rock Nature Reserve –
Policy re taxis and foreign vehicles**

Clerk: Question 107, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, further to Written Question 10/2017, can the Government explain the rationale for exempting taxi drivers from paying the admission fees to the Upper Rock Nature Reserve?
610

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 114.
615

Clerk: Question 114, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, has the Government reviewed its Upper Rock foreign registered vehicle policy since April 2016?
620

Clerk: Answer, the Hon. the Minister for Environment, Energy, Climate Change and Education.
625

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, in answer to Question 107, to assist taxi drivers in very fallow months of the year. Fees are paid in this period when visitors access the attractions on the Upper Rock Nature Reserve.
630

And in answer to Question 114, no, sir.

Hon. L F Llamas: Mr Speaker, if I may just come back because obviously these questions are interconnected with each other. So whilst I analyse the overall outcome of the policy in terms of revenue and visitors etc. if I may come back to these questions later on if I need to.
635

Thank you.

Q109-110/2017

**Debtor A and Debtor B arrears –
Update on position**

Clerk: Question 109, the Hon. L F Llamas.

Hon. L F Llamas: Further to Written Question 17/2017, can the Government provide an update on the arrears position of Debtor A and Debtor B, together with details of any new debts and debtors which may have exceeded their credit periods?
640

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.
645

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 110.

Clerk: Question 110, the Hon. L F Llamas.

650 **Hon. L F Llamas:** Mr Speaker, further to Written Question 17/2017, can the Government provide details of the arrears position as at the end of each financial year since April 2012 to date of any other arrears owed by Debtor A and Debtor B to the Government of Gibraltar, if any?

655 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

660 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** The information requested by the hon. Member in Questions 109 and 110 is in the schedule that I now hand over.

Answer to Question 109

Update on arrears position for Debtors:

Debtor A £2,752.65
Debtor B £119,085.10

Answer to Question 110

Details of arrears since 2012 owed by Debtors

Debtors A
March 13 NIL
March 14 NIL
March 15 NIL
March 16 £93,437.30

Debtors B
March 13 £ NIL
March 14 £ NIL
March 15 £2,752.65
March 16 £2,752.65

Q113/2017
Derelict railings in Upper Rock –
Replacement

Clerk: Question 113, the Hon. L F Llamas.

665 **Hon. L F Llamas:** Mr Speaker, what plans does the Government have to replace derelict railings in the Upper Rock, in particular on the road leading to O'Hara's Battery?

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

670 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, a programme for the replacement of railings has commenced and this area is on our priority list but other areas will be tackled before this one. Railings in the Upper Rock have not been replaced for decades.

Q115-116, 132/2017
CEPSA Refinery incident of 29th January –
Representations to EU

675

Clerk: Question 115, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, has Government made any representations to the EU Commission in the aftermath of the CEPSA Refinery incident of 29th January?

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

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Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 116 and 132.

Mr Speaker, Question 132 is set by the hon. Lady and she may need to be advised, as she is not in the Chamber right now, that her question is coming up, she will not have expected it perhaps that I was going to link them up but they are on the same subject so that was the appropriate way of responding.

690

Clerk: Question 116, the Hon. T N Hammond.

Hon. T N Hammond: Does the Minister for the Environment accept the statement by CEPSA when it says that the flaring incident of 29th January had no impact on the environment?

695

Clerk: Question 132, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Government reveal what is the nature of the complaint to the EU in connection with the flaring incident at CEPSA Refinery on 29th January this year?

700

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

705

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, yes sir. The Government has filed a complaint with the European Union Commission and this was done on 6th February.

In answer to Question 116 which refers to whether I agree with the statement that the flaring incident had no impact on the environment, it is probably the most predictable reply ever, no sir.

710

And in answer to Question 132, the nature of the complaint is and I summarise:

To highlight and remind the Commission of the ongoing cases of flaring which have been occurring over the years at the CEPSA refinery and highlighting the latest incident of the 29th of last month; the apparent lack of action on the part of the relevant competent authorities to ensure that CEPSA complies with obligations arising under EU law; our concerns in relation to the ensuing impacts on public health and the environment in the region and the lack of communication from the Spanish authorities to the relevant Gibraltar authorities when such events occur, and on the operation of the complex as a whole.

715

And because it is just a summary, in case I have missed anything, I am providing Members with a copy of the complaint as filed. I would just mention, Mr Speaker, that because there are quite a number of appendices, they are not in printed form but they will be made available electronically to the Members within the course of today. There was just too much to print but that is the substance of the main complaint. The appendices will follow by electronic means.

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Department of the Environment,
Heritage and Climate Change

HM Government of Gibraltar

Complaint: Flaring and the San Roque Refinery

The San Roque Refinery

1. The San Roque Refinery (the "Refinery") is an oil refinery owned by *Compañía Española de Petróleos, S.A.U.* ("CEPSA") located on the northern Spanish coastline of the Bay of Gibraltar. CEPSA is a Spanish multinational oil and gas company which operates in several European countries as well as Algeria, Canada, Colombia, Morocco, Brazil and Panama.
2. The Refinery, said to be the largest in the Iberian Peninsula, is one of three refineries at which CEPSA produces oil products in Spain. According to CEPSA's own website, all types of fuels (propane, butane, gasolines, aviation fuels, gas oil, etc.) are manufactured at the Refinery in addition to pure chemical products such as benzene, paraxylene and ortoxtylene. The website boasts that the Refinery has a distillation capacity of 12 million TM/year and that it employs over 1,000 workers. The relevant extracts referred to in this paragraph are appended to this document as **Annex A**.
3. Specifically, the Refinery is situated on the Guadarranque Industrial Estate which lies between the residential area of Puente Mayorga and the Guadarranque River in the municipality of San Roque, Cadiz, Spain. The combined residential population of the Spanish towns that immediately surround the Refinery (namely Algeciras, La Linea de la Concepcion, San Roque and Los Barrios) and Gibraltar is of approximately 265,000 inhabitants.

Flaring Incident of 29 January 2017

4. On Sunday 29 January 2017, at around 1700hrs, significant high flaring began from five of the flare stacks installed at the Refinery. Flaring continued for approximately an hour. Annexed to this document as **Annex B** are various photographs taken from Gibraltar of the incident. The photographs very clearly show the extent of the flaring and the resulting intensity of the black smoke and fumes discharged into the air. The incident was recorded and video clips can be accessed on the following links:



<https://www.youtube.com/watch?v=uESb0Zuk8ek>

<https://www.youtube.com/watch?v=D81-gVINYps>

<https://www.youtube.com/watch?v=D81-gVINYps>

5. Given the magnitude of the flaring, media reports suggest that a significant number of residents from both the neighbouring region of Spain and Gibraltar took to social media and other fora to complain about the incident. Various local press articles published following the incident are contained in **Annex C**.
6. Grave concern as regards the extent of the flaring was also raised by non-governmental organisations from both Spain and Gibraltar such as the *Gibraltar Environmental Safety Group* as well *Verdemar-Ecologistas en Acción*. Their statements have been annexed to this document as **Annex D**.

Statement released by CEPSA

7. Shortly after the incident, CEPSA released a statement a copy of which can be found in **Annex E**. In its statement, CEPSA claims that an interruption to the Refinery's electricity supply led to a power shutdown at the plant. Allegedly, this in turn required the Refinery to discharge built up gases causing the high flares visible around the area.
8. In its statement, CEPSA also highlighted that it had apparently informed the local Spanish authorities, the emergency services, the Spanish Department for the Environment and the Neighbourhood Committee of the incident. When doing so, CEPSA informed those concerned that the incident would, according to them, not have any consequences for either the people of the surrounding area or the environment. CEPSA further reduced the importance of the flaring episode by alleging that the gas discharged was due to the proper functioning of the plant's safety systems and was done as part of the normal operation of its industrial facilities.

Wider concerns regarding the Refinery's practices

9. Whereas for the reasons expanded upon below, Her Majesty's Government of Gibraltar ("HMGoG") takes issue with the excuse provided by CEPSA for the flaring incident, HMGoG would further submit that the recent episode of 29 January 2017 should not be viewed as an isolated incident. Instead, there is a long



history of complaints concerning CEPSA's practice of resorting to flaring and it is not the first time that CEPSA has alleged that flaring has been caused by an electrical outage. For example, the media reports enclosed as **Annex F** confirm that similar episodes occurred on 30 March 2007, 1 April 2007, 28 June 2009 and 18 January 2014. Similar concerns were raised by the Environmental Safety Group on 2 May 2006, 6 December 2010, 15 February 2016 and 21 October 2016 as illustrated by **Annex G**. Aside from the above, an audit carried out into the Refinery's operations (referred to in paragraph 18 below) also confirms that flaring occurred on 21 May 2006, 17 August 2006, 2 April 2007 and 22 April 2007.

10. As the Commission is well aware, the practice of flaring is dangerous and harmful to the environment. The European Environment Agency, for example, (see **Annex H**) underlines that the emissions of pollutants from flaring may consist of unburned fuel components (e.g. methane, NMVOC), by-products of the combustion process (e.g. soot, partially combusted products, CO, CO₂, NO_x) and sulphur oxides (e.g. SO₂) where sulphur components are present in the waste gas. Yet, despite the fact that all of these emissions are extremely harmful to human health and the environment, CEPSA continues to repeatedly resort to flaring.
11. Given the manner in which CEPSA operates the Refinery it is unsurprising that in May 2014 a report by the World Health Organisation concluded that La Linea de la Concepcion had the worst air quality in Spain (see **Annex I**). In May 2016, La Linea de la Concepcion was again underlined in a similar World Health Organisation report as having the third worst air quality in the country.
12. It is on the basis of these growing concerns for the air quality of the area and the health of its citizens that HMGoG makes this complaint.

Questions raised by Ashley Fox MEP

13. Since 2009, Ashley Fox MEP has represented Gibraltar in the European Parliament as one of the six MEPs representing the South West of England and Gibraltar. In response to concerns raised by constituents in Gibraltar, Mr Fox has on two occasions filed parliamentary questions in which he calls into doubt CEPSA's compliance with EU environmental standards. Mr Fox's questions of 4 February 2011 and 2 December 2015 together with the Commission's responses to those questions, are annexed as **Annex J** to this document.



14. As noted in its response to the question of 4 February 2011, it is worth underlining that the Commission at the time confirmed that, with regard to the Refinery, it had *“contacted the Spanish authorities and launched an investigation regarding the implementation of Directive 2008/1/EC concerning integrated pollution prevention and control (the IPPC Directive)”*. Furthermore, the Commission added that *“findings to date suggest that certain shortcomings presently exist for the installation but that action is being taken to rectify this situation”*. Finally, the Commission also underlined that *“the operator... is investing in improvements... to fully implement best available techniques to prevent or minimise pollution as required by the IPPC Directive”* and that *“the actions identified in the major audit of [the] site carried out in 2008 by the competent authority are being incorporated into the permit of the installation.”*

15. Over four years later, in response to Mr Fox’s question of 2 December 2015 concerning the Commission’s progress with such investigation, the Commission stated that *“the CEPSA oil refinery has undertaken action to ensure compliance with its permit and implement the best available techniques to prevent or minimise pollution, as required by Directive 2010/75/EU on industrial emissions [the “IED”]”*. Consequentially, *“the Commission [had] therefore not been in a position to establish a breach of EC law.”* The Commission also pointed out that *“the national administrative and/or judicial bodies in charge of the implementation of the IED are primarily responsible to verify the situation and have the means appropriate to address the problem if the concerns are found justified.”*

Cause for concern despite the Commission’s response of 10 February 2016

16. Despite the position adopted by the Commission, as stated in its response to Mr Fox of 10 February 2016 referred to above, HMGoG continues to harbour very serious concerns with respect to CEPSA’s compliance with EU environmental obligations – not least because of the recurrence of flaring episodes (even after 10 February 2016) as manifested in the latest significant incident of 29 January 2017. HMGoG is also concerned with the apparent lack of action on the part of the relevant competent authorities to ensure that CEPSA complies with obligations arising under EU law.

17. Moreover, HMGoG seriously doubts that, as stated by the Commission, *“the actions identified in the major audit of [the] site carried out in 2008 by the competent authority [were] incorporated into the permit of the installation”*. This doubt is generated by the undeniable fact that many of the shortcomings identified in



the audit and the recommendations made therein have either blatantly not been dealt with or taken into consideration.

18. In support of such conclusions, and with reference to the relevant audit (appended to this document as **Annex K**), HMGOG would highlight the following:

- a. In page 14, the audit highlights that in 80% of the times incidents were caused by electrical faults connected to either the Refinery's external electricity supply or its own internal electrical systems. As a result, in page 15, the audit concludes that CEPESA should "*prioritise*" action to extinguish these electrical issues which would result in an effective solution to reduce environmental risks.
- b. In the bullet points which follow, the audit makes a series of concise recommendations which include, but are not limited to, recommendations concerning: (i) improvements to the Refinery's capacity to generate its own electricity which was found to have "*not been reliable in the past*"; (ii) steps to secure a second wholly Independent source of electricity; (iii) improvements to information gathering exercises carried out to identify causes of faults; (iv) reductions to reliance on overhead powerlines; (v) revisions with regard to transformation capacity; (vi) revisions concerning the capacity and reserves of electricity substations; and (vii) an analysis of how saturated distributions lines are.
- c. The audit also underlines, in page 18, that flaring incidents should be considered in the context of the Refinery's proximity to urban areas.
- d. The audit further notes in page 18 that action should be taken by CEPESA to (i) wholly avoid or minimize power outages by implementing the recommendations summarised in point b. above; and to (ii) minimize the time taken to normalize flaring situations. The audit itself highlights that the 20 to 30 minute flaring episodes experienced by the Refinery were excessive noting that other refineries take around 10 minutes to recover. In this context HMGOG would once again point out to the Commission that it is reported that the flaring incident of 29 January 2017 lasted around an hour.



19. After considering the above, and whilst noting the Commission's conclusions with regard to CEPSA's apparent action to implement the recommendations of the 2008 audit, HMGoG would highlight that CEPSA, in 2017, continues to deflect responsibility for preventing flaring episodes by unashamedly citing electrical faults as the cause of such incidents. This, justifiably, seriously calls into question whether CEPSA has adequately implemented the recommendations of the 2008 audit or whether it respects other aspects of compliance with environmental standards arising under EU measures. It also calls into question whether the relevant Spanish competent authorities are effectively ensuring, in accordance with responsibilities arising under EU law, that CEPSA is adhering to such EU obligations.

The IED and Best Available Techniques

20. Article 11 of the IED sets out the general principles governing the basic obligations of operators. Such general principles oblige Member States to take the necessary measures to *inter alia* provide that the "best available techniques" are applied at installations. Commission Implementing Decision of 9 October 2014 establishes the best available techniques ("BAT") conclusions under the IED for the refining of mineral oil and gas (the "Implementing Decision").

21. Without limiting the Commission's power to investigate any other aspect of CEPSA's compliance with EU environmental standards as regards operations at the Refinery, in light of the recurring flaring incidents forming the subject of this complaint, HMGoG would request that the Commission initiate a specific assessment of CEPSA's adherence to BAT 55 and BAT 56 as set out in Section 1.18 of the Implementing Decision. This assessment should be carried out against the recommended techniques to prevent or reduce emissions from flaring listed in Section 1.20.7. HMGoG would also request that action be taken by the Commission to ensure that the relevant competent authorities in Spain are taking the necessary measures to ensure that the Refinery is operated in accordance with EU law.

La Junta de Andalucía

22. HMGoG would invite the Commission to take the steps set out in paragraph 21 above notwithstanding its comments concerning the responsibility of "national administrative and/or judicial bodies in charge of the implementation of the IED... to verify the situation" and their means "to address the problem if the concerns are found to be justified." The reason for this is that the Ministry for the Environment of La Junta de



Andalucía (“La Junta”) has already concluded that the episode of 29 January 2017 did not result in “any serious incident which resulted in contamination parameters being exceeded” (see **Annex L**). In circumstances where La Junta has already reached such conclusion, HMGoG has considered it inappropriate to address its complaint to La Junta as the *Comunidad Autónoma* in charge of the implementation of the IED for the region of Andalucía. Moreover, the same suggests that La Junta has no apparent concern with CEPSA’s insistence on hiding behind the seemingly standard electrical outage excuse whenever flaring occurs.

Further concerns

23. Finally, it should be noted that despite the fact that CEPSA had apparently informed the local Spanish authorities, emergency services, the Spanish Department for the Environment and the Neighbourhood Committee of the incident of 29 January 2017 no formal contact was established with relevant authorities in Gibraltar despite Gibraltar’s proximity to the Refinery.
24. HMGoG would submit that the decision not to inform the relevant Gibraltar authorities runs contrary to the spirit of Article 25 of Directive 2008/50/EC which requires a level of cooperation between Member States in cases of transboundary air pollution. For instance, the relevant provisions of the measure stated above encourage consultation between Member States and the sharing of information in these cases.
25. HMGoG therefore expects to be formally notified of any future incidents to the same extent as any relevant Spanish authority or any other Spanish entity or body.

Further information

26. HMGoG stands ready to assist the Commission with any further information required during the course of its investigation of this complaint.

Her Majesty’s Government of Gibraltar
Department of the Environment, Heritage and Climate Change
6 February 2017



Annex List

- Annex A:** Extracts from CEPESA website
- Annex B:** Photographs
- Annex C:** Media reports covering the incident of 29 January 2017
- Annex D:** Statements of Gibraltar Environmental Safety Group and Verdemar-Ecologistas en Acción
- Annex E:** CEPESA statement
- Annex F:** Other media reports covering similar incidents of 30 March 2007, 1 April 2007, 28 June 2009 and 18 January 2014
- Annex G:** Environmental Safety Group press releases covering incidents of 2 May 2006, 6 December 2010, 15 February 2016 and 21 October 2016
- Annex H:** EME/EEA Air Pollutant Emission Inventory Guidebook 2016, European Environment Agency
- Annex I:** Press article referring to World Health Organisation report
- Annex J:** Parliamentary questions filed by Ashley Fox MEP on 4 February 2011 and 2 February 2015 and Commission's responses
- Annex K:** Report of the Auditoria Medio Ambiental, Refinería de Cepsa, Algeciras, 30 April 2008
- Annex L:** Press article confirming position taken by La Junta de Andalucía

Hon. T N Hammond: Mr Speaker, I thank the Minister for the copy of this complaint, which I look forward to reading and I am sure will be more than happy to support.

730 If I could just go back to Question 116 quickly, when the Minister says no, he does not agree with the statement put out by CEPESA that the incident had no impact on the environment, is he therefore suggesting that CEPESA have been economical with the truth reference the incident?

Hon. Dr J E Cortes: Mr Speaker, it is not for me to analyse what that means. I do not agree with their statement. Flaring is well known and in fact it has been declared by the European
735 Environment Agency that the practice of flaring is dangerous and harmful to the environment. Emissions of pollutants from flaring may consist of unburnt fuel like methane, by-products such as soot, which obviously is particulate matter, carbon monoxide, carbon dioxide, oxide of nitrogen, sulphur oxide and therefore I cannot agree.

740 And if they say it has no impact on the environment and I say that I do not believe that that is correct, the conclusion as to what I think of CEPESA's statement is, I think very obvious.

Hon. T N Hammond: Mr Speaker, in view of the Minister's position with respect to the potential environmental damage that such incidents and certainly flaring in general can cause, is the Government considering taking any form of legal action against CEPESA in this respect or in
745 respect of this incident?

Hon. Dr J E Cortes: Mr Speaker, we quickly reacted by filing this complaint and we are considering all options.

750 **Hon. Ms M D Hassan Nahon:** Mr Speaker, considering the incident that happened, is the Government looking at conducting an environmental impact study once again?

Hon. Dr J E Cortes: Mr Speaker, an environmental impact study precisely on the operation of CEPESA?
755

Hon. Ms M D Hassan Nahon: Perhaps my jargon is mistaken; I mean a study on the effect of the CEPESA flaring incidents or the refinery itself on human life and the environment?

Hon. Dr J E Cortes: Mr Speaker, it probably is not necessary. There was an environmental
760 audit of the plant in 2008 which was requested by the European Union and that in fact highlighted the need to prioritise electrical failures of the plant which is allegedly what happened on this occasion.

765 So we have argued to the Commission that these do not appear to have been tackled so whether there is a need to carry out a new environmental audit when one was done about six or seven years ago, and the conclusions of which we happen to agree with, I think it is probably not necessary. But what we are doing is reminding the Commission of the results of that audit and how CEPESA has failed to deliver on what that audit required.

770 It may not be necessary to conduct a new one but depending on responses and so on, again these are options that we will continue to keep open.

Hon. D A Feetham: Mr Speaker, was that environmental audit conducted as a consequence of the complaint that was made around 2005 or 2006 in relation to the operation of the refinery? I gather it was, as far as I can recall I think it was related to the Environmental Safety Group that made a complaint and I think the hon. Gentleman was involved at the time.
775

Hon. Dr J E Cortes: Yes, Mr Speaker, it was the Environmental Safety Group and in my capacity with another NGO at the time I think I was a signatory to that complaint and certainly worked together with the ESG on it.

I would like to think it was as a result but we must remember that there have been other
780 complaints, some notably from environmentalists in the surrounding area. I do not know
whether they have ever acknowledged the cause and effect that it was as a result of that
complaint, I like to think that it was. And certainly I think that complaint played a large part in
requiring that audit.

785 So I think we can be satisfied and I notice there is no difference across the House on this one.
I think we can be satisfied of the work of our NGOs through the years and also the fact that we
are working very closely with them in moving this forward, which is a concern for all of us.

Fortunately for us, Mr Speaker, on that particular day it appears that the wind took the
pollutants away from us but that is no justification because there are communities on the other
side of the bay who were obviously affected.

790

Hon. D A Feetham: Mr Speaker, in light of the fact and of course, on this the Government
and the Opposition are going to be *ad idem*, but in the light of the fact that there have been
previous complaints and that this keeps on occurring, what prospects does the hon. Member
think that there is going to be for this complaint that the Government has filed? And therefore,
795 in the light of that and in the light of the fact that there have been various complaints, none of
which appear really to have dealt with this particular issue, is it not perhaps the time to take it a
step further and perhaps take legal action against CEPESA, as my hon. Friend, Mr Hammond has
suggested in his previous question?

800 **Hon. Dr J E Cortes:** Mr Speaker, as I replied to the Hon. Mr Hammond, we are keeping our
options open. I do not think we should publicly declare our strategy, but we are keeping our
options open. It is something that concerns us greatly.

Fortunately, they cannot use the Brexit argument against us, because that side of the border
will stay within the EU and therefore they will be tied to European requirements.

805

Mr Speaker: Next question.

Hon. T N Hammond: Mr Speaker, I remain very interested in the Minister's response to
Question 116 reference CEPESA's response to the incident, because clearly we have a case here
810 where, and I very much respect the Minister's opinion because of his expertise in this area, and
for that reason it concerns me deeply that we should have a big oil company coming out very
publicly saying, 'Nothing to worry about here – what we have done is of absolutely no impact on
the environment!' whereas I think even the layman would recognise that it has, and certainly
815 the Minister with his greater and more in-depth knowledge will certainly know that it has had an
impact on the environment. Therefore it concerns me that there is a clear element, there is a
clear issue of trust here in what we are being told by a big oil company and what the reality on
the ground actually is.

Would the Minister care to comment on that particular point?

820 **Hon. Dr J E Cortes:** Mr Speaker, I do not think the hon. Member is asking me to give an
opinion on big oil companies and I certainly will not.

I take the point, there are concerns as to what that particular company has said and as I say,
we are keeping our options open. But I do not think it would be sensible for me to labour that
point any further.

Q117/2017

**Cancer rates in Gibraltar –
Epidemiological studies**

825 **Clerk:** Question 117, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, would the Government consider commissioning a further epidemiological study since the last one conducted in 2010 in order to allay public fears that cancer rates may be higher in Gibraltar than in similar communities in Europe?

830

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
835 Mr Speaker, the epidemiological study in 2010 was conducted in response to public fears about cancer and it was carried out by Aarhus University in Denmark.

Epidemiological data collected prior to that by the Public Health Department had not shown higher rates than 'normal', and in many cases Gibraltar's rates appeared lower than that of many other countries.

840

It is against this background that the study was undertaken and it confirmed that:

the total cancer incidence rate in Gibraltar is within the normal range of other European countries; Gibraltar is not a high risk community for cancer.

The former GSD administration accepted those findings and defended them here. This administration is not satisfied with those findings. We will therefore be carrying out a further study.

845

Over the next two to three years, the successful completion of the Electronic Patient Record project is expected to yield high quality data that will enable the Gibraltar Cancer Registry to carry out similar epidemiological assessments in-house. At that time, the need for further research studies into specific aspects will be reviewed and we will be including them as part of the further research in a new epidemiological study.

Q118-119 and Q133/2017

**Master Services –
Retendering for contract**

850

Clerk: Question 118, the Hon. T N Hammond.

Hon. T N Hammond: With the retendering of the current Master Services contract, will Government provide assurances that all employees of Master Services will be subjected to Transfer of Undertaking Regulations and have both their jobs and terms and conditions protected?

855

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

860

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, I will answer this question together with Questions 119 and 133.

Clerk: Question 119, the Hon. T N Hammond.

Hon. T N Hammond: A certain sense of déjà vu. Can the Government confirm that the invitation to tender for the Master Services contract will be publicly issued?

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Clerk: Question 133, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What are the reasons for the non-renewal of the longstanding contract of Master Services?

870

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

Hon. Dr J E Cortes: Mr Speaker, the Government has already confirmed, although it was not necessary for us to do so, that employees of Master Services are covered by the protection of the Transfer of Undertakings provisions which protect their jobs and terms and conditions of employment.

875

The tender will be published in the European Union Journal, as is required by EU law.

The contract will shortly expire and it must therefore be dealt with in accordance with mandatory EU procurement procedures.

880

Hon. Ms M D Hassan Nahon: Mr Speaker, as we are subject to the rule of law, how many other companies will now be facing the same situation whereby other private companies will be subject to another tender process?

885

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, as the hon. Lady would expect, all of them whose contracts are within the provisions of the EU procurement rules.

Hon. Ms M D Hassan Nahon: Would it be possible to ask for a list of all other Government contracts and dates of expiry?

890

Mr Speaker: No – not now, anyhow. It is possible. I invite the hon. Lady to put down a question for the next meeting, but she cannot expect the information to be available today.

895

Hon. Chief Minister: That is right, Mr Speaker, although we would have to look at every contract which the Government has which falls within the parameters. I do not know whether that is something that could be done in five days, because the Government has a lot of contracts and looking at the parameters would require an assessment of all those contracts.

But there is a procedure that as soon as one of these contracts comes up they are flagged up, and I am sure that hon. Members were not surprised by this because we had a debate in this House where the hon. Lady raised the issue, and when she was told that the contract was expiring in March she may recall that it was when she got up and memorably said Gibraltar is smelly. We had a long debate about whether Gibraltar was smelly or not, and at that stage there was another question from the Opposition benches suggesting that cleanliness was not up to scratch and we were defending the fact that the contract was in force and that it would come up for tender in March and that therefore this was something that has long been trailed and expected in this community. At the very least, since the hon. Members raised it at that time, as it is raining, Gibraltar is less smelly today.

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905

Mr Speaker: Any other supplementary on this matter? Next question.

910

Hon. Ms M D Hassan Nahon: Can I ask ...?

Mr Speaker: Yes, indeed.

915 **Hon. Ms M D Hassan Nahon:** I do not imagine that Master Services will be stopping to work as soon as the contract ends, so what renewal term will be given to them to ensure that the workers will not be in employment on a month-to-month basis – do we know?

920 **Hon. Chief Minister:** Mr Speaker, the contract when it expires will – I assume in the context of whatever advice we have from Procurement as to what date they will be able to make final assessments in respect of tender submissions – probably be rolled over with an agreement for that period, subject to the advice from the Procurement Office, and that will be the date when we are confident that whoever takes over will be able to seamlessly start running the new show, which may very well be the same company or may be another company.

925 So this is not something that is fixed; it is something which has to be subject to advice from the Procurement Office. But I will tell her, Mr Speaker, that we have serious concerns about the contract that is currently in place and whether it was granted in keeping with EU procurement rules.

930 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Hon. Chief Minister give us any assurances as to whether the new employer or the new contract will encompass existing obligations in relation to pension schemes?

935 **Hon. Chief Minister:** Yes, Mr Speaker, because there is a law that deals with that. There is a specific law that deals with the issue that the hon. Lady is raising, so she has the advantage that the Transfer of Undertakings provisions apply in respect of this matter if there is a new contract which deals with the same subject matter.

940 But the hon. Lady should not write off the possibility that the existing company, the existing contract party, might be the contract party that enters into a new arrangement with the Government. We have to ensure that we get the best value for money for the taxpayer and we have an obligation to do that through an EU procurement scheme which is the law of Gibraltar, since it was directly effective under EU law before we were elected and which we transposed into law because it was already outside the provisions for the transposition period, but it would bite at the time that the contract was granted before.

945 That is how we are going to ensure that this matter is determined, that is how we are going to ensure that the taxpayer gets best value for money and that is how we are going to ensure that Gibraltar is not smelly – so she does not have to ask us those questions again.

950 **Hon. Ms M D Hassan Nahon:** Mr Speaker, my concerns were echoing those of the employees I have been speaking to who have a concern because their pensions were frozen once, for the ones who have been working for over 18 years, and they very concerned that this may happen again. So I put that concern to the Chief Minister.

955 Can I just ask: if the new successful tender, whichever that may be ... can they take into account the other services that Master Services have provided? From what I understand, they have been exemplary in terms of taking care of ex-offenders, ex-drug addicts – people who have... they have rehabilitated a lot of their workers into society. Will that be a factor that the procurement will take into account in the new tender?

960 **Hon. Chief Minister:** Mr Speaker, the hon. Lady was putting to us that they were not exemplary in the way that they managed the toilets at Europa Point. She raised that issue on a number of occasions during the course of the exchanges that I am talking to her about.

965 I do not recognise in anything that she says anything to do with the Government in respect of frozen pensions. It has nothing to do with us; I assume it had nothing to do with the former administration before. Nobody has put to us any issue in relation to pensions having been frozen; it is not something we have heard about.

A number of employers in Gibraltar assist with rehabilitation of people who have been in prison. It is something that we would expect most employers in Gibraltar would want to do. In

fact, some of the most loyal employees that firms have come from the pool of people who have made a mistake in life but are then given the opportunity to go on the straight and narrow – they recognise that they have been given that opportunity by an employer and they are very loyal indeed to those employers going forward.

I recognise that Master Services has done some of that work; other companies have also done some of that work. Given the sector which they are in, it is an area where people are able to be given an opportunity because there is little by way of trust in respect of moneys etc. in the context of doing the frontline work at the coalface in an industrial cleaning contract, and I would expect that whoever were to be successful in taking the contract will oft be prevailed upon by the officers of the Minister for the Environment – sorry, of Employment – to assist in that respect. I think I sent a shiver down the environmentalists’ spines when I pointed to Mr Licudi in respect of the environment! I meant employment. So I am sure that this is something that whoever is successful will be able to form part of. Indeed, I am reminded by the Minister for Economic Development that to be on the approved contractors list of the Government one is required to also form part of that programme.

But I am not for one moment suggesting that it may not be Master Services itself that succeeds in respect of the tender. It may very well be they have the wealth of 18 or 20 years’ experience, so they may be the ones who are successful, but what is important to us on this side of the House is that we ensure that we get best value for money for the taxpayer and that Gibraltar is clean, so that the hon. Lady does not have to tell us that the toilets at Europa Point are not to the standard that we would all expect them to be – and she was highlighting that as a complaint at the time – and so that nobody has to raise on social media, and her here, that Gibraltar is smelly.

I am sure, Mr Speaker, that the tender process will enable us to get closer to that standard of service we all wish for the value for money that we expect.

Hon. Ms M D Hassan Nahon: Mr Speaker, can I just clarify that I was not having a dig at Master Services itself when I raised the issue of the toilets being smelly. It could have had a lot to do with the way that the Government allocate contract working hours to Master Services, not necessarily a go at Master Services itself.

Secondly, I ask the Chief Minister if he has actually sat down with the main union, the GGCA, which holds most of the members of Master Services today, to find out the concerns that he claims he has not heard about yet.

And also I ask him to allay concerns that I hear widely that the new contract is actually already a *fait accompli*?

Hon. Chief Minister: Let me start at the end, Mr Speaker. It really ill behoves the hon. Lady to come to this House making allegations based on rumour, because she is going to spend her life in this House putting issues to the Government which are entirely and completely untrue. I have heard all sorts of rumours about her, about all of them over there and about each and every single one of us – rumours which are unrepeatable even in private to one’s wife, Mr Speaker. *(Laughter)*

But that is what Gibraltar is like. One hears rumours about everything, and the latest I have heard – well, one of the ones I have heard – is that the contract is going to be awarded to a relative of the Government and this is the best way that we are going to be able to spot how tenders are not granted in a way that is fair etc. Mr Speaker, this is utter tripe – it is complete and utter tripe. People just make it up as they go along. The proof of the pudding will be in the eating, Mr Speaker, and the hon. Lady need not concern herself with bringing to a place like this Parliament matters which she hears as tittle-tattle on the street.

I take the point from the hon. Lady that it is my fault that the toilets at Europa Point smelt and were not to the required standard and not the fault of the person whose job it is to run a company to ensure that the toilets are clean. I would have expected that from a politician; I did

1020 not expect it from her – I thought she was the voice of reason. Reason must dictate that the
Government of the day, allocating more resources than have ever been allocated in cash terms
in respect of this contract – I think that we have allocated almost a third or two-thirds more than
used to be the case under the former administration – would have been entitled to expect that
one might be able to eat one’s dinner off the floor of those toilets and not have it smell. So the
1025 hon. Lady must, if she was being honest with the way that she was dealing with matters, she
must have been criticising Master Services. I know that today the political advantage is in
aligning oneself with the employees of Master Services and not in being where she was with
other hon. Members opposite last year, criticising the work done by Master Services. We will be
consistent, Mr Speaker, in defending that we are going to seek the best value for money for the
1030 taxpayer – and that may mean we continue with Master Services or not and she need not
concern herself with rumours that we might do otherwise.

Mr Speaker, finally, I have a meeting tomorrow afternoon with the union in question, who
wishes that meeting, that was going to be one of our regular monthly meetings, to be dedicated
to Master Services, so I expect to see them then. I have not met any other union in respect of
1035 this matter. In another meeting, in relation to other matters, with another union the issue was
raised with me *en passant* and I gave my views and tomorrow I will have a meeting with the
union that is principally responsible for the employees there. I have no doubt that when they
hear what the Government has to say they will be much less concerned than they appear to be
about the only issue that can matter to a union, namely the matters that relate to their
1040 employees. One would have thought that any other matter is beyond the remit of a union and I
am sure that tomorrow the meeting with the union will be about those issues.

Hon. R M Clinton: Mr Speaker, if I may come back to the tender itself, would the Minister, or
indeed the Chief Minister, be able to add some colour to the invitation to tender and explain or
1045 advise the House what is anticipated to be the length of the contract under the tender, and will
it be a tender for all existing services as provided by Master Services today?

Hon. Chief Minister: Mr Speaker, the tender notice will be published in the European Journal
of the European communities. It would be inappropriate to comment further, given that that
1050 tender notice is required to come out with a specific period within which people can tender and
we do not want to be putting information into the public domain piecemeal. But the hon.
Gentleman will be able to see the tender: it will be available online and I think it is also published
in local newspapers in addition to being published in the European Journal. That is as required.

Hon. D A Feetham: Mr Speaker, I quite understand that in relation to the term, but can the
Government give a view or some information in relation to its policy as to whether it intends to
1055 break up this contract into smaller segments or whether it is Government policy to tender for
the entirety of what is now the Master Services contract?

Hon. Chief Minister: Mr Speaker, I would have thought it was evident in what we have said:
there is going to be a tender. If we were intending to break it up there would have been a
number of different tenders, and if there were a number of different tenders they might not
pass the threshold of what is required to be advertised at a European-wide scale. So the
Government has no intention of advertising anything other than one tender.

1060 In the context of the submissions it may be that we receive proposals to break it up or that
we receive piecemeal proposals – I do not think we can stop that – and Procurement will have to
assess whether those piecemeal proposals, either in whole or in part, are better than a whole
contract as is presently the case for all of Gibraltar or just for specific parts. It may be that there
are specific parts where somebody tenders and that is more valuable. But as far as the
1070 Government is concerned, it is going out as one contract.

Q120/2017
North Gate building –
Steps to prevent demolition; listing

Clerk: Question 120, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise what steps it has taken to prevent the demolition of the North Gate building of the dockyard and has it sought the permission of the Secretary of State to list the structure under the Gibraltar Heritage Trust Act?
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Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Yes Mr Speaker, the matter of the MOD Gatehouse has been the subject of public debate for some time now. The planning process through the Development and Planning Commission was carried out in the same manner that is applied to Government projects.
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The recommendation of the DPC was that the Gatehouse should not be demolished and Government was hopeful that the Ministry of Defence would accept that decision. MOD moved to start enabling works for the demolition of the building.
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At this stage, after consultation with the Chief Minister, who was away from Gibraltar, I contacted the Commander of the British Forces in my capacity as Acting Chief Minister and offered to discuss possible ways of resolving the matter. Later, the Chief Minister and I met with His Excellency the Governor and this was followed by meetings between Gibraltar Government and MOD representatives in order to explore ways in which to protect or preserve the building. The building will now not be done away with, but will be moved to another location.
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Further information will be released soon – as soon as these planning meetings determine the best way forward.

With regard to the second part of the question, the building was not listed in the Act and the Government will consider possible listing in the context of the new Heritage and Antiquities Act.
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Hon. R M Clinton: Mr Speaker, I thank the Minister for his response. Can he confirm to me that, from his answer, that in fact there was no attempt to seek the existing structure ... permission from the Secretary of State to be listed in its current location?
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Chief Minister (Hon. F R Picardo): Mr Speaker, that provision is a provision that predates the 2006 Constitution. Matters relating to Heritage are now entirely in the purview of the Government of Gibraltar, and the Government of Gibraltar does not think it is appropriate to be seeking consent from the Secretaries of State to list things in Gibraltar. There is a draft Heritage and Antiquities Act that should soon be on the Statute Book and that will enable us to deal with issues such as that in the future.
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But I must say to the hon. Gentleman, as I was heartened to hear the response of the Gibraltar Heritage Trust for the work that my hon. Friend did in my absence from Gibraltar – and would have been doing anyway in respect of his responsibilities – about the fact that the Government has been able to find a way to ensure that this building is preserved for future generations. My own view is that it must be rebuilt in the area, it must be rebuilt quickly and it must be rebuilt in a place where people can have access to it so that this piece of heritage is one that our children can access and not see it behind the wire.
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As to moving this particular piece of our military heritage, although I recognise it is not ideal, unfortunately the attitude of the Ministry of Defence was not the one that we might have expected. If it were only in relation to small heritage buildings, one might have had an easier week last week. But let's be very clear: the temple of Abu Simbel, the temple of Rameses II in
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1120 Egypt, was moved because it might have flooded with the Aswan Dam's creation, and it is now
seen by many millions of people every year. It was a feat of engineering the likes of which, I
remember seeing, had not occurred before in our history as a humanity. There is a very good
YouTube of it, actually, Mr Speaker, where you see all of the bits of it being redone by National
Geographic. This small movement is hardly Abu Simbel, but I think that it is important for our
1125 children that this particular building be preserved and that it be accessible to future generations
of Gibraltarians.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister and I concur with his view
of Abu Simbel, having visited it myself.

1130 However, in this case – and I refer back to his comment about the Constitution and the
Secretary of State and this House not requiring the permission of the Secretary of State for
anything that is done in Gibraltar – however, this building is in fact on Crown land, and the
provision I was referring to was in exactly that kind of instance where this building is on Crown
land and not on Government land, and therefore, from my reading of the law as it stands, any
attempt to list any building on Crown land would require the permission of the Secretary of
1135 State, which is why I included that in my question. It would have been possible – I do not know if
it is possible – if the Minister had applied to the Secretary of State, to list it in its current
situation, and if the Secretary of State was so minded then he may have averted the need to
move this building.

1140 But I must ask the Minister: is he not slightly concerned that this sets a rather dangerous
precedent for any other structure or building which currently is on Crown or MOD land – for
example, there are structures on Windmill Hill which certainly are old and ancient – and whether
the MOD stance will be 'Look, either we demolish it for car parking or take it away'? Does the
Minister have any intention of accelerating the Heritage Act so as to cover this kind of scenario?

1145 **Hon. Chief Minister:** Mr Speaker, I do not think the hon. Gentleman quite understands the
structure of land in Gibraltar. All land in Gibraltar is Crown land. Even freehold land is Crown
land because the title comes from the Crown. The Crown, Mr Speaker, is that Crown: the Crown
that is here in Parliament. It is the Crown which is represented in Gibraltar by His Excellency the
Governor in representation of Her Majesty the Queen, the Queen of Gibraltar. That Crown land
1150 is vested in the people of Gibraltar. The Ministry of Defence have access to it whilst that land is
necessary only for the purposes of the defence of Gibraltar.

1155 So the Secretary of State is a tenant in respect of that land, and that is the clear position
under something that is called Lands Memoranda, which comes from the times of Joshua
Hassan, and the negotiations have traditionally been on the basis that that is the case. The fact
that it is Crown land means nothing in the context of this equation, any more than that this is
Crown land and that the hon. Gentleman's apartment is on Crown land and that all of us live on
Crown land because all leases come from the Crown in Gibraltar.

1160 If there is an item of heritage value on land which is presently used by the Ministry of
Defence, I think the hon. Gentleman will find that most of what the Ministry of Defence inhabit
has long been some of the most precious heritage that Gibraltar might have, and the Ministry of
Defence are not known for looking after the heritage of Gibraltar. The work that the Hon. the
Minister for Employment did when he was Minister for Education at the University, when he was
responsible for that project, showed us that those magnificent facilities up there were oft drilled
1165 into with no respect for the work that had been done in erecting those buildings etc. I suppose if
you are the Ministry of Defence you can say, 'Well, the Royal Engineers put it up and the Royal
Engineers made a hole in it 250 years later.' That is not quite the attitude one would expect.

And so, Mr Speaker, I think it is important that we realise that in the context of this particular
Act the Secretary of State had a role which was not a role related to where the land was; it was a
role related to the 1969 Constitution and the structure of it. The 2006 Constitution is different:

1170 all matters vest in the Government except for those carved out. Defence is one of the items carved out, and so matters relating to defence still will require consent of Secretary of State etc.

I do not think it is appropriate to be asking Secretaries of State, who owe their allegiance to another Crown, whether they would agree that something should be listed in respect of Crown land in Gibraltar. I think he will find that is an attitude that was shared across the floor with the former GSD administration – given his quizzical look, I do not know whether it is a view that is shared today – and that is why the policy of this Government has been to bring a Heritage and Antiquities Act, because we will deal with that as we will with many, many other things that are outstanding in relation to heritage.

I suppose, given that we are dealing with heritage and antiquities, it is right that these things should mature before they are brought to Parliament, and that is why it is taking a little time. Of course, it is Hobson's choice whether one steps in to save this particular small guardhouse or not, given that it could establish what the hon. Gentleman calls a precedent. The Government does not see it as a precedent at all. There were other measures that could have been taken by the Government, but I think, in the context of what we are dealing with and the size of what we are dealing with, this is the right measure to have taken and to ensure that we can preserve this particular guardhouse for future generations in the way that we have.

Each case will have to be dealt with on its merits. I know that the MOD do not see this as a precedent; and if they did, they would be foolish to do so because the Government has, and in future will have even more, opportunities to take action to prevent Gibraltar's heritage from being dissipated in any way, wherever on the whole of the square mileage of Gibraltar that heritage item may be located, all of it being Crown land.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his clarification as to what is and what is not Crown land, and also his view as to the role, if any, that any Secretary of State may or may not play. The fact remains that there is reference to the Secretary of State in the Heritage Trust Act – and the Minister can correct me if I am wrong.

My question is: if the Chief Minister is so adamant that we have total control over all land in Gibraltar, why was it that the Government simply did not list the structure?

Hon. Chief Minister: Well, Mr Speaker, I do not know the answer to that question. He would have to ask the hon. the former Leader of the House, who did an agreement in respect of that particular guardhouse. The agreement in relation to land done by the Ministry of Defence and the Gibraltar Government – the Lands Agreements, as they are known – covered that guardhouse and it was to come back to the Government of Gibraltar, and then there would have been no issue, Mr Speaker. But the Ministry of Defence had options under that agreement and they exercised the option to retain that portion of land, and in the context of doing so we find ourselves with this difficulty.

I am heartened that hon. Members are now encouraging us to pursue our policies in respect of heritage, because it was our policy to have a Heritage and Antiquities Act. We are the ones working on it. They did not have it in their manifestos. We are the ones pursuing this particular attitude which will enable us to preserve Gibraltar's heritage, and I am very much looking forward to the time when the relevant Ministers who have been working on this in great detail – from the Deputy Chief Minister to the Minister for the Environment and the former Minister for Heritage, the Minister for Culture – bring that piece of legislation to the House, because I think it is an important step forward in the protection that Gibraltar affords its heritage, as indeed was the step taken by us in Government, which was, I imagine, opposed by hon. Members opposite, to have a Gibraltar archaeologist. Of course that meant that we increased the number of people in the public sector, something for which they repeatedly whip us. But all of this, Mr Speaker, is part of the work of preserving our heritage.

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Hon. Dr J E Cortes: Mr Speaker, can I just add one thing? Were it not for the intervention of the Chief Minister – and, dare I say, mine – that guardhouse would probably now be on the rubble dump, and that is one point that seems to have escaped the Opposition. (*Banging on desks*) (**Hon. S J Sacramento:** Hear, hear. Well done.)

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Hon. R M Clinton: Mr Speaker, the Hon. Minister will know there is nobody in this House other than himself who has heritage closer to his heart, and if he wants congratulations he has it wholeheartedly from me, for him and the Government benches, for saving this structure. But my concern is that we have provision in law, and the Chief Minister has just gone to great length to tell us that he has full control over everything in Gibraltar – except for this guardhouse, it would appear. And when I ask him why wasn't it listed, he said he does not know because of this Lands Memorandum. Which way is it? Does he have control over everything in Gibraltar, or does he not? And if he does, why didn't he list it?

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman pretends that he and one particular Minister are the people who have heritage closest to their hearts. He is wrong to do that. He does not realise how close to its heart the whole of this Government has our heritage. In fact, it is one of the reasons why many of us – in fact, all of us on this side of the House – are in politics: to preserve our heritage and to take it forward for future generations. And heritage is not just buildings: it is way of life, it is language, it is our commitment to British sovereignty. All of that is an important part of the heritage of Gibraltar, although I hear the hon. the Leader of the Opposition saying things *sotto voce* that he should not be saying in this House.

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Mr Speaker, it is very clear to me that the hon. Gentleman does not seem to understand the structure of Gibraltar's political hierarchy –

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Mr Speaker: But you have explained in detail to him how the Lands Memorandum over the years apply, and I am asking you not to repeat it. If he has not understood the explanation that you have given, it is just too bad. I am asking you not to repeat it. You have explained what the position is with regard to Crown land, whether it is held by the Ministry of Defence or by the Government of Gibraltar. It is a matter going back for decades, which previous Chief Ministers have fought very very hard to obtain. You have explained what the position is – please do not repeat it.

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Hon. Chief Minister: Thank you, Mr Speaker, and the point is that the upshot of all that – and I am grateful that I have explained it clearly enough that you are right to tell me not to repeat it again – is that the Government of Gibraltar controls all land in Gibraltar.

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The Constitution provides certain exceptions. Defence is the relevant one here – defence and security – and if a piece of land is required for defence purposes, then it is not an area that we control as to what happens there. But there are other opportunities to control what happens in respect of that area of land and the hon. Gentleman just needs to read the newspapers and see what happened last week to see that the jurisdiction of Gibraltar extends to what is occurring on MOD land. That is, I think, now more abundantly clear than it ever has been before.

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So I am surprised that he is still insisting in respect of this matter, but look, there was a small guardhouse, it had heritage value, we have saved that guard house, it is going to be preserved for future generations. It is going to have to be rebuilt elsewhere, which ... it did not have to be rebuilt elsewhere and it could have stayed there. Perhaps a more sensible approach might have been possible. I am sorry to say it was not possible, Mr Speaker. Could we have done something else in respect of land which has heritage value on the MOD estate? I have already told him that there are other opportunities to do things in respect of such heritage artefacts, and in fact there will be even more under the new Heritage and Antiquities Act.

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Now, other than going round in circles and explaining it all to him again, which Mr Speaker has in fact ensured I am not able to do, I would just perhaps ask him to take a closer look at the provisions of the Gibraltar Constitution and how it has changed since 1969.

1275 **Mr Speaker:** Before we deal with Question 121, I am going to give an opportunity to the Hon. Mr Llamas to ask a number of supplementaries arising from the schedules that were previously circulated.

1280 **Hon. D A Feetham:** Mr Speaker, may I just ask one supplementary on this?

Mr Speaker: Yes, I will allow you before we move on to him.

1285 **Hon. D A Feetham:** Well, looking forwards, is it the position of the Government, when it publishes the new Heritage Act, that it has the constitutional power and indeed the will to be able to list any historical buildings within any MOD land so that those are preserved and protected against any adverse decisions by the MOD in the future?

1290 **Hon. Chief Minister:** Mr Speaker, I will take that question to have been uttered with an element of oral negligence, because the hon. Gentleman does not need me to tell him, I hope, that an Act of Parliament cannot change the Constitution. So we are not going to change the constitutional position by an Act of Parliament, and when he sees the way that he phrased his question in *Hansard* he will realise that he has suggested that in the way he has put it. Of course an Act is not going to change the constitutional position but the Act will make the most of the constitutional authority available to the Government in those particular respects.

1295 It is also true to say that we are talking here about the attitude of the MOD to a small guardhouse and all the rest of it, but we have to set this debate in the context of where Gibraltar has been in the last 20 years and where it is today. It was not the Ministry of Defence that destroyed the Rosia tanks – the tanks that victualled the *Victory*, on its way to the Battle of Trafalgar ... It was those who were in the party that says it has heritage close to its heart. We have come a long way since then; we are going to go even further. We are going to protect Gibraltar for future generations. This Government has done a sterling job already in doing so; we will do even better in the future.

1300 **Hon. D A Feetham:** Mr Speaker, with respect to the hon. Gentleman and his unfortunate usual style of attempting to obfuscate questions and indeed the answers that he gives, the question is very simple: does the Government feel confident that the new Heritage Act will be able to prevent the destruction of Gibraltar's heritage even when it is on MOD land, so that we do not have a repetition of what has happened with the guardhouse?

1310 **Hon. Chief Minister:** Mr Speaker, this is what happens when hon. Members do not listen to all of the answers that have been provided. I have said yes on a number of occasions in answer to his hon. colleague. I will say yes again to him, given that he appears only to understand things which are black or white, yes or no. The answer is yes, and he should not think that we do not, under the existing Act, potentially also have powers in that respect. If he goes back and looks at what I have said in *Hansard*, when he does go back and look at how carelessly he phrased his earlier question, he will be able to see what I have said. And I was not obfuscating when I was referring to the Rosia tanks. I was referring to the destruction of them by the GSD, so it ill behoves them to say that they are the ones that hold heritage close to their hearts – unless their hearts are in a heap of rubble.

1320 **Mr Speaker:** The Hon. Lawrence Llamas.

1325 **Hon. L F Llamas:** Mr Speaker, returning to Question 103, Question 103 relates to a question asked last year – Question 847/2016 – where there were a considerable amount of capital works being carried out by different contractors. The breakdown that the Hon. Minister has given me is very brief and it does not actually concur with the capital works that actually appear to have taken place in Question 847. I wonder if maybe he has been given the wrong breakdown.

1330 **Hon. Dr J E Cortes:** Mr Speaker, what I have noticed is that there is only the cost given in one of the entries and it may be that the version that got included may have been an earlier draft. I undertake to look into this today and just to cross check whether there has been some error in the preparation or in the table that has actually been presented. I apologise for that. I will look into that and ensure that we have the matter resolved.

1335 **Hon. L F Llamas:** And also it would be helpful if the Hon. Minister could include the years in which the works took place, because at the moment it only gives an outline of the month and end month but we do not know if it took a year or just three months.

1340 Also, turning to Question 110/2017, is the Hon. Minister able to provide further details as to what type of other arrears are owed by the debtors to the Government, whether tax, rent, rates or any other type of arrears?

Hon. Dr J E Cortes: In relation to Question ...?

1345 **Hon. L F Llamas:** Question 110.

Hon. Dr J E Cortes: Mr Speaker, my impression from the answer that has been prepared for me is that there are none, but once again, as he has asked that, I will double check specifically.

1350 **Hon. L F Llamas:** So, Mr Speaker, am I right to assume that the only arrears that these companies have – or entities, because we do not know what they are – are in relation to the Upper Rock admission fees and they do not have any other arrears with another Government Department? That is what I think has confused me. Question 110 asked for arrears in other Departments or other Government-owned companies.

1355 **Hon. Dr J E Cortes:** Mr Speaker, that is what I said I believe to be the case, but as the hon. Member is asking specifically – as I do not prepare the draft of the answers, the information, myself – I will go back to those people who prepared it to double check that my impression is correct and I will respond.

1360 **Hon. L F Llamas:** Finally, Mr Speaker, in relation to Question 107, the Hon. Minister says that with the exception of the taxi drivers not paying during the months of January and February is because it is a low season. Can I just ask the Minister, given that – and I am just using taxis, obviously, because it is taxis that have been given as an exemption from not paying – if we take April to January 2015-16 and April to January 2016-17, they have had an increase of passengers of 117,000, does it seem fair to further exempt them by not paying for those two months?

Hon. Dr J E Cortes: Mr Speaker, if the hon. Member is referring to the fact that it seems to have increased this last winter as opposed to the previous one ... Is that what he is saying?

1370 **Hon. L F Llamas:** Sorry, comparing the figures from April 2015 to January 2016 and then comparing them from April 2016 to January 2017 – because of, obviously, the new policy of not allowing foreign vehicles up the Rock – taxi drivers, as well as other tour operators, have benefitted from an increase of 117 just for those months. So it appears that they have already ... they should have made up for those two months which were previously exempted, and to allow

1375 them to further exempt for this year. It does not seem fair when we have got, for example, the
Chief Minister asking in his New Year speech that we should ... this is a time now of common
work endeavour. It does not seem to tie in with what the Chief Minister is trying to tell the
community to further exempt when obviously it is a low season for many traders and many
stakeholders in our tourist product.

1380 **Hon. Chief Minister:** Well, Mr Speaker, I think the hon. Gentleman does not understand what
the provision does. It takes more people up the Rock, which means more people access the
tourist sites, so it is driving more traffic into the Upper Rock and therefore enabling us to have
more revenue. Otherwise, people might have not, in those months, been prepared to go up. At
1385 the ticket price, they are prepared to go up and some of them, when they are up there, will go
into the sites and will then purchase the ticket.

So we have a different view as to what this does to the Government side of the equation.
Although there may be revenue issues generally, we think that this helps an industry, and that
industry is also a part of what keeps Gibraltar running. I know that hon. Members like to whip
1390 the taxi drivers as much as they can, but they are an important sector of our economy as well
and they do, in their own way, produce economic activity. We happen to think that this is
economic activity that has to be fostered even in months when otherwise it would be difficult to
see them able to do other types of business that would keep the fleet going.

Q121/2017
Hot school lunches –
Provision to all schoolchildren

Mr Speaker: Question 121.

1395 **Clerk:** Question 121, the Hon. E J Phillips.

Hon. E J Phillips: Can the Minister for Education provide an update on its commitment to
provide hot school lunches to all children in our schools?

1400 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**
Mr Speaker, Government ... Sorry, I have not been called. Shall I let you call me? Sorry, I am a bit
overenthusiastic this morning!

1405 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and
Education.

Hon. Dr J E Cortes: Mr Speaker, Government is working on delivering on our commitment.

1410 **Hon. E J Phillips:** Mr Speaker, it would be helpful if the Minister could give a little bit more
information than that.

On 15th September last year we were told that the Government was preparing for a
consultation process with parents, headteachers and their unions, and in the Chief Minister's
New Year Message he said – and I need to use that often-used word in here – 'shortly' will be
1415 launching the programme for hot lunches to be available in schools. So I would be grateful if the
Minister could amplify his answer to provide our community with a bit more oversight as to
what is happening.

Hon. Dr J E Cortes: Mr Speaker, the consultation process is ongoing.

1420 **Hon. E J Phillips:** Well, Mr Speaker, I would be grateful to know at what stage the consultation process is. We were told that there was planning, or pre-planning, and preparation for the consultation process. Is the consultation process underway? Has the Department spoken to parents, headteachers and their unions?

1425 **Chief Minister (Hon. F R Picardo)** Mr Speaker, the consultation process is sufficiently advanced that I am very confident that at the next election hon. Members will not be able to tell the electorate that we failed in our commitment to provide hot lunches for all our children in schools.

**Q122/2017
New schools –
Update**

Clerk: Question 122, the Hon. E J Phillips.

1430

Hon. E J Phillips: Mr Speaker, can the Minister for Education provide an update on the building of five new schools, namely the new Bishop Fitzgerald, Notre Dame, St Martin's, Bayside and St Anne's Schools and the projected cost of the undertaking?

1435

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, a working group has been set up to include all the headteachers and deputy heads of the pertinent schools, and also senior staff from the Department of Education, to deal with the works to be undertaken. It is still not possible to talk about any meaningful projected costs beyond ballpark figures.

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Hon. E J Phillips: Is the Minister able to give us a ballpark figure?

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Hon. Dr J E Cortes: No, Mr Speaker.

Mr Speaker: What are they? What are ballpark figures?

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Hon Dr J E Cortes: I think the expression is normally used to say approximate – (**Mr Speaker:** Estimates?) Estimates, yes.
Mr Speaker, I would rather not at this stage.

**Q123 and 130/2017
President Donald Trump –
Congratulatory letters from Gibraltar schoolchildren; AMCHAM competition**

Clerk: Question 123, the Hon. E J Phillips.

1455

Hon. E J Phillips: Can the Government confirm whether or not the Department of Education either directly or indirectly invited school children as young as six years of age and above to send

letters to the United States President Donald Trump, congratulating and welcoming him to his office?

1460 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 130.

1465 **Clerk:** Question 130, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Minister for Education explain the process relating to the possibility for third parties or external bodies to have an influence on the school agenda as was seen with the recent 'Donald Trump Competition' exercise through AMCHAM?

1470 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1475 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, in the specific case referred to, the competition was organised by the American Chamber of Commerce and schools were offered the opportunity to participate.

It is not for the Department of Education to consider who the incumbent President is, but rather to consider the educational value of such a competition.

1480 No third party has any influence on the school agenda. The Department of Education decides on which competitions have educational value. It then invites schools to decide if they want to participate or not. Schools have complete autonomy to decide if they want to take part.

1485 I am now going to quote from a letter written by a seven-year-old Syrian girl who introduces herself to President Trump as, and I quote, 'part of the Syrian children who suffered from the Syrian war'. The quote continues:

Can you please save the children and people of Syria? You must do something for the children of Syria because they are like your children and deserve peace like you.

The letter then continues:

If you promise me you will do something for the children of Syria, I am already your new friend.

The relevant pupil penned this letter just before Donald Trump's inauguration speech and I do not feel I have to add anything else.

1490 **Hon. E J Phillips:** Just one further question relating to that: given that we are an open, tolerant community, could the Minister explain the educational value of this competition, particularly for those as young as six?

1495 **Hon. Dr J E Cortes:** Mr Speaker, it is not –

Mr Speaker: No. The Minister has no responsibility, on educational grounds, to explain a competition set up by a third body. (*Interjection*) No.

1500 **Hon. E J Phillips:** Mr Speaker, what he did explain was that the Department of Education would assess the educational value.

Mr Speaker: You are asking the Minister to explain, in his view, what the educational value is of a particular competition which has been introduced by a third party. The Minister, as a responsible Minister of the Gibraltar Government, has no responsibility and there is no requirement for him to express such a view.

Next supplementary.

Hon. Ms M D Hassan Nahon: Mr Speaker, much as I am warmed by the Minister's quote of the Syrian girl, I think that the desperation of the Syrians and the Syrian cause cannot really be paralleled with our own motives and our own values in an open and democratic community, so perhaps ... I think that the two things are very different and obviously, considering the doubts and the issues that many free-thinking people have with Trump's presidency, I think this is what we were coming to mainly in terms of doubting whether ... Well. in my case, my question was more about how the Ministry of Education decides on what actually has value and what our ethos is when we hand over to our children to make such representations.

Chief Minister (Hon. F R Picardo) Mr Speaker, I do not think it ill behoves any government of one state to be commenting on the government of another state unless they are going to engage in diplomacy in respect of one aspect or another.

But I can think that there was potentially huge educational value in asking our children to write to the leadership of North Korea – that yesterday discharged a missile into the Sea of Japan whilst it tests its nuclear-tipped warheads and the ability to deliver those warheads across the Pacific into North America – and write to him to ask him to help to keep the world a more peaceful place. I can imagine that there is huge educational value in asking our children to write to the Prime Minister of the United Kingdom to ask her to put EU nationals who live in the UK out of their misery as to what their rights will be in respect of residence in the UK once the United Kingdom leaves the European Union.

There are many things on which we all, or some of us individually, might agree or disagree with an international politician where an exercise in the schools of writing to that individual may bring out of the children something as moving as the hon. Gentleman has referred to us in respect of this Syrian girl. I was really moved when I saw what the hon. Gentleman has now referred to the House when it was referred to me, and it put me in mind of the fact that exercises like this can have consequences which we cannot imagine, and sometimes six-year-olds can make something really shine out in that way.

Mr Trump has been vilified in the international press for many reasons. A lot of what we read is anathema to modern liberal democracies. Some of what he is saying we might all agree with. Gibraltar is a place that has lower corporate taxes – the President of the United States is saying he wants to lower corporate taxes in the United States – and a lot of people think that we are a pariah internationally because we have low corporate rates. He is going to do that. He is going to, it is said, move the US Embassy in Israel to Jerusalem, something that causes huge controversy but is positive in the minds of others.

So I think that this is not about making a judgement about Donald Trump. I think each of us are entitled as human beings to make a judgement even about politicians we do not vote for but whom we read about. But this was an exercise, I think, run in good faith by an organisation that wanted people to be educationally involved in writing a letter. I think it would have been run whether Mrs Clinton had won the election or Mr Trump had won the election, and therefore we have to be careful not to stray into making our own views and choices what we impose on children in the way that they might not have had the opportunity of writing letters.

I can imagine that many of those six-year-olds, apart from this Syrian girl, might have given Mr Trump very good advice indeed, and if only we could get him to read those letters it might be that our own liberal views as to what should happen in the United States might prevail – but unfortunately that is not the way the world crumbles. But I do wish that Mr Trump would heed

the advice to make this little Gibraltar-Syrian girl his friend by doing what she has asked him to do.

1555

Hon. R M Clinton: Mr Speaker, if I may ask the Minister for Education: given that his Department obviously endorsed this competition and he continues to do so, how many schools actually have participated, and out of that population of schools, how many did not participate, and why?

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Hon. Dr J E Cortes: Mr Speaker, I believe – I am working from memory – that eight may have participated, but I would need to check that.

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Hon. R M Clinton: Mr Speaker, I would be grateful if he would check that indeed eight schools did participate – out of a population of how many?

Hon. Dr J E Cortes: Do you mean number of schools? There are seven first schools –

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Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Seven first schools and four middle.

Hon. Dr J E Cortes: So, more or less 11 or 12, but I can double check that.

1575

Hon. R M Clinton: And would the Minister know why certain schools did not participate?

Hon. Dr J E Cortes: No, Mr Speaker. As I said before, schools have total autonomy in whether they feel that the school programme allows them to do this or whether they want to do this and any other initiative of this nature. They are not asked to account, the headteachers have a considerable amount of autonomy and I think that is absolutely correct.

1580

Hon. D A Feetham: Mr Speaker...

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Hon. Chief Minister: To assist the House, one of the things the hon. Gentleman and Lady opposite might be even more incensed at is that the magnificent pupils of St Mary's Middle School, opposite No. 6 Convent Place ... St Mary's First School, opposite No. 6 Convent Place, decided to invite the Chief Minister of Gibraltar – a man with whom they have no affinity whatsoever and whom they regard probably as a lower form of political life than even the President of the United States – to come in, and they have done magnificent work in understanding the politics of Gibraltar. They have painted portraits of all the Chief Ministers – yourself included, Mr Speaker. They were very interested in what it is that a Chief Minister does and they gave me elements of advice as to what it is a Chief Minister *should* be doing and what the best things for Gibraltar might be in the future. None of them, by the way, had any affinity with any of the things the hon. Members opposite are telling me to do for Gibraltar's future. Nobody told that school to do it, nobody told them to invite me so I could go and meet future voters and bias them in some way in favour of my political party, nobody has told the other schools to do it. They thought there was educational value in that, and yet I know hon. Members. In fact, the Hon. Mr Llamas has said that I have embarked Gibraltar on a suicide train to ruin, so one would have thought it was something they would have wanted to curtail, although he only asks questions in this House, I say as an aside, that relate to hoverboards, Mr Speaker, so maybe it is that he thinks that I have put us on a Segway to ruin, (*Laughter*) but his questions do not reflect that level of serious concern about where our community is going.

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Schools have to have the freedom to do what they think is educationally in the best interest of their pupils. Under us they do. This offer is made to them, we do not stand in the way of it,

1605 and some of them produced magnificent results like the result that the hon. Gentleman has referred to the House.

Hon. Dr J E Cortes: Mr Speaker, if I may add to that, *(Interjection by Hon. D A Feetham)* regarding international value –

1610 **Mr Speaker:** Just a moment.

Hon. D A Feetham: Mr Speaker...

Mr Speaker: Yes.

1615 **Hon. S E Linares:** Is there a question?

Mr Speaker: The Leader of the Opposition.

1620 **Hon. D A Feetham:** Can we return now to the question rather than the Chief Minister's visit – interesting as that is – to St Mary's School. I do have a supplementary that is relevant. *(Interjection by Dr J E Cortes)* We have now gone from the Minister to the Chief Minister back to the Minister.

1625 **Mr Speaker:** Well, from the Minister it will go to you.

Hon. Dr J E Cortes: Mr Speaker, this is anecdotal but there has been a question about the educational value and I was about to say that my own grandson.

1630 **Hon. D A Feetham:** Mr Speaker has ruled it out. Mr Speaker ruled the question out.

Hon. Dr J E Cortes: Mr Speaker, may I not reply about the educational value?

1635 **Mr Speaker:** You may not express ... Because you are politically responsible for education in Gibraltar but you are not a professional, I am ruling that you are not required to answer a question as to what you deem to be the educational value of this exercise.

Hon. Dr J E Cortes: Yes, Mr Speaker –

1640 **Mr Speaker:** That is my ruling.

Hon. Dr J E Cortes: Mr Speaker, my response at the time was going to be exactly that. I was very grateful to Mr Speaker for having pointed that out.

1645 I will answer not as an educational professional but as a grandparent whose five-year-old grandson ... My little Ryan, whom I have never spoken to about Donald Trump before, asked me the other day – I have spoken to him about nature, birds and Pokémon, but not about Donald Trump – just shortly after the election, 'Grandpa, I hear Donald Trump got made as President of the United States – are you happy about that?' I will not say what the answer was, but clearly they are aware about these things and there is clearly educational value in them having a discussion about this subject. That is purely as a grandfather and not as an educational professional – which I am not.

1650

Mr Speaker: The Hon. the Leader of the Opposition.

1655 **Hon. D A Feetham:** Well, thank you very much to the Minister for answering the question from my hon. Friend, Mr Phillips, that was ruled out.

1660 My question is about policy. Here we have a situation where you have a private entity that has channelled, through the Department of Education, an initiative. The Department of Education has obviously endorsed that initiative and has indeed affected a strategy for the implementation of the initiative. When an initiative like that comes to the Department of Education, does the Minister actually get consulted in relation to this, or is it a decision that is taken entirely by the Department of Education and the Minister is not involved in any consultative capacity at all?

1665 **Hon. Dr J E Cortes:** Mr Speaker, as a rule the educational professionals deal with it in a professional manner. If there are any issues which the Department of Education feels are issues that need to be discussed at another level, then they may come to me. Remember, Mr Speaker, that I have only been Minister for Education for a relatively short time – I can only assume that that was the practice in the past.

1670 **Hon. D A Feetham:** Well, in relation to this –

1675 **Hon. Dr J E Cortes:** Mr Speaker, and normally... If I may, Mr Speaker – I do apologise. My response is normally ‘this is an educational matter, you have to take a view on the educational value and this is not a political matter’. This is my usual response to that sort of request.

Hon. D A Feetham: And in relation to this particular instance, to this particular initiative, was the Minister consulted before it was effected?

1680 **Hon. Dr J E Cortes:** Yes, I was informed about the matter and I referred it to the Chief Minister.

Mr Speaker: And you what?

1685 **Hon. Dr J E Cortes:** I referred it to the Chief Minister for an opinion as well.

Mr Speaker: Next question.

Q124/2017
University of Gibraltar –
Exchanges with other universities and colleges

Clerk: Question 124, the Hon. E J Phillips.

1690 **Hon. E J Phillips:** Mr Speaker, can the Government state the number of exchanges that have taken place between the University of Gibraltar and other universities and colleges?

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

1695 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, as it is an independent body, such questions should be addressed to the University.

Hon. E J Phillips: Mr Speaker, a sense of déjà vu.

1700 In the Government's manifesto there are references to university exchanges: they applaud the Washington internship and they state quite categorically that they want to improve exchanges between the University and other universities, which must mean foreign universities.

1705 There is a financial commitment of over £10 million for the establishment of the University and there is a continuing obligation of the Government to support the University as the University is not self-sufficient. I would have thought it was within the purview of the Minister to answer the question as to the number of exchanges. I am quite happy to write to the Chancellor, but clearly, in relation to this matter, this is a funded project by the people, by the public and it is from the public purse, over £10 million, and it continues to be funded.

1710 I would have thought they could explain a very simple answer to that question, which is how many exchanges have taken place between the University and other external universities.

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman raises an issue of principle. We fund a lot of things that are independent. One of the things that the Hon. the former Chief Minister – very oft referred to as the greatest Gibraltarian of all time – insisted in the course of the debate in this House when we created the University was that it must be independent. The *Hansard* is there. The hon. Gentleman said in relation to the bank and in relation to the University, 'I am going to support your initiatives but it must be entirely independent.' And so, when we, as a matter of policy want to see things happen, we write and we provide funding, and then it is a matter for the University.

1720 We are not politically answerable in this House for things that are independent, because if we were it would be impossible for us to provide information without compromising independence. And so the hon. Gentleman has the answer to his question, which is that he should write to the Vice-Chancellor.

1725 **Mr Speaker:** Next question.

Q125/2017
Teaching posts –
Numbers vacant and being acted

Clerk: Question 125, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many teaching posts are currently vacant and being acted?

1730 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
1735 Mr Speaker, just to prove that when I can provide information and when it is appropriate that I should, I will do, the information requested by the hon. Member is in the schedule which I now hand over.

Schedule to Question 125 of 2017

February 2017

Headteacher, St Joseph's First School

TLR 1 'B'

Head of Year (rotate) — Bayside

Design Coordinator — Westside

IT Coordinator — College

TLR 2 'A'

Head of Music — Bayside

Head of ICT — Westside

Head of Business Studies & Comp — Westside

TLR 2 'B'

Core Subject Leader Science — St Paul's First

Year Coordinator & Foundation Subject — Bishop Fitzgerald

Year Coordinator & Foundation Subject — Bishop Fitzgerald

Year Coordinator & Foundation Subject — St Bernard's Middle

TLR 2 'C'

ICT Coordinator—St Paul's First

Year Coordinator + Foundation Subject (Art/DT) — Notre Dame First

Foundation Subject (ICT Coordinator) — St Bernard's Middle

Foundation Subject (Music/expressive Arts) —St Bernard's Middle

TLR 2 'D'

Asst to Head of Art — Westside

Asst to Head of Spanish & MFL — Westside

Asst to Bus & Soc Sci Coordinator — College

1740 **Hon. Ms M D Hassan Nahon:** Mr Speaker, does the Minister accept that there is a backlog and delays in appointing the right candidates to these posts, and does he have plans to bring these backlogs down and up to date, as it is disconcerting for teachers and pupils?

1745 **Hon. Dr J E Cortes:** Mr Speaker, there are a total of 18 posts out of a complement of 382 teachers, so that is only 4.7%. It is low. Clearly we would like all the teachers to be there in the substantive position but sometimes that is not possible, particularly because of the disruption that can be caused by movement of teachers in the middle of the academic year. So I would be concerned if this was the case or there were higher levels. This is actually quite low, but if there were higher levels at the beginning of the academic year ... I am not so concerned about halfway into the academic year, because the plan is to regularise them all by September so that most of them will be filled in September. I think it is the time of year that is more relevant than any particular moment.

1750

1755 **Hon. Ms M D Hassan Nahon:** Sorry, I do not quite understand. I have also noticed that a lot of posts do get taken over at the middle of the academic year and I have noticed that it can look a little bit clumsy, so is the intention to have them all set up by September?

1760 **Hon. Dr J E Cortes:** Mr Speaker, the intention is to have them all by September. Clearly there may be other things that happen between now and September – people retiring, people going sick for long term and so on and so forth. It does not mean that there will not be any changes during the academic year – particularly in some of the senior posts this might be necessary – but that is a management decision and it is up to the senior staff of the Education Department to manage them as they see it fits in best with the schools. They do this in discussion with the schools, with headteachers, and as part of the social partnership with the Teachers' Association in discussions with the GTA.

Q126/2017
Education advisers –
Vacant positions

1765 **Clerk:** Question 126, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How are the vacant positions of education advisers in the Department of Education being covered at present, and what plans, if any, are there to fill them?

1770 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1775 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, in order, again, not to disrupt the functioning of our schools, the posts are being covered by experienced retired headteachers and Deputy headteachers.

There are, however, clear and well-defined plans to fill in these posts in the immediate future, and most certainly before the end of this academic year, in accordance with the Government's manifesto commitments.

1780 **Hon. Ms M D Hassan Nahon:** Mr Speaker, would the Minister agree that the fact that retired teachers are presently doing this work is actually denying present teachers of having experience in acting in these roles, and does the Minister agree that this also affects the current teachers' hopes and motivations to an extent?

1785 **Hon. Dr J E Cortes:** Mr Speaker, first of all I would like to thank these retired teachers for coming back and serving the community in the way that they are and using their vast experience in education in filling the gap.

1790 I can assure the hon. Lady that this matter is in the process of being addressed actively and very, very shortly we will be able to allow these headteachers and deputy headteachers the rest and recovery that retirement needs to bring and we will have teachers replacing them in their posts. Certainly by September – once again the relevance of disruption to schools comes into play – by September they will be in place.

1795 **Hon. R M Clinton:** Mr Speaker, if I may by way of supplementary ask the Minister: these retired headteachers and deputy headteachers, on what basis are they being employed? Are they on some kind of consultancy agreement, or is it some sort of extension of the normal employment contract?

1800 **Hon. Dr J E Cortes:** Mr Speaker, I would need to seek the information. They were there well before I took over responsibility for education and therefore it is not information that I have to hand, but I am very happy to find out.

Q127/2017
Heating in classrooms –
Audit to determine adequacy

Clerk: Question 127, the Hon. Ms M D Hassan Nahon.

1805 **Hon. Ms M D Hassan Nahon:** Has an adequate audit been carried out in recent years to ascertain present levels of heating classrooms in our schools?

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

1810 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, an intensive health and safety audit was undertaken in schools during 2012, which included an assessment of temperature controls. The findings indicated that building insulation, cross ventilation and numerous other contributing factors have an impact on counteracting temperature extremes.

1815 Classroom temperatures are checked on a regular basis and flagged if they drop beneath what is considered a healthy working environment. Action to remedy this situation is then taken.

1820 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am grateful for that answer, but does the Minister realise that many classrooms in our schools are actually not properly equipped with enough heating to the extent that teachers are having to bring in their own portable heaters on occasions? May this indicate other problems?

1825 **Hon. Dr J E Cortes:** Mr Speaker, I am not aware of teachers bringing in their own heaters. If that is the case, it certainly has not been brought to my notice and it is certainly something that should not be necessary because I am sure that the Department of Education would be more than happy to provide any additional heaters should they be required.

1830 I think this Government has accepted the fact that some of our schools are now tired, and this is why we have this programme that we are embarking on to replace some of our schools. Without the detailed information here at present, I suspect that the ones where temperature control might be more of a problem will be the older ones and these are the ones that we are planning to replace.

1835 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I ask the hon. Lady – because what she said is very concerning – and can I ask the Hon Lady to give the Government the information of which classrooms it is that she is being told this is happening in, so that we can act with the Department of Education. Because it is shocking to hear that. Nobody has brought that to the attention of the Government. We hear the same rumours that the hon. Lady hears, but this one we have not heard. If it is more than a rumour and she has information, please tell us which schools, which classrooms, and we will immediately attend to dealing with it, because although 1840 the new schools are going to be developed we will have a period of time between now and the new classrooms and we do not want anybody to be cold in the context of that period of time.

I know that the Hon. the Minister for Education is also the Minister for the Environment and I know that this causes some friction with his views as to global warming, but it is important that we deal with it.

1845

Hon. Ms M D Hassan Nahon: Mr Speaker, I am grateful to the Chief Minister and the Minister for Education for these answers and for their concern. I can assure them that it is not rumour and I will be providing information so that they can deal with this matter. In fact, before the Chief Minister stood, I was going to ask and I am grateful to see that the Government will address this issue, for what is left of the winter months at least, to make sure that children are adequately heated.

1850

Thank you.

Hon. Dr J E Cortes: Mr Speaker, absolutely.

Q128/2017

**Co-education Working Group –
Progress and recommendations**

1855 **Clerk:** Question 128, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Minister for Education give any information on how far the Co-education Working Group has come to date and if any recommendations have already been made to Government?

1860

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the Co-education Working Group continues to work adhering to its brief. It has as yet made no recommendations to Government, and will not be doing so until the end of April or early May. The task is too important to rush through. I am, however, completely assured that steady progress is being made. In fact, Mr Speaker, I believe that the working group is meeting again today.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Hon. Minister for his answer, but my understanding was that this working group was meant to report by the end of March. Can he confirm to the House that in fact their brief period has now been extended?

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Hon. Dr J E Cortes: Mr Speaker, I am in close contact with the Acting Director of Education on this. The work has generated a lot of interest and a lot of submissions, so I think that we would rather be cautious and suggest that it may slip by a month or possibly two. We are still hopeful that we will meet the March target but we are being realistic.

Q129/2017

**Student grants –
Payments to Student Loans Company**

Clerk: Question 129, the Hon. Ms M D Hassan Nahon.

1880 **Hon. Ms M D Hassan Nahon:** In connection with the student grants, can Government confirm that they are up to date with repayments to the UK Student Loans Company to cover grant repayments?

1885 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, of course we are.

1890 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I can assure you this is not rumour, but is the Minister for Education not aware that the UK Student Loans Company has been chasing payments of the loan from graduates claiming that Government has not paid them in over a year?

1895 **Hon. Dr J E Cortes:** No, Mr Speaker. Once again, if it is not rumour then it is serious and we would like to know. This information has not come to me.

1900 **Chief Minister (Hon. F R Picardo)** Mr Speaker, if it is not rumour there must be something in writing. If there is something in writing we must have it immediately because we will demonstrate to whoever at the Student Loans Company is chasing that the payments are made more than on time. I urge the hon. Lady, because this is a very serious allegation, to let us have the written evidence that this is not rumour that somebody has been chased for a payment, so that we can deal with it immediately – especially if it relates to a Gibraltar graduate or, even worse, somebody who is currently in education, because I would be particularly concerned about somebody who is a student being chased in this respect – and we will be able to demonstrate that all payments are done more than on time in respect of all accounts. This is one of the most important areas of development for this Government. As the hon. Lady knows, we are committed to further education; we are committed in particular to people being able to go away and study also their second degrees. We would not have put in place the system that was put in place in respect of student loans perhaps, but it was something that the GSD did when they were in Government and we have honoured it.

1915 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am grateful for the Chief Minister's concern but I fail to accept that the only form of negating a rumour is written evidence. I have very concerned graduates who have different concerns because there are very urgent pleas for them to pay back and they have come to me in tears. So I do not have the written evidence. I also have been asked not to say by name, but I am happy to speak to the Chief Minister in private about this matter because I can assure him that it is a matter that is very much alive.

1920 **Hon. Chief Minister:** Well, Mr Speaker, this is very strange. The Student Loans Company is a government-owned company in the UK. Some Members opposite continually say that Gibraltar is going to go bankrupt and all the rest of it. All that nonsense that is not true. Nobody is saying that the UK is going to go bankrupt and that the Student Loans Company in the UK therefore has to call people to chase them for payments. The Students Loans Company sends letters and emails when people do not meet their obligations to repay; they do not call people. They, I think, know where the payments come from, so if there were any concern they would have been directed at us. The hon. Lady needs to be sure that what she is saying – because this is very concerning for the community – is that the Student Loans Company is chasing people for payments.

1930 I must tell the hon. Lady – and she knows I have a huge amount of time for her, but she must realise that if somebody has called her *crying* because a payment has not been made by the

Government of Gibraltar, she should not have put down a question seven days ago and not raise it until we get up and in a supplementary tell us that – because if somebody is crying because the Government has not made a payment, something has fallen down.

1935 I assure her this is not happening, but if the Government thinks it has made a payment and it has gone to the wrong account – Government does not delay making payments which are due in respect of loans, everything is paid ahead of the date when it has to be paid – then she should have brought it to my attention, I say to her with the greatest of respect, or indeed to the attention of Mr Cortes. She knows that we would of course have immediately dealt with the issue.

1940 I seriously doubt that there is a problem relating to a Government payment here, and that is why I have said to the hon. Lady ... although of course there are different ways of dealing with rumour and which is not to have written evidence that counteracts the rumour – I know, I spend most of my days dealing with rumours and one has to counteract them in different ways, but if it is the Student Loans Company, and that is what she has referred us to, they would chase by letter and by email. That would be specifically done.

1945 These are not loan sharks, Mr Speaker, who would get together and tell somebody they are going to come and break their legs if they do not make a payment; this is the United Kingdom's Student Loans Company, and therefore it is like NatWest Bank or it is like Barclays Bank – they will be sending correspondence chasing unpaid accounts, in particular graduate unpaid accounts. That is what I am saying to the hon. Lady. She needs to tell us what we have failed to do, in order to give any credence to what she is saying. There have been problems historically, Mr Speaker, with making payments in respect of people's tuition fees.

1950 I know because I have suffered that. I have been at university and been told 'The Department of Education has not paid your tuition fees' and I have had, in the early 1990s – too long ago for me to care to remember – to phone the Department of Education. And it is always the same: the university tells you they have not paid, you phone the Department of Education and the Department of Education, who are magnificent at dealing with these issues whoever has been in administration, will say 'We are waiting for the university to give us this detail of their bank account', or 'We are waiting for the university to provide the certification', etc., and as soon as that is provided the payments are made. It has never been an issue of the Department of Education failing in its mechanism for payment in respect of tuition fees, in respect of maintenance grants or in respect of the mechanism put in place by the former administration – I was tempted to say 'by them when they were in Government', but it is the hon. Lady asking, so by the former administration – to pursue student loans, something which I think was the wrong thing to do, but all of those payments are made entirely on time and she must not think that there is any Government issue in that respect, and that is why I have asked her for written evidence, because it must be in writing if this has happened.

1970 **Hon. Ms M D Hassan Nahon:** Mr Speaker, a few points. The process, as I understand it, is that the student signs the agreement with the Gibraltar Government or with the Student Loans Company, so somehow the Student Loans Company in the UK has the information of the student. Eventually when ... according to the Student Loans Company who called they say that they are ... I am only saying what they said, that they have not got any payments and are fed up with chasing the Government and this is why they have turned to students, in fact even threatening to take the money out of their bank accounts, which apparently they are entitled to do as per UK law.

1975 Many of the Ministers opposite will know that I always try and speak to them before bringing anything to Parliament – that is the way I work – but in these cases ... The interesting thing is that since I have asked the question I have had two more graduates WhatsApping me telling me that they are actually also in the same position. In these cases, these people are begging me not to say their names because they are really scared of the repercussions. I am not suggesting that there would be any repercussions – (*Interjection*) I am not suggesting for a minute ... I am just

1985 holding their word to not say their names, so I cannot go to Government with these individual cases. I am only bringing ... They are not rumours, they are real people, but I have to hold their word and I have to respect their wishes, which is why I cannot go directly to Government. This is why I have brought it up as a generic question in Parliament and this is where it stays. I will be happy to discuss it in private but I cannot mention any names because I have to respect the wishes of my constituents.

1990 **Mr Speaker:** But they can write directly to the Department of Education, can't they? Or are they prohibited in the UK from writing to the Department of Education? (**Hon. Ms M D Hassan Nahon:** I –)

Next question please.

1995 **Hon. Ms M D Hassan Nahon:** Oh, okay.

Hon. Chief Minister: This is very important, with respect –

2000 **Mr Speaker:** It is, but the matter has been sufficiently visited. We should move on.

Hon. Chief Minister: But if I may, with respect, the hon. Lady has said that the Student Loans Company has the students' information. She is absolutely right, the Student Loans Company has the students' information because the structure that was put in place by the former administration – which we have discontinued, as I understand it; we are certainly did not support it, but I think we have discontinued it – is that the student takes a loan in his name and the Government undertakes to pay it. That is how it works.

2005 If the hon. Lady will not tell us who these people are ... and there is no fear of repercussion. If these are people who have not notified the Department of their loan we may not know that there is an outstanding, but if they also now do not allow us to have the information as to who they are we will not be able to make good the outstanding. (*Interjection by Hon. Ms M D Hassan Nahon*) No, Mr Speaker, I am sorry, with respect, this is very important. (*Interjection by Hon. Ms M D Hassan Nahon*)

2015 **Mr Speaker:** With due respect to the Chief Minister, it beggars belief that there is not enough common sense in order to deal with the matter. The students involved, what are they afraid of – that if they write to the Department of Education they are going to be put in front of a court of law and sent to prison? What reprisals? What reprisals is the Department of Education going to take on any student who tells them that they have a difficulty? You have been a student, I have been a student – (*Interjection*)

2020 No, I do not want to be on the ... I am going to tell hon. Members why I do not want to be particularly ... On more than one occasion I have pressed this and the cameras of GBC give me five, six or seven minutes of exposure during the course of a news item. I am going to try to prevent that from happening, because there was an incident at the last meeting of Parliament right where the cameras focused on me and this exposure was given to me, but what was not seen and what was not reported was why I had had to take the steps that I had to take. So I would rather that the camera be not focused on me and be focused on hon. Members who may be transgressing the rules.

2025 But I honestly cannot understand why Parliament –

2030 **Hon. Chief Minister:** Mr Speaker, can I –

Mr Speaker: – should be having a debate –

2035 **Hon. Chief Minister:** Can I implore you for one moment –

Mr Speaker: You can implore me, but listen to me. I cannot understand –

Hon. Chief Minister: Mr Speaker, there is no *Hansard*. We are *in camera*. If there is no microphone on, we are *in camera*. We have to be careful –

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Mr Speaker: I cannot understand why –

Hon. Chief Minister: You do not have to worry. The camera is on me because my microphone is on, but at least one microphone should be on for the purposes for the historic record of what you are about to say, even if it is the Clerk's microphone or something like that.

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Mr Speaker: Right, now I am on camera. I cannot understand why here in Parliament 17 people who are very busy, plus the Clerk and so on, should be having to debate what is in essence a simple issue and something that all of us who have been students over the last 50 or 60 years may have, at one time or another, had a similar experience of.

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Now, what does one do when it's either the Crown Agents, as it used to be, or these people get in touch? If you have a problem you get in touch with the Department of Education in Gibraltar and I am sure that the experience of most of us is that they would deal with the problem fairly quickly. So why do we have to keep on harping about a straightforward matter?

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Hon. Ms M D Hassan Nahon: Mr Speaker, if I may – thank you – could I ask the Government to get directly in touch as soon as possible with the UK Student Loans Company and ask them what is in fact going on and why they are calling graduates and scaring them?

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Hon. Chief Minister: This is why I am sorry that I have to remind her of what the process was. The students are the principal obligors on those loans. This was structured by the former administration in that way and the Government is not visible to the Student Loans Company – they do not see us in the equation. I do not know whether it is that we transfer the money to the student for him to pay or direct to the Student Loans Company but they have no relationship with us, and if they did the whole thing would be undone because there is an interest rate which is paid only to students for a period where it is paid only to students.

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It must have been that the former administration was running out of money, Mr Speaker, because I do not understand how it is that we put Gibraltar students in a situation where we *forced* them to take loans, which then affected their ability to take other borrowing, because when you come to your first mortgage aged 23 you are asked do you owe anything, and you do because the Student Loans Company is still owed money that the Government of Gibraltar is paying under a structure which they set up and we have completely abandoned.

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That is why I am saying to the hon. Lady that we have no visibility to that and the Student Loans Company would not be able to talk to us about it. If we picked up the phone and said, 'It is the Government of Gibraltar – can you please tell us what Gibraltar students owe you that they have not paid, because we want to pay?' they would say, 'This is a banking relationship – we cannot give you the information, we cannot talk to you about the place of residence of people who owe us money or anything.' A bit like what I have to say about Credit Finance that the hon. Members do not like. So it is impossible for us and my level of agitation is concern that if it is true that this is happening and they do not share the information with us, as Mr Speaker said, it is impossible for us to rectify and the last thing I want is for anybody who is a Gibraltar graduate or a Gibraltar undergraduate to be in that situation – but we want to be able to fix it.

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Now I do not know, if the hon. Lady does not want to give us the names, how we deal with it, but please tell them to get in touch with the Department of Education, because if there were one outstanding this would jump up like a red flag – it would hit the Minister and the Minister would hit me with it, and there is, as far as the Government is concerned, absolutely nothing outstanding to any UK institute of education or to the UK Student Loans Company in respect of

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any amounts which are due by any Gibraltarian student. If there are, we need to know and quickly, but if they do not tell us we cannot rectify it.

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Hon. Ms M D Hassan Nahon: Thank you for that, Chief Minister. But then is the Chief Minister saying that they have no measure of communication, nothing at all? How over the years, then, do these things get paid back? I do not understand.

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Hon. Chief Minister: Because there is a contract. Mr Speaker, this is something that the party she defended at the General Election put in place and we thought was a very bad thing. There is a contract between the student and the Student Loans Company (*Interjection*) which the students were forced to enter into by the GSD administration. That is a UK contract and the Government of Gibraltar has a contract with the student to pay back the amount that the student has taken in respect of those loans, in respect of whatever limits it was that might have been agreed at the time that the former administration was in government.

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That is the way it works. It is very strange, it is something that we spoke against from Opposition, it is something that they thought was a very good idea because it gave students money without the money having to come from the Government of Gibraltar, (*Interjection*) because it was another way of bumping up the scholarships in a particular way. I thought it was a very bad thing. It pushed students into debt. It was a Thatcherite approach to making students have to have those loans. The Student Loans Company is a creature of the Thatcher administration in the UK and therefore this did not meet with our approval from Opposition and when we came into Government we stopped it. But there is zero legal or contractual relationship between the Government of Gibraltar and the Student Loans Company. The GSD forced that it should be the student that should be the pivot in between both, and so the payments are made through the student to the Student Loans Company, and if they do not tell us what amounts are outstanding then we cannot pay them.

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I do not know whether it is that the former administration agreed a limit of the amount that students can take as student loans and whether some people have taken more than that limit and therefore this is their personal liability – that may be the case, but without the data we are not able to provide that information and that chasing would be something that would happen in writing, at least initially.

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If the Student Loans Company has assigned the debt or the chasing of the debt to an external credit agency, that would be months after the debt had been chased in writing, and if there had not been a repayment ... If there is anything like the oral chasing that the hon. Lady is talking about it would have been months after you had been chased in writing and it would start to affect people's creditworthiness, and that is why I am very concerned about it. But if we do not have the information we cannot ensure that we rectify it and we cannot ensure that we look at what it is that has happened.

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It may be that in the setting up of the structures at the time that they were in Government something has fallen down in respect of these two or three individuals that she is talking about, but it is not something that is happening across the board – far from it as far as I am concerned.

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This is a nightmare for students who were forced into debt by the GSD that is being resolved because we are not continuing to do it and we are making all the repayments as and when required.

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Hon. Ms M D Hassan Nahon: Thank you, Chief Minister. I repeat my concern was mainly because these individuals told me that the Student Loans Company had told them that they were tired of trying to get through to the Department of Education, but I will come back to you and furnish you with as much information as I am at liberty to furnish you with in order to sort this matter out.

Thank you.

Q131/2017
Post Brexit –
Education Department priorities

Clerk: Question 131, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Now that the new Minister for Education has had a chance to familiarise himself with the Ministry of Education, is he able to state what the main priorities are within Gibraltar's Education Department in the post-Brexit era?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, yes sir, but in order to pre-empt the inevitable supplementary, I am not going to state these today; I am able to but I am not going to.

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It is customary that Government priorities are laid out in the Budget Speech and I still have a little bit of work to do on that. These will be very clear in my Budget Speech, which is, after all, just a few months away.

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TOURISM, EMPLOYMENT, COMMERCIAL AVIATION AND THE PORT

Q134/2017
Tourist information offices –
Number of manned offices and closed offices

Clerk: Question 134, the Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, can the Government state which tourist information offices are currently manned and which ones have been discontinued during the past five years?

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

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Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, tourist information offices are currently operational at John Mackintosh Square, the Customs Building at the Frontier, the Cruise Terminal and the Coach Terminus.

The office at Europa Point was closed in May 2015 and the office at Casemates was closed in October 2015 but was replaced by the office at John Mackintosh Square.

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Hon. L F Llamas: Mr Speaker, with regard to the one at Europa Point discontinued since May 2015, what is the Government's position in relation to that office? Will it be reopening, or will it be going out to tender for retail or something like that, given that it is not being used at this point in time?

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Hon. G H Licudi: Mr Speaker, the office was closed because there was no demand for the purpose for which the office was set up, which was visitor information. Therefore, there is no intention to reopen it at the moment. As regards what will happen with the unit itself, I have absolutely no idea at this stage.

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HOUSING AND EQUALITY

Q173/2017

**Affordable new homes –
Letters to young people re purchase**

Clerk: We now move to Question 173. The questioner is the Hon. R M Clinton.

2185 **Hon. R M Clinton:** Mr Speaker, can the Government advise, as per the Chief Minister's New Year's Message, how many letters have been sent to young people to start the process of purchasing new affordable homes at Bob Peliza Mews and Hassan Centenary Terraces?

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

2190 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, no, because these have not yet gone out.

2195 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Hon. Minister for her answer. Can she give the House an indication of when she might anticipate sending these letters out?

Hon. Miss S J Sacramento: Mr Speaker, I am waiting for another draft of the letter to be sent to me, so once the draft is provided to me and we are happy with it, it will be then.

2200 **Hon. R M Clinton:** Mr Speaker, from her answer would I be correct in deducing that the process is fairly advanced and that, from her answer, letters are likely to go out within the month?

2205 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, that will probably be likely, possibly before even. It is something we have been working on for a while, so it is something that is reaching its conclusion.

Hon. R M Clinton: Mr Speaker, in those letters would the Minister be advising purchasers of a likely completion date?

2210 **Chief Minister (Hon. F R Picardo):** Mr Speaker, a letter that is going to go out to people is not something that we are going to tell the Parliament about the content of it today. When the letter goes out the letter will be public and the hon. Gentleman will see what is in the letter. It is quite unfair to ask us to give him the details of what is going to be in a letter to potential purchasers before anybody has got it.

2215 **Hon. R M Clinton:** Mr Speaker, I thought we were precisely in Parliament to obtain information from Government which is not necessarily public. Again I ask: is there going to be any information in these letters that indicates a likely completion date?

2220 **Hon. Chief Minister:** Mr Speaker, we are not in Parliament to tell the hon. Gentleman the content of correspondence that has not yet gone out. So the hon. Gentleman can ask us to tell him what is going to be in the letter and we can tell him that when the letter goes out he will see what is in the letter. We are not telling him we are not going to tell him what is going to be in the letter but the letter is in draft. It may change: there may be more put in it or less put in it, depending on what we think it is appropriate that we should put in it at the time it goes out.

2225 He will no doubt see many of the copies that will come in their direction once they are sent. He can then ask us about the content of the letter once it has gone out, but it really beggars

2230 belief that hon. Members opposite think that transparency and accountability is to come to the Parliament to ask the Government to tell them today what we are going to put in a letter that is going to go out next month. It is not anything that has ever been seen in a democracy, I think, Mr Speaker.

Q174/2017
Government rental homes –
Details of repairs pending

Clerk: Question 174, the Hon. E J Reyes.

2235 **Hon. E J Reyes:** Can the Minister for Housing provide updated details of how many jobs in respect of repairs to rental homes are currently pending – that is, still not fully completed – indicating the dates when these reports were first made by tenants and the nature of the works required?

2240 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, there are a total of 239 pending repairs. These are all of an internal nature and were reported to us as follows: four in June 2016; one in July 2016; eight in August; seven in September; 11 in October; 22 in November; 27 in December; 129 in January 2017; and 30 in February 2017.

2245 Given how huge the list of repairs outstanding used to be when we took over, hon. Members opposite will no doubt want to congratulate us on the record low outstanding repairs now.

Q175/2017
Government rental homes –
Details of empty homes

Clerk: Question 175, the Hon. E J Reyes.

2250 **Hon. E J Reyes:** Can the Minister for Housing provide an updated list showing the total number of homes which are currently empty; providing as detailed a breakdown as possible of pre-war and post-war properties by indicating their rooms composition, locations such as the housing estate in which they are situated and the dates as from when these homes have been empty?

2255 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, there is nothing to update since Question 75/2016.

2260 **Hon. E J Reyes:** Mr Speaker, in reply to Question 75, the hon. Lady said there were 11 pre-war flats and 47 post-war flats and then gave me a breakdown between the 1RKB and the 6RKB. In my question today I am trying to find out, of these 1RKB to 6RKB, which are pre-war and which are post-war; and the hon. Lady last time, when I had asked for location, the only information she had been provided with was north, south east and west locations. Therefore,
2265 this time round, Mr Speaker, I did put down 'locations' and I gave an example 'such as the

housing estate' because the hon. Lady did not have the information with her last time. In my supplementary I did say really what I was looking for was to see whether they were in Laguna Estate or Varyl Begg Estate, or whatever. That is why I reposed the question in the hope that the clerical staff that does furnish the Minister with information would by now have been able to locate those details.

Hon. Miss S J Sacramento: Mr Speaker, there is no change in that there has been no movement in relation to the stock.

Mr Speaker, you may recall that on the last occasion I did say that I was not willing to say that there was, say for example, one in Laguna, two in Glacis, or whatever, so as not to encourage people to start a treasure hunt looking for the vacant flat or flats in the particular estate.

There was a lot of detail provided in the answer to the last question. What we did perhaps leave in the air was specifically which estates comprise the north area and the south area. So, just to clarify for the hon. Gentleman opposite, the north area will include Glacis Estate, Laguna Estate and Catalan Bay, and the south will include Alameda Estate, St Joseph's Estate, St John's Court and Heathfield House. I think the south district is easy to delineate. The Upper Town will of course be Castle Steps, Lime Kiln Steps, Moorish Castle Estate, Tankerville and those estates up there. In relation to the west area, which is what he specifically asked of me on the last occasion, that would include Mid Harbours Estate, Varyl Begg, Chilton Court and Edinburgh Estate.

I hope that clarifies the matter, but in terms of the stock there has been no movement since the last question was answered. There has been a very short period, actually, since I last rose to answer that question.

Hon. E J Reyes: Yes, that offers some clarification, Mr Speaker.

When the Hon. Minister last time gave me the details, she said that of the 58 flats 11 were pre-war and 47 were post-war, but in the breakdown of room composition all 58 are amalgamated into one. Is she able to divide those now which are the pre-war and which are the post-war? I do not know if I am explaining myself ... For example, there are six 1RKB. Of those six, how many pertain to pre-war and how many pertain to post-war and so on up to the 6RKB?

Hon. Miss S J Sacramento: No, Mr Speaker, I do not have that detailed breakdown before me, but if the hon. Gentleman wants to ask me next time ... In fact, I would go further and ask the hon. Gentleman, given that these are now empty, if he wants to ask me not next month but the month after it may be that they may no longer be empty by then. So that may clarify the issue even further.

Hon. E J Reyes: Yes, but Mr Speaker, last month I was trying to get that information and the hon. Lady did not have it with her, so we ended up saying, 'Well, if he wants to ask next month ...' I could ask it. I have been clear in my wording here: 'providing as detailed a breakdown as possible of pre-war and post-war properties by indicating the rooms composition'. Would the hon. Lady wish to contact her Department and perhaps later on in the session give it?

I did give fair notice of this question, Mr Speaker.

Hon. Miss S J Sacramento: Mr Speaker, the way that we have read this question is essentially, because it is the same question as it was last month, to provide the information by way of update – and there has been no update in relation to the stock because there has been no movement in the stock, i.e. last month we had x number of empty flats and this month we have the same stock because, for whatever reason, there may not have been an allocation in the last two and a half weeks since we answered the question. It is because, Mr Speaker ... and we had the same conversation – *(Interjection by Hon. D A Feetham)*

2320 Mr Speaker, I can hear the hon. Gentleman, the Leader of the Opposition, muttering from the other side, telling the Hon. Mr Reyes to be firm. Mr Speaker, this is not a game. I am just explaining the way that we have interpreted the question that has been asked. (*Interjection*) We have been asked to provide an updated list; I am updating it from last month. Last month I had certain figures – there is no need to update it because there has been no movement, Mr Speaker.

2325 **Mr Speaker:** Am I correct in understanding that what has happened is that the hon. Lady is saying that there has been no change? But in the answer that you were given to Question 75 not all the details that you had been requesting in your question had been dealt with. Is that the position? And therefore it is that that you are actually asking about. So it is separate information which she did not give you then and she is not giving you now because she is just saying that there has been no change, and that you require. If she does not have that information here with
2330 her, I am sure she will undertake to provide it for you. Is that correct?

Hon. E J Reyes: No, Mr Speaker, not 100% correct. I posed Question 75 last time. We said: can the Minister for Housing provide a list showing the total number of homes which are currently empty, providing a breakdown of pre-war and post-war properties, indicating the
2335 rooms composition, locations and date?

The explanation of the locations ... the hon. Lady has explained to me this time round how she does not want to identify the particular estate but has been generous in saying 'by north I mean Glacis, Laguna and Catalan Bay...' I can accept that. If I were the Minister for Housing I would probably end up saying something similar.

2340 My question this time, Mr Speaker ... I do not say anything further to or relating to the question, because when I have tried that in the past then I get the answer that there has been no change and there is confusion. What I have done is I have worded it in such a manner to clarify better what I had tried to get last time, and therefore my new words are 'providing as detailed a breakdown as possible of pre-war and post-war properties by indicating the room
2345 compositions'. Therefore, I am asking for as detailed a breakdown as possible of pre-war and post-war, which are pre-war which are post-war and what are their breakdowns.

The clerical staff that provides the information for the hon. Lady could have also done a little bit of homework and looked at the *Hansard* and said, 'Well, look, this is what he was saying last time, because it is a very similar question, let's clarify.'

2350 As a gentleman I accepted her honest answer last time. I do not have a breakdown of the 1RKB, how many are pre-war and post-war. I repeat the question, and to be told again 'I do not have the breakdown', Mr Speaker ... If she does not have it I have to accept it, but perhaps your word advising the Minister to get her clerical staff to get their act together and provide the information so as not to put her in an embarrassing situation ... I would appreciate that at least,
2355 Mr Speaker.

Mr Speaker: I am not aware that the Speaker's authority extends beyond the boundaries of this building!

2360 **Hon. Miss S J Sacramento:** Mr Speaker, I do not think this is an issue of staff doing their homework or not doing their homework; it is the staff's interpretation of the question in the way that it is posed.

Mr Speaker: Look, let's bring this matter to a close. I think the Hon. Minister understands
2365 what the hon. Member is after. She does not have the information and I am sure she will endeavour to provide it as soon as possible. So let's move on to the next question.

Q176/2017

**Government housing waiting lists –
Detailed breakdown of number of applicants**

Clerk: Question 176, the Hon. E J Reyes.

2370 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide an up-to-date list in respect of the number of applicants on all Government housing waiting lists, inclusive of a breakdown showing also the pre-list, social and medical lists, indicating their rooms composition entitlements and dates when these applicants joined the respective lists?

2375 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, there are 217 people on the pre-list and 1,302 applicants on the waiting list, of which there are 137 on the medical list and 49 on the social list.

2380 Their applications are as follows. There are 1,179 for 1RKB, 83 for the 2RKB, 167 for the 3RKB, 77 for the 4RKB, nine for the 5RKB and three for the 6RKB.

Further to the dates provided last month in Question 73/2017, 15 applicants have since joined the pre-list.

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Q177/2017

**Government website –
Updating of statistical information re housing matters**

Clerk: Question 177, the Hon. E J Reyes.

2390 **Hon. E J Reyes:** Can the Minister for Housing indicate by when it is expected that the statistical information in respect of housing matters shown in the Government's website will be updated, as the information currently provided is now 12 months out of date.

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

2395 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, discrepancies and inaccuracies in the presentation of the data were noticed. The complete system is currently under review in order that statistics going forward are presented as accurately as possible. I hope that the exercise is complete within six months.

Mr Speaker: Next question.

Q178/2017

**Government rental homes –
Breakdown of applicants' house size requirements**

2400 **Clerk:** Question 178, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, further to Question 73/2017, can the Minister for Housing provide a more detailed breakdown in respect of the range of 1RKB to 6RKB pertaining to the

2405 house size requirements in respect of applicants who joined any category of housing waiting lists prior to 8th December 2011 and who have still not been handed keys to a new home as at February 2017, inclusive of dates of applicants joining said lists?

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

2410 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, there are 245 applicants who have not physically received their keys.

2415 The house size requirements range from 1RKB to 5RKB and these applicants joined the list as follows: between 2000 and 2005, 19 for 1RKB, one for 2RKB, one for 3RKB, one for 4RKB; from 2006 to 8th December 2011, 134 for 1RKB, 28 for 2RKB, 34 for 3RKB, 22 for 4 RKB and five for 5RKB.

Q179/2017

**Government rental homes –
Urgent decanting of tenants**

Clerk: Question 179, the Hon. E J Reyes:

2420 **Hon. E J Reyes:** Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes since the answer to Question 77/2017, indicating the reason why, the date when said decanting became necessary and the date when the tenants were able to return to their home?

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

2425 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** None, Mr Speaker.

Mr Speaker: Given that that was also the answer last month –

2430 **Hon. Miss S J Sacramento:** No, Mr Speaker, sorry, I am reading from the wrong page! Mr Speaker, it is £460 that has been paid Triay & Triay in respect of one property.

Mr Speaker: So what is the answer?

2435 **Hon. Miss S J Sacramento:** Well, then, it is none. It is none, then I am fine. I have answered the next question. My mistake.

Mr Speaker: What is the answer to Question 179? None?

2440 **Hon. Miss S J Sacramento:** None.

2445 **Mr Speaker:** Given that that was also the answer at the last meeting, could I suggest to the hon. Member that instead of asking the same question every month, because decanting does not seem to be a very frequent process, he might allow a slightly longer time lapse in between the same questions?

Hon. E J Reyes: Yes, Mr Speaker, I can understand what you are asking.

I am very grateful to the hon. Lady, because last month we clarified ... I had been asking these in the past. Last month she clarified there were none and I had also asked the further question,

2450 is there anyone still pending awaiting to return, and the answer was none. Therefore my statistics sheet that I keep on that was completely in zero.

This time round, because the previous question actually refers to that, I went to the Government website and looked there, and because the information was missing I said, 'Given that it is wintertime and if anybody gets to be moved it happens to be ... worse cases happen to come in winter because of flooding from the roof and so on,' I said 'Well, I will throw it in now.'

2455 I can understand what you, as Speaker, are trying to say, so I will make a note and I will probably pose that every other month.

Mr Speaker: Precisely. Because we are now in winter, if the hon. Member were to ask the question say in May, then he would get a picture of what would have happened in respect of decanting in the previous three months, and there is no need to ask the question on two or three occasions.

I am liberal, as the hon. Member will agree, with all questions that he asks which might be the same but the answer is not the same, and because the answer is not the same from month to month I am liberal in allowing him to ask the question.

2465 In this case there has been no change for two months and the odds are ... Well, you never know, 20 people might be decanted, God forbid, next month.

Next question.

2470

Q180/2017
Government rental homes –
Squatters

Clerk: Question 180, the Hon. E J Reyes.

2475 **Hon. E J Reyes:** Can the Minister for Housing say how much expenditure has been incurred in respect of legal costs relating to the eviction of squatters from Government rental homes since the answer to Question 79/2017, providing a breakdown showing the number of homes involved and to whom payments were made?

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

2480 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, £460 has been paid to Triay & Triay in respect of one property.

Q181/2017
Empty homes –
Contracts awarded for making suitable for reallocation

Clerk: Question 181, the Hon. E J Reyes.

2485 **Hon. E J Reyes:** Can the Minister for Housing provide details of all expenditure incurred since the answer to Question 80/2017 in respect of contracts awarded for making empty homes suitable for reallocation, stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment, as well as indicating the type/nature of repair works or cleaning services undertaken?

2490 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, since Question 80/2017 Ace Plumbing was paid £4,380 for one property, Elite Plumbing was paid £2,495 for one property, ASJ Builders was paid £16,700 for one property and Liberty was paid 2495 £6,000 for one property.

The works carried out by these companies was general refurbishment works, including plastering walls and ceilings, painting, replacing floor tiles, doors, plumbing, electrical works, etc.

Q182/2017
Government rental homes –
Outstanding arrears

Clerk: Question 182, the Hon. E J Reyes.

2500 **Hon. E J Reyes:** Can the Minister for Housing provide updated details of outstanding arrears in respect of Government rental homes?

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

2505 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, as at 1st February 2017, the level of outstanding arrears in respect of Government rental homes stood at £5,225,585.42.

Clerk: Question 183, the Hon. –

2510

Hon. R M Clinton: Sorry, Mr Speaker, just one supplementary. I am grateful to the Minister for her answer. I was wondering, in terms of that amount, £5.2 million, how is the Minister accounting for arrears in respect of those properties for which the Government is solely the tenant and those for which she has to account for the rent to Gibraltar Capital Assets Ltd?

2515

Chief Minister (Hon. F R Picardo): Yes, Gibraltar Capital Assets, which the hon. Gentleman knows I am involved with, so I will deal with the question.

Mr Speaker, I am quite happy to ask the Financial Secretary to give us an indication of how that aspect of the calculations is dealt with and revert to the hon. Gentleman.

2520

As he knows, Gibraltar Capital Assets is not a company for which we are answerable in this House, but I have shared the information with this House and then had what I thought was a very fruitful meeting with hon. Members opposite for an hour and a half, and then an hour and a half with the hon. Lady – although they were very ungenerous, if I may say so, when they left the meeting and went to the media about how fruitful it had been.

2525

But I am quite happy to ask the Financial Secretary to provide the information.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for what was indeed an interesting meeting.

2530

If he could, just to clarify, confirm that he will ask the Financial Secretary, in terms of this £5.2 million, for a breakdown between those that are due entirely to the Government and those for which the Government is acting as collection agent.

Hon. Chief Minister: Mr Speaker, when he is talking about £5.2 million he is talking about the historic figure. The only bit that will be relevant will be the amount going forward from the date

2535 that these arrangements were entered into, not the £5.2 million. But I will ask him to provide an indication of how we deal with those – whether it is in effect an assignment of rent to Gibraltar Capital Assets where there is an arrear in respect of those rents.

Q183-184/2017
Bruce's Farm rehabilitation centre –
New leadership

Clerk: Question 183, the Hon. E J Phillips.

2540 **Hon. E J Phillips:** Mr Speaker, can the Government explain the recent change in leadership at Bruce's Farm rehabilitation centre?

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

2545 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 184.

Clerk: Question 184, the Hon. E J Phillips.

2550 **Hon. E J Phillips:** Can the Government state what qualifications the new leader at Bruce's Farm is in possession of?

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

2555 **Hon. Miss S J Sacramento:** Mr Speaker, there have been no changes at Bruce's Farm rehabilitation centre.

Q185/2017
Bruce's Farm –
Suitable qualification of staff

Clerk: Question 185, the Hon. E J Phillips.

2560 **Hon. E J Phillips:** Can the Government confirm that all those persons working at Bruce's Farm are qualified to be working with addicts?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, yes.

Q186/2017
Public sector employment –
Drugs-free work policy

2565 **Clerk:** Question 186, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state when it intends to introduce a drugs-free work policy throughout the public sector?

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

2570

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, this is an initiative of this administration of which we are very proud and the hon. Members opposite will no doubt want to congratulate us on it. They will be pleased to note it is already in draft format and in the process of internal consultation.

2575

Hon. E J Phillips: I note from the hon. Lady's answer to that question and also the manifesto, which in fact states 'the adoption of a drugs free work place policy throughout the public sector' ... I also note that in answer to that question she stated that it is going out to consultation, but the question I put was when it intends to introduce the policy itself. Does the Minister have any further information as to when the consultation process will complete and when it will become live?

2580

Hon. Miss S J Sacramento: It is an internal consultation process, so the answer to your question will pretty much be determined by the process of consultation, because there are ... It is a complicated policy. It is not a straightforward policy, particularly because it is a public sector wide policy, so there will be different issues depending on which Department of the public sector we are looking at. So it is quite complex in terms of the standard of the quality of the testing, ensuring that there is no contamination, ensuring that we have support, because the emphasis of the policy is really on ensuring that ... It is not a punitive policy. The aim of the policy is not to punish inasmuch as it is to prevent and to support, so we have to ensure that ... It is a human resources policy, essentially, so we have to ensure that everything is in order, and there are obvious resource implications into the implementation of the policy so it is something that we are looking at internally with all the relevant Departments to ensure that we get everything right.

2585

2590

I do not want to, for the sake of expediency, commence a policy and then have gaps in supporting the people whom we want to assist by implementing this policy, particularly given the vulnerable group of people that we are talking about when we look at this kind of policy.

2595

Hon. E J Phillips: Mr Speaker, I would commend the policy but one thing I would like to ask is whether it is going to be rolled out in stages. It would make sense, certainly from this side of the House, that we tackle first the emergency services, healthcare professionals, the Fire Service and Police first and then roll it out insofar as the public service is concerned. I just want to know if that is the intention of the Government, to roll it out slowly insofar as the emergency services and thereafter the other public service.

2600

2605

Hon. Miss S J Sacramento: Subject to the outcome of the consultation process, Mr Speaker – because I would not want to pre-empt what the advice from the other Departments will be – the intention is that the introduction of such a policy would be phased.

Q187/2017

Lifts for Government housing schemes – Fitness for purpose

Clerk: Question 187, the Hon. Ms M D Hassan Nahon.

2610

Hon. Ms M D Hassan Nahon: Is Government satisfied that the lifts being placed on all Government housing schemes and Aerial Farm development which were stored for over a year at Lathbury, exposed to the elements, are fit for purpose?

2615 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, yes.

Q188/2017

**St Anne's School playground car park –
Health and safety re construction**

Clerk: Question 188, the Hon. Ms M D Hassan Nahon.

2620 **Hon. Ms M D Hassan Nahon:** Does the Government feel satisfied with the health and safety arrangements and standards relating to the construction of the new car park adjacent to the St. Anne's School playground?

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

2625

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, yes.

2630 **Hon. Ms M D Hassan Nahon:** Mr Speaker, cranes are towering adjacent to the St Anne's School. Similar ones ... only last year part of a crane collapsed at Eastern Beach construction site. So my question is: how often do the safety officers visit the site to ensure that these cranes are operating safely?

2635 **Hon. Miss S J Sacramento:** Mr Speaker, since the start of this project there has been a professional team of inspectors meeting with the project's team of designers and architects and engineers and their safety planning supervisor to establish the safety parameters, and the Health and Safety Inspectorate is, of course, in direct consultation with the Schools Representative Authority. Furthermore, Mr Speaker, inspectors visit that site very frequently and notify the project manager in case there are any findings.

2640 So, in answer to the supplementary question, on the basis of the involvement of the health and safety professionals and upon their advice, there is no advice that there is any health and safety risk in this project.

2645 **Hon. Ms M D Hassan Nahon:** Thank you for that. Does the school have emergency exit arrangements in place that do not include the school's playground in the event of an accident with one of those cranes?

2650 **Hon. Miss S J Sacramento:** Mr Speaker, from memory as to the layout of the school, then I think the answer is yes, and in any event, anything that is a requirement under health and safety would have been brought to our attention in the event that the answer were no and it was required and we needed to make some kind of alternative arrangements or adjustments.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): I move that the House do now adjourn until Wednesday at 10 a.m.

2655 **Mr Speaker:** The House will now adjourn until Wednesday at 10 a.m.

The House adjourned at 12.48 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.08 a.m. – 12.53 p.m.

Gibraltar, Wednesday, 15th February 2017

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The Gibraltar Parliament

The Parliament met at 10.08 a.m.

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

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

Questions for Oral Answer

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q189-199/2017

Public finances –

Clerk: Wednesday, 15th February, Meeting of Parliament.

We continue with answers to Oral Questions. We commence with Question 189. The
5 Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date, being 1st January 2017?
10

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

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):
15 Mr Speaker, I will answer this question together with Questions 190 to 199.

Clerk: Question 190, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise the total liquid reserves figure and its constituents, namely Consolidated Fund, Improvement and Development Fund, Government-owned companies, deposits, contingencies and other funds for the following date, being 1st January 2017?
20

Clerk: Question 191, the Hon. R M Clinton.
25

Hon. R M Clinton: Mr Speaker, can the Government please advise how total liquid reserves are invested/held given details of all bank/savings bank accounts and cash held for the following date, being 1st January 2017?
30

Clerk: Question 192, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if it has sold its holding of 7,500 class A ordinary Shares of Gibtelecom Ltd; and if so, to whom, on what date and for what reason?

35

Clerk: Question 193, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise, if sold, what was the total consideration received by the Government for the 7,500 Gibtelecom Ltd class A ordinary shares and how was this valuation arrived at?

40

Clerk: Question 194, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise under what head of revenue were any Gibtelecom Ltd share sale proceeds recorded and in which financial year?

45

Clerk: Question 195, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the cost of printing and distributing the 2014-15 booklet entitled Report and Annual Accounts of the Gibraltar Savings Bank?

50

Clerk: Question 196, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if the Principal Auditor reviewed and approved the final printer's proof of the 2014-15 booklet entitled Report and Annual Accounts of the Gibraltar Savings Bank?

55

Clerk: Question 197, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, why has the Government omitted the Statement of Investments included in the Principal Auditor's certificate from the published booklet 2014-15 entitled Report and Annual Accounts of the Gibraltar Savings Bank?

60

Clerk: Question 198, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how much interest has been paid by Gibraltar Investment (Holdings) Ltd to Credit Finance Company Ltd in respect of the deposit placed with it from date of inception to 31st March 2016?

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70

Clerk: Question 199, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, further to Question 698/2016, can the Government please advise why holding property in GAR Ltd is an advantage for the Government as opposed to GCP Investments Ltd in respect of the deed of sale dated 1st July 2014 for 14 properties?

75

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

Hon. J J Bossano: Mr Speaker, the position as regards total liquid reserves composition, when, where and how these are invested on a particular date chosen by the Member opposite, continues to be as previously stated.

80

85 The position of the public debt on 1st January 2017 is as it was estimated on 1st December 2016 except that the cash reserves are now estimated at £94 million and the net debt at £352 million.

The hon. questioner already has the information on the sale of Gibtelecom Ltd that he is requesting.

The proceeds of the sales were credited to the Improvement and Development Fund in the financial year that it took place.

90 The Principal Auditor does not proofread the Savings Bank Booklet, the cost of distribution of which will be known when the distribution is completed.

The interest paid to Credit Finance on FRNs has been £65,530,744 up to March 2016.

The answer as to why we have adopted a given policy which the hon. Member asks in four of his questions is the answer I gave him in supplementaries when previously asked why.

95 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Hon. Minister for his answer.

He says I already have the information in respect of the sale of the 7,500 Gibtelecom shares. I am afraid I do not actually have anything official. Could he tell me what date they were sold and to what entity?

100 **Hon. J J Bossano:** Mr Speaker, he asks in every meeting of the House for a list of the investments of the Gibraltar Savings Bank, and in the list that he gets it shows when the Savings Bank ownership of shares went up from £37 million to £75 million. In fact, he phoned me up when he noticed it recently to ask me if this was a typo error or a reflection that all the shares were now owned by the Savings Bank.

105 If he wants to know who did we sell it to, he knows who we sold it to because I have told him on the phone and I have given him a piece of paper in answer to a question which shows the value of the shares held by the Savings Bank. And he knows what that value is because it is 100% of the shares at double the price of what 50% of the shares were.

110 So all the questions that he has asked me are already contained in the information I have already given him and I confirmed this to him on the telephone.

115 **Hon. R M Clinton:** Mr Speaker, yes, I can confirm I had a telephone call with the Hon. Minister; it was mainly just to ascertain whether there was, as he said, a typographical error or not. But what I have not been able to see from the schedules that he has provided me with since I have been in this House – and in fact the first schedule I had was in respect of November 2015 ... and at some point between March 2015 and November 2015 these shares were bought by the Savings Bank. I would just like to know on what date.

120 **Hon. J J Bossano:** I believe it happened in two tranches in August and October, it was not done in one go.

125 **Hon. R M Clinton:** Mr Speaker, again I am grateful to the Minister. Would he be able to confirm that to me in due course, and in fact the amounts involved and which dates?

Hon. J J Bossano: He knows for certain that it is in the period that he has mentioned where he has not got the information. I believe the second tranche was in October and the first one might have been in July or August, but I will get the exact month if he wants to know that.

130 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Hon. Minister for confirming that and providing me with the information in due course.

If I may, coming to the actual head of revenue, he says the Improvement and Development Fund – would he be able to identify for me which head of revenue it was recorded under?

135 **Hon. J J Bossano:** It was the head of revenue that says 'Sales of property'.

Hon. R M Clinton: Mr Speaker, looking at the estimates for 2016 and looking at the results for 2015-16, head 102 says 'Sale of Government properties and other premier' subdivided between '(1) Land and building sales and leases' and '(2) Ex-MoD sales'. Would he be able to tell me whether it was (1) or (2)?

Hon. J J Bossano: If he wants to know exactly where it is, I will find out and tell him. The answer is the money went into the I&D Fund to finance I&D projects, but if he wants to know exactly on what page or on what part of the page, I will find out.

Hon. R M Clinton: Mr Speaker, I would be grateful if he would because £37 million would be a significant revenue item in that particular head of revenue. All I can see is one that says 'Land and building sales and leases'. I am sure the Hon. Minister would agree with me that the sale of shares is not really land, buildings or leases, and perhaps a new head of revenue should have been opened for the sake of clarity.

I would be grateful if he would confirm, either today or later in due course, whether that £37 million forms part of the forecast outturn for 2015-16, presumably in that financial year, which shows a number of £92,450,000.

Hon. J J Bossano: I do not need to confirm that by going back, because it is inevitable that it should. If the money was transferred in October, then it would be in the forecast outturn in the following March.

Hon. R M Clinton: Again, finally, just to be absolutely clear on this point, I would be grateful if the Minister would confirm if it is in fact part of that £92.4 million showing in the Estimate Book for this year in respect of the outturn for 2015-16. If he would be able to confirm that he would be willing to do that, I would be most grateful.

Hon. J J Bossano: Mr Speaker, I am telling him it is impossible it should not be, but if he wants me to ask I will ask.

Hon. R M Clinton: Mr Speaker, now coming to the rationale for this sale, I would be grateful if the Minister could advise why did the Government feel it was necessary to sell the Gibtelecom shares to the Savings Bank

Hon. J J Bossano: Mr Speaker, I have already answered that in my original answer. I have told him the answer as to why we have adopted a given policy, which the hon. Member asked in four of his questions, is the answer I gave him in the supplementaries when previously asked why.

Hon. R M Clinton: Can I then ask the Minister if it was always the intention of the Government to sell the Gibtelecom shares to the Savings Bank when the original estimates for 2015-16 were produced?

Hon. J J Bossano: Mr Speaker, he can ask me whatever he wants but that does not mean that he is going to get an answer. I do not see why I should tell him what my intentions were at any given point in time. I am here to provide facts, not thoughts.

Hon. R M Clinton: Mr Speaker, I thought I was asking a factual question, because in the estimates for 2015-16 there is the number £79.5 million. I am merely asking if it was envisaged in that £79.5 million that the sale of Gibtelecom shares was included as a number of £37 million.

Hon. J J Bossano: Mr Speaker, the estimates that are provided to the Parliament are the estimates carried out by the Finance Department on the basis of what is known at the time that the estimates are done. A day later, a decision may be taken to do something different and we do not come back and change the estimates.

I have told him before that he should go back and look at the wise words of the greatest Gibraltarian, who was supposed to say to Parliament 'estimates are just estimates'.

Hon. R M Clinton: Mr Speaker, would the hon. Member agree with me that it is somewhat unusual – and obviously the Government has not seen the need to do this in the last five years – that it should cause the sale of the shares of Gibtelecom to the Savings Bank? That is not a normal item that would appear in the Improvement Development Fund.

Hon. J J Bossano: No, Mr Speaker, I do not agree with him.

Hon. R M Clinton: Mr Speaker, if I may just ask the Minister one last question on this point: if he can confirm to me that these shares were sold directly to the Savings Bank and there was no intermediary entity involved.

Hon. J J Bossano: That is correct.

Hon. R M Clinton: Mr Speaker, has the Minister – I have noticed in the Principal Auditor's Report for this year that he has added a clarification note in terms of legal ownership and beneficial ownership – now wearing his hat as the Minister for the Savings Bank, has he got any kind of letter or Statement of Trust that the Government are holding these shares for the beneficial ownership of the Savings Bank?

Hon. J J Bossano: Mr Speaker, the only letter that can exist is the letter that the officials involved in conducting the transaction consider necessary. Therefore, if it is not there it is because it is not considered necessary, and if it was considered necessary it would be there.

Hon. R M Clinton: Mr Speaker, can I then ask the Minister: is there any form of documentation at all surrounding this share sale?

Hon. J J Bossano: I would not know, Mr Speaker, because I do not ask people. As a policymaker I take responsibility for the policy but I do not then go back and say now show me all the paperwork of how you have done it. That is not the way the Government performs its duty; otherwise, we would all be running all the Departments and we could dispense with 5,000 civil servants.

Hon. R M Clinton: Mr Speaker, in terms of the consideration for the Savings Bank shares that were sold, would the Minister confirm that the valuation was that which was given for the B shares purchased by the Savings Bank previously, and would he be able to tell me on what basis that valuation was originally carried out?

Hon. J J Bossano: Mr Speaker, I have already answered that question because I have told him that the valuation is for 100%, double what it was for 50%, so it must follow axiomatically that it is in fact the same valuation for the second 50% as was done for the first. And the first was a valuation done on the basis of the negotiation with Slovenia Telecom at the price at which they were prepared to sell it and we were prepared to buy it.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister. Can he advise, in terms of that valuation, whether he is aware or not as to how they arrived at the valuation? Was it some sort of multiple of earnings of Gibtelecom?

240

Hon. J J Bossano: No, it was based on what we negotiated with them, given that there were other buyers interested in buying that share and we were interested in keeping it under our control because we did not know whether they were going to finish up if they were bought by the same people who were negotiating to buy the whole of Slovenia Telecom.

245

Hon. R M Clinton: So the Minister is saying that he is not aware whether any multiple of earnings were used in that calculation?

Hon. J J Bossano: Mr Speaker, I do not know if the hon. Member is hard of hearing but he keeps on asking me if what I have said means what I have said – and the answer is yes, what I say means what I say. Yes.

250

Hon. R M Clinton: Mr Speaker, one final question in respect of the sale of Gibtelecom shares: would the Minister agree with me that if this sale of shares had not occurred the surplus reported by the Government for that financial year would necessarily have been lower by £37 million?

255

Hon. J J Bossano: No, Mr Speaker, I do not agree.

260

Hon. R M Clinton: Mr Speaker, I would be grateful if the Minister could explain to me why he would not agree that if he took £37 million out of the Improvement and Development Fund revenue it would impact on the overall result for the Government for the year.

Hon. J J Bossano: Mr Speaker, I do not answer ‘why’ questions from the hon. Member, and I have not said that if the money had not been obtained by selling it would have been taken from the Consolidated Fund.

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Hon. R M Clinton: Surely, Mr Speaker, the Minister must agree with me that if this £37 million was not obtained by the Improvement and Development Fund, then certainly the Improvement and Development Fund in itself would be short of £37 million. Would he not agree with that statement?

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Hon. J J Bossano: Actually, Mr Speaker, I do not have to agree with anything that he says, but in fact he was asking in his previous supplementary whether I would have accepted the surplus, and there is no surplus in terms of capital, the surplus is surplus of recurrent revenue over recurrent expenditure, and if the Government had not sold the asset that it did to the Savings Bank in order to raise capital for capital investment, it could have sold another asset to raise that money. Therefore it does not follow inevitably that the conclusion he is trying to draw is accurate.

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Hon. R M Clinton: But, Mr Speaker, nevertheless the Minister will have to agree that if he had not sold that asset he would have had to sell another asset to make up the difference.

Hon. J J Bossano: Mr Speaker, if we had decided to continue the spending at the level that it was in the book and we had not sold this asset, another asset could have been sold.

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Hon. R M Clinton: Mr Speaker, coming to the Savings Bank itself, the Minister said that he will not know how much the Report and Annual Accounts – which I referred to commonly as a

290 'glossy' for 2014-15 – how much did that cost, but he must obviously be aware that it is already being distributed. Perhaps if he could just give me the cost of the printing.

Hon. J J Bossano: There is no cost for printing.

295 **Hon. R M Clinton:** I am sorry, Mr Speaker, but the actual booklet for that particular year is shown as being printed by the Gibraltar Chronicle Printing Works Ltd. Is the Minister suggesting that they did it for free?

300 **Hon. J J Bossano:** No, Mr Speaker, what I am suggesting is that his party in government gave a grant to the Chronicle Printing Works of a global sum of money which they get whether the Government does printing or does not do printing. Therefore, the cost of printing this is zero because we would have paid the same money to the Chronicle if this had not been printed as we have paid when this was printed.

305 **Hon. R M Clinton:** So, if I understand the Minister correctly, what he is telling me is the Chronicle are beholden to the Government for a fixed amount and therefore there was no incremental cost to the Government in producing these booklets.

310 **Hon. J J Bossano:** It is correct that he has repeated what I have said using different words, Mr Speaker. *(Laughter)*

315 **Hon. R M Clinton:** Mr Speaker, the Minister, if I heard him correctly – and obviously I must be hard of hearing these days and I apologise for that in advance, my advancing years – I believe mentioned that the Principal Auditor had not reviewed the booklet, the final printer's proof, before it went out. May I ask why not?

320 **Hon. J J Bossano:** Mr Speaker, he may ask why not on innumerable occasions and I will give him the same answer on every occasion that he asks it, but in fact I have not said that he had not; I said that he does not. That is to say that he is not required to do it. So it is not that he is required and did not do it; it is that ... my wording is that the Principal Auditor does not proof read the Savings Bank Booklet.

325 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister. If I may ask, is he aware that on the page heading up 'Incoming and Expenditure Account' in the booklet it starts off 'Contribution from the Consolidated Fund', which does not actually appear in the Income and Expenditure account in the *Gazette*, nor in fact in the Principal Auditor's Report itself. So, somewhere along the line somebody has not read this through properly and I would be grateful for the Minister's thoughts on where the words 'Contribution from the Consolidated Fund' came into the report, because I will have him know that I already have had a member of the public speaking to me and saying, 'Well, what does this mean? It's confusing.'

330 **Hon. J J Bossano:** Mr Speaker, I accept it is confusing and it will not appear in future, but I have to tell him that of course it says 'Consolidated Fund Contribution – zero.' So it does not say there is a contribution. And I can tell him where it comes from. Something in the printing works went wrong, because it used to be there when the GSD was in office, because they used to make a contribution to the Savings Bank and there was that line there. They must have looked at a previous copy of the accounts and got it wrong, because it is no longer there because there is no longer a contribution made.

340 **Hon. R M Clinton:** Mr Speaker, as the hon. Member will know, the GSD never produced these types of booklets in the past, so the blame can hardly be put at our door.

I would ask him if in future he would ask the Principal Auditor to check them, because it is distressing to people on the street when they receive something through the post and the heading may be somewhat misleading or may cause people to get the wrong impression. And of course normally, as you say, there is nothing in here to indicate that it should be zero. It is just a space, so it could be a subheading; there are many ways you could interpret this.

I would be grateful if the Minister would consider making somebody responsible for the actual content of the report before it goes out to deposit holders.

Hon. J J Bossano: Mr Speaker, the official audited accounts are included in the accounts of the Government and therefore that is the information. This is a leaflet that we produced, which produces a figure that shows the amount of money that is being deposited in the bank and the amount of reserves that the bank has, which are the two important factors to reassure people of the solidity of the bank. I do not think anybody ... We are still getting £100 million increase in deposits every year, notwithstanding the concern about the blank element in the Consolidated Fund contribution, which does not exist. So I do not think it has put anybody off putting fresh money in the bank, and it is certainly not a level of concern that is reflected in people reinvesting what matures, because we are in the process now of servicing maturities in excess of £20 million and the bulk of it is being reinvested.

So I am grateful for his concern for the Savings Bank but I do not think the Savings Bank is at risk of losing customers because of that line.

Hon. R M Clinton: Mr Speaker, my concern was not about losing deposits, merely that depositors are given accurate reports and that somebody checks them. I would be happy if the Minister gives an undertaking that in future somebody will check these before they go out.

Hon. J J Bossano: Mr Speaker, I have already told him that that line will not be there in the future.

Hon. R M Clinton: Mr Speaker, again I beg your indulgence because when I am going through so many questions I may not have heard the right response to the right question, but in terms of the Statement of Investments, did the Minister give a reason as to why the Statement of Investments is not included in the booklet?

Hon. J J Bossano: Mr Speaker, the hon. Member seems to forget that the GSD policy is not to develop the Savings Bank. The GSD was 15 years in Government and never felt it necessary to provide depositors with any information at all in any form of booklet. So the fact that the booklet that I produce does not contain what he wants it to produce is neither here nor there, because if his party had been in Government the booklet would not exist and the bank would have £70 million from the public – or less, because it was declining – instead of having, at the latest count, £1 billion from the public.

So you know, you judge the performance of banks ... I would have thought ... I think he had a position in a bank. Presumably when he was in the bank the shareholders did not hold him to account because their investments were not included in a booklet that was sent to every customer. What is sent to every customer is what customers normally get – the profit and loss and the balance sheet. In addition to that, every citizen of Gibraltar has access to a public document, which is the audited accounts of the Government, where there is more information, and of course every month, like this month, the list of investments is made available to the hon. Member and therefore is made available to everybody in Gibraltar – not once a year but every single month of the year.

So, given that as far as their policy in Government – which I did not agree with but I respected – the Savings Bank was virtually being used simply to deposit the Government's money, because it had £70 million of private investors and £200 million of Government money,

395 frankly I do not think he is in any position to question whether I am doing enough when they were doing less. And in any event, he has asked why again and the answer is the same to the why.

Hon. R M Clinton: Mr Speaker, I am grateful to the Hon. Minister, as ever.

In terms of these accounts, he attaches the certificate of the Principal Auditor to them in full, with his signature at the bottom. And at the top he says:

I have certified the Financial Statements of the Gibraltar Savings Bank for the financial year 31st March 2015 in accordance with the provision of section 12 of the Savings Bank Act. These statements comprise the Income and Expenditure, the Depositors' Withdrawals Accounts, the Investment Adjustment Account, the Reserve Account Balance Sheet and a Statement of Investments and related notes.

400 I ask him again: why is it that he feels that he can attach the full statement from the Principal Auditor but not that one statement which is covered by the Principal Auditor's Report, is included in what is gazetted and is included in the Government's own accounts – but somehow he feels it is not of public interest to include here. I just want to know why. If he does not want to give me an answer, I will accept that as well.

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Hon. J J Bossano: I know he wants to know why I do everything that I do, Mr Speaker, but this is not the way the system works. I do not have to explain to him *why* I do things. I do things because that is the policy that I have decided in my responsibility – and he is entitled to disagree with my policy.

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I do not know why he asks why so many times, knowing that the answer is always going to be the same. Presumably he likes asking why. Maybe he goes round asking everybody why they do everything they do. Maybe it is not just me, maybe he does it to everyone, but from me he is always going to get the same answer.

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Hon. R M Clinton: Mr Speaker, I thought I was here precisely to ask why, but perhaps I should turn the question the other way round: would he perhaps agree that including the statement would be of value to depositors, given that the Principal Auditor considers it worthy of audit and that it is included in the gazetted accounts and the Government's own accounts? Would he not agree that it would be of value to depositors to see how their money is invested, which is, as he will of course recognise, already a public document, and that it would be easier for the public to see it through this glossy booklet, which he produces for their benefit, to include that statement without them having to go and purchase a Principal Auditor's Report or look up the *Gazette*?

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Hon. J J Bossano: Mr Speaker, he has already asked me that question in a previous House and I said I did not agree with him. He must be able to work it out for himself that if I thought it was something that I should be doing, I would be doing it.

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Hon. R M Clinton: Mr Speaker, just for the record, he mentioned previously about deposits being over £1 billion. Would he tell the House, out of that £1 billion how much is actually related to Government entities?

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Hon. J J Bossano: Mr Speaker, I am telling him that the latest figure that I have seen on investments from the public – because we are now repaying some money – is that notwithstanding the fact that we are repaying something like £20 million which is maturing, it is nearly all being reinvested and the figure now is about £1 billion from the public.

Hon. R M Clinton: Mr Speaker, he mentioned £20 million – perhaps he could clarify. The number I have seen in previous answers to questions, is it £200 million maturing this year?

440 **Hon. J J Bossano:** Mr Speaker, I have not given him the figure for the year; I am giving him the figure for this month.

Hon. R M Clinton: But would he be able to confirm that the figure for the year is in the order of £200 million?

445 **Hon. J J Bossano:** Mr Speaker, the hon. Member asks every month for a list of investments and deposits with maturity dates, which I give him. He is able ... He has got a lot of time. He spends a lot of time rabbiting about in corners and trying to find out things and he should use the information I give him to answer his own questions.

450 **Hon. R M Clinton:** Mr Speaker, moving on to Credit Finance, another great bone of contention, £65 million paid to it by Gibraltar Investment Holdings Ltd. May I ask the Minister how Gibraltar Investment Holdings obtained £65 million to pay this interest.

455 **Hon. J J Bossano:** Mr Speaker, the money that was advanced to Gibraltar Investment Holdings is the money that was used by Investments Holdings and the Investment Holdings paid interest on that money. It obtained it from the resources available to it.

460 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister. Would it be the case that Gibraltar Investment Holdings has on-lent that money to other Government entities that have in turn paid it interest? I would be grateful if the Minister would be willing to consider answering that question.

465 **Hon. J J Bossano:** The company in question functions, as it did before 2011, as a holding company which holds all the shares of all the subsidiaries, and therefore the cash is managed collectively. Then it is allocated in terms of who actually finishes up using it and therefore the interest is charged to whoever actually finishes up using it. The revenue of that particular company then goes all the way up. So, although it is done simply, I suppose, because it is more efficient to do it that way, collectively, when the accounts of each individual company are done
470 the things are apportioned accurately where they should go.

Hon. R M Clinton: Mr Speaker, if I understand the Hon. Minister correctly, Gibraltar Investment Holdings is a holding company; it is not a trading entity in its own right. All it has is shares in underlying Government companies, if I am correct – and I think you will probably point
475 me to the chart in the official Annual Estimates of Revenue and Expenditure, which will be that one.

And looking at Gibraltar Investment Holdings, which is at the top of the chain, that holds all these other entities – Europe Incinerator Company Ltd, which I think is probably defunct by now; Gibraltar Bus Company, which I believe needs to get Government money every year; various
480 other entities; Gibraltar Home Loans Ltd; JBS, maybe it is JBS that has got the money – how is the money trickling up to this entity in order to pay interest? Is it by way of dividend or some other method, because I really cannot see how Gibraltar Investment Holdings generates cash.

Hon. J J Bossano: Mr Speaker, I do not ask that level of detail. I know that the money is
485 available in the company to pay the interest to the Credit Finance subsidiary of the Savings Bank, and I have given him the answer of the amount that is paid, which is the original answer to the original question that he wanted answered. That is the amount that has been paid. It has been paid by the recipient company and the recipient company paid it from resources available to it. Those resources include the fact that we actually provide, from the same booklet he is looking
490 at, £25 million a year. Or didn't he notice that in the book?

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer.

Yes, I did notice that in the book and, if you remember, I tried to veto that payment during the Budget session. I did ask what the £25 million was for and I did not get an answer.

495 So, Mr Speaker, I guess I will get no clarity on this question. If I may ask one final question – and he may, of course, choose not to answer this because it is not – (*Interjection by Hon. J J Bossano*) Perhaps he may deem it not to be a valid supplementary, but he would probably put me out of my misery if he could tell me when the audited accounts of Gibraltar Investment Holdings will be available to the public?

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Hon. J J Bossano: I am sorry that it takes so little to make him miserable, I am really sorry to hear that and I would not wish to contribute to his misery, but they will be available when they are. I have not got a date.

505 **Hon. R M Clinton:** Mr Speaker, if I move on to Question 199, and I believe the answer the Hon. Minister gave me was ... I asked why and he will give me the same answer as before, which is that he does not have to tell me why. However, if the Hon. Minister will look at the *Hansard* for Question 698/2016, in fact it was the Hon. Chief Minister who responded to my question, and he did in fact say if I put a direct question maybe or maybe not I would get an answer. So I
510 will perhaps ask whether there is anything further that can be said to the Chief Minister's contribution.

Hon. J J Bossano: Mr Speaker, the answer that I have given him is the answer he is going to get, there is nothing further to add.

Q200/2017

Multiple Sclerosis Therapy Centre – Future Job Strategy trainees

515 **Clerk:** Question 200, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many Future Job Strategy trainees placed for training with the Multiple Sclerosis Therapy Centre since 2012 are permanent employees of the centre today?

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

525 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Two, Mr Speaker.

Hon. D A Feetham: Does the Minister know whether those are two recent employees that have finished their training recently, or are they longstanding employees?

530 **Hon. J J Bossano:** Mr Speaker, I believe they are from 2015.

Hon. D A Feetham: Does he also have any figures for the number of trainees that have been sent to this particular organisation since 2012?

535 **Hon. J J Bossano:** Yes, Mr Speaker, 14 in total.

Hon. D A Feetham: And, Mr Speaker, how many of those 14 were then permanently employed by the centre? Does he have that figure?

540 **Hon. J J Bossano:** Ten of the 14 were employed and of the other four three were terminated by the employer and one was terminated by the employee during the training period before completion.

Mr Speaker: Next question.

Q201/2017

**Gibraltar Joinery and Building Services Ltd –
Percentage owned by Government**

545 **Clerk:** Question 201, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is GJBS 100% owned by Government?

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

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Yes, Mr Speaker.

555 **Hon. Ms M D Hassan Nahon:** Mr Speaker, in light of this answer, are GJBS then allowed to carry out private work and compete with the private sector?

Hon. J J Bossano: Yes, Mr Speaker.

560 **Hon. Ms M D Hassan Nahon:** So would it be possible to have a percentage amount that goes back to the Treasury?

565 **Hon. J J Bossano:** I am afraid I do not understand the question: a percentage amount that goes back to the Treasury of what – a percentage of what?

Hon. Ms M D Hassan Nahon: Well, if GJBS is allowed to carry out private work, considering that it is a Government entity what percentage of the private work that it does goes back to the Government coffers? If it is a public company, shouldn't something be coming back?

570 **Hon. J J Bossano:** Mr Speaker, perhaps the hon. Lady is not aware that GJBS took over a lot of contracts initially from a lot of Spanish contractors that pulled out and some Gibraltar companies that pulled out during the GSD administration, and they had to come in and rescue all the projects.

575 And therefore it was only really since then, since that period, that they have been allocated work by the Government, but they have also been allowed to bid for work in the private sector. If the hon. Member thinks that the private sector is at a disadvantage from competition by GJBS, let me reassure her that that cannot possibly be justified, given that GJBS pays considerably higher wages than the rest of the construction industry.

580 Sometimes when they have got not a great deal of Government work, they tend to bid to get private sector work rather than find themselves having to lay off people, which we would not want them to do as a publicly owned company. So the bulk of the work is Government work, but

sometimes when they are low on Government work they put in tenders for private sector work in order to ensure that they do not have people on idle time. It is not predominantly in order to make big profits, and of course the profits are still owned by the Government or by the taxpayer, even if they are retained in the company and not distributed. Money tends to be reinvested because they have got a much better stock of equipment and facilities than any other construction company in Gibraltar.

Hon. Ms M D Hassan Nahon: So, if I understand correctly, a Government-owned company is allowed to (a) fairly bid in the private sector for work, and (b) is allowed to keep the profits and not return them back to Treasury, even taking into account that it is a public company.

Hon. J J Bossano: Mr Speaker, I do not know how much she knows about how companies function, but of course the fact that the Government is a shareholder of a company does not mean that the company is inhibited from doing anything that a company that is owned by a private shareholder would do. That is to say the company functions commercially. It is not a Government Department and it functions commercially but it does predominantly Government work – which frankly would not have been done if that company was not there, given the experience that we have had from the construction industry over the 44 years that I have been here. It is the most reliable construction company in Gibraltar with the highest reputation in Gibraltar and with the greatest number of Gibraltarians. So when it makes a profit, if the Government wanted it to pay dividends it would pay dividends, because it is 100% Government owned. If the Government has allowed it, throughout the 15 years under the GSD and the four years under the GSLP and the last four years, to reinvest the profits that it makes into the infrastructure that it has available to do construction work, and therefore it has better workshops and more equipment than anybody else, that is a choice that the Government, on behalf of the people of Gibraltar, exercises judgement on, as previous Governments have done. But of course if, for example, GJBS buys lorries, then instead of having cash it has lorries. If it did not buy the lorries it might have to hire them. These are commercial decisions that are taken and it has always been like that; there is no change in policy.

HEALTH, CARE AND JUSTICE

Q135/2017

Old Hebrew Home – Government's plans

Clerk: We now move to Question 135. The questioner is the Hon L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government explain what its plans are with the old Hebrew Home in Line Wall Road?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the Government plans to refurbish this facility and reopen it in order to continue to provide further elderly care beds with a principal accent on elderly members of the Jewish community.

Hon. L F Llamas: Mr Speaker, in light of that, what would be Government's position, then, or plans with regard to the John Mackintosh Wing up at the old St Bernard's? Would that be then

distributed as an extension to Mount Alvernia, as it is now but for all the community? I believe that is at the moment accommodating the Jewish community from the old Hebrew ...

630 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman is correct to say that the majority in the Jewish Home of course would be elderly Jewish, but in the John Mackintosh the – (*Interjection*) Yes, the third floor does contain some elderly Jewish persons but the John Mackintosh is predominantly, of course, for elder members of our entire community.

Q136/2017
Domiciliary care –
Number of recipients; waiting list; allocation policy

Clerk: Question 136, the Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, can the Government disclose how many members of our community are receiving domiciliary care as at the end of each financial year since March 2012 to date?

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Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the number of domiciliary care recipients as at the end of each financial year ... That is the question I have been asked, although I thought that we had a previous question.

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Mr Speaker: Is he answering this question only or is he answering it together with Question 137?

Hon. N F Costa: Mr Speaker, yes, I will answer this question together with Question 137.

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Clerk: Question, 137, the Hon. L F Llamas.

Hon. Mr L F Llamas: Mr Speaker, can the Government disclose how many members of our community are on the waiting list for domiciliary care and what is the Government's policy in allocating domiciliary care?

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Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Hon. N F Costa: Mr Speaker, the number of domiciliary care recipients as at the end of each financial year, going back to 2009 is as follows: April 2009 to March 2010, 28; April 2010 to March 2011, 40; April 2011 to March 2012, 35; April 2012 to March 2013, 98; April 2013 to March 2014, 231; April 2014 to March 2015, 260; April 2015 to March 2016, 304.

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Mr Speaker, there are currently 12 people on the waiting list for domiciliary care since 16th January of this year.

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The Government policy on domiciliary care is to provide care to meet personal hygiene needs of persons over the age of 60 who, due to frailty or age-related conditions, require support to remain safe at home.

In order to receive a service, they must be eligible for social care and be assessed as having critical or substantial care needs. In non-exceptional cases, a maximum of two hours' support daily can be granted.

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This has been a very important part of our policy of ensuring that elderly people can continue to live independently for longer. The policy also helps to keep people out of hospital. We have, as hon. Members can see from the answers provided, put a huge amount of resources into this area of policy, given that we consider this is a priority for so many families in our community.

675 We are now offering the service to more than tenfold the numbers that were being provided a service in 2010, an increase of hundreds of people having the benefit of this service and delivering benefits to the wider public interest and, of course, the community.

680 But this does cost money, and although the Members opposite do criticise us for spending money we are clear that, as in all areas, this is money well spent for our community's wider benefits.

Q138/2017
Elderly care residences –
Panic buttons

Clerk: Question 138, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government state on which occasions have resident call buttons, commonly known as panic buttons, at Mount Alvernia and all other elderly care 685 residencies been out of operation and how for how long on each occasion?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the nurse call bell system 690 is in working order in all areas of the service except for the third floor of Mount Alvernia. Management has put short-term measures in place whilst the replacement of the entire system is installed.

Hon. L F Llamas: Mr Speaker, can I ask the Hon. Minister for how long the third floor has 695 been out of operation and the reason why – is it a technical issue, or is it something more complex that will require professional help?

Hon. N F Costa: Mr Speaker, I do not have the date from which the third-floor bell system has 700 not been in operation but it is, as he rightly assumes, a technical electrical issue, which is why we have sought a replacement for the entirety of Mount Alvernia, and we expect that the work will commence on 6th March to replace the entirety of the system.

705 The hon. Gentleman – which I am sure is why he is asking the questions – should be assured that, as a result of that, the measures include ensuring that there is always a nurse on that floor during the course of the day. I am reliably informed that there are always two registered general nurses on duty and eight nursing assistants, so there is no concern about the persons' safety and welfare.

Q139/2017
Care Agency employees –
Breakdown re acting positions

Clerk: Question 139, the Hon. L F Llamas.

710 **Hon L F Llamas:** Mr Speaker, can the Government provide a schedule with the breakdown of Care Agency employees (a) currently in acting positions, (b) since when has each employee been acting, (c) what is the original post or grade and department of the employee, and (d) what post or grade and department is the employee acting in?

715 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I now hand over to the hon. Gentleman a schedule with a breakdown of the information he requests.

Answer to Question 139 of 2017

DOC	Original Post of Person Acting/Department	Acting Post	Department of Acting Post
Oct-11	Care Worker/Children's Residential	Unit Manager	Children's Residential
Oct-12	Care Worker/Children's Residential	Unit Manager	Children's Residential
Oct-12	Care Worker/Children's Residential	Unit Manager	Children's Residential
Aug-14	Social Worker/Children's & Families	Senior Social Worker	Children's & Families
Jul-15	Social Worker/Adult Team	Senior Social Worker	Adult Team
Jun-16	Senior Social Worker/Adult Team	Head of Service	Children's Residential
Jun-16	Care Worker/Children's Residential	Unit Manager	Children's Residential
Sep-16	Care Worker/St. Bernadette's	Deputy Manager	St. Bernadette's
Sep-16	Care Worker/St. Bernadette's	Home Manager	St. Bernadette's
Dec-16	Care Worker/Children's Residential	Unit Manager	Children's Residential
Jan-17	Care Worker/Children's Residential	Residential Manager	Children's Residential

**Q140/2017
MedDoc Ltd –
Beneficial owners**

Clerk: Question 140, the Hon. R M Clinton.

720 **Hon. R M Clinton:** My apologies, Mr Speaker, it was not on my list.

Mr Speaker, can the Government advise who are the beneficial owners of MedDoc Ltd, being Gibraltar Company No. 113133 given the award of the Dementia Day Care facility contract?

725 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I am surprised that Members opposite should single out one care provider in a sector that involves a number of companies. One might be left to wonder why they have not asked who the beneficial owners of

730 the other companies in the sector providing services to Government – namely ADA, Rainbow and Grand Home Care – are.

In order to assist the House, however, I am going to provide it with details of the beneficial owners of all of the companies in the sector with which the Government contracts. They are as follows: ADA – Juana De Los Angeles Dominguez 50%, Carmen Perez 25% ; Micaela Guererro 25%; Rainbow – Emilio Rodriguez 50%; Juana De Los Angeles Dominguez 50%; Grand Home Care – Artur Wasowicz 100%; MedDoc – Dr Josep Ricard Gandia and Josephine Peralta, a retired GHA nurse.

Hon. R M Clinton: Mr Speaker, I am grateful for the Minister’s comprehensive response. In respect to Medoc, he mentions Josephine Peralta; would he confirm that Josephine Peralta holds 50% of Medoc?

Hon. N F Costa: Mr Speaker, on the basis that the answer has been drafted for me on the basis that the shareholders have been attributed with a percentage, and there are two shareholders in respect of Medoc, I can assume that they are 50% and 50% but I will have to confirm that information for him.

Hon. R M Clinton: I would be grateful to the Minister if he would. The public record at Companies House shows 50% by Dr Gandia and 50% for a nominee company which I presume is acting for Josephine Peralta, but if he could confirm that I would be grateful.

Hon. N F Costa: Mr Speaker, the hon. Gentleman will recall that in the last session of the House he asked me about the beneficial ownership of a nominee company, and that is why he has asked me the question again, and therefore, whilst again I am assuming, it does follow, given that it is 50% ownership in the Companies House, we can assume it is 50%, but I will confirm that to him.

Q141/2017
Sexual offences –
Steps to curb rise in offending

Clerk: Question 141, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state what steps the Government and law enforcement agencies are taking to curb the sharp rise in sexual offences?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, given their serious nature, the RGP has specific resources dedicated to dealing with these type of offences staffed by specialist officers. As part of its continuing monitoring processes on crime pattern analysis, the Royal Gibraltar Police has naturally noted the increase in reports of sexual offences. Given the limited data available, however, it is unclear at this stage whether this represents a shift or whether we will see a return to the levels reported in previous years, which were relatively consistent.

It is important to note, Mr Speaker, that the analysis has revealed that of the 65 offences of a serious sexual nature reported to police, 26 were identified as part of one particular investigation and cannot therefore be considered to be part of a ‘sharp rise’ in such offending.

775 It is also assessed that, given the greater awareness, the public are increasingly confident in reporting these matters even where they are of a historical nature, demonstrating, I think, their faith in the criminal justice system and judicial process.

In this respect I really do want to highlight the excellent work done in this field by the RGP under the leadership of Commissioner Eddie Yome.

780 **Hon. Miss S J Sacramento:** Hear, hear.

Hon. D A Feetham: And will the Hon. Minister also acknowledge the role played by new legislation in that – in people actually reporting and coming forward with historical, for example, sexual offences, in that of course the Crimes Act and the Criminal Procedure and Evidence Act did introduce very modern provisions relating to anonymity, for example, in relation to victims of such crime and the protection of those victims when they come forward and they give evidence? Certainly that has, in the United Kingdom, seen an increase in victims of sexual offences coming forward so that these can be prosecuted and I would have expected that to be the case here in Gibraltar too.

790 And, of course, following on from that, would he want to congratulate the GSD for introducing those two pieces of legislation?

Hon. Miss S J Sacramento: Mr Speaker, I would like to contribute to this as Chairman of MAPA, which is a Multi-Agency Public Protection Forum, which deals specifically with sex offenders. While it may be that new legislation provides a different regime and a different framework, I do not necessarily think – and I do not say this as a criticism ... I think that the reason why people are coming forward is because of the successful prosecutions in this particular field that we have had of late. I do not think when people come forward to report these matters they are actually aware of the legislative framework that exists, so that is not necessarily a contributing factor to people coming forward. It does possibly assist in the success of the prosecution but cannot be the only measure for it.

800 I think that congratulations have to go to the multi-agency working together that makes these prosecutions successful, because a prosecution is not only successful because a perpetrator is convicted – we also have to look at the support that is given to the victims and their families, and that is a structure that has been developed outside of the legislation in practices and policies that have been established over the last three years by people who are operational in these matters.

Q142/2017
Legal Aid reform –
Delay in laying of Bill

Clerk: Question 142, the Hon. E J Phillips.

810 **Hon. E J Phillips:** Can the Government explain the delay in laying before the House a Bill to reform the Legal Aid system?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

815 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I am glad to tell the hon. Gentleman that there has been no such delay.

As the House knows, following a process of consultation with the Bar Council, the Legal Aid system was reformed with the new rates published.

Mr Speaker: Next question.

820 **Clerk:** Question 143, the Hon. E J Phillips.

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

825 **Mr Speaker:** On the previous question?

Hon. D A Feetham: On the Legal Aid, yes.

Mr Speaker, yes, new rates were published in relation to Legal Aid. There were also other reforms introduced in relation to serious fraud; rates were increased there. Then the legislation was changed again after the prosecution of the Marrache brothers. But what about the legal assistance? In relation to legal assistance we have a situation where the threshold for qualification for legal assistance is extremely low and it prevents people from accessing justice. Is that something that the Government is now going to be in a position, in short measure and in short time, to introduce to this House in order to deal with what is a very significant injustice to a lot of people?

835

Hon. N F Costa: Mr Speaker, only in this House would you have the Hon. the Leader of the Opposition rise to ask a supplementary on an entirely new matter. The Hon. Mr Phillips asked a question on Legal Aid. Of course he meant to ask about legal assistance, but he got it wrong.

840 Legal Aid rates, new rates, were negotiated by the Bar Counsel, by my hon. and learned Friend, Gilbert Licudi. They have been published and have been in the statute book since 2004. Mr Figueras made exactly the same mistake.

Chief Minister (Hon. F R Picardo): And got it in the neck.

845 **Hon. N F Costa:** Yes. And therefore, Mr Speaker, if he wants to know what steps I have taken in respect of legal assistance, then he can ask the question at the next session of Parliament and I will give it to him.

850 **Hon. D A Feetham:** Mr Speaker, if I may say so, it is a particularly ungenerous answer. *(Laughter and interjections)*

What he is really saying is 'I knew that the hon. Gentleman wanted to ask about legal assistance as well as Legal Aid', *(Interjection)* 'or at the very least wanted to ask' – that is what he said – 'wanted to ask about legal assistance, but I have just given him the answer in relation to Legal Aid because he has made a mistake.' It is actually a mistake that a lot of people make, and indeed when I am drafting sometimes – *(Interjections)* Mr Speaker –

855

Mr Speaker: Order! Order!

860 **Hon. D A Feetham:** Mr Speaker, when I sometimes draft communiques I have now resorted to talking about 'public funding'. It is a common mistake that people make. Why? Because in the United Kingdom, for example, there is no legal assistance; it is all Legal Aid.

But the hon. Gentleman is here. He must know what the Government's plans are in relation to legal assistance. *(Interjection)* Of course. Well, therefore I have asked a supplementary and he should be in a position to answer that supplementary, which is: how quickly can we expect to have legislation in relation to legal assistance, which unfortunately is a significant injustice to an awful lot of people? And I think that he would agree with that.

865

Hon. Chief Minister: Well, Mr Speaker –

Hon. D A Feetham: Cavalry to the rescue!

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Hon. Chief Minister: It is surprising that the hon. Gentleman gets up and he thinks ...
[Inaudible]

Mr Speaker: And the Hon. Speaker will intervene when necessary so that the cavalry that comes to the rescue keeps the situation under reasonable control, because I can see that the fires are now being lit. *(Laughter)*

Hon. Chief Minister: Mr Speaker, it is really quite incredible (**Hon. N F Costa:** It is.) that when what is not best described as the cavalry opposite – because it oft fails to rescue and actually digs a deeper hole – gets up to dig, that is okay, but when the cavalry which does not need to rescue but represents this side gets up, it is something to be remarked upon.

Well, I assure the hon. Gentleman, Mr Speaker, that I do not regard myself as cavalry; I regard myself as being principally concerned about how this Government ensures that people who are in need are dealt with and we understand those issues, and this is an important issue that both the former Minister for Justice, Mr Licudi, and the current Minister for Justice, Mr Costa, have done a lot of work on.

But there are serious issues of parliamentary procedure that the hon. Gentleman has raised and therefore, as the Leader of the House, I am going to deal with those issues in respect of how supplementaries arise and give you the Government's view in that respect, Mr Speaker, and to deal with the substance of what the hon. Gentleman has said.

The hon. Gentleman started by saying that the Hon. Minister's answer was ungenerous. Mr Speaker, I have to commend the Minister for an extraordinarily generous answer, because the hon. Members opposite will not know, except for Mr Reyes and the Hon. the Leader of the Opposition, that when Mr Figueras made exactly the same mistake I rightly and properly pointed out that not even a first-year pupil in my Chambers when I was in practice would have made the mistake of confusing Legal Aid and legal assistance and not had it immediately pointed out to him, because it is like in the law mistaking apples and pears.

Those who are listening will not be lawyers but they need to understand, Mr Speaker, that the concept of Legal Aid is only one that is relevant in criminal law. In other words, when somebody is charged with an offence and is unable to pay for their defence, they get what is known as Legal Aid. The concept of legal assistance engages in civil proceedings. It is an extraordinarily simple thing to understand and it is Law 101 for anybody practising in Gibraltar.

And so, Mr Speaker, for the Hon. the Minister not to have simply referred the Leader of the Opposition to my excoriating comments to Mr Figueras, who was then sitting next to him and suffered the Government pointing out that they did not know the first thing about the law in Gibraltar if they did not know that difference, is really not to remember history and to demonstrate once again how he fails those around him. He failed to point out to Mr Figueras when he saw his speech before he delivered it that he was getting it wrong on Legal Aid and legal assistance and he has obviously failed to point out to Mr Phillips that what he was asking about was done a long time ago and that what he needed to talk about was legal assistance.

But, Mr Speaker, we have today had an admission from the Leader of the Opposition that he does not know his one Legal Aid from his elbow. He has admitted here today that he is so careless as to detail that he does not sometimes realise when he is writing public communiques ... That is what he said. In other words, in the discharge of his office as the Leader of the Opposition he does not sometimes realise that he is saying one thing when he means another. And when he is going from black to white, not in an area that is grey, I will print out and frame the *Hansard* of what the hon. Gentleman has said and I will ensure that the public in Gibraltar, when he asks them to trust him and his party with more serious affairs even than this, are reminded that he does not know A from B.

920 But, Mr Speaker, therefore, given that we are dealing with one thing which is black and
another one which is white, a supplementary does not arise from that question, and the fact
that the Government may know what it is doing in respect of black does not mean that it can be
required to answer in a supplementary to a question about white. Otherwise, Mr Speaker, we
would completely lose control of the agenda of questions and we could be asked about tigers
925 and in supplementaries to please provide what we know about tuna. The only person who
would be able to do that would be the hon. Member for the Environment, who knows his tigers
and his tuna perfectly well, and he is not somebody who confuses his aid with his elbow.

And so, Mr Speaker, the Government does not feel it must therefore answer a
supplementary on something that does not at all arise from this question, but if a proper
930 question is put and care is taken, and carelessness does not incur on the preparation of a proper
question next time round, then we will happily share the work that we are doing to protect
people who do need legal assistance. Legal assistance – I remind them, in case they have
forgotten again, that that engages in civil proceedings and not Legal Aid, something which we
have already dealt with.

935 But Mr Speaker, I assume everyone in the community who pays them legal fees is looking to
ensure that their carelessness has not crept into other areas of their work.

Hon. D A Feetham: Mr Speaker, that was –

940 **Mr Speaker:** I am allowing one further intervention from the Leader of the Opposition and
then we are moving on to the next question.

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

Bearing in mind that the answer the Hon. Minister has given is in relation to Legal Aid and he
945 has said that the Government has done x, y and z in relation to Legal Aid – including, it has to be
said, changing the law, because that is what they did in relation to Legal Aid to allow the
Marrache brothers to have gold-plated representation at their trial – how can the Government
justify reforming the law in relation to that and not having reformed the law in relation to legal
assistance?

950 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman seems to think that continually
mentioning one particular case garners him some support, and he wants to do it in a way that is
most prejudicial to the Government as possible without an eye to the way that we should all be
behaving in respect of matters that engage the courts.

955 The Government, as he knows and as we have said a number of times in this House
repeatedly – and indeed, Mr Speaker, the hon. Gentleman knows because he was the one asking
the questions of the then Minister for Justice, who gave him a lesson on human rights law – that
the law had to change because the Government was advised that if it did not the prosecutions
would collapse.

960 In those circumstances there was a change of the law ahead of a wholesale change of the law
on the area to deal with the issue that had been raised in the context of that prosecution, and
then there was a wholesale change of the law that dealt with all areas. That is the position the
hon. Gentleman knows about.

965 What he wants to do is to get up and say ‘Why you do this in the Marrache case?’ and use it
as a whip against the Government constantly to try and prejudice people against the
Government. People will know, because they are too astute in Gibraltar to have the wool pulled
over their eyes, that if the Government has already explained that we had to do it in that
particular case because otherwise prosecutions would have collapsed, it was the right thing to
do because there had not been a wholesale change. There has now been a wholesale change in
970 the law and there will be a wholesale change in the law in respect of other matters involving
legal assistance – the other area, I remind him, given that he has told us how careless he is when

it comes to this in respect of civil matters, where many more people are affected, which concerns the Government greatly.

975 Or is it that he can for one moment genuinely believe that the Government wanted to change the law to spend more money in respect of a particular case just willy-nilly? Nothing could be further from the truth and nobody gets gold-plated defences; they get the defences that the Government is advised they must have in order for prosecutions not to collapse. If the prosecution had collapsed, Mr Speaker, it would have been very bad indeed for Gibraltar as a jurisdiction in which to do financial services, in which to set up companies, and that would have
980 been a very bad thing indeed.

This Government will have the vision to ensure that we do the right thing for all of the people of Gibraltar and we did the right thing in that case – and he should know that. In fact, Mr Speaker, I dare say that he does, but his attempt to use this matter simply politically really is now so transparent that everybody sees thought it. (*Banging on desks*)

Q143/2017

**Isaac Marrache case –
Intention to appeal decision of Mr Justice Jack**

985

Mr Speaker: Question 143, the Hon. E J Phillips.

Hon. E J Phillips: Does the Minister for Justice intend to appeal the decision of Mr Justice Jack in relation to his attempt to withdraw his appeal to the Supreme Court of the decision of the
990 Parole Board in the Isaac Marrache case?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, it is already a matter of
995 public record that I have caused a Notice of Appeal to be filed. I also confirmed as much in Government Press Release 43 of this year.

Given that the matter is subject to legal proceedings before the Court of Appeal, I do not propose to say any more on the appeal or provide any further comment.

1000 **Hon. E J Phillips:** Mr Speaker, in relation to that matter it is correct, isn't it, that it is a matter of public record? I have read in the *Chronicle* this morning that the Minister intends to instruct Lord Pannick to conduct the appeal on his behalf.

1005 **Mr Speaker:** I did not hear that ... Lord Pannick?

Hon. E J Phillips: Lord Pannick QC.

1010 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as the hon. Member is the appellant, the Government does not consider that it is appropriate for him to be engaged in answering any further questions.

The hon. Member is saying that he read something in the newspaper this morning. He can make up his own mind what he believes from what newspapers, but who acts for the Minister will be obvious in court.

1015 **Hon. E J Phillips:** Is the Government instructing Lord Pannick in this matter?

1020 **Hon. Chief Minister:** Mr Speaker, the Government has already indicated to the hon. Gentleman what our answer is. This is a matter which is *sub judice*, it is before the court, and the hon. Gentleman will see whom we instruct in the context of the proceedings and will read in the newspaper what was said in court yesterday. This is not a matter for further parliamentary engagement.

I do not know what it is – if he just wants to meet Lord Pannick and have a selfie with him. *(Laughter)* I do not know why he is so obsessed with him!

1025 **Hon. E J Phillips:** I am not concerned with Lord Pannick or anyone else, frankly, but what I am concerned about is the public purse and how much money the Government intends to spend in relation to this matter.

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

1030 **Hon. Chief Minister:** Well, Mr Speaker, if he is concerned about the public purse, then he might want to follow these proceedings very carefully to see who it is that is putting the Government to expense, but perhaps that would require him to understand the jurisprudence of the decisions that are being delivered in this case and it might be beyond his ability to comprehend.

Hon. D A Feetham: It is terrible, actually, him criticising a judge like that.

Hon. Chief Minister: Have I?

1040 **Hon. D A Feetham:** Yes, of course you have.

Hon. Chief Minister: Read what was said and see ... *[Inaudible]*

1045 **Hon. E J Phillips:** Mr Speaker, is it in the –

Hon. D A Feetham: That's what you have done. *(Interjection by Hon. Chief Minister)*

1050 **Hon. E J Phillips:** Sir, I have the floor, don't I? Mr Speaker, the question I am trying to put to the Government relates to the instruction of an eminent leading QC in the field of public law and human rights. There are over 20 or 30 that I have found this morning on Legal 500 that the Government could instruct, but they are instructing the number-one eminent lawyer in respect of this area –

1055 **Hon. D A Feetham:** And the most expensive.

Hon. E J Phillips: – and the most expensive lawyer, in fact. Doesn't the Government consider that they should be considering a range of lawyers, and in fact local barristers who could quite properly do this – the likes of Sir Peter Caruana or Keith Azopardi QC?

1060 **Hon. Chief Minister:** Mr Speaker, this is really quite bizarre. I have never seen an Opposition that is setting out its stall to seek to sell us the services of some barristers. I am grateful that at least he has stopped short of asking that we should instruct him!

1065 Mr Speaker, this is not a bazaar. Lord Pannick is a recognised leader in his field. If we instruct him is a matter that I am not going to debate in this House in respect of this matter, but he should know, because it should be glaringly obvious, that Lord Pannick is retained by the Government of Gibraltar in a number of different areas, and if he thinks – he has said that he is the leading brain – if he thinks that Gibraltar should engage anybody other than the leading

1070 brain in some respects, well then he has a different attitude to running the affairs of Gibraltar than I do, because I believe we should have the leading brains engaged in defending the interests of Gibraltar internationally and indeed in our courts where necessary. Whether we use him in this case or not will be a matter of public record. If he had had the time yesterday he might have been able to be in court and hear what was said in court. But those matters in that case are for the courts.

1075 For him to stand up here and to set up a barristerial 'Soko Chico' where he is saying 'Very good, very good, and cheaper for you!' is really quite ridiculous, Mr Speaker. This is not the way that one would expect a serious Opposition to be conducting themselves. This is a very serious matter, not relating just to the incidents that we are dealing with – it relates generally to the law of Gibraltar and the Government will instruct who it considers is appropriate and will not be
1080 considering in this House who we should or should not instruct nor who we have instructed.

He has read a report in a newspaper. I am surprised that he thinks he cannot rely on what he has read in that newspaper as a court report and that he wants to ask the Government about it.

Hon. D A Feetham: But, Mr Speaker, does the Hon. the Chief Minister – and I will ask the
1085 question of the Chief Minister because this morning he is answering virtually every single question that comes close to potentially embarrassing the Government. (*Interjection by Hon. Chief Minister*) Doesn't he recognise that this is not a matter of national importance for Gibraltar and that there is a difference between instructing somebody like Lord Pannick, who is probably the most expensive barrister, senior counsel, in England, and instructing somebody else who will
1090 do just as good a job but will not cost the taxpayer of Gibraltar the hundreds of thousands pounds that Lord Pannick will cost? That is the simple point.

Hon. Chief Minister: Mr Speaker, the reason I have got up, other than to answer questions that he has got up to make when he has got up to raise questions ... so I do not see why the
1095 leader of that side can get up and ask questions but the leader of this side cannot get up to answer them. The only reason I have got up to answer these questions is because the person being asked is the appellant himself. They are asking the appellant questions about his case in court –

1100 **Hon. D A Feetham:** No, of course not!

Hon. Chief Minister: – and I have got up to answer because I do not think it is appropriate for the appellant to be answering. That is why I have got up. I am not answering that aspect of the question; I am dealing with why I have got up.

1105 Mr Speaker, a number of lawyers names have been mentioned, for whom I have the highest regard – and they are from Gibraltar – in the exercise of their professional duties, though of course I have had many political differences with them in the past, and there are many others who have not been mentioned for whom I also have the highest regard. There may be reasons why we are not able to use them in this case or why we do not wish to use them in this case, but
1110 we do not have to consider with hon. Members opposite who we instruct and who we do not instruct in this case, something which often happens on the instance of our own legal advisers, not on the basis of the Government deciding who we want to use.

For sure, Lord Pannick would not be confusing himself on what is Legal Aid and legal assistance – so already streets ahead of some there, Mr Speaker – and the cost involved is
1115 something that the Government will of course be taking into consideration, as we do always, because we do not spend a penny that we do not have to spend. We protect the public purse, we ensure that moneys are used for exactly the right purposes and the public know that.

What is abundantly clear is that hon. Members opposite see the word 'Marrache' and they think that they are hitting the bingo in respect of trying to attack the Government, and they are

1120 going to do it in respect of every aspect of the case. It is really quite disgraceful, Mr Speaker, that they are doing that from Opposition.

1125 Lord Pannick is a recognised leader in his field. He represented Gina Miller in the recent Brexit proceedings in the United Kingdom, he has advised the Government of Gibraltar for at least five years since I have been Chief Minister of Gibraltar, and if the Government considers he is the right person to do this case he will do it. If we do not, somebody else will do it, but it is not a matter for this Parliament. What we certainly will not be doing is instructing people who do not know their Legal Aid from their legal assistance elbow.

Mr Speaker: Next question.

1130

Hon. E J Phillips: Mr Speaker, just one final question. The Chief Minister will know that this community has shelled out about £10 million in relation to the Marrache affair. It is simply not right – and I would ask the Chief Minister to agree – that we spend another couple of hundred thousand pounds on determining a question of parole. It is simply wrong in my view.

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Hon. Chief Minister: Mr Speaker, determining the question of parole is interpreting the law that the GSD brought to this House about when people are able to have parole. So, in other words, all of the game that they are trying to play with this case stems around the law that they brought to this House about when people are able to have parole or not.

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I refresh my memory on the *Hansard* of the pride the Hon. the Leader of the Opposition said he was expressing when he brought the law that allowed people to be paroled after one third of the time. The first controversial instance when somebody is paroled after a third of the time, the same-self Leader of the Opposition and his party say that this is quite disgraceful. Mr Speaker, the level of political hypocrisy could not be made up!

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Legal cases cost money. Lawyers are the principal parties that take the advantage of that. The two people asking me questions about this are lawyers who take advantage of legal fees being paid in cases where people argue esoteric points of law or pertinent points of law.

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The state of the law in Gibraltar in respect of parole is not just relevant in the case of Isaac Marrache; it is pertinent to every single future case of parole that may involve any person, whether they are of a name so recognised that hon. Members like to try and make hay politically by referring to it, or not – in other words, an anonymous person who may come before the system and needs clarity in respect of that system. Whether it costs money to deal with those issues or not ... Look, it always costs money to go to court – or is it that hon. Members, *lawyers*, do not know that, and one of the Members opposite, who has just been made a silk, is not charging more after he has been made a silk than he was charging before?

1155

We could have an argument about whether lawyers charge too much. (**A Member:** Hear, hear.) I am a lawyer: in my view, some lawyers charge too much; some other lawyers are cheap at the price. In this case that is not the issue. The issue is the principle of defending an Act of this Parliament and its interpretation – an Act which ironically they brought to this Parliament, the effect of which, because of the law that they presented, is that Mr Marrache was able to have parole after a third of the time served. In other words, we were left to give effect to their law, the law which they said they presented with pride. If defending that costs money, what can we do? But if he knows of lawyers in a co-operative he might like to tell us who they are. The last time I checked, he used to send bills every time that he finished a case.

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Hon. D A Feetham: Mr Speaker, the issue –

Mr Speaker: I will allow one other intervention from the Hon. the Leader of the Opposition –

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

Mr Speaker: And then we are really moving on.

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

1175

Mr Speaker: It was anticipated, when we came to Question 143, that a short answer was not going to be the answer.

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Hon. D A Feetham: Mr Speaker, the issue in this appeal is not whether there can be an increase on the tariff for parole – in other words, you qualify after a third; that is not in issue. That is something, in actual fact, that has been on the statute books for decades; it is a historical tariff to do with the fact that prisoners were imprisoned in very difficult circumstances in Moorish Castle. At the time that we introduced the Prison Act there was a transition from the old prison to the new prison. At the time, without consultation, we decided ‘We are going to leave that as it is, we will review it after the General Election’, but what we reformed was the actual mechanism in which somebody qualifies for parole. The tariff had nothing to do with the GSD; it had been there for a very long time indeed.

1185

But my question is this. The information that has come certainly to my attention is that Lord Pannick charged £70,000 for the advice that he provided the Government of Gibraltar and for the document that was then used in the Isacc Marrache parole case before the court. Can he confirm or can he deny that?

1190

Hon. Chief Minister: Mr Speaker, the issue of the tariff and whether it was one that they brought or not is one that I have revisited, and in *Hansard* he said he was sticking with the tariff when he brought it. In other words, he considered it and he stuck with the one-third tariff. It is not that he just willy-nilly continued with the position as it had been to date.

1195

Mr Speaker, the fact is that communities have to make decisions, (**Hon. N F Costa:** Yes.) and if you decide that people have to serve two-thirds of their sentence, then what we are going to have to do is spend another ... I do not know how many millions. He said it was going to cost £5 million, I think, but it ended up, under his watch, costing more than double what he estimated it was going to cost, like most things with the GSD, £24 million for the Airport ended up being £84 million for the Airport; I think £5 million for the prison ended up being £10 million. Well Mr Speaker, -

1200

Mr Speaker: That is not relevant.

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Hon. Chief Minister: Well, Mr Speaker, yes, it is relevant in this way: because people have to make a decision whether, if we review the tariff and people serve two-thirds of their sentence, we have to spend another £10 million building an additional prison or throwing an additional floor on top of the prison and feeding people for longer. (*Interjection*)

1210

Mr Speaker, as to Lord Pannick’s fees, it is absolutely and completely fiction that his fees for an advice have been £70,000. It is utter tripe, Mr Speaker – to refer to one of my favourite dishes when not made with tripe but with meat – utter tripe. The hon. Member is being played for a fool by whoever is giving him that information.

1215

Mr Speaker: Next question.

Q144/2017
Director of Public Prosecutions –
Delay in appointment

Clerk: Question 144, the Hon. E J Phillips.

1220 **Hon. E J Phillips:** Can the Government explain the reasons for the lengthy delay in the appointment of a Director of Public Prosecutions?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1225 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, there is no such post. Government has said that we will consider, and we consider that it should exist and we are in the process of assessing how best to advance this. Given the discussion we have just had about fees – and it is a perfectly pertinent question to have asked at this point – that does, however, mean an increase in public sector employment, so I am surprised to see Members opposite seemingly encouraging us to pursue this policy of ours, given their repeated attacks, just seen, on us in respect of numbers employed in the public service. This approach might best be described as politically hypocritical.

A Member: Hear, hear.

1235 **Hon. E J Phillips:** Mr Speaker, I would just refer the hon. Member to his own manifesto, in which he states:

We will seek to appoint a specific office holder to carry out responsibility for public prosecutions.

Is the Government intending or not intending to appoint a DPP to carry out that important function for our community?

1240 **Hon. N F Costa:** Mr Speaker, I will read the answer again.

There is no such post. Government has said we consider it should exist and we are in the process of assessing how best to advance this. That does, however, mean –

Mr Speaker: That is enough. That is answered in the question. The rest is – (*Interjection*)

1245 **Hon. D A Feetham:** Mr Speaker, is it the Government's view that to appoint a Director of Public Prosecutions, which is at the end of the day is their manifesto commitment – it is not our policy, it is their policy – requires a change in the Constitution? Certainly one interpretation of the Constitution is that Her Majesty's Attorney General is responsible for prosecutions and the creation of this particular post might require an amendment to the Constitution itself. Is that the Government's view?

1255 **Hon. N F Costa:** Mr Speaker, I remember as a younger man being told by Sir Peter Caruana every time I asked them about their manifesto commitments that he would make an announcement on their own manifesto commitments as and when their policies were decided. I, however, even though I have been accused of being ungenerous this morning, will not be quite as ungenerous as Sir Peter was with me when I was a young Member of the Opposition. The answer is that we are in discussions with the Attorney General to see how best we achieve this.

1260 **Hon. D A Feetham:** Yes, and I understand that, but at pains of having Sir Lancelot on his white
charger standing up and also intervening in this, I just wonder whether the hon. Gentleman can
indicate whether there is a preliminary view at least whether this requires an amendment to the
Constitution, because if it does it obviously cannot be done by way of primary legislation. I
1265 understand there may be internal discussions, but is that something at the very least that the
Government is considering or whether the Government has formulated a view?

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, to be demoted from King Arthur of the
Round Table (*Laughter*) to just mere Sir Lancelot is really quite something! (*Interjection*) At the
1270 moment I do sit atop the round table, even though he is so far down the other side of it and is
unlikely to be able to find his way here on a black steed, as I would describe him, or on a white
charger.

Mr Speaker, the position is very simple: there is a very clear view now that there is not a
requirement to amend the Constitution for this purpose.

Q207 and 208/2017
Payments for legal services –
Breakdown by firm

1275 **Clerk:** We now move to Question 207, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government explain what the payment of £130,000 in legal fees to
Cleary Gottlieb Steen and Hamilton LLP for the period of February to May 2016 relates to?

1280 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this
question together with Question 208.

1285 **Clerk:** Question 208, the Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the total amounts paid to all Gibraltar-based law
firms in respect of both legal services and legal drafting services as from December 2011 broken
down by each law firm by year?

1290 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, Gottlieb Steen and
Hamilton LLP have provided legal advice to Her Majesty's Government of Gibraltar during the
1295 period of February to May of last year principally in relation to the following matters: Income
Tax and state aid.

The information requested by the hon. Member in respect of legal drafting cost is available
on the Government website dating back to 2008. The data for legal services is available dating
back to 2012. No payments have been made in respect of legal services during December 2011.

1300 **Mr Speaker:** Call the next question.

Clerk: Question – (*Interjection*)

Mr Speaker: Get on with it, please.

1305

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

Mr Speaker: If you are going to ask a supplementary, decide who is going to ask it and let's get on with the business.

1310

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

I would be grateful if the Hon. Minister ... if I understood him correctly that the law firm, Gottlieb Steen and Hamilton LLP, is a US-based law firm, and was the advice given from their US office or from their European office, because I do not understand why they were giving advice – I presume in respect of State Aid, this would be in respect of the European State Aid.

1315

Chief Minister (Hon. F R Picardo) : Mr Speaker, clearly Gottlieb have been instructed by the Government of Gibraltar I think since the time that Joe Bossano was Chief Minister for the 16 years that they were in Government and whilst we have continued to be there. They have an office in Brussels, which has been the one that has been providing advice to the Government of Gibraltar for well-nigh 25 years.

1320

Mr Speaker: Any other supplementary on this subject? Next question.

Q145-148/2017

St Bernard's Hospital –

Mental health patient admissions; Accident and Emergency waiting times

Clerk: Question 145, the Hon. D A Feetham.

1325

Hon. D A Feetham: Mr Speaker, can the Government please provide details of both the numerical and percentage bed occupancy rates at St Bernard's Hospital by sufferers of dementia and elderly long-stay patients from January to June 2016?

I apologise, Mr Speaker, at this stage, that I misled the House on the last occasion. When in supplementaries to the hon. Gentleman I said that I had the figures for January to June 2016 contained in a report to the GHA board, in fact the figures were from the previous six months to the ones I have asked today.

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Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

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Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Questions 146 to 148.

Clerk: Question 146, the Hon. D A Feetham.

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Hon. D A Feetham: Is the Minister certain that no non mental illness related patients have been admitted to Ocean Views either because of bed shortages at St Bernard's Hospital or at all?

Clerk: Question 147, the Hon. D A Feetham.

1345

Hon. D A Feetham: Can the Minister for Health now provide details of the monthly average waiting times for people waiting to be treated at the Accident and Emergency from January to June 2016?

1350 **Clerk:** Question 148, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Health now provide an answer to Question 57/2017 as to the monthly average waiting times for people waiting to be treated at Accident and Emergency from July to December 2016?

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Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Hon. N F Costa: Mr Speaker, in the past two months the headlines in the United Kingdom have been about an NHS in crisis. Just in the past seven days, the headlines and news reports on the NHS could not have been worse. One report refers to NHS Surgeons kicking their heels as bed shortages delay operations, with senior health officials warning of shocking waste because beds are being taken up by patients waiting for community social care. As Hon. Members know, that is not the case in Gibraltar's GHA. Other news reports refer to babies waiting on the floor at A&E and pensioners on trolleys for 14 hours, or horrific reports of a bleeding pensioner with dementia treated by nurses in a store room at a busy NHS hospital because no cubicles were free. Twenty NHS hospitals in the United Kingdom have declared black alerts because patient safety could no longer be assured.

1360 Mr Speaker, the excellent professionals of the GHA are doing, if I may say, a sterling job for our community. There are errors in treatment which come with the fact that medicine is not an exact science, but it would be churlish in the extreme for us not to recognise the excellent work and the important investment we have made in the health services of our nation; an investment under my friend and predecessor Dr John Cortes, and the professionalism of our staff produce a GHA today that is not – not by a country mile, Mr Speaker – suffering a crisis like the NHS.

1365 It is in that context that I now hand over to the Hon Gentleman a schedule of the information requested in respect of Question 145, showing the figures oscillate around 23%.

1375

Answer to question 145

MONTH	PATIENT COHORT	NUMBER	PERCENTAGE
Jan-16	Dementia Long Stay	29	22%
Jan-16	Elderly Long Stay	29	22%
Feb-16	Dementia Long Stay	29	22%
Feb-16	Elderly Long Stay	29	22%
Mar-16	Dementia Long Stay	29	22%
Mar-16	Elderly Long Stay	29	22%
Apr-16	Dementia Long Stay	33	25%
Apr-16	Elderly Long Stay	32	24%
May-16	Dementia Long Stay	29	22%
May-16	Elderly Long Stay	27	21%
Jun-16	Dementia Long Stay	29	22%
Jun-16	Elderly Long Stay	31	24%

In addition to the information provided in the schedule, let me remind the House of the contingency measures we have introduced.

1380 We have added four additional beds to two wards and have temporarily refurbished the cardio rehabilitation gym into a seven-bed ward. A more active and effective bed management system, together with the introduction of a full-time social worker at St Bernard's Hospital and the possibility of approved packages of care has seen an increase in the discharge process.

1385 This has provided the GHA with a daily average – Mr Speaker, perhaps the Leader of the Opposition will want to hear this bit. This has provided the GHA with a daily average of between 11 and 15 beds available. (*Banging on desks*) Just last week, during what is still considered the height of the flu season, there were 18 beds available. Whilst NHS hospitals were turning people away for lack of beds, we were able to continue operations even at this very difficult time of year. The net result of what I have mentioned is that the GHA is able to deal with acute admissions into A&E in an even more timely manner and further expedite transfer of patients to
1390 the wards.

Mr Speaker, save for three elective surgery cancellations – three, contrasted to the 15% to 20% that they ensured under their time in Government, when there were a panoply of operations cancelled as a result of lack of bed shortages – as a result of bed unavailability, all scheduled elective surgery is being undertaken and there have been no cancellations due to
1395 non-availability of beds in January and February.

All surgical emergencies have also been expedited and undertaken well within the NICE guidelines for referrals. Also, elective specialist surgeries have been carried out by visiting specialist consultants from the UK.

1400 Elderly patients are being discharged in a timely manner. This prevents elderly patients from becoming institutionalised and at risk of hospital-acquired infections due to prolonged stay. Our investment in the community delivers this result.

I can also confirm that only patients with mental health related illnesses have been admitted to Ocean Views Mental Health Facility. There has been no need to shoehorn patients into this facility who are suffering from illnesses unrelated to mental health.

1405 Mr Speaker, the average waiting time for people waiting to be treated at the Accident and Emergency from January to June of last year is as follows. January, one hour and 31 minutes; February, one hour and 20 minutes; March, one hour and 28 minutes; April, one hour and 19 minutes; May, one hour and 12 minutes; and June, one hour and 21 minutes.

1410 Mr Speaker, I am not sure why the hon. Gentleman asks me whether I am now in a position to answer Question 57 of this year, given that I answered that question. I am, however, delighted that the hon. Gentleman should have asked again the same question, as I was wrong and it allows me the opportunity to correct the record.

1415 Mr Speaker, the House will recall that I replied that the average waiting time for a patient to be treated at A&E ranged from two hours and four minutes to two hours and 28 minutes. In fact, average waiting times were significantly lower, reinforcing even further the absolutely outstanding work carried out by our professionals at A&E.

1420 It therefore gives me great pleasure, Mr Speaker, to announce that the average waiting times for people waiting to be treated at the A&E from July to December 2016 of last year were: July, one hour and 14 minutes; August, one hour and 16 minutes; September, one hour and 31 minutes; October, one hour and 35 minutes; November, one hour and 19 minutes; December, one hour and 18 minutes.

1425 Mr Speaker, given the really quite dreadful statistics for average waiting times at A&E in the United Kingdom NHS, I sincerely do believe that we must congratulate the GHA for these average waiting times. (*Banging on desks*)

Hon Chief Minister: Hear, hear.

1430 **Hon. D A Feetham:** Mr Speaker, indeed I add my voice of congratulation to the staff at the GHA and may I also congratulate the Hon. Minister on an excellent speech. It was very well practised indeed.

Can I start off in supplementary with the answer that he has provided to Question 145/2017. He said 23%, I think, in relation to the bed occupancy rates for dementia patients, which was the average, I think, that he was given.

1435 But, Mr Speaker, am I right in saying that actually when you take dementia long-stay patients and elderly long-stay patients, you then have an average of over 44% of bed occupancy by those two categories?

1440 **Hon. N F Costa:** Mr Speaker, in the first place I really have to start with the preface that the hon. Gentleman made by saying that he associates my remarks as to the excellent work done by A&E and GHA because, Mr Speaker, if that were true, if he really genuinely felt the words that he said in this House, he would not have – when I saw the post this morning – posted on Facebook a post that indicates that he is not at all pleased with the work that is being done at the GHA. And he knows full well, Mr Speaker, because I explained in this House that when I noted the longest a patient had to wait to be treated at A&E I meant the longest a patient had to be treated at A&E by being admitted into a ward. In other words – (*Interjection*) Yes, indeed I did. (*Interjection*) Yes, indeed I did and I have got the *Hansard* here and I can read it back to him if he wants. I made the point last time in this House that the average waiting time for a person to come to A&E and actually be treated by the consultant as two hours. I was wrong. When a patient attends A&E he is treated by a consultant within one hour 12 minutes, which is a staggeringly magnificent time. (*Banging on desks*) (**A Member:** Hear, hear.) And of course, Mr Speaker, there will be occasions where a person waits for more than an hour, because if a patient comes at the same time as more than three or four patients present with heart problems or chest pains, triage demands that the person that presents with what could be a heart attack is seen immediately. So, whereas the average time is this magical number of one hour and 12 minutes to be seen from walking in to A&E to being treated by a consultant, there will be cases where it exceeds that hour. And in those cases, instead of posting on Facebook, the hon. Gentleman can call me, can text me, and he knows that when he does – and he cannot say in this House that it is not true – there has not been one occasion, not one, that he has texted me or written to me that I have not sought by all means possible to address and resolve every complaint and every grievance that is brought to me. So if he genuinely felt the words that A&E were doing a great job, he would not put misleading posts on Facebook, (**Hon. Chief Minister:** Hear, hear.) because he knows full well that the persons who had to wait for longer to be admitted from A&E to a ward were in beds, being properly taken care of, seen by doctors, given nutrition and being reviewed. So his post, Mr Speaker, belies and gives the lie to the words that he now seeks to associate in public, trying to be everything to all men. It is just not credible. (**A Hon. Chief Minister:** Hear, hear.) (*Banging on desk*) Mr Speaker, I will not allow and we cannot allow it to pass un-replied to.

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1470 Mr Speaker, yes, if he does the maths it is 44%, but I have to tell him that is incredibly better than it was under the GSD.

Hon. D A Feetham: Mr Speaker, I am very surprised, I have to say, by the song and dance that the hon. Gentleman has actually made in relation to my post on Facebook (*Interjection*) and my preface to the question about ... yes, of course agreeing that staff work under very difficult circumstances, and yes, congratulating the staff for the very hard work that they put into not only Accident and Emergency but elsewhere. But, Mr Speaker, doesn't the hon. Gentleman realise ... and we will come back to my question, the question that I asked the last time round and my post on Facebook, given that he has raised it, but doesn't he realise that actually the problems faced at Accident and Emergency are not staff created, they are systemic? That is the reason why people are waiting so long (*Interjections*) at Accident and Emergency, Mr Speaker.

1480 They are waiting so long because of lack of resources, Mr Speaker. They are waiting so long because of bed occupancy rates amongst dementia sufferers and long-stay patients, because if there are no beds available in wards then people are going to have to wait in a bed inside Accident and Emergency, which then has a knock-on effect on people outside Accident and Emergency waiting to see a doctor.

1485 Does he not agree with me, Mr Speaker, that the problems faced at Accident and Emergency are systemic?

Hon. N F Costa: Mr Speaker, it is clear beyond doubt that the Hon. the Leader of the Opposition has come today to play politics and to do so with the consummate style of not Laurence Olivier but a comic.

Mr Speaker: May I intervene at this stage! Will the hon. Member ... [*Inaudible*]

We are not going to have a repetition today of what we had at the last meeting. I want Members to ask questions and for those questions to be answered by the Government if the Government can answer them, is in a position to answer them. I do not want references to Facebook, because is not ... That can be debated in Parliament when there is a debate, but not arising from questions, and I want hon. Members not to debate the situation of the Gibraltar Health Authority.

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1500 So the hon. Member of the Opposition can ask questions, the Minister or the Chief Minister or whoever can reply, but do not debate, because otherwise I will call the question to a halt and move on to the other one.

Hon. N F Costa: Mr Speaker, in respect of systemic, the system that he criticises is the system first of all that they put in place. Let me also tell him this: if he is criticising a system where people who attend A&E have on average to wait for one hour and 18 minutes, then I think everyone on this side of the House will say it is a good system, it is a great system. (*Banging on desks*)

1505
1510 Mr Speaker, it is clearly the case that the Hon. the Leader of the Opposition is not listening to my answers. I have told him that as a result of measures I have introduced, by increasing temporarily the number of beds there has been, since December, during January and February, an average of 15 beds available. Every day there are around 15 beds available. I have told him that during January and February there have only been three elective cancellations.

1515 Does he remember what the hon. opposite number when I was in Opposition used to tell me when I used to tell her that operations were being cancelled because there were no beds, and the reply came back always, shoulders shrugged, saying it was the flu season. Well, during the flu season there are 18 beds available and there are no operations being cancelled by simple measures being introduced.

1520 So, no, Mr Speaker, the system works extremely well, the average waiting time is an hour and 18 minutes, there are 18 hospital beds available, elective operations are not being cancelled, cancer operations are being expedited, all referrals are being expedited and the system that we have now, due to the measures that we have taken, will mean that there has been, for the first time, no elective operations cancelled due to lack of beds. (*Banging on desks*)

Hon. D A Feetham: Mr Speaker, the hon. Gentleman seems to forget that when he was on this side of the House he used to constantly say that the cancellation of one operation was the cancellation of one operation too many. (*Interjection*) That is the point he always used to make. He always used to make that point and he always used to lambast the then Minister for Health in relation to waiting times for Accident and Emergency.

1530 What the Hon. the Minister cannot get away from – and I realise that he has been very short in the post because he has only been in the post for a couple of months, but what he cannot get away from is the fact that they have been in Government for five years. Therefore, in five years I

1535 would have expected a better system with fewer complaints, given that he was constantly complaining from this side of the House as to the operation of the system when we were in Government. But the position, Mr Speaker, is that that has not happened. Does he not agree with me? (*Interjections*)

Hon. N F Costa: No, Mr Speaker, I cannot agree, for various reasons. The number of operations has shot up under this Government. (*Interjection*) My formidable predecessor, Dr John Cortes (**A Member:** Hear, hear.) (*Banging on desks*) introduced the day surgery. I told him in another session of the House that the number of operations – and I am quoting from memory – were around 4,000. That is an incredible number of operations being carried out, and there were many less operations being carried out when the GSD were in Government, (**A Member:** Six hundred.) around 600. And I have just told him, Mr Speaker, that during the height of the flu season, when I used to be told that operations had to be cancelled because there were no beds available and that is the way it was, I have just told him that we have gone from a position of 15% rate of cancellations, 15% under their time, to three cancellations. (*Interjection*) And he is right – (**Hon. Chief Minister:** Wow!) He is right, (**Hon. Chief Minister:** Wow!) three cancelled elective operations are three too many.

1550 And he knows me well, Mr Speaker. He cannot go to a chat show on *GBC* and call me his friend and then stand up and act as if he does not know me. (**Hon. Chief Minister:** Hear, hear.) (*Banging on desks*) He will have known that internally those three cancelled operations would have caused a stir coming from the Minister's office down and I would have wanted to have known why on earth it was that, given that we have 18 beds available for the first time ever during the flu season, any elective operation was cancelled. Those numbers were not good enough for me, even if we have gone from hundreds of cancelled operations to three.

Hon. Chief Minister: Hear, hear. (*Banging on desks*)

A Member: Hear, hear.

1560 **Hon. D A Feetham:** Mr Speaker, he knows that I count him as one of my closest friends. He knows that (*Interjection*) he knows that, and he also knows that I have to do my job as Leader of the Opposition. And he knows in addition to that (*Interjection*) that in fact on more than one occasion he has told me that he is glad that I ask these questions because it helps him do his job better. He cannot deny that, Mr Speaker.

1565 Now, Mr Speaker, can I return to the questions in relation to the monthly average waiting times for people waiting to be treated at Accident and Emergency. On the last occasion I asked this particular question and I also asked for the maximum that somebody has had to wait before being treated. What he said to me on the last occasion, despite the fact that the question was what is the maximum that somebody has had to wait to be treated in Accident –

Mr Speaker: You cannot be referring at a meeting here to a specific question that was asked at the last meeting. The rules do not –

1575 **Hon. D A Feetham:** Mr Speaker, it is about –

Mr Speaker: You are asking today about average waiting times. You are being given information about average waiting times. You cannot ask questions about maximum waiting times. If you asked it at the last meeting then the rules do not allow you to ask it again, so deal with average waiting times and not maximum waiting times.

Hon. D A Feetham: Mr Speaker, I do wish that sometimes Mr Speaker were to have faith in the fact that I have been in this House for some time and I know what the rules of the House are. I am not going to ask about the maximum – (*Interjection*) May I –?

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Mr Speaker: I hope that you would also have faith in the fact that I have been here much longer than you, (*Laughter*) (**Hon. Chief Minister:** Hear, hear.) that I think that I read and keep up with the rules as often as possible because I have to implement them, and that I am totally impartial as to how I apply the rules.

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Hon. D A Feetham: Yes, but Mr Speaker has got the wrong end of the stick. (**A Member:** Ooooh!) May I –?

Mr Speaker: No. I have told hon. Members beforehand that, by nature of the rules of the House, whereby the majority of the rules ... in detail, Rule 17, governing the right to ask questions, has got 15 sub-paragraphs. By the nature of events the other day and today, we are dealing with questions. They are asking the questions. It is them whom I have to control. The questions should not be of excessive length, they should keep to the point, they should not ask a question that has been ... I wish I could control also ... I wish the rules, and that is up to Members ... I wish I could control the length of answers as well, because then we would get on more expeditiously.

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Hon. D A Feetham: Mr Speaker, if I may explain, (**Mr Speaker:** Yes.) – I am very grateful to Mr Speaker – the reason why I was referring to the maximum somebody has had to wait was because the question that I asked on the last occasion and on this occasion in relation to average waiting times was drafted in exactly the same terms as my question on the maximum a person has had to wait. It was in exactly the same terms; it was just that the difference was average waiting times and the other was the maximum somebody has had to wait. And on the last occasion, in relation to the maximum waiting time, the Hon. the Minister said it is waiting times but it is not waiting times outside, it is waiting times on a bed inside but waiting to be treated.

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Hon. N F Costa: They were waiting to be admitted to a ward.

Hon. D A Feetham: But the question was ‘waiting to be treated’, that was the question. (*Interjection*) Yes, but the question now is in the same way – and the Hon. Minister has raised it – as obviously he misunderstood the question, are we talking about ... When one takes average waiting times, is it average waiting times inside occupying a bed – because of course the questions are drafted in exactly the same way – or are we talking about average waiting times *outside* Accident and Emergency.

1615

The hon. Minister must see why I am asking the question, because they were drafted in exactly the same way, and in relation to a maximum he said they were on a bed inside – 28 hours, but they are in a bed inside. Okay? The question on average was exactly the same; it just said average. Is that inside or is it outside? That is the question.

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That was the reason, Mr Speaker, I referred to the last time round.

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Hon. N F Costa: Mr Speaker, the average waiting time, to be clear, refers from the average waiting time from arrival to be seen by a clinician. Right? So a person comes to A&E and the average waiting time for him to be admitted into A&E and be seen by a clinician hovers around an hour. Of course, with individual cases that may take longer because of circumstances surrounding that particular time in which the person arrives.

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If, once at A&E, there is a determination by the consultant within that hour and 13 minutes that the patient should be admitted into a ward, that happens immediately. So a person arrives at A&E, he waits between an hour and 13 minutes to be walked into A&E and actually be seen

1635 by a clinician. That is the maximum he will have to wait, an hour and 13 minutes. At that point the person will either be admitted into a ward, (*Interjection*) or he or she will be asked to go home.

The point that we made last time as to the longest a patient has had to wait –

1640 **Hon. D A Feetham:** That is the question.

Hon. N F Costa: Yes, but the answer is different. In December, as a result of all the reasons that I gave – the fact that we had the highest number of over-75s presenting with major illnesses at A&E etc. – there was a case where a person, having been seen at A&E within the average time of one hour and 13 minutes ... at that point a consultant makes a determination that the person has to be admitted to a ward. Today that would be immediately, because there are around 15 beds available. At the time when we had that huge surge in December, there would have been that wait, but as the hon. Gentleman says, it would have been in a bed with continuous medical monitoring, food and proper care.

Q149 and 150/2017
GHA and Care Agency vacancies –
Breakdown by department

1650 **Clerk:** Question 149, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many vacancies are there within the GHA, broken down by departments?

1655 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Question 150.

1660 **Clerk:** Question 150, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many vacancies are there within the Care Agency, broken down by departments?

1665 **Clerk:** Answer, the Hon. the Minister for Health Care and Justice.

Hon. N F Costa: Mr Speaker, all posts within the Gibraltar Health Authority and the Care Agency are covered, and as such there are no vacancies.

1670 **Hon. D A Feetham:** Mr Speaker, I have seen a circular that Unite the Union has sent round to its Members in relation to the question of vacancies at the GHA – not in relation to the Care Agency but in relation to the GHA. It basically says that Unite the Union are dealing with the issue of vacancies within the GHA with the Government and that those are going to be dealt with very shortly by the Government.

1675 Is he suggesting, therefore, that the information that Unite the Union has in relation to vacancies within the GHA is not accurate information?

Hon. N F Costa: Mr Speaker, surely he does not expect me to answer for Unite the Union.

1680 **Hon. D A Feetham:** No, Mr Speaker, I expect him to be politically answerable to this side of the House, because if the Government is providing information to Unite the Union and is in discussions with Unite the Union or any other union about vacancies within the public service and they are in discussions about filling those vacancies when clearly vacancies exist and those are the discussions taken with an industrial relations perspective, how can he come to this House and say there are no vacancies within the GHA or indeed within the Care Agency?

1685 **Hon. N F Costa:** Mr Speaker, as I have said, surely he does not expect me to comment on a circular by a third party in this House.

1690 **Mr Speaker:** Well, there is a rule here which says that a question shall not be asked as to whether statements in the press or of private individuals or official bodies are accurate. The hon. Members here who are lawyers can tell me: what interpretation am I supposed to make of that?

A Member: Hear, hear.

1695 **Hon. D A Feetham:** Mr Speaker, I am very grateful.
I will be posting on Facebook tonight the hon. Gentleman's answer that there are no vacancies within the GHA and the Care Agency.

1700 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I note that the hon. Gentleman has indicated what his social media chronology will be like this evening. He can rest assured that however much he sponsors his posts and his attempts to get them up that will not affect the industrial relations agenda of the Government or indeed the excellent work that we do with Unite and with the GGCA on all aspects where we engage with them and the excellent work that is being done by the hon. Member at the GHA, and people will see through whatever he decides to post
1705 this evening.

Hon. D A Feetham: Mr Speaker, is there a reason why the hon. Gentleman has been able to answer the question in the terms that he has, no vacancies within the GHA – because the Government is covering vacancies within the GHA, as indeed within the Care Agency, with cover
1710 from recruitment consultants and recruitment agencies such as S&K and also MedDoc?

Hon. N F Costa: No.

**Q151/2017
GHA nurses –
Numbers employed directly**

Clerk: Question 151, the Hon. D A Feetham.

1715 **Hon. D A Feetham:** Mr Speaker, can the Government say how many nurses were employed by the GHA directly as at 31st December 2012, 2013, 2014 and 2015.

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1720 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the information is as follows: 2010, 387; 2011, 404; 2012, 429; 2013, 451; 2014, 457; 2015, 480; 2016, 473.

Mr Speaker, I would also like to correct the record. In the previous House I said there were 524 nurses employed directly by the GHA when in fact there are 473 nurses employed.

Q152-155/2017

**GHA, Care Agency and Mount Alvernia –
Numbers of nurses and workers through recruitment agency**

Clerk: Question 152, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, can the Government please state how many nurses were placed/working within the GHA through the services of a recruitment agency as at 31st December 2012, 2013, 2014 and 2015?

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Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, this question will be answered together with Questions 153, 154 and 155.

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Clerk: Question 153, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government state how many workers are currently placed working within the GHA through the services of a recruitment agency?

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Clerk: Question 154, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government state how many workers are currently placed working within the Care Agency through the services of a recruitment agency?

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Clerk: Question 155, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government state how many workers are currently placed working within Mount Alvernia through the services of a recruitment agency?

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Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, as at the date of writing this answer, there are 10 nurses placed through the GHA through the services of a recruitment agency.

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As at 31st December 2012, 2013, 2014 and 2015, the information is as follows: 2012, six; 2013, two; 2014, five; 2015, 11.

The number of workers that are currently placed/working within the GHA through the services of a recruitment agency is 26.

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There are 147 workers placed within the Care Agency through the services of a recruitment agency.

There are 16 workers currently placed within Mount Alvernia through the services of a recruitment agency.

Q156-159/2017

**GHA, Care Agency and Mount Alvernia workers –
Number directly employed on short-term contracts**

Clerk: Question 156, the Hon. D A Feetham.

1765 **Hon. D A Feetham:** Can the Government state how many workers employed directly by the GHA are on short-term contracts.

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1770 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 157 to 159.

Clerk: Question 157, the Hon. D A Feetham.

1775 **Hon. D A Feetham:** Can the Government state how many workers employed directly by the Care Agency are on short-term contracts?

Clerk: Question 158, the Hon. D A Feetham.

1780 **Hon. D A Feetham:** Can the Government state how many workers currently working within Mount Alvernia are on short-term contracts?

Clerk: Question 159, the Hon. D A Feetham.

1785 **Hon. D A Feetham:** Can the Government state how many workers working within the Care Agency and the GHA are on short-term contracts with a Government-owned company?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1790 **Hon. N F Costa:** Mr Speaker, there are no workers currently on short-term contracts within the Gibraltar Health Authority, the Care Agency or Mount Alvernia, whether via any Government-owned company or otherwise.

1795 **Hon. D A Feetham:** Mr Speaker, perhaps his definition of a short-term contract is different to mine. I can tell the Hon. the Minister that I have seen in my office a number of people only last week. I am not going to say which sector, because they did not want me to reveal their identity, whether directly or indirectly, but certainly there are workers that are on 11-month contracts ... for example, that contract has not been renewed and they are on some kind of monthly contract or revolving contract. That is what I mean by short-term contract. If somebody is on an 11-
1800 month contract, it must be on a short-term contract. (*Interjection*) In fact, there were not only, for example, charge nurses in the time that we were in Government that were on short-term contracts, usually about 11-month contracts and those contracts were then renewed and they were then on further 11-month contracts, but there are such workers now within the GHA.

1805 That is what I mean by short-term contracts, and therefore I ask: what does the hon. Gentleman think that I mean by short terms contracts?

Hon. N F Costa: Mr Speaker, there is no such thing, as I understand it in law, as a short-term contract. There are either indefinite contracts or fixed-term contracts.

1810 **Hon. D A Feetham:** All right, well, that is a partially helpful answer.

In relation to the questions that I have asked, Questions 156 to 159, can I therefore substitute for 'short-term contract' a 'fixed-term contract' – and can I have the answer, please?

1815 **Hon. N F Costa:** Mr Speaker, he can certainly rephrase the question, but I would not have the answer here.

1820 **Mr Speaker:** I can help the Leader of the Opposition by suggesting that he asks the same questions, substituting the words 'short-term contracts' for 'fixed-term contracts' at the next meeting of the House and I will take the questions as being different questions and not the same. I will allow them, in other words.

Q160/2017
GHA and Care Agency –
Subcontracted workers on zero hours contracts

Clerk: Question 160, the Hon. D A Feetham.

1825 **Hon. D A Feetham:** Mr Speaker, how many employees subcontracted into the GHA and the Care Agency are on a zero hour contract? On this occasion I have put a note, just for the Hon. the Minister's benefit, so that he does provide me with the right answer, and the note is: a zero hour contract is a type of contract between an employer and a worker, where the employer is not obliged to provide any minimum working hours.

1830 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I love it how the Hon. the Leader of the Opposition turns it around when he has made a mistake and makes it seem like I am being somehow ungenerous.

1835 The hon. Gentleman asked me about short-term contracts. I even went and sought legal advice, and indeed it was confirmed that short-term contracts do not exist. There are either indefinite contracts or fixed-term contracts. So it is not that I need an explanatory note; it is just that he needs to ask the question properly.

1840 To answer the question, Mr Speaker, we do not have any information on the contracts between employers and employees who are subcontracted into the GHA and the Care Agency.

1845 **Hon. D A Feetham:** I find the answer puzzling, I have to say. The question – how many employees subcontracted into the GHA and the Care Agency are on zero hour contracts – is surely something that the Government would be interested in. And I ask that question in this context: that the Government, and the Hon. the Minister in particular when he was Minister for Employment, used to boast about the fact that unemployment levels are very low here in Gibraltar. But of course, if you have a situation where people are being placed within the GHA through recruitment agencies on zero hour contracts, that person is then taken off the unemployment list, but of course they may not be working at all or they may be working for two or three hours a week, and that is something that should be a matter of concern for the Minister, as indeed it is for me.

1850 Therefore, I ask the Minister again: has he not taken an interest in relation to something that is, of course, of a concern not only politically to both of us but of course more importantly to the people that are affected.

1855 **Hon. N F Costa:** Mr Speaker, the Hon. the Leader of the Opposition has an art of converting hypothetical situations into the worst kind of hypothetical situation. He is asking a hypothetical which, as the Hon. Speaker will remind us, is not permissible under the rules of the House – hypotheticals cannot be asked. And for him to suggest that I have no interest in the welfare of our employees is really quite incredible.

1860 The hon. Gentleman has asked whether there are subcontracted workers on zero hour contracts. It is not for me to explain the rudimentary basics of employment law to a Queen's

1865 Counsel, but if there is any subcontracted work between an agency and a Government Department, then of course the contract is between the company that is the agency and the worker. In other words, Mr Speaker, the labour is provided by that agency to the Government Department and the legal relationship is between the worker and the agency, not with us. Therefore, I cannot answer the question, because I am not the agency and I do not know whether the contract is zero hours, short term – which does not exist, indefinite, or otherwise.

1870 But let me tell him this: there is no one, no one – and obviously I have asked the question – there is no one that we know that is on this hypothetical scenario where they have a contract with an agency that is supplying labour to us but is not doing any work for the GHA.

In other words, Mr Speaker, if it is that an agency is providing the GHA labour – (**Hon. D A Feetham:** No obligation.) I can assure him that the GHA, if it requires work on a supply basis, then of course the GHA will call that person as a supply worker as and when required. But, as happens to be the case, every time that a worker is in fact contracted to offer supply labour to the Government, the reality is that when the Government entity asks somebody to come in as supply, they are doing the work of a regular worker all of the time.

1880 I remember when I was the Minister for Transport and the Minister for the Bus Company we had people on supply who were doing more hours than the actual drivers. And of course I know who the people are who are on supply and I can assure him, Mr Speaker, that those persons who are meant to be on supply to us and are only called as and when they are needed are actually working every day all of the time as if they had a regular contract.

1885 **Hon. D A Feetham:** But, Mr Speaker, hasn't the Hon. Minister done an analysis, as I would have expected him particularly to come prepared to this House to answer supplementaries from me in relation to this, but certainly also in his previous incarnation as the Minister for Employment to have done an analysis of the people that are off the unemployment list that are being placed within the public sector through recruitment agencies but on zero hour contracts? Is he saying that does not exist, that it is a figment of my imagination, that there are no people within the Care Agency or the GHA, which are now his responsibility, through recruitment consultants or agencies who are on zero hour contracts? *Y si me entero (Interjections)*

Hon. N F Costa: No, Mr Speaker, I am afraid to say that his third supplementary does evidence *de que no se entera*.

1895 Mr Speaker, as I have said, if there is a need for workers to be supplied by an agency the legal and contractual relationship necessarily has to be between the agency that provides the supply and the worker, because in law that supply worker is not an employee of the Government entity. He or she is an employee of the agency. What I am telling him is that I cannot tell him what the contract between a supply worker to the GHA and the agency is because the contractual and legal relationship is between that person and the agency.

1900 What I can tell him – because his concern is that there are people who are off the unemployment list but they are on zero hour contracts, which actually means they are off the unemployment list but doing no work ... What I am telling him is that whereas I cannot tell him what the contractual relationship says between that agency worker and the agency – I cannot because I am not privy to those contracts, because he or she is not my employee – what I am telling him is that when the GHA requires labour, that person will be required as and when required, in other words supply, but what I am telling him is that the zero hours is a fiction of their imagination because it is just not the case. When the GHA says, 'Right, we need certain people to do this job and we will call them as and when required,' the reality is that the Government entity in fact ends up using that person *all* of the time.

1910 So it is not the case that people are being stricken off the unemployment list on zero hour contracts and not doing work. That is what I am telling him for the responsibilities for which I am responsible, but reminding myself that when I was Minister for Transport those persons who were on a supply list, that were meant to be drivers as and when required, ended up actually

1915 doing more hours of work than the actual drivers. So he should not be concerned that people
are off the unemployment list but doing no work. If they are not on the unemployment list, it is
because they are actually... Sorry, if they are off the unemployment list it is because they are
doing work.

1920 **Hon. D A Feetham:** Mr Speaker, one final question in relation to this. He does not
understand, really, the concern to the people that are affected. He may say there is nobody
within the GHA and the Care Agency that is currently not working any hours, alright, but does he
not accept that for the actual worker themselves – and hence I was trying to get to how many of
1925 these people there are – for the worker themselves, it is a huge uncertainty to have a situation
where they are not on the unemployment list, so therefore they do not get called for jobs that
may come out from the ETB, and yet they are placed within the GHA and the Care Agency
through recruitment consultants on zero hour contracts. Those are the people who are coming
to me and obviously are saying to me, ‘Look, this is just not fair, because I cannot even go to the
ETB and basically ask for vacancies, because I am considered to be employed.’ I just wonder
whether the hon. Gentleman can offer those people a measure of comfort.

1930 **Hon. N F Costa:** Mr Speaker, it has just dawned on me exactly what the hon. Gentleman is
asking me, and maybe had he phrased the question differently I would have been able to have
given him the answer straight off the bat.

1935 I think that the hon. Gentleman is referring to one particular company. I think he is referring
to one particular company. Although I am not privy, because I have not seen any contracts of
any of the recruitment agencies, I know from what I am told that there is only one company that
is actually using what are termed zero hour contracts – one company – of which I have just been
reminded right now.

1940 Mr Speaker, I have not been sighted of that documentation and of course it would be, as far
as we are concerned, incredibly unfair for that to be the case. But he has to know that the usual
recruitment agency that supplies labour to the Government, the usual one, has contracts for
between 37 to 39 hours, because those are the ones that we work with in Government and we
know because of the relations that we have. But there is certainly one company, which I now
know he is talking about. I have not been sighted of those contracts, but certainly it would be for
1945 us on this side of the House quite outrageous if that were to be the case.

Hon. D A Feetham: I am very grateful to the Hon. Minister for the answer.

**Q161 and 162/2017
GHA and Care Agency –
Bank nurses**

Clerk: Question 161, the Hon. D A Feetham.

1950 **Hon. D A Feetham:** Mr Speaker, how many bank nurses were employed directly by the GHA
and separately the Care Agency as at 31st December 2012, 2013, 2014, 2015 and 2016?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1955 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this
question together with Question 162.

Clerk: Question 162, the Hon. D A Feetham.

1960 **Mr Speaker:** I am very ignorant: what is a bank nurse? Will the Minister explain when he answers his question? What are bank nurses? When you answer the next one, okay? Please. Thank you.

1965 **Hon. D A Feetham:** How many bank nurses were subcontracted into the GHA and separately the Care Agency through the services of recruitment agencies as at 31st December 2012, 2013, 2014, 2015 and 2016?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1970 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I now hand over to the hon. Gentleman a schedule with a breakdown of the information he requests.

Answer to Question 161 of 2017

The total number of bank nurses employed directly through the GHA is as follows:

31 December 2012	79
31 December 2013	83
31 December 2014	91
31 December 2015	126
31 December 2016	126

The total number of bank nurses employed directly through the Care Agency is as follows:

31 December 2012	2
31 December 2013	2
31 December 2014	1
31 December 2015	1
31 December 2016	2

1975 **Mr Speaker,** in relation to Question 162, none.

Mr Speaker: And the bank nurse is someone who uses their time between the hospital and a bank?

1980 **Hon. N F Costa:** Mr Speaker, bank nurses tend to be populated by nurses who have retired.

Mr Speaker: They tend to be?

1985 **Hon. N F Costa:** Nurses who are retired and who are added to a bank list and are called in to cover maternities, sickness and other absences.

Hon. Miss S J Sacramento: A supply role.

1990 **Mr Speaker:** I am very grateful.

Hon. Miss S J Sacramento: The supply list is through the bank.

1995 **Hon. D A Feetham:** Mr Speaker, are there any plans on the Government's side – in this case, obviously the GHA, the Authority – are there any plans for nurses on fixed-term contracts not to have those contracts renewed and for them to be placed on the bank list? Is there a policy in that regard?

2000 **Hon. N F Costa:** No, Mr Speaker, that is not correct.

Mr Speaker: Any other supplementaries? Next question.

Q163/2017
Acting Director of Nursing –
Suspension

Clerk: Question 163, the Hon. D A Feetham.

2005 **Hon. D A Feetham:** Is it true that the Acting Director of Nursing with 30 years' experience was suspended; and why?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

2010 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, no sir; no one has been suspended.

Mr Speaker: Next question.

Q164/2017
St Bernard's Hospital –
Reason and cost of alterations to seventh floor

Clerk: Question 164, the Hon. D A Feetham.

2015 **Hon. D A Feetham:** Mr Speaker, I may come back to this Question 163 in the future, if I may. (*Interjections*) I mean during the session of this House, obviously.

2020 **Minister for Health, Care and Justice (Hon. N F Costa):** He does not have to come back, he can ask me now.

Chief Minister (Hon. F R Picardo): He is waiting for a Facebook friend to send a message.

Mr Speaker: [*Inaudible*]

2025 **Hon. D A Feetham:** No, Mr Speaker, I am not waiting for anybody from Facebook to message me! No! No!

I do have people that obviously provide me with information. After five years of the Government being in government, Mr Speaker, I now have a larger cadre of informers than I did three years ago. (*Interjections*)

2030 **Mr Speaker:** Question 164.

Clerk: Question 164, the Hon. D A Feetham.

2035 **Hon. D A Feetham:** Mr Speaker, what works have been undertaken to the seventh floor of the hospital, where the Minister and associated staff are located, their reason and their cost?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

2040 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the seventh floor boardroom has been partitioned and converted into an open plan office to house extra administration staff resulting from the creation of the new Ministry for Health, Care & Justice. The office used by the Director of Public Health has been converted into the GHA's main boardroom. The Director of Public Health is now housed on the sixth floor.

2045 Additionally, all administration offices forming part of the Ministry on the seventh floor have been repainted.

The works were awarded to GJBS for a total of £6,277.30.

2050 **Hon. D A Feetham:** Mr Speaker, £6,200: is that the total sum of the contract, or is that the amount of money that the Government has paid so far? I have to say that it does appear, for the work that the Government is actually undertaking on the seventh floor, that £6,200 appears on the low side – and I do not criticise the Government for that, obviously, but ...

2055 **Hon. N F Costa:** No, Mr Speaker. Yes, the £6,277 relates to all of the work that has been conducted by GJBS to partition what used to be a huge space into two and to paint the entirety of the offices. I thank the hon. Gentleman for pointing out that we do achieve value for money.

Mr Speaker: Next question ... *[Inaudible]*

2060 **A Member:** *[Inaudible]* ... £6,000 too much.

A Member: Too much, yes.

Q165/2017
GHA procurement process –
Explanation

Clerk: Question 165, the Hon. D A Feetham.

2065 **Hon. D A Feetham:** Mr Speaker, can the Minister explain the procurement process at the GHA?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

2070 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the GHA procurement process is regulated by the Procurement (Public Contracts) Regulations 2012 and the GHA Financial Instructions.

The GHA procures items which are captured under Gibraltar Government tender awards from the corresponding suppliers. It also purchases items which are more specialised, such as theatre goods, drugs, pharmaceuticals and medical equipment.

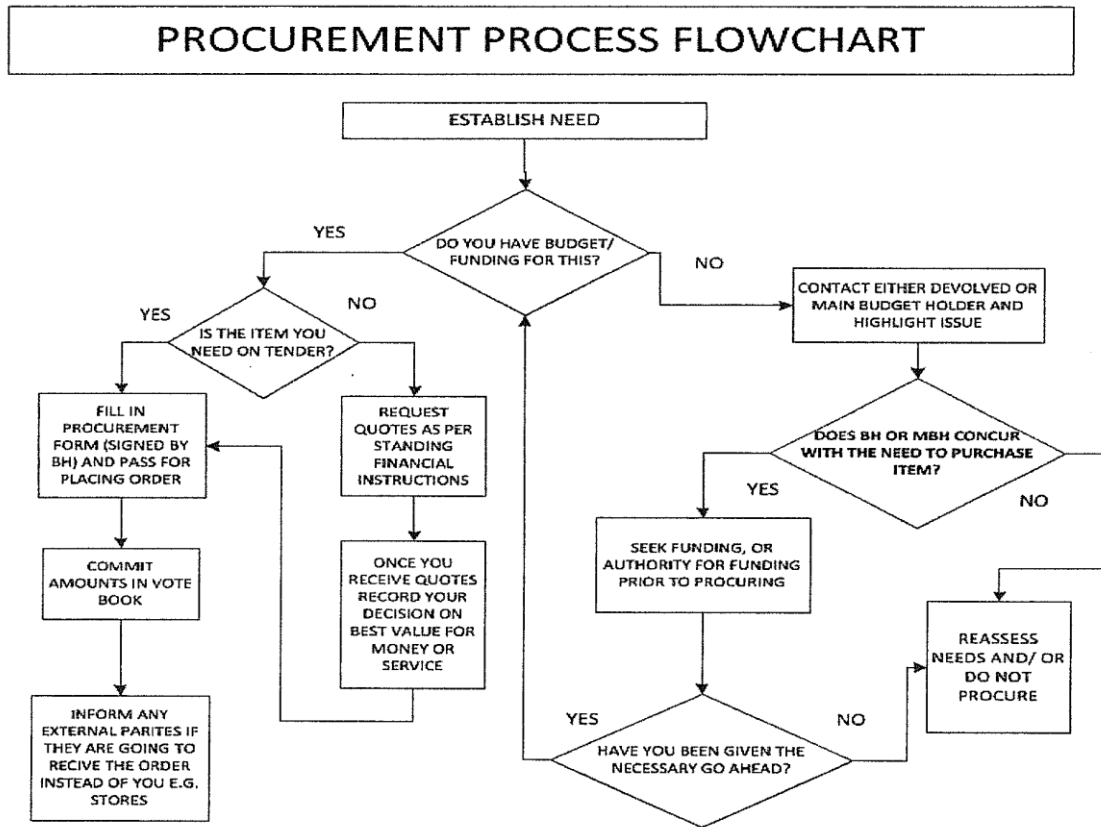
2075 Prior to placing any order, due diligence is carried out by the specific Department submitting the request and subsequently countersigned by the respective budget holder.

The Procurement Department verifies the request by checking for availability of funds and obtaining the necessary approvals when these are required.

2080 Approved orders are placed via the GHA purchasing systems and successively received at our General Stores Department, from which they are forwarded to the relevant section.

I now hand over to the Hon Gentleman a flow chart which explains the full procurement process.

Answer to Question 165/2017



2085

Mr Speaker: I do not think the flow chart is going to allow the Leader of the Opposition to ask supplementaries at this stage. Does he have any supplementary? *(Interjection by Hon. D A Feetham)* Yes.

Next question.

**Q166/2017
GHA suppliers –
Top three entities by value**

2090

Clerk: Question 166, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister state which are the top three entities by value providing provisions/supplies to the GHA in each of the last five years?

2095

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the information is in the schedule I now hand over to the hon. Gentleman.

2100

Answer to Question 166/2017

The top three entities by value providing provisions/supplies to the GHA in each of the last five years is as follows:

Financial Year			
2012/2013	Audibert	Gibraltar	£ 3,083,834.07
	Aifrend Swantex	Gibraltar	£ 1,488,408.17
	Valmar Pharmacy Ltd	Gibraltar	£ 1,225,002.52
2013/2014	Audibert	Gibraltar	£ 2,662,603.02
	Alfrend Swantex	Gibraltar	£ 1,767,592.38
	Calpe Centre Pharmacy (ICC)	Gibraltar	£ 1,425,536.24
2014/2015	Audibert	Gibraltar	£ 3,706,741.35
	Aifrend Swantex	Gibraltar	£ 2,646,571.78
	Louis pharmacy	Gibraltar	£ 1,491,385.32
2015/2016	Audibert	Gibraltar	£ 3,475,044.06
	Alfrend Swantex	Gibraltar	£ 2,290,000.33
	Kings Pharmacy	Gibraltar	£ 1,366,247.64
2016 - Feb 2017	Audibert	Gibraltar	£ 3,341,338.54
	Alfrend Swantex	Gibraltar	£ 1,898,185.36
	Miller and Miller	UK	£ 1,310,838.79

2105

Hon. D A Feetham: Mr Speaker, in relation to the schedule that the hon. Gentleman has provided, Audibert Gibraltar – can he explain who they are and what they do? Alfrend Swantex, Gibraltar, I do not know them, and of course Valmar Pharmacy I do. All the others are pharmacies except for Miller and Miller, who from February 2016 to February 2017 have supplied £1.3 million of supplies to the GHA.

2110

Hon. N F Costa: Mr Speaker, Audibert provides drugs and pharmaceuticals, vaccines, general surgical appliances and bandages. Did he want to know as well about Swantex?

Hon. D A Feetham: Yes, Swantex – and Miller.

2115

Hon. N F Costa: Swantex: drugs, pharmaceuticals, surgical supplies, implants, prosthesis, anaesthesia, bandages, needles, sutures and general medical devices.

Miller is drugs and pharmaceuticals, and surgical supplies.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer and the schedule. May I ask the Minister: has there been a change in procurement policy, in that there seems to be a pattern in that there were procurements from pharmacies locally and now we are now

2120 procuring from Miller and Miller in the UK? I presume Miller and Miller are doing the same sort of supplies as the local pharmacies were doing in the past. Is there a change in Government policy on this?

Hon. N F Costa: No, Mr Speaker, there is no change in Government policy.

Q167/2017
GHA cafeteria –
Cost to taxpayer

2125 **Clerk:** Question 167, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what is the annual cost to the taxpayer in 2016 of the GHA cafeteria?

2130 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the annual cost for the calendar year January to December 2016 is £143,307.

Q168/2017
Oncology Unit –
Purchase of chairs

Clerk: Question 168, the Hon. D A Feetham.

2135

Hon. D A Feetham: Mr Speaker, why were the chairs for the new Oncology Unit purchased from El Corte Inglés – although I understand that is not the case.

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

2140

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I have to inform the hon. Gentleman that the chairs for the new Oncology Unit were not purchased from El Corte Inglés – although I do accept that it is a vitally important affair of state. But the public will no doubt realise that there cannot be many serious issues facing healthcare in Gibraltar under this administration if the Leader of the Opposition is reduced to asking us questions about where we do our furniture shopping! *(Banging on desks, laughter and interjections)*

2145

Hon. Chief Minister: *El último corte le ha dado!*

2150 **Hon. D A Feetham:** Well, Mr Speaker, I have to say I do not think that it would be surprising for the Leader of the Opposition, or anybody else who has care for the public finances of this community and how money is spent and whether it is well spent ... that the information I had certainly was that these chairs had been purchased from across the border in Spain at El Corte Inglés, so I decided to ask the question.

2155

But where were the chairs purchased? He has not provided me with that answer.

2160 **Hon. N F Costa:** Mr Speaker, in the first place, this is the second time that the Hon. the Leader of the Opposition mentions that he asks questions based on the information received, and I have told him that every time he asks me a question on that information he is *wide, wide* off the mark. The information he is receiving is not at all accurate, and the question that he asked me was specifically in relation to whether they were purchased from El Corte Inglés – he did not ask me from where they were purchased. But they were purchased... five transfusion chairs were purchased directly from the French specialist supplier, BNB Medical.

2165 **Hon. Miss S J Sacramento:** If I can add to that, Mr Speaker, sometimes when one is purchasing specialist equipment in the medical or in the care field, we are restricted and these things cannot always be purchased locally. But it is a shame that the Leader of the Opposition did not take it as seriously or was not at all scandalised when he was in Government and Social Services purchased a kitchen for the building in Governor's Parade from Pepe Cote (*Laughter and banging on desks*) (**A Member:** Withering!) because that, Mr Speaker, could have been purchased locally, I am sure. It is not a specialist kitchen.

Several Members: Hear, hear. (*Banging on desks, interjection and laughter*)

2175 **Mr Speaker:** The hon. Lady is not answering a supplementary that has been put to her, and may I say that she is out of order – and don't do it again!

A Member: Hear, hear.

2180 **Hon. Miss S J Sacramento:** Mr Speaker, I apologise.

Hon. D A Feetham: Mr Speaker, I have to say that was one of the most enjoyable interventions that I have heard this morning! (*Laughter and banging on desks*) (**Several Members:** Hear, hear.)

2185 **Hon. D A Feetham:** Mr Speaker, one has to give credit where credit is due to the hon. Lady, I have to say. (*Interjection by Hon. Miss S J Sacramento*) Absolutely. My kitchen is also from pepe Cote, I have to say to the hon. Lady, yes.

2190 Mr Speaker, in relation to these particular chairs, were they actually purchased directly from these particular suppliers? Also, were they also subject to the same procurement system that the hon. Gentleman has explained?

2195 **Hon. N F Costa:** Mr Speaker, the chairs were actually directly purchased from the French specialist supplier and the cost of these specialist chairs and all the related chemotherapy equipment was in fact part of a very generous donation by Mrs Margaret Ayling, so it was at no cost to the Government. (*Banging on desks*)

Mr Speaker: On that basis, we can move on to the next question.

ADJOURNMENT

2200 **Chief Minister (Hon. F R Picardo):** Mr Speaker, in order to stop the process of Members advertising the wares of companies from the across the border across the House and to stop the hon. Gentleman embarrassing himself with rumours that are brought to his attention which are wrong, and given that we can only hold the attention of half of the elected Opposition, can I now move that the House do now adjourn until Monday, 20th February at 10 a.m.

2205

Mr Speaker: The House will now adjourn until next Monday, 20th February at 10 a.m.

The House adjourned at 12.53 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.07 a.m. – 2.38 p.m.

Gibraltar, Monday, 20th February 2017

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The Gibraltar Parliament

The Parliament met at 10.07 a.m.

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

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

Questions for Oral Answer

HEALTH, CARE AND JUSTICE

Q170/2017

GHA procurement budget – Breakdown re local and overseas spend

Clerk: Meeting of Parliament, Monday, 20th February 2017.

We continue with answers to Oral Questions. We commence with Question 170.

The Hon. Ms M D Hassan Nahon.

5

Hon. Ms M D Hassan Nahon: Can the Government state what percentage of the GHA procurement budget is bought from local licence holders and what percentage is bought from overseas?

10

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, during the current financial year 2016-17 a total of 64% of the procurement budget has been spent in local licence holders and 36% has been dispersed to overseas providers.

Q171/2017

ABE Ltd – GHA procurement; directors

15

Clerk: Question 171 the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Do ABE Ltd procure any pharmaceutical goods to the GHA; and, if so, can we know the nature of the pharmaceuticals and who the director/agent of the company is?

20

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the GHA procure fridge line type of medication from ABE (UK) Ltd, the main bulk of these items being insulin, eye drops, Hep C and HIV-related medication.

The directors of ABE Limited are Tracey Sarah Poggio, Albert Andrew Poggio and David John Rosedon.

Hon. Ms M D Hassan Nahon: Mr Speaker, could I ask the Hon. the Minister for Health why it was not in the schedule that we received last week – or perhaps I have it wrong. There was a schedule on who provides pharmaceuticals and it was not in the schedule.

Hon. N F Costa: That is because, Mr Speaker, I believe it was he Hon. Mr Feetham asked me as to the top three are providers to the GHA in terms of their value.

Hon. Ms M D Hassan Nahon: Could I ask the hon. Gentleman if there is any link between ABE Ltd and Miller & Miller?

Hon. N F Costa: Mr Speaker, I do not know the answer to the question but I will be happy to look into it.

Q172/2017
St Bernard's Hospital –
Recent resignations

Clerk: Question 172, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Following three GHA surgeons' resignations in the last nine months and in light of a recent fourth resignation, is the Minister for Health concerned about the resignations trend within St Bernard's Hospital?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, it is not correct to say that there have been four surgeons resigning from the GHA. Therefore, I do not accept the premise that there is a resignation trend.

In fact, to understand the issue fully one must take a closer look at the reasons for the departure of the surgeons who have left in the last nine months. Only two surgeons have resigned unexpectedly, half the number that the hon. Lady has referred to. The other departing surgeons have left either due to retirement or have resigned as expected due to being over retirement age. One surgeon has left at the end of his contract to return to his home country.

One of the surgeons who retired from the GHA after 22 years of service sent a heartfelt thanks to all the staff of the GHA and described his time in the GHA as the best years of his career. I want to thank this surgeon, Mr Speaker, who has given decades of service to the GHA and has helped to build a highly efficient department. He leaves a positive legacy of satisfied patients and will be sorely missed by all of his colleagues.

Hon. Ms M D Hassan Nahon: Mr Speaker, if the hon. Gentleman will recall, I alluded to some emails that I had received months ago where surgeons had been advising me of their dissatisfaction with the system, which is why I brought up this question in the first place.

I understand the Minister's response from where he is standing, but could he tell the House whether he is undergoing any sort of communication with the surgeons to ensure that they continue, if he insists that they are happy, they continue to be happy and shed this low morale perception that seems to be going on.

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Hon. N F Costa: Mr Speaker, I do not, once again, accept the premise that there is low morale. I refer the hon. Lady to the debate that I had with the Hon. the Leader of the Opposition where I noted that 61% of doctors are noted in the informal survey that was conducted that they do not feel low on morale. But I have also told the hon. Lady and the hon. Gentleman that the GHA, as an institution that provides as many services as it does, and in the light of the fact that there are 82 doctors ... there is certainly always room for improvement and for reform. And to that extent I have noted in this House and outside that the Government followed the advice of the Medical Advisory Council and has appointed a Deputy Medical Director, so that now there is a Medical Director who is able to dedicate more time to the functions of the Medical Director and, following the advice of the Medical Director, there is also now a Deputy Medical Director to assist the Medical Director in terms of the functions that need to be conducted as to how best we ensure clinical input.

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Mr Speaker, it will not have escaped the notice of the hon. Lady that I have been very keen to stress that in order for the hospital to be a properly functioning hospital and for there to be high morale among the surgeons and for patients, of course, to receive what I always say has to be empathic, compassionate, high-quality medical care, there has to be lead in all areas of the GHA.

85

I have also said in this House and outside that there has to be, in terms of administration, a facilitation and support of the clinical functions and not the other way around. In other words, GHA management and my office have to be there to support and provide the resources needed by the clinicians to be able to lead.

90

In terms of formal clinical management positions, I am able to say that the following are leads: in Accident and Emergency there is a clinical lead; in diagnostics, which is pathology and radiology, there is a clinical lead; there is also a clinical lead in ITU and anaesthesia; also a lead in surgical departments; also a clinical lead in the medical department; and there are also three GPs at the Primary Care Centre who take clinical leads.

95

As the hon. Lady may know, the Deputy Medical Director is Dr Krish Rawal, who is, as the hon. Lady knows, quite a popular GP and who receives many kudos and very positive feedback for the work that he does.

In addition to everything that I have also said, I am very keen indeed to ensure that the advisory structures that my hon. predecessor Dr John Cortes introduced, where there is full clinical input and advice into the management structures, are buttressed and reinforced, and to that end I have had meetings with the Medical Director and the Deputy Medical Director.

100

I remind the House that there are also in the Medical Advisory Committee, which is a statutory board that – without wishing to start the morning being too political – a statutory board that had not met in 16 years. That has met three times already during the course of this year. We have clinical leads – in other words, members who are clinicians and who have full voting rights. In other words, the whole policy and thrust of the reforms being conducted by the Hon. Dr John Cortes, and myself following on from his solid foundations, is to ensure that at every single stage of the GHA there is clinical input and there are clinical leads in all areas.

105

DEPUTY CHIEF MINISTER

Q202/2017

**Gibraltar London office –
Schedule of payments**

110 **Clerk:** We now move to Question 202, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a schedule of payments made since December 2011 by the Gibraltar office in London over £5,000 within any financial year to the same individual or entity, including (a) name of individual or entity, (b) payment, (c) date, and (d) description of payment?
115

Clerk: Answer, the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker. I am told that the compiling of the answer to this question requires a disproportionate administrative effort, since the information with regard to payments to suppliers made from financial years 2011-12 to 2015-16 is not available in electronic format and would mean going through the payments book payment by payment, manually.
120

However, we nevertheless have the information requested for the current financial year as this information is now saved electronically, and I will hand over the schedule to the hon. Member for the financial year 2016-17.
125

Hon. L F Llamas: Mr Speaker, could I ask the Hon. Minister if it is possible to know the name of the political consultant employed receiving a monthly sum, given that I asked if it could be possible that the name of the individual entity be disclosed.
130

Hon. Dr J J Garcia: Yes, Mr Speaker, the Government has no objection to giving the name to the hon. Member, but if he would prefer to do so in the anteroom rather than publicly across this House.
135

Mr Speaker: Yes, the Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, I am grateful to the Hon. Minister for this schedule. I do not know whether this is sensitive or not, but could he identify who the political consultant is that we are paying between £1,500 to £2,000 a month is?
140

Hon. Dr J J Garcia: Mr Speaker, the hon. Gentleman just asked the same question.

Hon. R M Clinton: Oh, my apologies, Mr Speaker. I was busy – I was deep in numbers.

Answer to Question No 202/2017

-Supplier	Service/Description	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17
Political Consultant	Consultancy	£1,500	£1,500	£1,500	£1,500	£1,500	£1,500	£1,500	£1,500	£2,000	£2,000	£2,000	£2,000	£2,000
Callaghan														
Insurance brokers	Building insurance									£12,263				
EON	Electricity and Gas		£4,318						£4,030		£4,293			£4,200
Fishmongers	HRH Reception													
Flightcentre	Flight bookings		£666		£1,546	£6,859	£1,060		£379				£610	£1,976
Fulham Palace	Gib Day			£4,800		£9,900								
House of commons	A Poggio retirement													
Lloyds building	Gib Day						£6,379					£574	£7,059	
	IT													
	Maintenance/Web Hosting/New IT													
Lynx	Equipment	£2,957	£6,459	£6,576		£2,007			£7,097		£9,232			£1,985
	Building maintenance					£8,613		£189	£9,523		£190	£11,010		
MNIM Projects						£1,024			£2,530		£1,352	£1,881	£1,617	£1,480
BT	Land line charges	£2,233	£2,037											
O2	Mobile phone charges		£2,673			£410	£91			£2,404		£411		
Valuation Office	Rates													
Privileges											£7,902			
	Printing and Stationary		£4,078			£1,111		£1,747	£2,176	£1,165	£210	£8	£1,461	£984
Viking					£2,723	£3,037	£6,413	£2,751	£66		£2,751	£2,751	£3,010	£2,751
Whitehouse Appt	Director's Rent	£4,766	£2,383											

Q203/2017
Gibraltar London office –
Running costs

145 **Clerk:** Question 203, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government disclose monthly details since December 2011 of the running cost of the Gibraltar London Office broken down into (a) salaries and wages, (b) telephone bills, (c) electricity bills, (d) security costs, (e) general maintenance and refurbishment, and (f) any other expense?
150

Clerk: Answer, the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker. I hand over to the hon. Member
155 a schedule containing the information requested from the financial years 2011-12 to 2015-16.

Answer to Question No 203/2017

ITEM	2011-2012	2012-2013	2013- 2014	2014-2015	2015/2016
Salaries & Related Expenses	£ 196,699	£ 191,092	£ 231,937	£ 276,681	£ 388,816
Electricity/Water/ Gas/Telephone	£ 52,403	£ 27,964	£ 40,281	£ 31,318	£ 32,819
Security Cost					
Maintenance & refurbishment	£ 35,570	£ 27,558	£ 32,528	£ 35,651	£ 27,366
Rent	£ 374,651	£ 389,164	£ 401,139	£ 409,900	£ 425,271
Other expenses	£ 158,125	£ 263,689	£ 244,019	£ 242,651	£ 155,114

Mr Speaker: Is there any supplementary arising from the answer to Question 203? Yes, Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, just looking at this schedule in answer to Question 203, just
160 for clarification I would be grateful if the Minister could advise is London House owned outright, because I notice there is a rent payment of about £400,000 a year.

Hon. Dr J J Garcia: Mr Speaker, before we came into office the structure was already in place. Strand Management Ltd is the owner and the Government rents it from them. It is a
165 Government-owned company.

Mr Speaker: Next question.

Q204-206/2017

**Europa Point, King George V Hospital site and the Mount –
Update re expressions of interest**

Clerk: Question 204, the Hon. L F Llamas.

170 **Hon. L F Llamas:** Mr Speaker, can the Government disclose at what stage it is at with respect to expressions of interest in relation to the plot of land at Europa Point?

Clerk: Answer, the Hon. the Deputy Chief Minister.

175 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I will answer this question together with Questions 205 and 206.

Clerk: Question 205, the Hon. L F Llamas.

180 **Hon. L F Llamas:** Mr Speaker, can the Government disclose at what stage it is at with respect to expressions of interest in relation to the King George V hospital site?

Clerk: Question 206, the Hon. L F Llamas.

185 **Hon. L F Llamas:** Mr Speaker, can the Government disclose at what stage it is at with respect to expressions of interest in relation to the Mount?

Clerk: Answer, the Hon. the Deputy Chief Minister.

190 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, in respect of each of these questions the Government is currently having discussions with the preferred interested party in each case with a view to obtaining the best possible outcome for the taxpayer.

195 **Hon. L F Llamas:** Mr Speaker, will it be possible to disclose what the intended usage of each preferred bidder at this stage is on each site, on each project?

Hon. J J Garcia: Mr Speaker, in relation to the plot at Europa Point, the intention of the Government was to continue with, in a sense, what we had inherited, which was a kind of restaurant facility, except we were adding on to it this idea of having an interpretation centre for Gorham's Cave, the World Heritage Site.

In relation to the Mount, I think it is more difficult to go into it at this stage, because obviously discussions are still ongoing.

In relation to the KGV Hospital, the Government is looking at the possibility of an elderly residential facility on the site.

205 **Mr Speaker:** The Hon. Roy Clinton.

210 **Hon. R M Clinton:** Thank you, Mr Speaker. I am grateful to the Hon. Minister for his answer. In relation to the Mount, and looking at this from a heritage point of view, can the Government confirm that they will,, whichever expression of interest they consider, that it will certainly be a condition of any development that the Mount is preserved as it is, including the gardens as they are, and that there will be no alteration to the current site at present as it stands? I am sure that the hon. Member will agree that it is a heritage site *par excellence*.

215 **Hon. Dr J J Garcia:** Mr Speaker, I think if we do what the hon. Member suggests then there will be no project, no development, no tender and no expressions of interest for the Mount.

220 What I can say certainly is that the Government is very conscious and very aware of the heritage constraints and also of the environmental constraints that will apply to any project which takes place at the Mount, and that in any case it would need to go through the planning process, where those considerations would be fully safeguarded.

Hon. R M Clinton: Mr Speaker, if I understand the hon Member correctly, is he implying that he would accept some alteration, if not to the building to the current grounds around the Mount?

225 **Hon. Dr J J Garcia:** Mr Speaker, what I said is that this is hypothetical at this stage, so really it very much depends on the nature of the project that comes forward and whether it is something which the Government would like to see from a Landlord point of view or not. But then, independently to the Government as landlord, there are also planning considerations which are enforced by the Development and Planning Commission, so they would also safeguard heritage, environment and all the other considerations which the hon. Member is concerned about.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister.
235 In terms of the new Heritage Act, is it envisaged that the Mount and its gardens will be included in the schedule as a listed building, or not? And from the hon. Member's answer, would he then accept some kind of construction in the gardens around the Mount?

Hon. Dr J J Garcia: Mr Speaker, it is too early to tell. What I can say certainly is that the Mount is not a listed building at present and I have not seen the proposed list of schedules in the new heritage legislation but I am told that it is not included in the proposal either. But we need to wait, because that is something which obviously my hon. colleagues are dealing with.

Hon. R M Clinton: Would the hon. Member then undertake, or at least seek, that the Minister responsible for Heritage includes it in the schedule for listing?

245 **Chief Minister (Hon. F R Picardo):** Mr Speaker, we are talking about a schedule to an Act which is not yet a Bill that is before this House. And so, Mr Speaker, I think that the hon. Gentleman has to accept that we should not be pursuing this line further. If he wants to make that one of the things that he says during the course of the presentation of the Bill when it comes, he can give us a whole list of the things that he thinks should be in the schedule, which the Government may or may not agree. But now is not the time to be dealing with whether there is going to be a particular item on a particular schedule of a Bill that is not yet even published.

255 **Mr Speaker:** Any other supplementary?

Chief Minister (Hon. F R Picardo): Mr Speaker, can I invite the House to recess for 15 minutes.

The House recessed at 10.28 a.m. and resumed its sitting at 10.46 a.m.

CHIEF MINISTER

Q209/2017

**Former coach park site –
Update on sale and development**

260 **Clerk:** We now continue with questions to the Chief Minister.
Question 209, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, further to Question 255/2016, can the Government provide an update on the sale and development of the former coach park site?

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

Chief Minister (Hon. F R Picardo): Yes, Mr Speaker, detailed negotiations continue and an announcement will be made in due course.

270 **Hon. L F Llamas:** Mr Speaker, would it be possible to know why, whilst negotiations are being undertaken, the car park is not open for the public to use in the interim?

275 **Hon. Chief Minister:** Well, Mr Speaker, because there is a new 1,000-space car park which has been opened a little bit further down and which resolves most if not all of Gibraltar's parking problems, and in the interim that site may be necessary as a laydown area for other developments around it, and indeed we need to have exclusive possession to grant when the negotiations are finished.

280 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer.
Would he be able to advise the House whether there is still an intention to develop a Marriott hotel on the site?

Hon. Chief Minister: Mr Speaker, there is still the intention to develop a hotel on the site.

Q210/2017

**Government employee overtime –
Schedule of payments**

285 **Clerk:** Question 210, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a monthly schedule since January 2012 of employees of the Government, Government-owned companies, agencies and authorities, who have earned in excess of £2,000 in overtime and/or allowances in a month, broken down into (a) post, (b) grade and (c) department, agency, authority or company?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the information requested is too voluminous to obtain. Nevertheless, a total of all time spent or all amounts spent in overtime or allowances is published in the Estimates book of Revenue and Expenditure annually.

295 **Hon. L F Llamas:** Mr Speaker, does that mean that if I bring the question another month I will not be able to obtain the answer due to the voluminous work necessary to be able to provide an answer?

300 **Hon. Chief Minister:** Well, yes, Mr Speaker, because this essentially means going through the overtime of every single officer of the Government, the Government-owned companies, the agencies and authorities, to check what they have earned in overtime over a period of five years and to give that information to the hon. Gentleman.

305 I know that they want to go to the next election saying we have not fulfilled our manifesto commitments – they would achieve that if we had most of the people who work for us doing this work for them!

310 **Hon. R M Clinton:** Mr Speaker, perhaps if I could ask the Chief Minister – without asking for detail, is it the case then that it is in fact possible to earn in excess of £2,000 in overtime in a month?

315 **Hon. Chief Minister:** Mr Speaker, I do not know whether somebody is earning in excess of £2,000 in overtime in a month, and of course the answer to the hon. Gentleman must be yes, it is possible. Now, is it probable? Well, it is probable that only very few might have done so, but to understand who those are and find them would require going through everyone's overtime.

Mr Speaker: Next question.

320 **Hon. L F Llamas:** Just one final supplementary. If I ask for just one year, would that be possible or would it still be the same answer?

325 **Hon. Chief Minister:** Mr Speaker, I think it would still be very, very voluminous work to be done. I do not know what it is that the hon. Gentleman is trying to get to. Maybe, given the way that they do Opposition politics, if what he has heard is a rumour about someone, he might be able to identify by way of post or write to me and I can try and satisfy him and check that one person, if that is what he wants. But to trawl through the Government, the Government-owned companies, the agencies and the authorities, whether for a year or otherwise, is going to involve a hell of a lot of work.

330 **Hon. L F Llamas:** Just one final supplementary. Would it be possible to ask for just one month in particular?

335 **Hon. Chief Minister:** Mr Speaker, it still involves going through every single officer, and whether you go through it for a month or you go through it for a year or for five years, or if I say yes, we will give it to the hon. Gentleman for the month of November 2011 and let's see who was earning £2,000 a month in overtime then, it would still require the same amount of work.

340 Hon. Members are entitled to ask for information, and where it is not an exercise which is so difficult to do they are entitled to have it unless we tell them why we think it is not appropriate that they should have it.

345 I do not know what it is that the hon. Gentleman is trying to achieve, because it is not as if they do not have the amount that is paid in respect of overtime – it is in the book. That amount is in the book and therefore they see the total amount paid in respect of overtime. So, if they are trying to get at one particular officer, a number of particular officers, every single officer in respect of overtime ... Well, look, hon. Members will know I have never been a civil servant – he has. I do not know whether he has ever earned £2,000 of overtime in a particular month, £4,000 of overtime or never stayed around to do any overtime, but it would require checking his record together with everybody else's.

Mr Speaker: Next question.

Q211/2017
Consultants –
Details re fixed contracts

350 **Clerk:** Question 211, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government disclose details of consultants on fixed-term contracts, including (a) name, (b) consideration of contract, (c) start date of contract and (d) end date or due end date of contract?

355

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the details of consultants sought by the hon. Member continue to be available on line.

360

Mr Speaker: Next question.

Q212 and 222/2017
Local procurement –
Chief Secretary's directive; criteria used

Clerk: Question 212, the Hon. L F Llamas.

365 **Hon. L F Llamas:** Mr Speaker, can the Government disclose all versions of the Chief Secretary's directive on local procurement since December 2011 to date?

Clerk: Answer, the Hon. the Chief Minister.

370 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 222.


I am conscious that the hon. Lady brings Question 222 – I think she has just been inconvenienced and stepped out.

375 **Clerk:** Question 222, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Government state what are the Government Departments', agencies' and wholly-owned companies' criteria when purchasing or procuring goods in relation to local suppliers?

380 **Clerk:** Answer the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Chief Secretary's directives sought by the hon. Member are in the handout I now pass to the hon. Gentleman.

	<p>GOVERNMENT OF GIBRALTAR OFFICE OF THE CHIEF SECRETARY No. 6 Convent Place Gibraltar</p>
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"Please quote our reference when replying"

Your ref:
Our ref: 498R/2 (26)

07 February 2007

To Head of Departments/Head of Units

NEW TENDER THRESHOLDS

With effect from 12 February 2007, Regulation 5 of the Financial (Tender Boards and Tender Procedures) Regulations should be deleted and substituted with the following wording:

"5.(1) This Regulation shall not apply to:

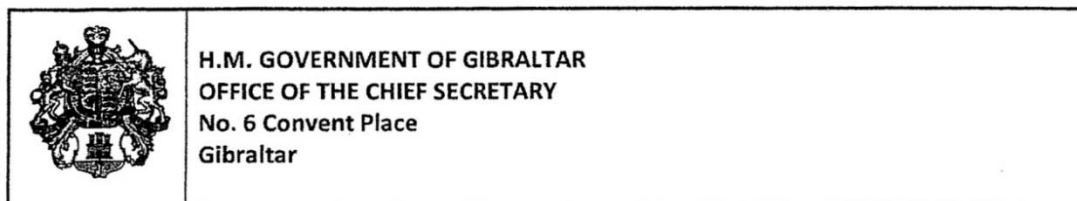
- (i) the purchase of any one article the estimated cost of which does not exceed £1,000; or
- (ii) the purchase of a quantity of the same article or of a quantity of different articles where (1) the estimated unit cost of any such article does not exceed £1,000 and (2) the estimated total cost of such quantity does not exceed £2,000; or
- (iii) the performance of services the estimated cost of which does not exceed £3,000;
- (iv) the performance of any works the estimate cost of which does not exceed £15,000, provided that works estimated to cost between £5,000 and £14,999 shall only be performed after quotations are obtained through the Procurement Office from at least three suitably qualified contractors.



R P Armstrong
Assistant Chief Secretary

Telephone No: (350) 70071, Centrex 2800; Fax No: (350) 40922, Centrex 2856; e-mail: richard.armstrong@gibraltar.gov.gi

Answer to Question No. 212/2017



"Please quote our reference when replying"

10 January 2014

Your ref:
 Our ref: 6457B

CIRCULAR TO ALL HEADS OF DEPARTMENT

TENDER THRESHOLDS FOR GOVERNMENT DEPARTMENTS

(1) Local Tenders

The local procurement tender thresholds are being revised as from 1st January 2014 as follows:

	<u>CURRENT</u>	<u>REVISED</u>
Supply (for one item)	£1,000	£1,500
Supply (for a number of the same item)	£2,000	£3,000
Services	£3,000	£4,000

As regards works the threshold is increased from £15,000 to £20,000. In the case of works costing between £5,000 and £20,000 these should be put through a Selective Tendering Process (i.e. a quotation system) with at least three quotes obtained from contractors within the Approved Contractors List.

(2) EU Tenders

In addition, Controlling Officers should note that H.M. Government of Gibraltar is bound by the Procurement (Public Contracts) Regulations, 2012. These regulations set out detailed procedures for the award of contracts whose value equals or exceeds specific thresholds. As from the 1st January 2014 to 31st December 2015 the new threshold levels are as set out below, and any contract that is in the region of or exceeds these values must be put out to EU Tender.

<u>SUPPLIES</u>	<u>SERVICES</u>	<u>WORKS</u>
£172, 514	£172,514	£4,322,012

This notice supersedes the previous instructions issued on 7th February 2007.

E Gomez
 Chief Secretary

Answer to Question No. 222/2017



HM Government
of Gibraltar

Office of the Chief Secretary

Your ref:
Our ref: 6457B(2)

30 March 2016

**CIRCULAR TO ALL HEADS OF DEPARTMENT, CHIEF EXECUTIVES,
AUTHORITIES AND AGENCIES**

TENDER THRESHOLDS FOR ALL CONTRACTING AUTHORITIES

(1) Local Tenders

Controlling Officers are reminded that the local procurement tender thresholds are currently as follows:

- | | |
|--|---------|
| • Supply (for one item) | £1,500 |
| • Supply (for a number of the same item) | £3,000 |
| • Services | £4,000 |
| • Works | £20,000 |

In the case of works costing between £5,000 and £20,000, these should be put through a Selective Tendering Process (i.e. quotation system) with at least three quotes obtained from Contractors within the Approved Contractors List.

(2) EU Tenders

In addition, Controlling Officers should note that HM Government of Gibraltar is bound by the Procurement (Public Contracts) Regulations 2012. These regulations set out detailed procedures for the award of contracts whose value equals or exceeds specific thresholds. As from 1st January 2016 to 31st December 2017 the new threshold levels are as set out below, and any project that is in the region of or exceeds these values must be put out to EU Tender.

- | | |
|-------------------------|------------|
| • Supplies and Services | £164,176 |
| • Works | £4,104,394 |

Any queries should be directed to the Procurement Office procurement@gibraltar.gov.gi or telephone 20051631.

This notice supersedes the previous instructions issued on 10th January 2014.

E Gomez
Chief Secretary

Office of the Chief Secretary

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390

Hon. Chief Minister: These set out the criteria requested by the hon. Lady also.

Although these are internal documents, they simply set out thresholds and criteria, and in order to assist the House I am adding the 2007 directive also, which Members will see is not as full as those issued in our time and which, surprisingly, omits the requirement of EU procurement rules which were already directly effective but appear to have been ignored by the former administration.

395

Mr Speaker: I would suggest that, if necessary, we come back to these questions later, once hon. Members have had an opportunity to peruse the schedule.

400 Next question then, number 213.

Q213/2017
United States representative –
Associated costs

Clerk: Question 213, the Hon. E J Phillips.

405

Hon. E J Phillips: Can the Government state the costs associated with our representative in the United States?

Clerk: Answer, the Hon. the Chief Minister.

410

Chief Minister (Hon. F R Picardo): Mr Speaker, Mr Liston does not receive any remuneration for his services as our official representative in the United States. He receives \$3,750 quarterly to cover expenses that may arise in connection with the Gibraltar American Council.

Q214/2017
Parliament Building –
200th anniversary

Clerk: Question 214, the Hon. R M Clinton.

415

Hon. R M Clinton: Mr Speaker, can the Government advise if it has any plans to mark the 200th anniversary of the construction of the Parliament Building?

Clerk: Answer, the Hon. the Chief Minister.

420

Chief Minister (Hon. F R Picardo): Mr Speaker, arrangements are in hand to celebrate in a suitable and appropriate manner. The Government will make an announcement as to the manner of the celebrations in due course.

I am sorry to disappoint the hon. Gentleman when I tell him that he should not expect anything too grand as we are not going to blow money extravagantly pushing the boat out.

425

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer and his concern for cost.

Would the Chief Minister consider looking for the time capsule which was buried with the building when the foundation stone was laid?

430

Hon. Chief Minister: Mr Speaker, I think the answer to that is no, and I think there are good reasons why we will not be doing that but I cannot remember right now what it was I was told when that was first raised with me about two years ago. I remember there were good reason and if he likes, I will try and refresh my memory on that and share that with him. So I would suggest he stops digging.

435

Q215/2017
Senior Civil Service positions –
Terms of employment

Clerk: Question 215, the Hon. R M Clinton.

440 **Hon. R M Clinton:** Mr Speaker, can the Government advise which two of the current posts of Chief Secretary, Financial Secretary, Attorney General and Principal Auditor are under contract and also which two of these four posts are not considered to be civil servants, and if so why?

Clerk: Answer, the Hon. the Chief Minister.

445

Chief Minister (Hon. F R Picardo): Mr Speaker, I can confirm that the four posts which the hon. Member is referring to in his question are Civil Service posts. The current incumbents in the role of Financial Secretary and Attorney General are employed on contract terms. Therefore they are not considered civil servants.

450

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer.

The Financial Secretary and the Attorney General, two of the most senior posts in Government, am I correct in what he has just said is that they are not considered civil servants and therefore would not follow the normal rules that would attach to civil servants – or did I misunderstand him?

455

Hon. Chief Minister: He completely misunderstood the upshot of my answer. They are not civil servants, they are on contracts, but the contracts are on Civil Service terms.

460 **Hon. R M Clinton:** Mr Speaker, certainly I am aware of the Financial Secretary being on secondment to the Government. Personally, I was not aware of the Attorney General being on contract terms. Would the Chief Minister kindly illuminate the House as to what the contract terms are for the Attorney General?

465 **Hon. Chief Minister:** Well, Mr Speaker, I am surprised that he is surprised, given that every Attorney General that Gibraltar has had has been on contract with the Government on Civil Service terms, literally in all of the time that I have been in practice and even in the time –

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Even before me. In twenty four years.

470

Hon. Chief Minister: – that Mr Bossano has been in the House. He now tells me, as Father of the House, in all of the time that he has been there the Attorney General has always been on contract terms. Sometimes people would come as Attorney General only for three years or for five years and then go. Mr Rhoda I think arrived in the mid-90s and stayed until recently on contract terms.

475

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for the background, of which I was not personally aware but I am nonetheless grateful.

480 In terms of the contract terms, in the Estimate Books will they appear as salaries? I know in the case of the Financial Secretary there is a secondment fee. Can the Chief Minister advise if for the Attorney General it is purely within salaries?

Hon. Chief Minister: I believe so, Mr Speaker.

485

Hon. R M Clinton: And finally, Mr Speaker, on this point, we know that the Financial Secretary was, I believe, on a three-year contract, unless that has been extended recently. Can he advise what contract period the Attorney General is for?

490 **Hon. Chief Minister:** Indefinite, Mr Speaker.

Q223/2017
Runway tunnel –
Date for completion

Clerk: We now move to Question 223, the Hon. Ms M D Hassan Nahon.

495 **Hon. Ms M D Hassan Nahon:** With the exit from the European Union looming, can Government give an approximate date for the completion of the runway tunnel?

Clerk: Answer, the Hon. the Chief Minister.

500 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the programmed completion date for the runway tunnel has remained unaffected by the result of the referendum on exiting the European Union. After the Government's excellent victory in the litigation proceedings, the completion date is expected to be in the first quarter of 2019.

505 I therefore allow myself the pleasure of reminding hon. Members opposite – and this is not in relation to her, given where she sits – that this will mean that my Government will not just deliver on *our* manifesto commitments despite Brexit, we will also deliver on theirs!

Mr Speaker: Next question.

Q224/2017
Public boards –
Appointment of non-party activists

Clerk: Question 224, the Hon. Ms M D Hassan Nahon.

510 **Hon. Ms M D Hassan Nahon:** Would Government agree with looking into appointing only non-party activists to public boards moving forward?

Clerk: Answer, the Hon. the Chief Minister.

515 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government that I lead has always wanted to appoint only the best possible person to each and every appointment made to any board or authority, or to any other post. In some instances we have appointed individuals who are activists of other political parties. We are entirely dedicated to Gibraltar having the best possible people available to do the job in each field. We will not resile from that important
520 proposition.

Hon. Ms M D Hassan Nahon: Mr Speaker, I am grateful to the Chief Minister for his answer and I have no doubt that his intentions are noble in this sense, but given recent events and other things that make me think that in a small place like Gibraltar conflicts and influences are very

525 easy to find – we are a very small community – I was wondering whether it would be of value to
looking at reforming the criteria for individuals who are openly affiliated to not form part of this
board. I believe that there is some value in this suggestion in a small community like ours.

Hon. Chief Minister: Mr Speaker, in a small community like ours it is important not to deprive
530 any organisation of the best possible talent. That is why I appointed the founder of the GSD to
the board of the University, to the board of the bank and to be one of the three Peters carrying
out the gaming legislation review.

One of the other Peters is Peter Caruana, the long-time leader of the GSD, probably not
somebody who is ever thought of as a political activist of Fabian Picardo, although things are
535 changing so much in respect of that side of the House – not her – that one never knows.

That is why I appointed Nick Cruz, who stood against her and a GSLP candidate at a by-
election and stood in a number of general elections against the GSLP to be the chairman of the
Category 2 review.

That is why I asked Keith Azopardi to draft the Consultative Council Bill.

540 That is why the appointment of Isobel Ellul-Hammond to be Cancer Services Co-ordinator in
the GHA was not something the Government would have stood in the way of.

That is why Mr Paco Oliva was employed by the Government in the Gibraltar Tourist Board
and now in the Gibraltar Health Authority.

545 That is why Freddy Vásquez, who is not known as a political supporter of Fabian Picardo, has
been appointed to the prison or to the Parole Board – I can check which, Mr Speaker – very
recently. That is why Freddie Vásquez was appointed to that board and he was not for one
moment in any way asked to leave. He asked to leave himself, Mr Speaker. In fact, I can just see
here that under the Prison Act, on Tuesday, 10th January 2017 – I do not know whether this is a
renewal or not – Mr Freddie Vásquez QC was appointed an independent member of the Prison
550 Act.

Mr Speaker, these are not people I could describe by any stretch of the imagination,
unfortunately, as political activists that support the Government or me, but they are people who
are doing a fine job. When we were elected we did not remove people who had been appointed
by the former administration. There were people who were not just political activists; they were
555 leading political activists of the other side. Some of them I think were even chairmen of the
party against whom we had contested elections who remained and were asked in some
instances to even renew in the boards that they were involved in. It is the right person for the
right job.

560 Membership of a political party should not deprive somebody of being able to give their best
for Gibraltar. I do believe it is true that in some instances in the past people who had a lot to
give Gibraltar were not allowed to do so simply because they had supported or not supported a
political party. That would be wrong. Therefore, the hon. Lady I think is right to raise the issue,
but I think it is appropriate to tackle the issue that she raises in the opposite way; in other
words, not to prevent people because of their political activism from being involved but quite
565 the opposite – not to exclude people from being involved as a result of their political activism.
People who become politically active are sometimes the people who care most about their
community and we would not want those people from any of the – if I may say so with respect
to her – any of the three sides in politics in Gibraltar today to be excluded from being able to
give their best in the way that they then form part of these boards or authorities. I think it is a
570 good thing that people want to become involved; that should be encouraged.

It would be wrong if people were prevented from being involved simply because they are not
supporters of the political party that is in administration, and for the reasons I have set out, I do
not think that charge could ever be levelled against my Government.

575 **Hon. Ms M D Hassam Nahon:** Mr Speaker, I am grateful to the Chief Minister for the answer.

I still continue to believe that open affiliation to parties can cause conflict and I disagree with most of the names that the Chief Minister has brought up, because Cruz, Caruana, Montegriffo and Hammond are not party activists anymore, probably have not been for a while, so I do not think that they come into this situation that I am bringing up. But there are party activists who
580 are very active and form part of boards and it can cause conflict and it can make people feel quite insecure, and this is what I have brought up. But I do not believe that the names that the Chief Minister has brought up, with respect, are actually relevant.

Hon. Chief Minister: Mr Speaker, with the very greatest of respect to her she does not know
585 what it is like to be in Government, and when you make appointments like the one that I have referred her to, she might find that political activists take a very dim view of the fact that somebody who has not been a supporter is able to form part of an organisation which is linked to the Government and is able to become involved – and yet it is the right thing to do.

In Gibraltar, winning an election should not be seen as the winning of a war which leads the
590 party that wins to be able to enjoy the spoils of war and spread it amongst its people. That is what we have ensured is not the case when we won the election in 2011, and that is why there is such political diversity now in support of the Government.

That is how you go, Mr Speaker – and I think the hon. Lady should bear this in mind – that is
595 how you go from winning an election by a margin of 200 votes to winning it by a margin of 5,000 votes, when you show that you are not in it just for your own people and your small coterie of supporters, you are in it for the whole of Gibraltar. That also means that if somebody has formed part of the GSD, if somebody has formed part of political activism for the hon. Lady, or indeed if somebody has formed part of political activism for the GSLP or for the Liberals, they should not be in a worse position than anybody else.

The hon. Lady needs to think though what she is proposing. If it were the case that people
600 who have been associated with any political party are not able to form part of our society and the shaping of our society through involvement in boards and authorities etc. where they are required to be independent, what the hon. Lady is doing is trying to push people out of the political process. In other words, people, if they are associated with a political party, have less
605 rights than anybody else, even if they are the best person for the job. That is not something that I think makes any sense, whether that is in respect of the award of a contract or a tender or the appointment to a board. Everybody is entitled to be dealt with properly and independently, and in particularly in relation to boards, people are entitled to be seen to act independently. Otherwise, what the hon. Lady is saying is that forming part of a political process, which is what
610 we are all in favour of – that is what democracy runs on, having the ability to have people involved in the political process – somehow disqualifies you from forming part of other things that we do in our society. I think that is very, very dangerous indeed, Mr Speaker. It is very dangerous whether one excludes one's own from boards or authorities or whether when that...
615 a person can then use that as the excuse for excluding other people from boards. In other words, her supporters are the supporters of the party on the other side.

So I think it is a slippery slope; I think it is particularly dangerous. The definition of political
620 activist would be one on which we could spend hours debating who is or is not a political activist. Does one have to be a registered member of a political party? If you are a registered member of a political party, does the political party have to publish its register? Otherwise, how do you know? Is it the length of the Lord Chancellor's foot?

In the past 20 years in Gibraltar we have lived through a process where a journalist was not
625 invited to public functions of the Government of Gibraltar because he was the editor of a newspaper that was seen in people's eyes to be affiliated to the GSLP. That might sound petty. That is the Gibraltar which I inherited, Mr Speaker. Every journalist is now invited to press conferences of the Government, whoever they may politically activate for, whether in Gibraltar or outside of Gibraltar – because there are some that we know politically activate for Members opposite outside of Gibraltar, but they are invited to our press conferences. That same decision

630 led to a particular newspaper being denied advertising because it was affiliated, in people's eyes, with the GSLP. The hon. Lady might think 'Well, so what? The new people did not get Government adverts; it is the GSLP newspaper,' which it is not. But, Mr Speaker, she might think that is okay, but then when another political newspaper started to take a line that was not in the interests of the party then in Government, they too were denied political advertising – and I am thinking in particular of *Vox*.

635 So you go down the road of saying political activists cannot form part of boards – surely not just the Government's political activists, also all political activists. So, step one: is a political activist an editor of a newspaper who is agitating against or for the Government? So, if you cannot form part of boards, surely you cannot have advertising. The people who define that will be the people in Government. They will never see anything which is in support of the Government as political activism in support of the Government; they will only see things which
640 are contrary. So we will once again stop advertising to some newspapers, we will once again see people not invited to press conferences. This is a very slippery slope.

What is required is that everyone who has something to give Gibraltar is involved in giving it to Gibraltar. Hon. Members are in this House as Members of the Opposition, and that is what they are giving to Gibraltar. We may have a difference as to how they do it or how they do not
645 do it, but that is a matter for people to judge, not for us. But they are giving something. The people who support them are giving something in giving support, as the people who support us are giving something to Gibraltar by supporting a political party. Political parties are the core of our democracy, and so on and so forth.

To exclude people from boards etc. is really, in my view, the wrong thing. To abuse that and only put your own people on boards and authorities would be quite something else, but I think
650 as I have demonstrated, that is not the case.

The next step is to say only our people can get tenders or only people who are not our people can get tenders. So isn't it just important that tenders be awarded openly and fairly in a way that is transparent and whoever gets them pays the Government more or receives the best value for
655 money payment for the taxpayer? Those are the things that we need to be looking at if we are going to mature as a democracy, and I think that is essential.

The hon. Lady might care to take a look at what is happening in the United Kingdom, where in some instances inquiries or boards are headed by lords who are affiliated to the Government, or in some instances by lords who are not affiliated with the Government but who have fallen
660 out with the people they affiliated with before, and because they are no longer affiliated with the Opposition are considered by the Government to be people they can support.

The board for the gaming review involving Peter Caruana, the bank, the University – these things demonstrate a desire to bring in Gibraltar's best talent to give the most they can for Gibraltar in a way that builds a stronger Gibraltar, and that is what a Chief Minister must always
665 strive to achieve, whatever political complexion he represents.

Mr Speaker: There are a handful of questions remaining which are going to be the subject of written answers because the Hon. the Leader of the Opposition is indisposed. I wish him a rapid recovery.

Questions for Written Answer

670 **Clerk:** Answers to Written Questions, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the only indisposition I wish to the hon. Gentleman is a political one; and if it is not, then I do sincerely hope that he recovers quickly.

675 Mr Speaker, I have the honour to table the answers to Written Questions W25/2017 to W32/2017 inclusive, although for the purposes of *Hansard* I may say that those numbers may have changed slightly as a result of the change with the way that some of these questions are being dealt with.

Order of the Day

GOVERNMENT MOTION

Awarding of Gibraltar Medallion of Honour to Representative George Holding – Motion carried

Clerk: (ix) Order of the day, Government motion. The Hon. the Chief Minister.

680 **Chief Minister (Hon. F R Picardo)** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows.

This House:

TAKES NOTE of the policy of the Government to raise the profile of Gibraltar among decision makers in the United States of America;

CONSIDERS that the tabling of a Resolution in the US House of Representatives which supports the right of the people of Gibraltar to determine their own future is a positive development in line with that policy;

WELCOMES the leading role taken by Representative George Holding as the Sponsor of the Resolution and his support for Gibraltar;

HEREBY agrees to award the Gibraltar Medallion of Honour to Representative George Holding.

685 **Hon. Chief Minister:** Mr Speaker, George Holding has been to Gibraltar. He has visited Gibraltar on many occasions, long before Gibraltar knew that he was going to be a staunch supporter of our right to self-determination in the United States. I think it is also fair to say that he has associated himself with similar resolutions supporting the right of self-determination of the people of the Falkland Islands, with whom we have such an affinity.

690 It is not often, Mr Speaker, that when one goes to lobby for support you find yourself kicking down an open door, and that is what Mr Holding represented to us in the meetings that the Hon. the Deputy Chief Minister and I held with Mr Holding. He is probably the person we have met who knew the most about Gibraltar before we started the work of lobbying with him, who demonstrated hard-core, genuine, honest and heartfelt support for the people of Gibraltar and our desire to remain under the British sovereignty that we so cherish.

695 He is a person, Mr Speaker, who has demonstrated by his actions, not just by his words, that he is a staunch supporter of our inalienable right of self-determination and he has gone out of his way to ensure that he has demonstrated that in the dropping of the resolution – and I understand that is the correct terminology in the US Congress, the ‘dropping’ of the resolution – in respect of the right of the people of Gibraltar.

700 Mr Speaker, it is true that the Gibraltar Medallion of Honour is a distinct honour which this Parliament grants sparingly, and Gibraltarians who have received that honour include you and many others who have given very distinguished service indeed to Gibraltar. It is also true, Mr Speaker, that George Holding’s actions demonstrate his deep commitment to the people of Gibraltar.

705 He is a member of the American Republican Party and in that sense he has represented the interests of Gibraltar within that party and he has been able to garner support within that party. He has also, in the terminology used in the United States, reached across the aisle to seek support for Gibraltar from the Democratic Party and from colleagues of his in the Congress which are not of the same partisan affiliation, and therefore the Government considers that the way that he has gone out of his way to support Gibraltar, and continues to do so after the dropping of the resolution in ways which we will continue to garner the benefit of, I think is an essential consideration for the Parliament when determining how to deal with this motion on behalf of the Government.

710 It is true, Mr Speaker, that George Holding does not get the chance to come so often to Gibraltar as he would like. If he were to come to Gibraltar soon, then it would be possible to bestow this honour, if the Parliament approves it, on him in Gibraltar. If that is not possible, then on one of our many lobbying trips to the United States, some of which are combined with our visits there to attend hearings of the United Nations, it will be my honour or the honour of the Deputy Chief Minister, or both of us, to be able to communicate to Mr Holding the award of this honour if the Parliament approves it and to let him have the medal that comes with the bestowment if Parliament should agree with the Government’s motion.

720 And so, Mr Speaker, I have little more to say. I think George Holding’s record speaks for itself. It is there: the resolution was dropped, the other things he has said and done in support of Gibraltar are obvious. I am telling the House that he is also an important part of the lobbying work that we do in the United States. This would be a well-deserved honour indeed and I commend that the House support the motion as drafted.

725

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister. Does any Member wish to speak on the motion? The Hon. Elliott Phillips.

730 **Hon. E J Phillips:** Mr Speaker, this motion will enjoy the Opposition’s support.

Mr Speaker: Does any other Member wish to speak? Otherwise, I will call on the mover to reply – if the mover wishes to reply.

735 I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

BILLS

FIRST AND SECOND READING

**Public Health (Amendment) Bill 2017 –
First Reading approved**

Clerk: A Bill for an Act to amend the Public Health Act.

The Hon. the Minister for the Environment, Energy, Climate Change and Education.

740 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**
Mr Speaker, I have the honour to move that a Bill for an Act to amend the Public Health Act be
read a first time.

745 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Public Health
Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Public Health (Amendment) Act 2017.

**Public Health (Amendment) Bill 2017 –
Second Reading approved**

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, I have the honour to move that the Bill be now read a second time.

750 The Bill amends Part I ‘Sanitation and Buildings’ and Part VA ‘Waste’ of the Public Health Act.

The Part I amendment is found at section 39, where the words ‘subject to the prior approval
of the Development and Planning Commission’ are inserted. The reason for this is to prevent
landlords from taking the option of demolition without any involvement or consultation from
the DPC.

755 Part VA is amended for the following reasons: (1) to update references as a result of EU
directives and other legislation which have since been repealed or amended; (2) to ensure that
the position is clarified with regard to the requirement of licenses to incinerate waste – the
amendment at section 192D establishes capacity limits for waste incineration, stating that if the
incineration of waste falls below the prescribed limits then the activity will require a waste
760 licence under the Public Health Act; should the amount exceed these limits, the activity would
then fall under the scope of schedule 1 of the Pollution Prevention and Control Regulations
2013, requiring a permit under those Regulations; (3) to create a new ground for refusing a
licence application, that the application is deemed not to be in the public interest – this is a
beneficial power to have in case future applications are received for the storage or processing of
765 radioactive or other types of hazardous materials which may cause concern; the public interest
element has also been introduced for the granting of temporary licences; (4) to create a penalty
provision for anyone who carries out an activity without a licence or contravenes the condition
or an obligation of a licence – this helps prevent any circumvention of the waste licensing
procedures; (5) to introduce minimum standards for the Government to be able to refuse
770 registering an establishment or undertaking and to allow the Government to vary conditions,
add conditions or remove establishments or undertakings from the register if it is found that an
establishment or undertaking has failed to comply with conditions imposed upon them; and
finally, (6) to make reference to a new process and application form in the Public Health Waste
Licensing Form Rules, specifically Form 8 for renewals of existing licences – this will simplify the

775 renewal process for establishments and undertakings, eliminating unnecessary red tape and streamlining the procedure for existing establishments and undertakings.

I commend this Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

780 I now put the question, which is that a Bill for an Act to amend the Public Health Act be read a second time.

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

785 **Clerk:** The Public Health (Amendment) Act 2017.

COMMITTEE STAGE AND THIRD READING

Public Health (Amendment) Bill 2017 – Committee Stage and Third Reading to be taken at this sitting

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

790 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE

Mr Speaker: Will the Chief Minister move that the House resolve itself into Committee?

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should now resolve itself into Committee and consider the Public Health (Amendment) Bill clause by clause.

In Committee of the whole Parliament

800

Public Health (Amendment) Bill 2017 – Clauses considered and approved

Clerk: A Bill for an Act to amend the Public Health Act.
Clauses 1 to 5.

805

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

810 **Mr Chairman:** Stand part of the Bill.

**Public Health (Amendment) Bill 2017 –
Third Reading approved: Bill passed**

Mr Speaker: Chief Minister, report stage.

815 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the House has considered the Public Health (Amendment) Bill clause by clause and has passed it without amendment.

Mr Speaker: I now put the question, which is that the Public Health (Amendment) Bill 2017 be read a third time and passed.

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

PRIVATE MEMBERS' MOTIONS

**Savings Bank (Amendment) Bill –
Leave to introduce not granted**

825 **Clerk:** Private Members' motions, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

Leave is requested of the House to introduce a Bill for an Act to amend the Savings Bank Act in the form attached so as to make provision for the timely publication in the Gazette by the Minister with responsibility for the Gibraltar Savings Bank, of the annual accounts of the revenue and expenditure of the Savings Bank and of deposits received and repaid and interest credited to depositors during the year ended on the 31st day of March together with a statement of the assets and liabilities of the Savings Bank after being audited and certified by the Principal Auditor.

830 Mr Speaker, my motion, in seeking leave to amend the Savings Bank Act, is not one that this House should have any particular difficulty with. It is in keeping with the Government's avowed policy to promote transparency and accountability in public finances. It is a very simple amendment that would enable a clear timeline for the publication of the audited accounts of the Gibraltar Savings Bank and not leave it to the discretion of the Minister for the Savings Bank.

835 Mr Speaker, the Savings Bank now has, apparently, deposits in excess of £1 billion and it is of very real public interest and importance, especially since it is ultimately guaranteed by the taxpayer.

The law as it stands under section 12 of the Savings Bank Act requires the Principal Auditor to audit the accounts of the Savings Bank and that they:

- (a) be laid before the Minister not later than the 31st day of August ensuing in every year;
- (b) be published in the Gazette.

840 Mr Speaker, I did in fact ask the Minister for the Savings Bank last December 2016 during supplementary questions as to his views on the date of publication in the Gazette. His response was as follows, and I quote:

The answer is there is no limit laid down in the law. There is a limit to the time after the Auditor has audited that I get it and the policy that I have adopted is that when the whole of the accounts are made public, i.e. the Government's accounts, it is after that date that I think it should go into the Gazette.

I did then invite the Minister for the Savings Bank whether he would consider introducing an amendment to the Savings Bank Act to actually set a time limit for publication in the Gazette, and his answer was simply no.

845 Mr Speaker, I consider that it is for this House to decide what is the appropriate timeframe for the publication of the audited accounts of the Savings Bank and it should not be at the sole discretion of the Minister. Let me illustrate my point by considering the date of gazetting of the 31st March audited accounts of the Savings Bank for the last four years as follows: March 2013, gazetted number 4123 on 30th October 2014 – that is 14 months after audit and 19 months since its official year end; March 2014, gazetted number 4157 on 19th March 2015, seven months after audit, 12 months after the year end; March 2015, gazetted number 4334 on 19th January 2017 – and, Mr Speaker, this really does beggar belief – 17 months after audit and 22 months after its year end. The March 2016 audited accounts have not yet been gazetted, but we know that they have been done because they had to be done in August. So six months after auditing and 11 months after year end we have still not had sight of them, even though they are in the possession of the Minister and the Principal Auditor has in fact said in his report that he has finished his audit.

860 Mr Speaker, it is evident that in recent years the gazetting of the audited accounts of the Savings Bank does not follow a set timeframe and they are completely out of date when they are gazetted. By contrast, the March 2009 accounts were gazetted on 1st October 2009 in number 3737, only one month after audit, and so there can be no logistical issue with publishing the Savings Bank accounts in the Gazette.

865 Mr Speaker, I cannot see how it benefits this or indeed any Government to delay the publication in the Gazette of the audited accounts of the Savings Bank. The fact that the law requires the Savings Bank to be audited within five months of its year end shows the importance and priority given to it. Indeed, when you consider the wording drafted in the original 1935 Savings Bank Ordinance under section 12 – and, Mr Speaker, I have actually gone back and looked at an original 1935 Ordinance – it states:

The annual accounts of the revenue and expenditure of the Savings Bank and of the deposits received and repaid during the year ended on the 31st day of December together with a statement of assets and liabilities of the Savings Bank shall after being audited and certified by the auditor be laid by the Treasurer before the Governor no later than 31st May ensuing in every year and shall as soon as practicable thereafter be published in the Gazette and submitted to the Secretary of State.

870 Mr Speaker, I quote: 'as soon as is practicable thereafter be published'. 'As soon as practicable' or perhaps 'as soon as possible' or, in common parlance that would be recognised today 'ASAP' or 'as soon as' has a meaning we all understand. Section 12 has naturally been amended over the years but it was, it would appear, in July 1991 that the words 'as soon as practicable' were deleted in the Savings Bank Act. I am, of course, happy to be corrected on the history of the Act, but if Members care to consult the Laws of Gibraltar behind them, Volume 11 from 1984, they will find that the words 'as soon as practicable' were still in the Act as late as 1984. So, Mr Speaker, there was a clear intention in 1935, and in fact as recently as 1984, that not only should the Savings Bank be audited promptly within five months, and that provision remains, but that the audited accounts be given to the Government and its results be published promptly.

880 'Why?' do you ask. Well, not only was it, and it is, of public interest as regards their deposits, but it is also of interest to taxpayers, who have to underwrite the Savings Bank's performance should any losses arise.

Mr Speaker, in my view 'as soon as practicable' should mean publication ASAP in the Gazette being no more than a month after the Minister for the Savings Bank is in receipt of the audited

885 accounts. It is certainly not acceptable that not just the public but indeed this House should have to wait for either the full Principal Auditor's Report for that financial year – which for 31st March 2015 we received in October 2016, some 19 months after the year end – or for the Minister at his entire discretion to publish, which for 2015 was 22 months after its year end.

890 Mr Speaker, the amendment that I propose to the Savings Bank Act will cause no increase in expense to the Government and it will help in its stated quest for greater transparency and accountability by setting out a clear timeframe for the publication of the audited accounts of the Gibraltar Savings Bank.

895 The timely reporting of the financial position of the Gibraltar Savings Bank has never been more important to this community at a time when we have seen its deposits grow, according to the Minister for the Savings Bank, to over £1 billion and which the taxpayer ultimately guarantees. And so, Mr Speaker, for all the reasons I have just set out, I commend my motion to the House. *(Banging on desks)*

900 **Mr Speaker:** I now propose the question in terms of the motion moved by the Hon. Mr Roy Clinton. Does any Member wish to speak on the motion?

The Hon. Mr Joseph Bossano.

905 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, the hon. Member opposite and the rest of his colleagues all know what the answer to this is going to be – or does he think that anything he has said today has changed the position from what it was on 20th December?

910 When people are elected to Parliament and then they form a Government they are committed to deliver what is put in their manifesto. If we had wanted to put a date we could either have put it in the manifesto or we could have done it without it being in the manifesto – or the GSD could have done it in the 15 years that they were there. None of that has happened.

915 The fact that he happens to be the hon. Member as opposed to anybody else with his own personal ideas of what should or should not be done is not a sufficient reason for us to say we decide we are not going to change the law but we want him to change the law, so we are going to vote in favour of his motion so that he can overrule the policy of the Government and do what we have decided not to do. Now, if that is really something that he thinks there is a possibility that might be happening, then I am afraid he lives in the world of Never-Never Land because that will never happen in a million years in this Parliament or in any other Parliament.

920 Logically, this is not about wanting permission from the Parliament to change the law; this is about having an opportunity to make the speech that he has made, and that speech contains nothing that I would not expect him to say and which failed to convince me like his other arguments have failed to convince me previously.

925 So the answer is that the law since 1991 ... and I certainly note that having first urged me to do it because it was more applicable to the modern age in which we live, he then urges me to do what was being done in 1935. Well, I am not sure that his arguments have got anything to do with logic; they have to do with what he thinks will work in achieving it. So first it is more modern to do it and then it is not that it is more modern, it is that we are not doing something that was done in 1935 and we are not doing something that was being done before 1991.

930 The answer is, of course, that if people had any concern about how long it is in the Gazette – and I think in the modern age in which we live, as I indicated to him in my reply in December, it should not be in the Gazette at all ... I do not imagine the 17,000 people who have got their money in the Savings Bank are avidly awaiting the publication of the Gazette to be reassured of the state of the Savings Bank.

935 The hon. Member gets monthly detailed breakdowns of the money that is coming in and how that money is invested, and as far as I am concerned, the appropriate procedure is that when the audited accounts of the Government have been completed, the Savings Bank – which is in fact a special fund, like many other special funds, a special fund of the Government – will be

published, which in effect will be repeated in the Gazette but would already be in the public domain because the accounts will have been made public before the Gazette is published. That is the procedure we have decided to adopt and that is the procedure for which I take responsibility, and I am quite happy to put up with the criticisms of the hon. Member opposite but I am telling him that we will be voting against the motion.

Mr Speaker: Does any other hon. Member wish to speak on the motion? I therefore ... Yes, the Hon. Trevor Hammond.

Hon. T N Hammond: Mr Speaker, I have to commend my hon. Friend for his motion, because it is a very reasonable motion in light of the clear fact that it is designed to simply enhance transparency and no more than that. It is not party political in any way. It has one objective only, and that is to improve Government transparency, and in particular in this case the transparency of the Savings Bank.

I think we have to look at what is normally accepted practice, and if we look to businesses I do not think it would be reasonable for businesses to normally publish their accounts with such delay or indeed at the discretion of any individual. And Government should therefore certainly not have any special status in this regard, in fact quite the reverse: Government should and must be held to the highest standards and certainly perhaps higher standards than may be the case in the private sector, bearing in mind that it is Government who then legislates the private sector.

The Minister has pointed out that many people are investors in the Gibraltar Savings Bank. Indeed, many people in this community are investors in the Savings Bank and I do not believe it is for the Minister to suggest whether those people, individually or en masse, are interested in when the accounts are published. The accounts should be published in a timely manner for those investors to see, in order that they can see how their investments are doing and how secure their investments are.

The Minister also brought in the manifesto. Again, I have to disagree with him in that respect. To suggest that a manifesto entirely binds Government to only do what is their manifesto ... Of course it binds them to do what they have stated they were going to do in their manifesto, but to me it is certainly an unusual perspective to suggest that if Government receives a good idea, even though it was not in their manifesto, they should not enact that good idea regardless of who it comes from. A good idea is a good idea. Certainly Government has demonstrated that it does not only do what it chooses or what is set out in its manifesto, because I never at any point recall seeing the refurbishment of No. 6, a multi-million-pound refurbishment, being in the Government's manifesto.

So, as I say, I believe a good Government looks at ideas and, provided those ideas are affordable, should certainly look to enact those ideas. And this is a good idea because, again, I come back to the fact that it enhances Government transparency, it is affordable, and therefore I really do not see why Government should object to this degree to this motion and this amendment that my hon. Friend wishes to see enacted.

Thank you, Mr Speaker.

Mr Speaker: Any other contributor? The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government thinks that we do keep to the highest standards of transparency. In particular, because we legislate for the private sector we have to be held to the highest standards. Of course we agree with that principle. But of course, we agree with that principle, we on this side of the House agree with that principle because we are the ones who are putting in place the accounts for all the Government companies, that they failed to file or publish.

Mr Speaker, it is important that in assessing the things that the Hon. Mr Hammond has said we look at what the practice has been before we were returned to Government. The GSD

990 stopped filing the accounts of the Government companies, which were filed by the GSLP and prepared by the GSLP. I think some of the last accounts were for 1996-97. They stopped filing them. Does the hon. Gentleman realise the gravity of that, given what he has said? He has introduced into this debate that Government legislates and therefore must act in keeping with the higher standards, in particular with legislation. I do not think any Member of this House can agree that the Government should fail to comply with the rules of law, and yet the party that he represents is the party that failed, failed to file the accounts of the companies that they were trading with. So everything that he has said is something which is a condemnation of the actions of the former GSD.

1000 Mr Speaker, this Government has been left to recreate those accounts and to try and ensure that, as quickly as possible, they are filed, and it is taking a long time because of the mess of having to reconstruct the accounts from, in some instances, 10 years before. So, to now try and apply that logic, which he has tried to do, to the Savings Bank Act and to the changes which are now proposed by Mr Clinton I think demonstrates how little the hon. Gentleman knows about the past decade of Gibraltar politics.

1005 Today what is blindingly obvious to everyone, to everyone who is depositing their money in the Savings Bank, which is the only way that the Savings Bank deposits are going to go up, is that the Savings Bank has never been better managed and that deposits in the Savings Bank have never been safer than under Joe Bossano.

1010 Again, this is a question of actions not words, because words can fill column inches and words can say whatever it is that the person speaking them wishes them to say. Actions are not so easy to bring about, and what Joe Bossano has demonstrated in the time since 2011 when he took over the running of the Savings Bank, through the actions of third parties, is the trust that people have in the management of the Savings Bank under his stewardship.

1015 You can demonstrate through your actions that the things you say are the things you do – of course you can, and Joe Bossano demonstrates that all the time – but to have third party objective support that you are a person who does what you say is very difficult indeed, and yet hon. Members have seen it, that despite the constant onslaughts against the Savings Bank the deposits in the bank have only gone up. And so when I say that the Savings Bank has never been better managed it is my view, but when people increase the deposit base of the Savings Bank from where it was, about £300-odd million, to well-nigh £1 billion now, they are demonstrating by their actions that the current rules and the current management are what they have faith in.

1020 It is not that the accounts are not published – yes, they are published – but this is a new stricture requiring that they be published when the hon. Member wishes them to be published, and that, Mr Speaker, is something that we have already said no to, as the hon. Member said, not just now, we said no to that already.

1025 So, apart from the hon. Member just simply wishing to hear his own voice on the same subject again, there can be no reasonable grounds for him to have brought this motion. I know that he is retired, Mr Speaker – he is a very young retiree for a banker – and that he has little else to do. There is the small matter for us of having to run Gibraltar after the result of the Brexit referendum, having to run the Health Department and all the other important Departments that we represent, but look if he wants us to have a debate on this subject where he already knows the answer from meetings already held, this is the one thing that he is entitled to but it is not serious, it is not real, it is not something which is designed to be a good idea. It is just an attempt to talk further around the subject of the Savings Bank.

1030 There is one positive side to that, and that is that every time that they think they are attacking Joe Bossano on the running of the Savings Bank, every time they say ‘Savings Bank’ and it gets into the newspaper, we see that instead of there being a run on that bank there is an increase in the deposits because they remind people of the excellent job being done by Joe Bossano, of the excellent returns paid to our pensioners, and more people demonstrate their confidence in the way that the legislation is structured, in the way that Joe Bossano is running the affairs of that bank in that Ministry of his, and they deposit more.

1040

Now, it is true that if there were a good idea that came from Members opposite we would adopt it – a good idea, not what they say is a good idea but actually a good idea – and the one person they cannot blame for not being prepared to do that is Joe Bossano and I will tell the hon. Member why – I think he prefers me to call him Joe Bossano than just the Father of the House or the person – who many objectively would think is one of the greatest Gibraltarians of our time, but we will come to that on another day: because Joe Bossano is the person who said to Members opposite, in their former incarnation and in their current incarnation, if you have a better idea for community care, which you have called a ticking time bomb, we are ready to listen to it and we are ready to ensure that we give effect to it. Joe Bossano said repeatedly from where he is, if hon. Members have a good idea, something that is good for Gibraltar, we will work with them to adopt it. It is just that this is not a good idea. In our view, things are better run as they are.

In the view of those who have deposited their confidence in the bank and raised its deposits from £300 million to over £1 billion things are run well as they are, and this is not ... And this is where the hon. Gentleman completely belies his misunderstanding of the way that the Savings Bank is structured, not today but for x hundred years. These are not investments that people need to see the accounts of in order to see how they are performing. This is not like what his private pension provider, if he has one, might send him where he is tracking what his investment is doing. This is an investment that tells you every month how it is doing because you get paid the interest every month. *(Interjection by Hon. J J Bossano)* If the hon. Gentleman does not know that, then he does not know in Savings Bank terms what is up and what is down, and if the hon. Gentleman does not understand that he does not understand the structure of the Savings Bank.

Indeed, he does not understand how the Government that he represents, the GSD that he represents, used to deal with those deposits. Does he know that before those pensioners' monthly income debentures were issued by the Savings Bank they were issued by the Government? The taxpayer was putting its hand in its pocket to pay the interest and nobody was seeing how their investments were doing. The hon. Gentleman belies his complete and utter lack of understanding of how the Savings Bank works with the things that he has said in an attempted support of the Hon. Mr Clinton's desire to hear his own voice on the issue of the date on when the accounts of the Savings Bank should be published.

He says that one of the issues that was not in our manifesto was the refurbishment of No. 6 Convent Place. He is wrong. He needs to go back and look at both our manifestos and see how we committed ourselves to improving the offices of civil servants, and a lot of civil servants work in No. 6 Convent Place. I do not know whether he realises that a lot of the attacks that they make on the Government are actually not attacks on the Government – they are attacks on civil servants. The offices at No. 6 Convent Place are principally used by civil servants. There are two politicians and everybody else is a civil servant. And so, Mr Speaker, I know that they like to run with the hares and run with the hounds, I know that they want to try and garner support of civil servants, but they need to recognise that when they are attacking the size of the public sector this has not increased. It is still 10 on this side of the House, although I sometimes hear rumours that there are people sitting over there who would rather be sitting over here. It is the number of civil servants that they are attacking, the number of public servants in Gibraltar that they are attacking, the officers of those public servants that they are attacking.

So, Mr Speaker, nothing that has been said by the Hon. Mr Hammond I think discloses that the things that Mr Clinton has said are any worse an idea than we might have thought, given what Mr Clinton has said, and Mr Bossano has ably replied to him, and therefore nothing that has been said during the course of this debate is going to change the Government's view, as stated already in December of last year to Mr Clinton. We therefore cannot, in my view, be persuaded to support what is actually, in the objective view of the Government, a very bad idea indeed.

Mr Speaker: Is there any other contributor to the debate? The Hon. the Leader of the Opposition.

1095 **Hon. D A Feetham:** Mr Speaker, I do not think there is very much that I can bring up; I have already brought everything that needs to be brought up over the last three hours. But I am going to keep my contribution short because I am not feeling very well, Mr Speaker.

I do wish – and I say this sincerely, I really do wish – that the hon. Gentleman’s default mechanism, and I mean the Chief Minister’s default mechanism, every single time that he
1100 debates these issues, or any issues, was not to make personal snide comments. The hon. Gentleman Mr Clinton may be retired from banking but it is universally recognised, I believe, now out there in Gibraltar that he is doing an excellent, excellent job in holding the Government to account on these issues and I have absolutely no hesitation in congratulating him not only for this motion but the rest of the work that he does, which is absolutely excellent, Mr Speaker. (**A**
1105 **Member:** Hear, hear.) *(Banging on desk) (Interjection and laughter)* And neither has anybody on this side of the House personally attacked or otherwise Mr Bossano. Indeed, I for one, who have been nervous about the management of the public finances of Gibraltar now for close to four years – and in many respects in this Parliament and outside it was, to begin with, a lonely voice in the dessert, but I think again now more and more people are coming to realise that in fact the
1110 public finances of Gibraltar have been mismanaged – but I for one, have comfort in the fact that the Hon. the Father of the House is on that side of the House, because at the very least he will be a reasonable handbrake on some of the excesses of the hon. Gentleman. *(Laughter)* So nobody on this side of the House is in fact attacking Minister Bossano either personally or at all, because that is my honestly held view about the hon. Gentleman and his pivotal role now in
1115 Gibraltar in basically making sure that he stops what is and has been a Government runaway train over the last four years as far as public spending, debt and the management of the public finances are concerned. *(Laughter)*

But, Mr Speaker, there is a very important reason why we should be moving towards greater transparency in relation to the Gibraltar Savings Bank, and with respect to the Father of the
1120 House, his comments about why are we moving back to 1935, to the past and not the future, are in my respectful view not apposite. In 2011 when we lost the election there were only £24 million worth of debentures in the Gibraltar Savings Bank – £24 million. Today there are £817.5 million of debentures – just debentures, excluding deposits – in the Gibraltar Savings Bank. What we have seen over the last five years has been, first of all, a shift in Government
1125 debentures from Government, where they rank as Government debt, into the Gibraltar Savings Bank where they do not. But more importantly, what we see is the Government operating two books at the moment in terms of expenditure on Government projects and Government expenditure generally. There is on the one hand the Government through direct public debt and on the other the Gibraltar Savings Bank, which no doubt, through Credit Finance and through
1130 other Government companies, is essentially being used to fund Government expenditure.

In those circumstances, where we have seen this huge explosion in Gibraltar Savings Bank debentures from £24 million to over £800 million, where effectively the Government is operating the Gibraltar Savings Bank as its economic motor – because that is what it is – and as its piggy bank, funding expenditure in those circumstances we should be moving towards
1135 greater transparency, not lesser transparency. *(Interjection)* Oh I beg your pardon, Mr Speaker, the Hon. the Father of the House is right that we are not talking about lesser transparency in this particular case, we are talking about more transparency. But we should be moving towards more transparency and the motion that the hon. Gentleman Mr Clinton has provided is a part of that, and in fact it is not something that the Government should be, in my respectful view,
1140 voting against it. We should be moving towards a situation where we provide the accounts and publish the accounts for the Gibraltar Savings Bank in a timely manner. Why delay it by over a year when the Government is in a position to provide those accounts within a reasonable period of time? That is all the motion is about, nothing else. It is about providing those accounts within

1145 a reasonable period of time rather than the position now, which is over a year after, in some cases, the Government has already got the accounts.

So, Mr Speaker, I really do not understand the Government's reticence in voting against this particular motion, other than perhaps that it is a motion that has been proposed by the hon. Member and the Government really does not want to support anything that emanates from this side of the House and certainly not from my hon. Friend Mr Clinton, who is always, I have to say, 1150 extremely reasonable in these matters. (*Banging on desks*)

Mr Speaker: Is there any other contributor before I ask the hon. mover to reply? The Hon. Mr Clinton.

1155 **Hon. R M Clinton:** Well, Mr Speaker, where shall I start?

Never-Never Land I live in Never-Never Land. Well, Mr Speaker, if I live in Never-Never Land, so does Mr Costa, who last year reminded us about the buckets and buckets of transparency that the Government had introduced, but for some reason this particular bucket of transparency is deemed not a good idea by his Government. And so, Mr Speaker, I will inhabit the same 1160 Never-Never Land as the Hon. Mr Costa because I believe this to be a good idea that can only enhance transparency. I have heard nothing from the Government side, certainly not from the Chief Minister and certainly not from the Hon. Mr Bossano, as to why this is a bad idea. Sometimes old ideas are good ideas, and certainly if in 1935 this was a good idea I do not see why it is not a good idea today, especially when it does not cost the Government a penny.

1165 But Mr Speaker, a lot has been said by both of the hon. Members opposite which I really must respond to, and this is not necessarily within the ambit of my original motion. My motion has been described as a bad idea. The Chief Minister says, 'Ah, well, when the taxpayer bought debentures directly from the Government they did not know what the investments were doing, so why should they know it now?' Well, Mr Speaker, this is exactly the point: the Savings Bank 1170 accounts include the statement of investments, which unfortunately the Hon. Mr Bossano is very, very reluctant to publish, in his, what I call 'glossy booklet', every year. They are part of the auditor's work, they are included in his work – he reports on the statements and investments, and yet in the report and annual accounts he fails to include them. If we had the full audited accounts published on a timely basis we would not get part information from the Hon. Minister 1175 distributed, containing information that he sees fit for public consumption.

I am not trying to undermine confidence in the Savings Bank. On the contrary, the Minister should welcome this motion to enhance the transparency of the Savings Bank. What possible reason can the Government have for delaying the publication of the accounts, especially when they are already in their possession? None, Mr Speaker. If they want to shout from the rafters 1180 what a wonderful institution this is and how well it is managed by the Minister, well, publish the accounts on a timely basis. Why wait for over a year? Why deny the public the benefit of the Minister's investment wisdom for a year? Let them see the results for themselves within a month of him having them. There really is no good reason for delaying the publication.

Or is it that the Minister really does not want the public to see what he is doing with their 1185 investments? Is it that he does not want the public to see on a timely basis what he is doing with the money – that he put £400 million into Credit Finance, that he has bought £247 million of Government debentures, that he has spent £11 million in GSBA Ltd, which I am still trying to get to the bottom of? And of course the worst sin of all, which I really find hard to accept, is that they then bought the other half of Gibtelecom for £37.8 million last year. Mr Speaker, the 1190 Minister may laugh, but if he had published the accounts of the Savings Bank on a timely basis for 2016 we would have had that information in our possession long before we had to ask the question in this House. All that adds up to £733 million of depositors' money which is directly or indirectly in the hands of the Government on Government-owned companies or projects.

Mr Speaker, I have no ill feeling to the Savings Bank, I want it to succeed just as they do, but 1195 let's do it in a transparent manner. Why the secrecy? What is the big deal? Really, what is the big

deal? I fail to see. Neither of them has given an argument as to why they think my motion is a bad idea. There has been nothing that they have said that says no, we cannot do this because this would be commercially sensitive, this would be detrimental to savers, this is not good practice – nothing, Mr Speaker, nothing at all.

1200 In fact, Mr Speaker, the practice in 1935 was the correct one: as soon as possible. What is there to understand about ‘as soon as possible’? Nothing. And in fact they complain ‘Well, the GSD did not change the law’ – they did not have to, Mr Speaker, because they understood what the law meant ‘be gazetted’. And they gazetted certainly the 2009 accounts one month after being audited. They did not need to be told by the law ‘Can you please publish these accounts as soon as you have them in your hands’ because they simply did.

1205 Now the Minister seems to be under no rush to publish these accounts, and that was his personal view as Minister, which is why I brought this motion to the House. It was not because I did not already know his view and I thought, ‘Well, let’s kill an hour in the House debating the same point.’ The point is that ultimately it is Parliament that should decide what the law is, and not the Minister at his sole discretion. And so, Mr Speaker, I brought this motion to the House to make a very simple amendment to the law to provide guidance to the Minister as to when these accounts should be published. It is a matter for this Parliament and not the Minister himself to decide what is appropriate and what is good practice and what is transparency or what is not. It is not something that has to be in a manifesto; it is common sense, Mr Speaker. It is absolute
1210 common sense. If you have the audited accounts of the Savings Bank in your hands you should publish them – not today, not tomorrow, maybe next month, whatever is appropriate, but certainly not a year afterwards. What is the point if the information is out of date? If he has nothing to hide, if he is so confident in his investment abilities, which we will see when we see the audited accounts, why not publish? And again, this is a very simple amendment and it will
1215 benefit everybody in this House, regardless of Government, just to provide that guidance in future years. I do not know why that provision was deleted in 1991. It surely caused no real offence to anyone.

But, Mr Speaker, what I really must address is the Chief Minister’s contribution about the previous Government’s lack of transparency and his great bugbear about the failure to file
1220 accounts on time and the gravity of not filing those accounts on time and failing to comply with the rule of law. Failing to comply with the rule of law. These are very grave charges. I hope that he will have a look at Credit Finance and wrap himself on the knuckles because he has not filed the accounts of Credit Finance for the last five years – and he created Credit Finance, not the previous administration. So, Mr Speaker, what excuse does he have for not filing the accounts of
1230 Credit Finance, (*Banging on desks*) what excuse does he have for not getting them audited and what excuse does he have for this grave failure to comply with the rule of law? None, Mr Speaker. He talks about transparency. He says you have to not just talk about it but do it, demonstrate it. Well, Mr Speaker, I fail to see how he is demonstrating his love of transparency when not only does he not see the merits of my motion but he himself is guilty of the sin he accuses us of, the previous administration. Credit Finance is not some dormant company which has no public interest; this is a public-owned company which has £400 million of the Savings Bank’s money invested in it. Do you not think that the public might be interested in how Credit Finance is doing, how Mr Bossano is generating his miraculous returns with Credit Finance?

1240 **Mr Speaker:** Just a moment. May I indicate to the hon. Member that under the rules of debate you are now exercising your right to reply. There has been no mention during the course of the debate on Credit Finance at all.

Hon. R M Clinton: Yes, there has.

1245 **Mr Speaker:** Who did?

Hon. R M Clinton: [*Inaudible*] ... filed accounts.

1250 **Mr Speaker:** I must have missed that. I give the hon. Member the benefit of the doubt.

Hon. Chief Minister: I did not mention Credit Finance at all.

1255 **Mr Speaker:** But I do not recall hearing this morning any reference to Credit Finance.

Hon. D A Feetham: He mentioned Government-owned companies. He brought it up.

1260 **Mr Speaker:** Right, fine, Government-owned companies. Therefore what the hon. Member can do is to make, in exercising his right to reply, he can make a passing reference to a particular company, but what he cannot do is to devote a great deal of time in furtherance of his arguments, because that is introducing new material into his speech. He has spoken for two or three minutes on Credit Finance but what he cannot do is to make that the basis of his right to reply. He has made a reference, I allowed him – in fact I allow him to continue, but I just want to draw his attention to the fact that really he cannot over-elaborate on the matter.

1265 **Hon. Chief Minister:** Mr Speaker, as a point of information for the House, so that you and the hon. Member are aware, Credit Finance Company Ltd is not a Government-owned company; it is owned by the Gibraltar Savings Bank.

1270 **Mr Speaker:** Right. The Hon. Mr Roy Clinton.

Hon. R M Clinton: Sorry, Mr Speaker, I did not quite catch the Chief Minister – did he say 100% by the Savings Bank?

1275 **Hon. Chief Minister:** It is not Government owned at all, Mr Speaker, either by the Savings Bank or the GDC; it is 100% owned. It is not a Government-owned company.

1280 **Hon. R M Clinton:** Mr Speaker, I think what the Chief Minister meant to say, as he did now, is that it is £30 million of the ordinary shares that are owned by the Gibraltar Development Corporation and £400 million of preference shares are owned by Credit Finance.

1285 But Mr Speaker, I understand your point of order and I would perhaps in defence say I will accept entirely what he is saying, except for the fact that the Savings Bank has a £400 million investment, a substantial investment in Credit Finance, which goes to the heart of the question of publication of accounts and the schedule of investments, which is why I brought it up. And I also brought it up, Mr Speaker, because of the Chief Minister's comments about the gravity of failure to file accounts, and I held this up by way of example.

But I will move on, Mr Speaker. I will move on because of course I live in Never-Never Land, as the hon. Member said to me.

1290 Mr Speaker, the reason again that I raise this motion in the House is that it is for this House to determine what is appropriate, and it should not necessarily be solely in the Minister's discretion. Again, we have not heard as to why he thinks there is not sufficient reason to change the law and I have not heard why I have failed to convince him in my argument. I welcome the fact that he takes full responsibility for the Savings Bank, but I would also welcome if this House took responsibility for the Savings Bank and caused their accounts to be published in a timely manner in the interest of transparency.

1295 And so, Mr Speaker, on that point I have nothing further to add than to commend my motion to the House. (*Banging on desks*)

1300 **Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. R M Clinton. Those in favour? (**Several Members:** Aye.) Those against? (**Several Members:** No.) The motion is defeated.

**Residential care homes for the elderly –
Access to the outdoors –
Amended motion carried**

1305

Clerk: The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, I have the honour to move the motion standing in my name which reads as follows.

THIS HOUSE

ACKNOWLEDGES that elderly residents of care homes and wards should have direct access to a safe outdoor environment, where possible

NOTES in particular the residents of John Cochrane Elderly Care Ward and Calpe Elderly Care Ward have no direct access to the outdoors

AND calls on Government to implement a policy to ensure ALL elderly residents are encouraged and assisted to go outdoors weather permitting.

1310 Mr Speaker, the underlying principle for this motion is to voice the concern of one particular individual in our community with whom I have had the pleasure and privilege of having numerous lengthy conversations over the last couple of months to do with this very important and valid cause.

1315 It all began last May, Mr Speaker, when Mr Pepe Soiza invited me and my hon. Friend Mrs Marlene Hassan Nahon to visit the John Cochrane Ward. His wife is a resident there and it was very clear and evident that Mrs Soiza enjoys the unconditional support and devotion of Mr Soiza and through him is therefore able to enjoy the simple things in life: a bit of fresh air, sunlight and the occasional ice-cream.

1320 It would be useless to quote all the research which has been done to prove how sunlight and going outdoors is so beneficial for our physical and mental well-being and how this is just as, if not more important for Dementia and Alzheimer suffers.

1325 During our visit we were introduced to other residents and their family members – residents who showed no signs of medical illnesses that would prevent them from being taken outside. Some stories were rather depressing, with some residents not having left the unit for several years because they have no family willing or able to take them out.

1330 From what I understand, the two residential units at St. Bernard's were meant to be a short-term temporary solution. However, they have turned into permanent institutions. Obviously the units were not designed to be residential homes and it would therefore seem appropriate to respond to the inadequate building infrastructure by introducing policies which will maximise and ensure care and amenities are all equal across all elderly care residences.

1335 Mr Speaker, since my motion was filed I have learned that the Government have taken steps to escort residents from John Cochrane and Calpe Wards outdoors, which was a fundamental reason for bringing this motion to Parliament. I welcome this move and look forward to hearing how this policy is being implemented across the homes.

Mr Speaker: I now propose the question in terms of the motion moved by the Hon. Lawrence Llamas.

Does any hon. Member wish to speak on the motion? The Hon. Neil Costa.

1340 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, as I rise I do so with
some trepidation to discuss the particular circumstances of any one particular person. I know
that from Standing Orders it is preferable not to mention or identify persons by name, and
therefore when I give my replies in this House it will be unavoidable that by doing so the House
and the community will now learn of what measures exactly it is that have been put in place to
make sure that this particular person does receive the care that the hon. Gentleman has said
1345 that she does not.

Mr Speaker, it will not surprise Members opposite to learn that the Government will vote
against Mr Llamas's motion and that I will move an amending motion at the conclusion of my
contribution.

1350 Mr Speaker, on speaking to the motion before the House I remind hon. Members of the two
questions that the hon. Member opposite asked me in respect of which I have to say he was
nowhere to be found in the Parliament to hear my answers.

1355 In Question 726, the Hon. Mr Hammond, on behalf of the Hon. Mr Llamas, asked whether
within the elderly care infrastructure Government had a policy to provide outdoor recreational
time to residents on a daily basis, weather permitting. I replied, among other things, that there is
an internal policy that regulates the attendance of residents to outings. The Opposition at that
point did not ask me any supplementaries. Mr Llamas then asked me whether the Government
intended to provide any outdoor recreation whatsoever for the residents of Calpe Elderly Care
Ward and John Cochrane Elderly Care Ward. Had Mr Llamas been present in the House I would
have referred him to my answer to Question 726, in which I had already provided him with the
1360 information requested. In other words, Mr Speaker, the hon. Gentleman has brought a motion
to this House which, in my opinion, reflects quite an unprecedented disrespect to the House's
proceedings and the contents of which betray that he has paid no heed whatever to the answers
I have given to him twice. As a result, I have to tell the hon. Gentleman opposite that his motion
is wrong in content and pointless to the extent that he cannot possibly speak intelligently on the
1365 subject matter without first having given me the opportunity to explain to him all the activities
that the elderly who are in our care undertake. Indeed, Mr Speaker, the hon. Gentleman missed
on an excellent opportunity to keep quiet.

1370 In any case, Mr Speaker, we are where we are and I must now, referring to paragraph by
paragraph of his motion, explain to the Hon. Mr Llamas why his motion is entirely and wholly
incorrect. Whereas he will not believe me, I have said to my colleagues on this side of the House
and to some Members opposite that I have always considered the Hon. Mr Llamas a person who
cares about the more vulnerable members of our community. I have to tell him now, however,
that his recent flurry of press releases, again on issues on which he has not been in this House to
listen to my answers and on this motion, really make me doubt the motivation for tabling his
1375 motion. For myself, Mr Speaker, I would have been mortified to have tabled a motion that
betrayed my absence from this House when my questions were being answered and which
showed that I had not paid the slightest attention to the answers provided by the responsible
Minister.

1380 My embarrassment, however, Mr Speaker, would have quickly turned to anger and my
realisation that it was also my team who had let me down, because the question immediately
arises as to why on earth Mr Hammond or any of his colleagues would have allowed the Hon.
Mr Llamas to put himself in such a politically untenable situation. There is no way on this good
green earth that the Hon. the Chief Minister, the Hon. the Deputy Chief Minister, the Hon.
Mr Bossano or any of my other colleagues, who actually care about my best interests, would
1385 have allowed me to make such an avoidable rookie mistake. But of course the Members
opposite clearly survive in the context of the equivalent of a political jungle while they joust and
jockey for the limelight and for popularity.

1390 In any case, Mr Speaker, the language of the hon. Gentleman's motion, like all other motions
presented by the hon. Members opposite, gives the Government an excellent opportunity to
once again set out the incredibly meaningful strides taken on this occasion in the provision of

care for our elderly and vulnerable members of our community from the position we inherited since first being elected into office.

1395 Mr Speaker, I have to further tell the hon. Gentleman that the wording of his motion shows a lack of awareness by him of the reality on the ground. Had he been in Parliament to listen to answers to 726 and 50, he would not have given notice to what is in effect a non-motion.

Let me set out the various improvements which we on this side of the House have introduced.

1400 In December 2011 we inherited when we came into office 1.5 activities co-ordinators at Mount Alvernia and one activities co-ordinator at John Cochrane Ward and Calpe Ward. We have increased this to five activity co-ordinators at Mount Alvernia, three for the hospital wards and two in John Mackintosh Home, resulting in a total of 10 activities personnel to cover all elderly residential sites.

1405 In his non-motion the hon. Gentleman is asking this House to acknowledge that elderly residents of care homes and wards should have direct access to a safe outdoor environment. In other words he is implying that this is not the case at the moment. But quite the opposite, Mr Speaker, and this is why I prefaced my contribution at the outset to say that the hon. Gentleman would have served himself better by listening to the answers in this House.

1410 The residents of the care homes and the wards have access to safe outdoor environments across all locations. In Mount Alvernia, for example, there is access, including wheelchair access, to the gardens. John Mackintosh Home has an outdoor terrace. John Cochrane Ward, Calpe Ward and the newly set up interim ward at St Bernard's Hospital have access to the beautiful GHA gardens and podium. How can the hon. Gentleman therefore suggest that these wards have no direct access to the outdoors? The hon. Gentleman is incorrect. Is the hon. Gentleman not aware of the garden and outdoor spaces at St Bernard's Hospital? Does the hon. Gentleman not realise that the location of the hospital, for example, affords access to other outdoor recreational activities: Westview Park, GASA swimming pool and even Commonwealth Park?

1415 Mr Speaker, let me advise the hon. Gentleman of the outdoor activities currently undertaken by our elderly in our care: weekly trips to town; morning coffees, breakfast and lunch outings; beach projects; Gibraltar International Dog Show; GASA Family Pavilion; theatre shows; concerts; shopping trips; seasonal events such as Christmas lights, the Governor's tea party, the Convent Fair, Remembrance Day Service; and any other community events they are invited to. In addition, some residents of John Cochrane Ward and Calpe Ward are walked to different venues and St Bernard's Hospital, as I have noted, is conveniently close to many areas, including Main Street. These groups consist of no more than four at any one time and take place two to three times a week.

1425 Mr Speaker, it seems obvious to say, but given the contents of the non-motion I feel bound to say so, that some residents due to illness or frailty are unable to participate in outings. As I will explain a little further on, however, suitable and extensive indoor alternatives are provided so that our elderly whose physical condition prevents them from attending outings receive equal attention. I should further point out that outdoor activities only take place when weather permits.

1430 Further, Mr Speaker, the non-motion before the House asks the Government to implement a policy that all elderly residents are encouraged and assisted to go outdoors. Mr Speaker, you really could not make it up, and you could not make it up because it does show, as I have said, a complete lack of preparation for the serious business of this House. The hon. Gentleman should already know this. Of course, he would have known this had he turned up to Parliament on the two separate occasions that he asked me these questions, but of course instead of filing the non-motion, or at the very least when drafting the non-motion, he could at least have had the decency to consider *Hansard*, as he would have seen my answer to Question 726, which said that there is a policy. The policy does exist. The policy has been in place since 2014 and was designed to ensure the safe movement of both residents and staff. The objectives of the Internal Health and Safety Policy are to safeguard the residents and staff when on outings.

1445 Let me provide the hon. Gentleman with a summary of what is provided in the policy, a précis of course, Mr Speaker, which I would have been delighted to have provided the hon. Gentleman had he asked me any supplementary questions on the subject – but to ask me supplementary questions he must be in this House.

1450 Had the hon. Gentleman been in this House, I would have advised him that the policy sets out the roles and responsibilities of staff Members to ensure that residents going on an outing are well prepared, that the entering and exiting of the vehicles is done safely and efficiently, and that the venue of choice is appropriate for the residents attending.

Had the hon. Gentleman been in this House I would have further informed him that outings are pre-arranged and only residents who have consented, or their next of kin have consented, are taken.

1455 Had the hon. Gentleman been in this House I would have added that staffing levels are adjusted to ensure appropriate supervision. I would have explained that staffing attendance always includes a qualified nurse and a first aider and that venues visited by residents are risk assessed.

1460 Had the hon. Gentleman been in this House I would have advised him that outings depend on the outcome of the assessment – for example, venues are checked for accessibility and suitable toilet facilities. We also have a bus with wheelchair access which operates between 10 in the morning and eight at night to convey residents to different venues.

Had the hon. Gentleman been in this House I would have added that safe manual handling procedures are followed and that packed lunches and drinks are provided if the outing is somewhere other than a restaurant.

1465 At this point, Mr Speaker, I wish to thank the Friends of Mount Alvernia and Community Services who provide an invaluable role when bigger outings are arranged. For trips arranged through the excellent Friends of Mount Alvernia there are on average 26 elderly members of our community who participate. In addition to the big coaches, the Friends of Mount Alvernia's Vito provides for seven members of our elderly community. I also wish to place on the record the much appreciated and valued assistance provided by members of the Jewish community.

1470 Mr Speaker, as the hon. Gentleman can well imagine, all residents are encouraged to participate in the outings which are organised. However, there are residents who do not wish to participate in these outings and this is of course respected.

1475 In total, Mr Speaker, there has been a staggering increase in the number of outings organised for our wonderful elderly community in our care. Under the previous administration total outings in 2010 totalled 35 a year. In 2016 there are, a year, 170 outings, which represents an incredible increase of 385%. (*Banging on desks*) And how could it have been different when my colleagues the Hon. Samantha Sacramento and the Hon. John Cortes were responsible? It is my distinct pleasure and duty to continue to build on their hard work and outstanding legacies.

1480 As always, Mr Speaker, quantitatively and qualitatively we on this side of the House, who actually care and bring our hearts as well as our minds to the discharge of our responsibilities, are quantum leaps ahead of the feeble attempts of the Members opposite, when they clearly did not care when they were in Government.

1485 In addition to all of the above outdoor activities we also facilitate an extensive indoor programme for residents who are unable or choose not to participate in outdoor recreational activities. These are arts and craft, scrapbooking, life story work, baking, sewing, knitting, cinema, exercise classes, yoga classes, board games, games tournaments, reminiscence therapy, garden parties, bingo, staff talent shows, seasonal events, singalongs, building of the grotto – the House may well recall the magnificent Christmas grotto of last year and of other years – speciality lunches, aromatherapy, various evening entertainments courtesy of local artists and schools and social interactions with our younger generation.

1490 Mr Speaker, despite all that we have done, all that we have done, we are by no means complacent and are determined to keep developing and improving the services which are

1495 available for our elderly, who have given so much to us and thanks to whom we are able to continue to build our lives in a safe, stable, prosperous and caring Gibraltar.

Mr Speaker, because, unlike the hon. Gentleman opposite, I am not comfortable talking about particular cases, all that I will tell him is that, given the reports that I have received, I am entirely satisfied that we are doing all that we can for all of our residents. In conclusion, therefore, we on this side of the House are certainly not going to take any lessons from the GSD in this area of policy.

1500 At the start of intervention I gave notice that I would be moving an amending motion. My amending motion reads as follows:

THIS HOUSE

NOTES the many improvements in the provision of elderly care in Gibraltar since the election of the GSLP Liberal Government on 9th December 2011.

ACKNOWLEDGES the following:

That the number of staff dedicated activities co-ordinators at Mount Alvernia, the John Cochrane and Calpe Wards and the John Mackintosh Home have increased from 2.5 to ten.

That there has been a substantial increase in the number and in the quality of outings organised for elderly residents by 385%.

That elderly residents of care homes and wards have direct access to a safe outdoor environment.

The excellent work carried out by the GSLP Liberal administration in respect of the establishment of new wards for the care of our elderly citizens.

The invaluable work done by the staff of the elderly residential wards.

The importance of the day centre at Waterport Terraces and

The important decision to change the nature of the residential facilities at Old St Bernard's Hospital into the excellent elderly care residential services known at John Mackintosh Home.

WELCOMES the opening of the Bella Vista Day Centre which allows our elderly residents to present with Alzheimer's and Dementia to receive the full range of medical and therapeutic treatments.

The soon to open Dementia residential Home.

The vital work being done by the current administration in respect of refurbishment of Alvernia to add even more bed capacity.

And commends the GSLP Liberal Government to continue to relentlessly pursue improvements in elderly care.

Mr Speaker, I am giving written notice of that amendment.

1505 **Mr Speaker:** There is one small matter, but a very important matter, which is incorrect in the moving of the motion. I think the hon. Member needs to ... 'delete every word after "This House" [Hon N F Costa: Yes.] and substitute the following'. So will he do that? Will he stand and say 'Mr Speaker, I move that the hon. Member's motion should be amended by the deletion of every word after "This House" and by the substitution of the motion which I have circulated',
1510 alright, just to be absolutely correct?

Hon. N F Costa: Yes, Mr Speaker.

By way of notice of the written motion which is now being circulated around this House, I move that the motion of Mr Llamas be amended by removing all of the words that follow 'This House' and be substituted with the motion that I am now circulating to this House.

1515

Mr Speaker: Does any hon. Member wish to speak on the amendment before the House?

1520 **Hon. R M Clinton:** Mr Speaker, the Hon. Minister, in his response to my hon. Friend, my colleague's motion, can only at best be described as ungenerous and shows a complete lack of what this Government claims to be so fond of: humility. He now proposes to delete what was an entirely – and I have to say this – honest motion of my colleague with a self-congratulatory statement. So much for humility!

1525 Mr Speaker, he accuses my colleague, if not this side of the House, of having no heart. I can assure the Hon. Minister that my colleague is full of heart, and in fact he does meet a lot of people who do come to him and say, 'We are not getting this treatment, we are not getting this access, we are not getting whatever,' and he does take the time to meet all these people. He does take the time to go to hospital wards and have a look for himself. This is not a random motion that he just concocted in the middle of the night for the sake of coming to this House with a motion. This was a motion that was driven by real circumstances and by real people who have real problems.

1530 And now he makes a big deal about 'Well, if the hon. Member had only been in this House he would have heard my answer. If only he had been in this House he would have heard how wonderful it all is. If he had only been in this House he would have heard everything he needed to know and this motion would have been useless.' Well, Mr Speaker, there are people out there who are not in this House who have real concerns and do not have the information that the hon. Minister has. Or he may have a policy, but is it being implemented correctly? The people out there who are not in this House obviously take a different view, and that is why my colleague introduced this motion. The Government may have retrospectively tried to fix things as soon as they saw his motion by recruiting an extra person on to the wards, but that really does not warrant this statement of self-congratulation. And even if the hon. Member had been in this House ... and if he was absent it was for very good reasons. If he was absent it was because we in this Chamber no longer know when we are going to sit because the timetable gets moved around at the whim of the Government. (*Interjections*) It is true! (*Interjections*) It is true! This House could be more efficient –

1545 **A Member:** You have known for six months!

1550 **Hon. R M Clinton:** I beg your pardon? I will give way to the hon Member if he wants to say something.

Chief Minister (Hon. F R Picardo): It's all right, I'll tell you when the time comes.

1555 **A Member:** Yes, he should hear it.

Hon. R M Clinton: Sorry, you will tell him, or me? (*Interjections*)

Mr Speaker: Order! Order! Carry on.

1560 **Hon. R M Clinton:** Thank you, Mr Speaker.

If the hon. Member was absent it was not because he was wilfully absent; he was absent because we in this Chamber no longer know when this Chamber sits, *not* because he was wilfully absent. (**Hon. Chief Minister:** Disgraceful.) And yes, it is disgraceful, Mr Speaker. It is disgraceful that the Chief Minister –

1565

Mr Speaker: Just a moment. Will you please sit down.

Let me deal with this question as to whether an hon. Member is absent or not. For a number of years the House has been able, or was able, to start its meeting the third week in the month, usually a Thursday. Because of events outside Gibraltar's control – in my view, and if any hon. Member disagrees with me he can say so. Because of events outside our control it has become

1570

necessary for Members of the Government to absent themselves from Gibraltar to deal with these matters more often than has been the case. Consequently, as I understand it, it has not been possible to follow to the same extent the orderly procedure and the orderly programme which we had in this House.

1575 It affects all of us – it affects me, it affects the members of my staff – but that is the reality and we have to put the paramount interests of Gibraltar before our individual conveniences. That may result in it being impossible on some occasions for some Members, on both sides of the House indeed, to be present for a particular session. If that happens, there is nothing they should be ashamed of or condemned for; it is just a reality that we have to live with it, and
1580 please let us not make anything more about it than should be the case.

We are here to serve the people of Gibraltar and to that extent Members of the Government may have to sacrifice themselves in travelling abroad more often than they would like to and hon. Members of the Opposition may find it difficult to attend here when they have other commitments. I am in that position myself. I sometimes have to cancel even commitments as
1585 Mayor because I am required to be here, so please let us not make anything more of it than what we should and let's get on with the business at hand.

Hon. R M Clinton: Mr Speaker, I am grateful for your point of order and that the record should reflect that if my hon. colleague was absent it was due to these turbulent times in which
1590 yes, I agree, we have to put Gibraltar's interests first, but it does mean that if my hon. Friend was absent, nothing should be read into it and certainly he should not be admonished by the Minister for Health.

And so Mr Speaker moving on quickly, my final point is this. The Hon. Minister made a lot about if there had been further supplementaries to the Q&A in the House. Well, Mr Speaker,
1595 you yourself are only too fond of telling us that we should not have debates during Q&A, and this is precisely why the hon. Member has brought this motion. This is to encourage a debate, to have a debate, to discuss the issues, and in a fulsome manner examine what has or has not been done.

And so, Mr Speaker, I really can only commend my colleague for bringing the motion in the
1600 way he has done and I condemn the Government's motion for complete lack of humility.
Thank you, Mr Speaker.

Mr Speaker: Before I call on any other Member to contribute, there is a small typographical error after 'Welcomes'. The first line after 'Welcomes': the opening of the Bella Vista Day Centre which *allows* I think, not 'allow', which 'allows'. Okay, we will take it that it is 'allows' and we will
1605 all make a note in our copy.

Does any other hon. Member wish to contribute to this amendment? The Hon. Mr Bossano.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):
1610 Mr Speaker, the Hon. Mr Clinton has reacted to this amendment on the basis that it is just a list of self-congratulatory statements, and then gone on to say that what has happened is that my hon. colleague has employed somebody as a result of the matter being raised in a motion in the House and notice had not been given. I have to tell the hon. Member that, regrettably, the longer he is in this House the less credence his statements have in my eyes, because he started
1615 off life in Parliament sticking to facts and he now moves further and further away from facts, as he did in the last motion when he started talking about 'if you do not do something on the date I want you to, it must be because you must have something to hide'. And now he comes along and ... Is he suggesting really that all these things that have been listed – which the Hon. Mr Costa is not even asking them to welcome or congratulate him on, but simply to acknowledge
1620 that they have happened – they have all happened since the motion was moved? Is he saying that the Minister for Health has produced a list of lies which he is asking the House to vote in

favour of? Because that is what he has just said. That is part of the reason that he has given for informing us that he does not support the substitute motion.

1625 Is it that he does not welcome the Bella Vista Centre? That he does not want the residential home to open soon? That he does not want any more work done to Mount Alvernia? Is he against all those things? Is it that he is now moving from being what he appeared to be wanting to do, which was to come here and do a good job for the people who had voted for him to be on that side, although sometimes he behaves as though he thought they had voted for him to be on this side (*Laughter*) and therefore he confuses what the responsibilities and the functions are
1630 when one is there and one is here? I have reminded him of that before because I happen to have been there longer than I have been here and I always, when I was there, knew my place in the House and did not expect the Government to approve me telling them what to do, even if it was not what they should be doing. But what he cannot really say with any credibility is that his reaction to the alternative amendment is based on the fact that this is just a self-congratulatory
1635 statement provoked by the initial motion, when it is a statement that lists ... Or is it that he does not believe that it has gone up from two and a half to 10 people in numbers employed? That he does not believe that there has been outings that are up by 385? That he does not believe that they have got direct access? Does he not believe any of those things? If he does not believe it, then he is right not to acknowledge that they have happened, but then in effect and de facto
1640 what he is saying is that the Minister for Health has invented a lot of things that are not true and he is expecting the Opposition to acknowledge them to be true when they know them not to be true. I think that is utter and complete nonsense on his part and if he wants to vote against the amending motion simply because he feels that he is in Opposition and has to oppose, then let him give that as the reason because there is no other one. (*Banging on desks*)

1645

Mr Speaker: Does any other hon. Member wish to contribute to the amendment? Otherwise, I will call ... From the official Opposition? Any other Member? The hon. Lady wishes to contribute to the amendment?

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Hon. Ms M D Hassan Nahon: To the motion of Mr Llamas, yes? (*Interjection*) I am so confused!

1655

Hon. Chief Minister: Yes, because ... Can I, to assist the House? If the hon. Lady wants to speak to Mr Llamas's motion, that motion is presently before the House with an amendment to change it. Once that amendment passes, then the amendment will be before the House. The amended motion will be before the House. So Mr Llamas's motion is presently before the House with a proposal to amend it.

1660

Hon. Ms M D Hassan Nahon: Mr Speaker, I would like to thank the Hon. Mr Llamas for raising this issue to the attention of the House and for proposing this motion.

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I rise to speak only because I remember quite clearly when I visited John Cochrane Ward with Mr Llamas and had the opportunity to speak to residents and their families, and while many of them spoke highly of the treatment and attention that they were receiving on site, they did sadly reflect on the fact that they were not given many opportunities to go outdoors. Mr Llamas has pursued this cause through a number of questions in this House because it is true that
1665 residents in the majority have been feeling that they did not get taken out. I was there, Mr Speaker, and their relatives all said it to us and they asked us to voice their feelings about direct access to the outdoors. So I speak more as a witness to my hon. Friend Mr Llamas and his calls from residents and their families to raise the cause for added direct access to the outdoors.

1670

Surely we as Opposition are here to bring such concerns to the House, and it is with this consideration and only this that I have no hesitation in supporting Mr Llamas' motion. (*Banging on desks*)

Mr Speaker: Any other contributor?

1675 Sometimes what the Speaker does – Mr Speaker Vázquez used to do it ... have a motion with
an amendment that obliterated it completely and when an hon. Member spoke, allowed him to
speak on both but only once, (*Laughter*) okay? Really, the hon. Lady has not spoken on the
Government's amendment. She has spoken on Mr Llamas' motion. I take it that that is her
1680 contribution and therefore I will not allow her to speak once again once the amendment has
been approved.

Any other contributor? I therefore now call upon the mover to reply.

Hon. N F Costa: Mr Speaker, turning to Mr Clinton first – and he called me ungenerous – let's
1685 call a spade a spade. The hon. Gentleman asks questions in this House and he does not appear in
this House to ask me.

Hon. R M Clinton: Mr Speaker, on a point of order.

Hon. N F Costa: He asked no supplementaries –

1690

Mr Speaker: On a point of? (**Hon. R M Clinton:** Order.) Order, yes. What is the Standing Order
that you are referring to?

Hon. R M Clinton: Well I am referring to the point you made before, Mr Speaker, about not
1695 reading anything into Members not being present.

Mr Speaker: About what?

Hon. R M Clinton: Members not being present. Not reading anything into Members not being
1700 present. (*Interjection*)

Hon. N F Costa: That was something else.

Hon. Chief Minister: Not reading anything, then, speaking on it.

1705

Hon. N F Costa: Mr Speaker, he calls me ungenerous because I pointed out that the fact that
although two questions had been asked in this House, no supplementaries had been asked of
me. He then goes on to say that the Hon. Mr Speaker has told us on many occasions not to
debate. But asking supplementary questions and debating are two entirely separate things. The
1710 Hon. Mr Llamas asked me a question as to whether or not the elderly in our care have access to
the outdoors and whether there is a policy. Had he heard my answer he would have heard from
me that there is a policy and the policy sets out, as I have said today, all the different matters
that the carers take into account when deciding whether or not and how those outings are to
take place and where those outings take place.

Mr Speaker, the Hon. Mr Clinton says that the hon. Gentleman may have a policy. It is not
1715 that we may, we *do* have a policy. The policy has been there since 2014 and in those
supplementary questions that could have been asked of me I would have been delighted to have
set out to the hon. Gentleman what the policy contained.

For the hon. Gentleman to suggest that I have employed 7.5 people since the date that the
1720 motion was filed (*Interjection*) to the date that it was heard just goes to show that the hon.
Gentleman does not know how the Government works or that the Hon. Minister Bossano would
not have been at all pleased for there to have been such a jump in such a short space of time.
That has been the work conducted by the Hon. Dr Cortes and the Hon. Samantha Sacramento
over the past five years, where we all considered that having 35 outings in 2010 was not good
1725 enough, and it was as a result of the fact that we thought the 35 outings a year was not good

1730 enough that we increased the number of activities co-ordinated, and that has gone up from 35
to 170. That is a staggering increase and the reason why it matters that we say so is because it
shows that the previous Ministers before me have very much been concerned about the fact of
access to outdoors, access to outdoor activities, access to indoor activities. Therefore,
Mr Speaker, there is no question that the work that has been conducted by this Government in
terms of keeping our elderly minds occupied, of making sure that they have access to the
podium, to the gardens, to Main Street, to coffees, to lunches, to the seasonal events and to
other events, have taken place when we have been in Government and not when they were in
Government. And all the point that I was making, Mr Speaker, was that if this was so important
1735 to them, if this was such a crucial issue, then you would have expected that during 16 years of
Government the number of outings would not have been 35 – they may have been 60 or 70 or
80 or 90 or 100 or 120 or 130 or 140 or 150 or 160 or, as it comes to us, 172, which is damned
site a lot more than when it used to be under them.

1740 So no, Mr Speaker, we will not take any lessons from the GSD, and no, Mr Speaker, we are
not being ungenerous. We are just telling them the facts, and the facts hurt because they never
cared and we do. (*Banging on desks*)

Mr Speaker: I will now put the amendment to the House. Those in favour? (**Several
Members:** Aye.) Those against? (**Two Members:** No.) Carried.

1745 We now have before the House the motion as amended, which is in effect the Hon. Neil
Costa's amendment. That is now the motion before the House and any hon. Member who has
not spoken may speak on it.

The Hon. Lawrence Llamas.

1750 **Hon. L F Llamas:** Do I reply at the end?

Mr Speaker: No, at this stage you can speak on the amendment. You can express your view
about the amendment and then –

1755 **Hon. Chief Minister:** No, Mr Speaker, the amendment has been passed, so now Mr Llamas
has the right at the end.

Mr Speaker: The amendment has been passed. Therefore the Hon. Lawrence Llamas can
exercise his right to reply, but at the end of it all – which may not be now, because there can be
1760 other contributions to the amendment if any Member so wishes. If not, if there is no other
contribution, then I will call upon the mover to reply. Is there any other contribution?

Okay, I therefore now call –

1765 **Hon. Chief Minister:** Mr Speaker, there is.

Mr Speaker: Yes, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the motion now before the House is a motion that, in my
view, accurately and properly reflects the reality today on the ground for people who are
1770 residents of the elderly care facilities that the Government is running.

I must say to the hon. Gentleman that the motion as he brought it of course was asking us to
do more as he saw it. This is a trait we are seeing from hon. Members opposite. They bring
questions or motions to this House asking us to do more at the same time as they issue
statements or say things in this House suggesting we should spend less. If hon. Members
1775 manage to find the elixir of more done for less cash, they should please tell us where they found
it so that we can give a healthy dose of it to all those that we think need it. Looking for
efficiencies is something that is difficult and we are doing. Hon. Members need to realise they

1780 come to the House because they have met someone because they have taken an interest in something and they ask us to do, but at the same time they must remember that they are the ones asking us to spend less.

1785 So, in the context of the generosity that one is asked to read into Mr Llamas's movement of a motion, I will say that once again one is left to be very surprised indeed that hon. Members – neither John Cortes, who used to run the Health Services, or Samantha Sacramento, who used to run Elderly Care Residential Services, or Neil Costa, who now runs the Health and Care Department that deals with all of these issues – should have received not one inkling of a phone call from the hon. Member saying 'I am concerned about this: how can we resolve the issue?' Because that would be the politically generous way of dealing with a genuine problem that somebody wants to resolve. Hon. Members know that if they pick up their phone and they speak to us about a particular issue relating to a constituent or group of constituents, if it is possible to assist we will assist. The hon. Lady has done it often, and it does not mean that we always agree with the solution that we propose but a solution would always be proposed.

1790 That is why, Mr Speaker, the motion that was brought was not a generous motion by any stretch of the Clintonian imagination, (*Laughter*) and what is a generous and genuine motion is the motion now before the House, which is the motion that the hon. Member has put. The motion before the House before was simply a political device. It was a political device designed to try and garner favour with people who the hon. Member feels would have his support politically if he brought that motion. The motion now before the House is a genuine reflection of the position.

1800 Mr Speaker, if I may say so with the very greatest of respect – the hon. Gentleman mentioned him – I have known Pepe Soiza for many years. He is a genuinely concerned, hardworking husband of somebody who suffers an ailment and he deserves all of our support and respect. I did a lot of work with Pepe before I was Chief Minister and a lot of what is reflected in the motion now before the House is the work that John Cortes and Samantha Sacramento and now Neil Costa are doing with me and other Members of the Government to deliver for people like Pepe, given the concerns that they have. And the statistics that are before the House are not self-congratulatory. They are the evidence that the work that Pepe Soiza was so keen to see is actually happening, and that, Mr Speaker, is actions demonstrating our commitment to the people who are the residents of the Elderly Services facilities that we run.

1805 1810 Mr Speaker, I say to the hon. Gentleman – I hope not becoming emotional – that there is no service that at the moment could be closer to my heart than the elderly residential service, and if he genuinely believed that there was an improvement to be carried out in respect of any of those services he knows that he just needs to get in touch with me or any hon. Member, and if he genuinely wanted to see something happen and if it genuinely was the right thing there would be no need for a motion in this House. Indeed I say to him that when we do things which are done as a result of something that an hon. Member opposite does we will not hesitate in recognising that and in giving them credit where it is due. The hon. Gentleman should know that we have very little political fear of the way that they run their political affairs, and therefore giving them credit if they bring something to us that we then do because it is a good idea – coming back to the concept of a good idea – is something that we will not be afraid of.

1815 1820 An honest motion is therefore now the motion before the House, a motion that accurately reflects the position, and there is no lack of humility, Mr Speaker, in moving an amendment to a motion to in history lay down for Parliament in *Hansard* the reality of a situation rather than allow history to be misled and the public to be misled by a very political partisan motion, which was what we were seeing before. There is no humility in allowing yourself to be trod over when you have done the excellent work that John Cortes, Samantha Sacramento and now Neil Costa are doing in bringing about these changes in Elderly Care Services and instead of reflecting that in a motion, allowing simply the hon. Gentleman's very partisan motion to remain what would be on the record.

1830 I am interested to hear that Mr Llamas goes into hospital wards. I do not think that any of us
would think it appropriate for Members of the Opposition to be traipsing through hospital wards
unless they are going to see somebody. That is the basis on which we used to go to hospital
wards before. It is indeed the basis on which other Ministers would be able to go to hospital
wards, other than the Minister for Health. Therefore, Mr Speaker, if that is the case, I should ask
that he be in touch with the Minister for Health and Care so that we know that he is not
1835 breaching clinical protocols in the way that he is visiting these hospital wards. He can go there
only to visit somebody at the invitation of a family member, etc.

Mr Speaker, a lot has been said about whether Members are here or not. It was me that
introduced the concept of a timetable for this Parliament because I had suffered the eight years
that I was in Opposition being told, literally with the minimum notice required by the rules,
1840 when I had to be here and being brought here to debate Bills that I was not told were going to
be debated, etc.

The only notice we were ever given *sometimes*, out of the generosity of spirit of the
(*Interjection*) man sometimes described as the greatest Gibraltarian of all time, was 'Oh, and in
that meeting we will debate the Budget,' (*Laughter*) so one was able to prepare oneself. Hon.
1845 Members do not know how lucky they are to be given an indication, where possible, of what we
are going to be dealing with.

My own view is that the Labour reforms of the British Parliament of the mid-1990s have been
incorporated now into our procedures as much as is reasonably possible. In other words, hon.
Members get a timetable which sets out when we are going to meet and when we expect
1850 questions to be dealt with. And, Mr Speaker, as you rightly pointed out, and I am grateful for
that, we wanted to meet so that Chief Minister's Questions could be dealt with at three o'clock
on a Thursday and for four years we were able to keep to that rhythm. Then the small matter of
something called the Brexit Referendum got in the way. We are now required to travel when we
do not wish to travel, we are not able to be here when we want to be here, and sometimes
1855 therefore the de facto timetable that had sprung up is one that we are not able to follow.

There are Members opposite who are still at work, there are Members opposite who are
retired and there are Members opposite who do this as a full-time job. The independent
Member has no other employment, the retired banker has no other employment, I do not know
that Mr Reyes has other employment, and Mr Llamas has no other employment because he is
1860 on a sabbatical from the Government. When others have employment, or if they simply have a
personal matter to attend to in relation to children or whatever and they are not here, you are
right, Mr Speaker, nothing can be read into that and that is absolutely appropriate and the
Government will not read anything into somebody who is not here because they have a personal
issue to attend to involving their family or they have a professional issue to attend to, because
1865 Parliament is meeting in these circumstances. But, Mr Speaker, the hon. Member was at Crufts
when he was not here to hear those answers. He was at a dog show, as far as the Government
understands –

1870 **Hon. L F Llamas:** Mr Speaker –

Mr Speaker: Order!

1875 **Hon. Chief Minister:** At a dog show, Mr Speaker. And if he was, Mr Speaker, it is a matter
entirely for him –

Hon. L F Llamas: May I ask the Chief Minister to give way?

Hon. Chief Minister: I will give way.

1880 **Mr Speaker:** No.

Hon. L F Llamas: Mr Speaker, I think I need to defend my absence.

Mr Speaker: Very well.

1885 **Hon. L F Llamas:** Mr Speaker, back in November I was invited three years ago to officiate at
the Brussels International Dog Show representing Gibraltar. I was not representing myself and I
was not showing any of my dogs; I was actually judging, officiating and representing my country
in a very, very international event where there are more than 6,000 dogs, where there are more
1890 than 50-odd judges, and I think it is rather unfair to be accused (**Several Members:** Hear, hear.)
(*Banging on desks*) that I was doing something which was personal.

Minister for Housing and Equality (Hon. Miss S J Sacramento): It is rather irresponsible.

1895 **Hon. L F Llamas:** No, it is not irresponsible because I had a contract with that party to actually
perform a judging duty; it is not irresponsible. Right?

Hon. Chief Minister: So you were at a dog show.

1900 **Hon. L F Llamas:** Yes, I was at a dog show –

Mr Speaker: May we please –

1905 **Hon. L F Llamas:** – judging it the same way as other Members may go to backgammon
without –

Mr Speaker: May –

Hon. Chief Minister: You have disrespected this Parliament.

1910 **Mr Speaker:** Just a moment. Order! Order! Order! (*Interjections*) May we please not have
comments across the floor of the House. If any hon. Members wish to speak when another one
holds the floor, ask for the Member to give way.

The Hon. Mr Llamas, have you finished?

1915 **Hon. L F Llamas:** No. So, Mr Speaker, I was actually performing a duty which I had contracted
with the Belgian Kennel Club three years before I even had an inkling that I would be involved in
politics and which I had an obligation to carry out. It would have been unethical of me to have
withdrawn that appointment.

1920 Mr Speaker, obviously I appreciate and I understand that Government's responsibilities and
duties are far more important than that of Opposition, I accept that, but of course when
Parliament is called ... and I know that we started the year with a very structured way that we
would be doing things in the third week of the month, that we would start on a Wednesday and
finish by the Friday. It was very well structured, and obviously when that went out of the
window because of Brexit it is understandable that that takes priority.

1925 But, Mr Speaker, obviously when Parliament is called and we have personal commitments
which we need to see to, we try to liaise with your staff here in Parliament and we try to
ascertain which days are going to be free, because obviously we have other commitments which
we may need to carry out. Unfortunately, if we cannot predict when Parliament will be sitting,
inevitably ... We try our utmost best to always be here and we are 100% dedicated to our job
1930 and it is rather unfair that the Hon. Chief Minister accuses me of being at a self-inflicted cause
wasting my time and the taxpayer's funds. (*Banging on desks*)

1935 **Hon. Chief Minister:** I am very pleased that I gave way to the hon. Gentleman and he confirmed that he was at a dog show, Mr Speaker, (*Laughter*) instead of being here, for which he is paid £35,545 by the people of Gibraltar.

1940 So, Mr Speaker, look, I do not judge whether it is right for him to go to a dog show or not, whether it was right for him to contract to go to a dog show or not, whether he was judging or showing or whatever. I do not judge that, but that is where he was. That is where he was when the hon. Gentleman was answering the questions in respect of these issues which he says are so important. And somebody else might rightly be able to say, 'Well, so what: I went to that and I did not come to this.' Okay, Mr Speaker, but he is full time a Member of this House. He is on a sabbatical from the Civil Service. He is a full-time Member of this House. He earns £35,500 to be a Member of this House and if other Members in their spare time, when they are not required to be here, do other things, that is completely irrelevant. But what is particularly relevant, Mr Speaker, what is particularly relevant, is that the hon. Gentleman says outside of this House that Gibraltar under our administration is on a suicide train and he asks questions in this House about dog parks. He misses meetings of this House to go to dog shows and if Gibraltar were on a suicide train it would be his responsibility to be in this House, trying to put the brakes on that train. So that puts the lie to the things that the hon. Gentleman says outside of this House, Mr Speaker.

1950 When it comes to how the timetable is moved around, the Government regrets unfortunately not being able to stick to what it wishes to be the timetable to our reforms that we made in this House so that everybody should be here, especially given that some of the hon. Members on the opposite benches are doing nothing other than taking the pay of this community to represent this community. For them to come here and suggest that they are rightly out doing things like engaging in their contractual commitments, as the hon. Gentleman has told us to judge dog shows in the Netherlands, really is not an acceptable way of wriggling off the hook that the hon. Gentleman has made for himself, a hook that demonstrates a complete and utter lack of generosity, because this motion which is now before the House is the only one that can be described as genuine and which can be described as reflecting the reality of the position when what we were dealing with, which was once again clearly a directive that two motions be put every month and that they be regarded –

1965 **Hon. R M Clinton:** A point of order.

Mr Speaker: The Hon. Roy Clinton on a point of order.

Hon. R M Clinton: Mr Speaker, I refer to Part X of the Standing Rules, section 45(6):

No Member shall impute improper motives to any other Member.

1970 **Hon. Chief Minister:** Mr Speaker –

Mr Speaker: Just a moment –

1975 **Hon. Chief Minister:** Mr Speaker, improper motive is not to say that you are trying to garner political points. Improper motive is something to be improper. Hon. Members are *supposed* to be seeking to score political points and are *supposed* to be trying to demonstrate that they are an alternative Government. So to say to them –

Mr Speaker: May I?

1980 **Hon. Chief Minister:** – that they are making some –

Mr Speaker: May I?

Hon. Chief Minister: Well, Mr Speaker, can I answer the point of order?

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Mr Speaker: No, but I have to deal with it myself.

Hon. Chief Minister: But, Mr Speaker, you should hear both sides in respect of it.

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Mr Speaker: I will, I will.

Now, the Hon. Mr Roy Clinton, you are referring to 45(6), (**Hon. R M Clinton:** Yes.) which reads: 'No Member shall impute improper motives to any other Member.' Could you please explain to me what is the improper motive which you think the Chief Minister is imputing?

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Hon. R M Clinton: Mr Speaker, the Chief Minister seems to be imputing, in my mind, that my hon. Friend has been negligent in the performance of his duty to this Parliament and to the people of Gibraltar and seems to be suggesting that he is taking his pay on false premises in order to put above that private matters, and I think that is wholly inappropriate.

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Hon. Chief Minister: Mr Speaker, if I can address the question of motive, (**Mr Speaker:** Yes.) this subsection of the rules deals with motive Mr Speaker, with motive. I have not addressed the concept of motive. I am free to say that any Member in his House is negligent. That is not motive, Mr Speaker. I am free to say that the hon. Gentleman takes his pay and does not do enough for the Gibraltar taxpayer in taking his pay. That is not motive, Mr Speaker. Motive is what motivates somebody to do something, and what I have said in that respect is that the hon. Gentleman has been motivated politically to move his motion and that the Hon. Mr Costa's motion is a genuine motion and his was just one designed to create political points. The hon. Gentleman is a politician: if he was not moved politically, what was he moved by?

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Hon. R M Clinton: Mr Speaker, if I may raise another point of order in respect of the same section, section (12) this time, which says –

Mr Speaker: Which one?

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Hon. R M Clinton: Twelve, in which it says:

The conduct of Her Majesty, Members of the Royal Family, the Governor, members of the Parliament, the Chief Justice or other persons engaged in the administration of justice shall not be raised except upon a specific substantive motion moved for that purpose; and in any amendment, question to a Member or remarks in a debate on a motion dealing with any other subject any reference to the conduct of the persons aforesaid shall be out of order.

Hon. Chief Minister: Mr Speaker, addressing that part of the point of order made, does the hon. Gentleman not remember everything he has said since he came to this House, because he has been imputing my motives, if that is what he says that section means, from the first time that he uttered a word in this House after he was elected.

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This is specifically clear: the *conduct* of the Member shall not be called into question. Where is the conduct that has been called into question? What I am saying is –

Mr Speaker: May I –?

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Hon. Chief Minister: Mr Speaker, can I please address the point of order as well?

The conduct that is being addressed is not the conduct in this House. I am saying that he is not value for money for the taxpayer if he goes off to Crufts in Holland instead of being here to

2030 deal with the issues that he has to deal with. If the hon. Gentleman says that this rule does not allow me to say that, then he has got a completely different reading of the rules than every Member has ever had in the history, in particular, the person he used to support to lead the Government of Gibraltar.

2035 It is absolutely right and proper that we should all hold each other to account, and in that respect this rule does not exclude saying that somebody has not acted in a way that we consider to be appropriate value for money for the taxpayer.

2040 **Mr Speaker:** I had occasion to consider 45(12). In about April/May 2014 the matter was raised and I explained to the Leader of the Opposition that if the Speaker was expected to invoke that rule strictly, Members of Parliament here would be very, very limited in what they would be able to say about each other.

2045 It is right and proper that hon. Members should not question the conduct of Members of the Royal Family, the Governor and the Chief Justice, and then 'Members of Parliament' has been inserted into this particular subsection. As I say if it is the view of hon. Members that I should implement that, apply that strictly, they are going to have to be very, very careful about what they say to each other.

2050 I took the view then that that would not be the proper purpose behind this specific subsection. In a letter that I sent to the Leader of the Opposition on other matters as well I dealt with that particular one. I have got it on file; I could look at it again. But that was the view and the ruling that I then gave.

2055 Can we then proceed with a more orderly business before the House?

2060 **Hon. Chief Minister:** Thank you, Mr Speaker.

2065 And so it is entirely orderly to point out that the hon. Gentleman was not here because he was at a dog show, and every attempt that we have seen in the past five minutes to prevent the Government from pointing out to the community what the hon. Gentleman was doing has failed. Mr Speaker, one is almost left to say that the Opposition has gone to the dogs! *(Laughter)* At least on that particular occasion that is exactly where they were, Mr Speaker.

2070 Therefore to play politics with an issue as sensitive as the care that we give to the elderly in our community is really to demonstrate that there is an attempt to turn every potential opportunity for political advantage with little regard for the substance and the importance that it may have, whether dealing with the dates on which accounts are filed to the ways in which people in elderly residential services are taken out.

2075 What we are seeing, again in respect of motions, is this two motions a month – for goodness' sake – directive are taking effect with no regard whatsoever to the effect on the people who may be the ones who are the subject of the motion.

2080 In this respect, Mr Speaker, the motion now before the House, the motion that I am confident the House will pass, is one that reflects the extraordinary hard work, the dedication, the care and the sentiment that the people who have been in charge of discharging ministerial obligations from 9th December 2011 have had, in particular for people in respect of elderly residential services, who could not be closer to my heart than they are and who therefore are now reaping the benefits of the work of John Cortes, the work of Samantha Sacramento, the work of Neil Costa and indeed the support of the whole Cabinet for the spending necessarily associated with that.

2085 That is why, Mr Speaker, I commend the motion as amended to the House and it must be the record that stands for history of the way that we care for the elderly in our community today in the second decade of the 21st century. *(Banging on desks)*

Mr Speaker: The Hon. Mr Llamas can now exercise his right to reply.

2080 **Hon. L F Llamas:** Mr Speaker, I will start by just saying that when I stood for election the first thing that crossed my mind was to do this full time, which I am doing, and the sacrifices that this means for my family and in particular my wife and children. (*Interjection*) Yes. So to insinuate that I do not do this full time and I have chosen not to take any extra work or employment which obviously would compensate at least my immediate family ... I do not think I have to defend that point in this House or outside this House. (**A Member:** Hear, hear.)

2085 Mr Speaker, I will start with the infamous Question 726/2016. My question specifically asks about outdoor recreational time on a *daily* basis; the words 'daily basis' are included in that question. The answer referred to outings and events. Therefore, I find it that, regardless of whether a Member is in Parliament or not, the answers hardly reflect what the question is technically asking for.

2090 Never have I criticised the care staff of these residency homes, never have I even suggested the patients are lacking activities and never have I suggested during this motion that the Government has actually failed and should be ashamed. Therefore, Mr Speaker, I do not think that I have come here to this House with a politically motivated motion. Indeed, Mr Speaker, the support given by the Friends of Mount Alvernia is commendable and invaluable. The services provided by this charity just show how hard they work and the dedicated members it has on board.

2095 What I have sinned on, Mr Speaker, is being accused by Mr Costa of headline grabbing for bringing issues of concern into the public domain through the media, and yet again I am being criticised for bringing issues through the resources available in Parliament, which Mr Speaker always encourages us to pursue.

2100 Residents and families have also conveyed their positive feedback on the activities provided in the residency units and they have also praised the carers and care provided on sites. And, Mr Speaker, whilst the Chief Minister was asking that I seek clearance from the Minister for Health to visit these wards, these wards are not actually clinical wards, they are residential wards and as such I was invited by a family member, so I do not think it is inappropriate for me to attend and have to seek the Minister's approval.

2105 The Mount Alvernia and John Mackintosh Wings have easy access and direct access to the outdoors, Mr Speaker. However, the access to the beautiful gardens down at St Bernard's would be a perilous journey if residents had to travel a rather long way through various lifts to access these gardens. The reality is not in this House, Mr Speaker; the reality is in these two wards in which people are living day in, day out.

2110 The fact is, Mr Speaker, that the Hon. Minister accuses me of not being in this House on two unfortunate occasions; however, I have been to the John Cochrane Ward and I would recommend that the Minister takes time to visit and talk to the residents as to the state of affairs, which are rather depressing.

2115 It is obvious that the Minister must have agreed with my motion, given that last week a policy has been implemented in these two wards and at last there will be elderly escorted – at 30-minute intervals, from what I am told – to the gardens at St Bernard's.

2120 So Mr Speaker, I wish to just conclude by saying that unfortunately I bring a motion to this House in good faith but am met with a bullish answer.

Thank you, Mr Speaker. (*Banging on desks*)

2125 **Mr Speaker:** I now put the question in the terms of the motion as amended before the House. Those in favour (**Several Members:** Aye.) Those against? Carried by Government majority.

**Medical cannabis –
Prescription and legislative framework –
Amended motion carried**

Mr Speaker: The Hon. Mrs Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

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THIS HOUSE:

NOTES the Universal Declaration of Human Rights adopted by the United Nations in 1948 which considers the right for people to receive medical treatment;

NOTES that the international medical community has proven that cannabis flower and oil can be used for medicinal purposes;

NOTES that the GHA already prescribes opiates and other sedative drugs such as Diazepam and Diamorphine;

NOTES that there are a great number of patients in Gibraltar who suffer from ailments which could be treated successfully with cannabis;

NOTES that at present the Government has provided Sativex in very limited cases but not widely available to sufferers;

NOTES that the full plant extract has been known to be more effective than Sativex, both anecdotally, and clinically, and therefore the need for a comprehensive cannabis program is required, through which sufferers can obtain different variants of cannabis medicine, whether it be Sativex, the flower itself, oil extractions, or any other number of variations;

AND THEREFORE RESOLVES that medical professionals within the GHA should be free to prescribe medical cannabis for needy patients immediately and without delay, and should also be given expert training on as to how and when cannabis-based medicines should be prescribed;

FURTHER RESOLVES that the proper legislative framework for a proper cannabis program be introduced and provided by the Gibraltar Government for this to happen.

Mr Speaker, the Government's decision late last week to allow doctors to prescribe Sativex to patients suffering from multiple sclerosis represents an important step in the direction of embracing the medicinal qualities of cannabis-derived compounds. I am sure that there are many in our community who are encouraged to know that doctors will now be able to provide this new treatment option to their patients, granting hope where this time last week there was nothing but frustration and confusion. These patients will now have a chance to experience these qualities and start a new chapter in their treatment of this condition with the expectation of respite from its distressing effects. This relief will likewise extend itself to the families of these individuals, while doctors themselves will benefit from clarification of an issue that was creating uncertainty in respect of the legal implications of prescribing this medicine.

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Both the recent *Viewpoint* debate on the issue and the ensuing discussions revealed a public demand for access to this medication, and having passionately pursued the cause on behalf of patients, families and medical professionals, I commend the Government for making a decision that will benefit some of the most vulnerable members of our community.

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As pleased as I am, however, I am of the view that the Government's stance does not go far enough in offering both patients and doctors a more exhaustive range of cannabis-derived options that present similar treatment benefits to Sativex, for there are members of our community, Mr Speaker, whose quality of life is being significantly let down by the frail trappings of the human body. These individuals all do the right and natural thing and seek help, a help that in other situations would be gladly made available. In these cases, however, and in respect of medicinal cannabis, this help is being denied to them. It is not being denied by medical science,

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it is not being denied by the will of the doctors; it is being denied, I am ashamed to say, by us, and by denying this help we are failing in our duty to keep improving the quality of life of the people we have been elected to serve.

2155 When one is in pain one will do anything to eliminate it. This desperation turns one into researching alternative options, to consulting medical professionals further afield and to pinning one's hopes on a solution that might hold the key to relief. When these hopes are dashed, however, that pain is felt all the more acutely. But in some cases nature itself holds the key. Medical science has shown that cannabinoids can provide that solution and what is preventing
2160 possible treatment is an illogical restriction that does nothing but prolong misery and force patients into accepting a pain that could be alleviated by the measures described in this motion.

Western society's historical misunderstanding of this issue, one which ignores the long-chronicled use of cannabis for medicinal purposes in other ancient civilisations, has meant that the matter was always going to be a controversial one, but this has only forced the science to be
2165 more robust in proving its efficiency.

From Imperial College to Harvard, academics across the planet are increasingly united in the consensus that cannabinoids offer pain-relieving qualities that could benefit patients suffering from a wide range of conditions. Fifteen countries have now followed this lead and the move is steadily spreading across many states and legislations in the US.

2170 The UK currently has its own ongoing inquiry into the benefits of medicinal cannabis with cross-bench peer, Lady Meacher, who chairs the group, having said, and I quote:

The findings of our inquiry and review of evidence from across the world are clear. Cannabis works as a medicine for a number of medical conditions. The evidence has been strong enough to persuade a growing number of countries and US states to legalise access to medical cannabis.

Against this background, the UK scheduling of cannabis as a substance that has no medical value is irrational.

This view is strengthened by the substantial scientific research that has concluded overwhelmingly in favour of such an assessment. I refer my parliamentary colleagues, for example, to the in-depth investigation into therapeutic potential of cannabis-related drugs by
2175 Stephen P H Alexander from University of Nottingham Medical School, which opens with the premise that there is considerable potential for therapeutic benefit to be had from plant-derived drugs and related agents which exploit the system linked to the best understood effects of cannabis-derived drugs. Alexander goes on to highlight the encouraging results being shown in trials exploring treatment for pain, nausea and vomiting, feeding disorders, glaucoma, neuro
2180 degeneration, multiple sclerosis, schizophrenia, cancer, epilepsy, and stress and anxiety. This is but only one of the many detailed academic studies I have come across in my research and I would be more than happy to provide further information to direct the House to similar examples.

Much of this research refers specifically to the experience of patients, many of whom have expressed the firm opinion that cannabis has helped to treat the symptoms of a broad spectrum
2185 of conditions. By means of example I refer the House to the poignant *Millie's Story*, a National Geographic documentary that reports how a baby girl's quality of life was dramatically improved by cannabis oil when all other options had seemingly been exhausted. There are numerous other such examples, with both scientific and anecdotal context, which clearly indicate that
2190 these products work.

As a result, Mr Speaker, the call from doctors and medical professionals in support of this measure is getting progressively louder as scientists draw attention to the fact that such legislation would eliminate restrictions and enable further research with improved quality assurance over the products manufactured and obtained for the purposes of this research.

2195 Gibraltar could even find itself contributing actively to this study with our own resources and facilities used to take the science to the next step, potentially identifying even more effective ways to use a plant that offers 1,400 strains, each one with different actions and capabilities that could potentially help treat so many conditions and illnesses.

2200 Initiatives such as the University of Gibraltar and in particular its connection to the GHA's School of Medicine could very feasibly take the lead in academic and scientific research, and it is in this area where Gibraltar could once again emerge internationally as a beacon in the fields of study of these medicinal substances.

2205 While there may be some who might treat these proposals with genuine scepticism, a scepticism that maybe warranted, one must at the same time remember that there are many medical advancements which were initially dismissed by sceptics but which we now take for granted: vaccinations, incubators, antiseptic hand washing, even the whole idea of germs causing disease in the first place. Years from now the use of cannabis and its derived medications will likewise be taken for granted and future generations will wonder what took us so long – because yes, Mr Speaker, scepticism is healthy but denial is not.

2210 These arguments are already having an impact on public opinion. A recent poll indicates that 85% of Gibraltarians support the medicinal use of cannabinoids, a measure of both the robustness of the medical science and of our community's capability to empathise. There is a growing feeling that politicians should not be telling others how to deal with pain, that this is for doctors, for scientists and for patients, and the majority are giving the same message. These patients need to see that Parliament is not turning its back on their suffering and these doctors need to feel empowered by being provided with the expert training so that, if necessary, they can prescribe these medicines without the fear, or at least the uncertainty, of prosecution.

2215 My motion, Mr Speaker, aims to address this demand while providing broader treatment options for patients and doctors alike.

2220 It notes that the right to receive medical treatment is enshrined by the United Nations Universal Declaration of Human Rights, showing that we as a Parliament have a responsibility towards helping those in pain.

2225 It recognises the overwhelming consensus among the international medical community concerning the medicinal qualities of other cannabis-derived products, while also drawing attention to the fact that opiates are already being prescribed by the GHA in the form of, for example, diazepam, diamorphine and now Sativex, the licensed G W Pharma drug.

2230 The motion calls for a comprehensive programme that will allow patients tightly regulated access to different medicines derived from the cannabis plant, some of which have been proved to be more effective than Sativex itself. The programme could see the cannabis plant either imported or cultivated locally in a controlled artificial environment in order to dispense a range of products outside pharmaceutical regulations, as is the case in most of the jurisdictions which have legalised the use of the plant for medicinal purposes. This system recognises the unique and complex qualities of the cannabis plant – an organism which unlike, for example, the regularly used diamorphine, is entirely non-toxic – while also acknowledging problems regarding quality assurance and production. This is a process that has proved effective in many countries, with the full potential of the plant being exploited for the benefit of patients beyond the use of only one medicine.

2240 The motion also appeals for a relevant legislative framework that will enable medical professionals within the GHA to prescribe these medicines and be given suitable training to understand their benefits and their proper use, particularly through an educational summit where these professionals could learn about these medicines and their benefits, as well as a comprehensive patient-centric programme that will help change the culture of a more traditional system of conventional medication. This would create a productive and trusting relationship between doctor and patient that prizes the wellbeing of the latter.

2245 But let us make one thing clear, Mr Speaker: this motion is not about the decriminalisation or legalisation for recreational use, nor should it be confused with a step in that direction, for that is a very different argument, one with much wider-ranging implications. Instead, this is about the provision of medication through tightly regulated and controlled procedures led primarily by health professionals. Similarly, it is not about the recreational use of other narcotics and neither side of that debate should confuse nor conflate this Parliament's intentions. This is simply about

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reducing pain and these are noble intentions which should not be exploited in favour of a more complex and entirely different agenda.

2255 Mr Speaker, common sense tells us to do this, medical science tells us to do this, health professionals are telling us to do this, public opinion tells us to do this, human empathy tells us to do this; so I have to ask why aren't we doing this, because when science says yes, when doctors say yes and when the call from patients and public opinion is a resounding yes, then who are we to say no?

Mr Speaker, let us end this pain and let us vote in favour of this motion and bring hope and relief to where there is currently neither.

2260 Thank you.

Mr Speaker: I now propose the motion in the terms moved by the hon. Lady.
Does anyone ...? The Hon. Neil Clinton. *(Laughter)*

2265 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, if you are referring to *Bill* Clinton, the former President of the United States, I have no problem being called Mr Clinton, but otherwise I prefer to be called Mr Costa.

2270 **Mr Speaker:** I would rather have been able to refer to Hilary Clinton! *(Laughter)* But anyhow, same surname, the Minister for Health in Gibraltar at the moment.

Hon. N F Costa: Mr Speaker, in the first place I would like to thank the Hon. Member, Ms Marlene Hassan Nahon for bringing the motion, although the motion as drafted is not one that the Government can support.

2275 It does bring to the fore an important issue which, in my view, is worthy of debate in the Parliament. It is also one on which the Government has already moved.

2280 On the premise that I have taken expert advice from professionals within the Gibraltar Health Authority and the Director of Public Health, I will move an alternative motion. The hon. Member will see, I hope, that the Government's motion goes some way towards effecting what she proposes in a manner which the local experts in the field are comfortable with and which reflects the changes in legislation which were made last week.

2285 By way of background, I am informed by expert medical professionals that although throughout history a vast range of therapeutic benefits have been claimed for the use of cannabis, very few of these claims are presently backed by evidence of efficacy and of safety. The reasons for there not being sufficient evidence to substantiate all of the claims vary and it is not helped by the fact that cannabis is not one product but a mixture of a very large number of active compounds in varying quantities. For example, the supposed therapeutic benefit of cannabis as an analgesic has been claimed for centuries and tinctures of cannabis once used to be common but were removed from pharmacopoeias a few decades ago on grounds of erratic function and poor safety.

2290 There is anecdotal evidence that cannabis does help with chronic pain, muscle spasms, improving sleep and improving ticks in persons with Tourette's syndrome. There are, unfortunately, few long-term trials testifying to the safety of the product and there are no licence preparations yet for many of these indications. Hon. Members may agree with me that
2295 unlicensed and unregulated products should not be prescribed by clinicians and that the safety of the patient must be paramount. As Members are well aware, licensing is the primary means of regulation. A cannabinoid product is given a licence within a country for lawful use in tightly restricted circumstances. There are some examples of medicines being used by doctors for treating conditions outside of the licence but these practices are on the basis of expert medical
2300 opinion and supported by august bodies such as the Royal Colleges. The overwhelming view presently is that cannabinoid preparations should not be used for any purpose that is not explicitly licensed.

As such, Mr Speaker, I point out to the hon. Lady that it is not technically correct to suggest that the international medical community has proven that cannabis flower and oil can be used for medicinal purposes. It would be fairer to say that, except in a limited number of cases, the jury is still out. The only product licenced and included for use in the British National Formulary for prescribing is Sativex, which is a proprietary extract of cannabis that is licensed for treatment of severe spasticity in multiple sclerosis. A further product, Nabilone, which has a synthetic cannabinoid licence for treating nausea and vomiting associated with cancer chemotherapy that is unresponsive to conventional antiemetic products, has been brought to by attention. I am advised that because it is synthetic it does not fall within the restrictions that Sativex fell within and that therefore no amendment was required to the law to clarify the position.

I can confirm that following the changes to the legislation there is absolutely no doubt that Sativex may be prescribed by specialist medical clinicians in appropriate circumstances. As with all cannabinoid preparations, its use will be subject to further scrutiny in clinical practice through close medical supervision and protocols that govern dosage, usage, monitoring and stopping. All these indicate that the safety of these products is not assumed lightly by the medical profession.

The motion suggests that there are a great many patients in Gibraltar who suffer from ailments which could be treated successfully with cannabis. I am afraid that the GHA has not been able to find evidence of this, both with regard to numbers of persons with the specific ailment that can be treated with these products and with regard to the specific question as to whether the treatment would be safe or without worse outcome than the current treatment regimes. As I am sure the hon. Member will agree, however, the fact that there is no evidence that there are a great many patients who may benefit from these products is not in itself a bar to allowing for the availability for prescription after careful clinical appraisal on a case by case basis, as with any other drug. I am advised that such prescriptions and use should, as I mentioned earlier, be, as in the UK, subject to strict compliance with the terms of the appropriate drug licence.

There is a further suggestion in the hon. Lady's motion that the full plant extract is more effective than Sativex, both anecdotally and clinically. It is therefore suggested that there is a requirement for a comprehensive cannabis programme in Gibraltar. Again, this may seem like a logical step. According to information provided to me by the medical professionals, at this point in time such a programme is seen by them as being speculative and not yet supported by the licensing process.

Much as I would like nothing better than for clinical trials to have proven the beneficial effects of cannabis products for a whole series of different ailments, I believe we should follow expert professional advice at this time. As the hon. Member is aware, however, I am fully committed to have further research into this issue undertaken by the relevant GHA professionals, and my view, as well as the Government's view, may well evolve on that basis.

This research will of course look at the experiences that other jurisdictions have had with respect to the use of cannabis products for medicinal purposes. We will need to look, for example, at the situation in Canada, where cannabis is legal for medicinal purposes and a new law is due to be introduced this spring which goes further. In the United States there is a wide range of different laws on a state-by-state basis from legalisation to decriminalisation, to legal non-psychoactive medical cannabis to legal medical cannabis of all types, to full cannabis prohibition, and this of course not even touching on the point that in the US at the federal level cannabis remains a prohibited substance classified by the Drug Enforcement Agency a drug with a high potential of abuse and no accepted medical value.

All this needs to be looked at properly in good time by medical professionals and this should not be something that Parliament should rush into. It is right that this need for careful research does not delay the need and did not delay the need for clarity over the prescription of Sativex, but we need to ensure that any further changes are the result of clinical advice, proper consideration and full clinical trials. As a result, the current position would be kept under review

2355 by the Director of Public Health and GHA clinicians and may in the future change if the Government is satisfied that there are good medical grounds and other good reasons to do so.

2360 Mr Speaker, at the beginning of my speech I indicated that I would move an amending motion. My amending motion, written notice of which I will now circulate to this House, will read as follows. It will remove Ms Marlene Hassan Nahon's motion after the words 'This House' and will be replaced and substituted by the motion that is currently being circulated and reads as follows:

THIS HOUSE:

NOTES the Universal Declaration of Human Rights adopted by the United Nations in 1948 which considers the right of people to receive medical treatment;

NOTES that the certain medicinal products contained in cannabis and its derivatives have been licensed by the European Medicines Agency and appear in the British National Formulary.

NOTES that the Government will be guided by the Statutory Drugs Advisory Council and the medical professionals therein.

NOTES that there may be patients in Gibraltar who suffer from conditions which could be treated using such products and that these should be made available for prescription by the appropriate specialist medical professionals in Gibraltar, in accordance with the licence conditions each product is subject to;

NOTES that the Government has published regulations to allow for this to be undertaken;

AND THEREFORE RESOLVES that the Government be commended for its actions in resolving this matter immediately and for its undertaking further research into the subject.

2365 **Mr Speaker:** The guidance for hon. Members now ... The advice that I would give them with this amendment before them is to forget everything about the original motion, consider this motion as if it were the one that they had found on the Agenda, and therefore speak to this motion.

I think that perhaps I ought to add for the record I think the hon. mover did say that it amends by the deletion of every word after 'This House' and the substitution thereof of this one. I think he did say that, didn't he? (**A Member:** Yes.) Very well.

2370 Does any hon. Member wish to speak on the amendment before the House? The Hon. Elliott Phillips.

Hon. E J Phillips: Mr Speaker, we on this side of the House will in part support the Minister in respect of his amended motion.

2375 We would also add that some reference should be given quite properly to the preamble and the Single Convention on Narcotic Drugs 1961, which would be the proper reference, in addition to the Universal Declaration of Human Rights, which deals with the benefits to healthcare of cannabinoid derivatives.

2380 Just to address a number of the things that the Minister talked about in relation to his response to the hon. Lady's motion, it is quite clear that there are cannabinoid derivatives that alleviate the pain and suffering of a number of ailments, and particularly Sativex was licensed in the United Kingdom to deal with spasticity in cases of multiple sclerosis. Therefore it is right that that should be limited to those particular uses in relation to MS.

2385 What I would say, though – and I agree with the Minister – is that we should not have a free-for-all in relation to the prescription of cannabis and cannabinoid derivatives. There has been some debate as to the difference, but I think we should really clearly be looking at expert-led views in relation to the use of cannabinoid derivatives in other ailments, concerning glaucoma for example, epilepsy and other ailments that people in our community suffer from.

It is right, clearly, that cannabinoid derivatives can clearly assist with the pain and suffering of a number of ailments, but we have to be careful and I agree that this amended motion should

2390 limit that and give the Government the opportunity to explore how cannabinoids can be used in other ailments as well.

What I would say, though, is that – one comment, and I do not say this negatively – it is quite clear from the *Viewpoint* that the Hon. Minister was on with me and Ms Marlene Hassan Nahon in relation to the concern of the medical practitioners in our Health Authority, they were quite clearly concerned that they were breaching and breaking the law insofar as the Crimes Act is concerned, and I think it is right that the Government has now moved a Bill to be presented to this House in relation to (**Hon. Ms M D Hassan Nahon:** Regulations.) regulations – apologies –in relation to the amendment of the law to allow for Sativex to be used in these limited circumstances. (*Interjection*) The comment I would have is not to be negative about it, but I am quite glad the Government has now sought fit to make those regulations to give those doctors the certainty that surrounds the prescribing of these important drugs in relation to particular ailments.

2400 It is right, of course, that people in this community will want to see cannabinoids prescribed more readily, but I think it is right that the Government is careful about how this is done, that it is done slowly, that it is done with expert opinion, and we would welcome the amendment to this motion.

Mr Speaker: There is a small typographical error in the second paragraph, the word ‘the’ is unnecessary. It says here ‘Notes that the certain medicinal products’’: ‘Notes that certain’. That is a typographical error which I should point out.

2410 As far as the hon. Lady is concerned, may I explain to her that she can speak now on the amendment, expressing her attitude and her views about it. Having done that, if the amendment is then carried, that then becomes a motion before the House and she then has a right to reply. The likelihood is that in that right to reply she may not have anything to say, or she may wish to reply to any points that have been made in the course of the debate. What she really has is an opportunity to reply and to wind up the debate.

Does the hon. Lady wish to speak on the amendment?

Hon. Ms M D Hassan Nahon: Yes.

Mr Speaker: Yes.

Hon. Ms. M D Hassan Nahon: Mr Speaker, I was the only Member of this House to congratulate the Government last week when it announced its decision to allow medical professionals to prescribe Sativex to patients in desperate need of it. I was encouraged to see such a positive response to the plight of these patients, to the issues raised in the GBC *Viewpoint* debate and to the call from doctors and public opinion to make this medicine available. At the time, I described not only the impact this move would have on patients but also the way in which it would clarify matters for doctors in terms of their legal standing; furthermore, the decision would erase the inconsistencies of the current system where some patients were receiving a treatment that was being denied to others.

2425 If the Government was therefore seeking congratulations, as indicated in their amendment, it already received it from me, but it is my view that, as reassuring as it was to see the Government embrace the health benefits of cannabis-derived compounds, it is disappointing to not see them show a fuller commitment to offering these benefits on a wider scale. Approving one medicine for one condition is hardly an example of a Government taking a dynamic lead on this issue. These restrictions both ignore the significant scientific research, which overwhelmingly leads in favour of recognising the health and therapeutic benefits of cannabinoids, and limits the release that could be afforded to Gibraltar’s patients. It dismisses the views of many scientists, rejects the experiences of patients, disregards the opinions of doctors and flies in the face of public opinion. Additionally, it places politicians firmly in the spotlight of a field in which we should only

play bit parts facilitating the views of experts. I am saddened to see that this expert voice is being discounted.

2445 In my introduction to this motion I outlined the many arguments in favour of it. These arguments were not born out of an indulgence; they developed through careful research into the scientific literature available, through conversations with specialists in the field and through communications with patients and their families. All this developed in me an appreciation of the qualities of these products in relieving pain and a number of other symptoms associated with a wide range of conditions. They helped me to understand the advances that other countries have
2450 made by embracing these qualities and they have enabled me to comprehend that we can exercise our own jurisdictional powers to license a cannabis facility as well as a pharmacy to dispense the various extractions and preparations.

I have seen how many countries have given the cannabis plant a special status in respect of its unique qualities, operating outside of conventional pharmaceutical regulation and allowing
2455 for cultivation and research that has led to beneficial and harmless medical products.

It has been pointed out to me that cannabis does not fall comfortably within the pharmaceutical industry's conventional standards due to its particular non-toxic chemistry, with many jurisdictions making allowances for this by permitting medical research and production within a properly regulated environment.

2460 Mr Speaker, the hon. Gentleman the Minister for Health mentioned Canada. In Canada, 35 producers of medical cannabis have been licensed as per September 2016. All licensed producers are subject to inspection by Health Canada to verify compliance with the requirements of Marijuana for Medical Purposes Regulations, the Controlled Drugs and Substances Act (CDSA) and its regulations, as well as the Food and Drugs Act (FDA) and its
2465 regulations. This also includes meeting the requirements of Good Production Practices (GPP), which include standards for microbiological and chemical contamination, testing for cannabinoid content, which pest control products are permitted and maximum residues of such products.

Furthermore, in Israel cannabis for medical use has been permitted since the early 1990s for cancer patients and those with pain-related illnesses such as Parkinson's, multiple sclerosis,
2470 Crohn's disease, other chronic pain and post-traumatic stress disorder. The numbers of patients authorised to use medicinal cannabis in Israel exceeds 10,000. There are eight government-sanctioned cannabis-growing operations in Israel, which distribute it for medical purposes to patients who have a prescription from a doctor via either a company store or in a medical centre.

2475 So you see, Mr Speaker, there is no reason why Gibraltar could not actively contribute to this field of research, to take the science further and identify more ways in which these compounds could help our local citizens as well as people across the world. These are all compelling arguments which have made me steadfast in my conviction to this cause.

But the most powerful argument I came across in favour of my proposals was the empathic
2480 one. There are people who are in pain. Nature offers them an opportunity to find solace from this. It can boost their motivation and their feeling of self-worth; it brings hope to mornings of desperation and nights of despair. It allows these individuals to temporarily forget that they have been afflicted by one of life's awful complaints and functions as one of us. It can literally change lives, and yet we are denying this to them.

2485 Mr Speaker, tomorrow, next week or even next month we will all come back to this House and debate something else, but these people will still be in pain and that is not something that we should be commending.

Thank you. (*Banging on desk*)

2490 **Mr Speaker:** Any other contributor to the amendment? Does the hon. mover wish to reply?

Hon. N F Costa: Mr Speaker, I think that the hon. Lady is a tad ungenerous to me at the end, or in conclusion of her contribution in respect of the amended motion. We are not in any way

2495 seeking to deny anybody anything; quite the contrary. If she had heard my speech she would have heard me say that I would have liked nothing better than for there to be validated clinical evidence that actually showed that the products that she mentions could in fact alleviate the many ailments that the Hon. Mr Phillips and the hon. Lady have mentioned. So it is not that we are seeking to deny; quite the contrary. We have told her that we are actively looking into the matter.

2500 Mr Speaker, I appreciate, I do, that the hon. Lady wants to go further in respect of this motion and I can see why she does, but in the absence of clear clinical evidence that is validated through the rigorous clinical procedural trials, the Director of Public Health, GHA clinicians, the Advisory Council that advises the GHA have told us in no uncertain terms that unfortunately the evidence currently is conflictive. In other words there is a body of opinion that says that it is beneficial and yet there is a counter body of opinion that says it is not beneficial. Therefore, Mr Speaker, in the light of that, it is not at this point, as I said, presently safe for doctors, who swore
2505 an oath to do no harm first and foremost, to prescribe a medicine that could unfortunately and in fact do more harm than good. And I repeat the point that if the clinical trials demonstrated that they were beneficial, we on these benches would be the first ones to introduce a regime that enabled our clinicians to be able to prescribe those medicines.
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Therefore, Mr Speaker, as I said, I think that the hon. Lady is being unfair with me today by saying that by relying on the clinical advice I am in any way dismissing the opinions of experts and the views of patients. Quite the contrary, it is because I am relying on the Advisory Council that has clinical persons, part of that council, advising the GHA, and it is precisely on the basis of that advice that I stand in this House today to say that unfortunately the clinical evidence is not clear.
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Having said that, and hoping that I have clarified the position to the hon. Lady in my reply, let me also tell her that she herself in her reply to the amended motion accepts that the regime in Canada is very fresh. She reminds the House, rightly, that the system is of September 2016 – in other words only in the last quarter of last year. This is therefore an extremely novel regime in terms of monitoring, of investigation, of regulations. And of course this is in a country which I think has over 35 million people with the budget for research and development, clinical trials and all the work that goes into proving whether a product is or is not safe and the many years it takes for clinical trials to prove one way or another whether a product is safe. And even then the House will know that many products that have been licensed to be prescribed by doctors some years later are yanked off the shelves because in fact what was proven through medical trials to have been beneficial due to further research is shown not to be.
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This is why I said in my opening contribution that we are not saying that the debate is over, we are not saying that the research is over, we are not saying that the investigation is done. What we are saying is that we cannot rush into it when the evidence is conflictive and when the experience of other jurisdictions to which the hon. Lady alludes to and to which I have alluded to in my contribution – which is Canada – have only just recently introduced this new regime, which of course as a result will take some time to determine whether or not it is delivering the benefits, which in fact I very much hope the cannabinoid products do deliver, to the patients who are prescribed these products.
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Mr Speaker: I now put the amendment moved by the Hon. Minister to the vote. Those in favour? (**Members:** Aye.) Those against? Unanimously carried.

2540 This now becomes the motion before the House and anyone who has not spoken to the original motion may do so.

The Hon. Samantha Sacramento.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, this debate on the amended motion is very simple indeed. Before I break it down into the medical aspect let me set the whole matter into context, please, because the Government in this regard – and not
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only in this regard but on classification of drugs as a whole – is advised by the Drugs Advisory Council. The Drugs Advisory Council is a statutory committee which has, among other things, the responsibility of advising the Government on one of the matters which is to restrict the availability of drugs. This is a committee which I chair, but among others there are medical professionals on this committee, and that of course includes the Director of Public Health. So, on issues such as this, when the Council is considering these issues we will of course turn to the Director of Public Health for his advice and his guidance as a medical expert in this field.

Anecdotally, as a result of the last meeting of the Drugs Advisory Council, where a particular issue was raised we immediately dealt with it as a result of what was raised at that meeting and very promptly thereafter the law was changed immediately by way of regulations – and not a Bill, as the hon. Gentleman opposite mentioned earlier. I only say that for point of clarification, Mr Speaker, just to make the point that those regulations are already in force.

Mr Speaker, the debate, to put it simply, relates to what we are talking about, because we cannot use terms such as cannabis, cannabinols, and cannabis derivatives interchangeably, because they are completely different. And that goes to the root of it, because it depends on the regulation of the substance. The regulation is important because if a product is licensed, then there will be inherent safeguards. If doctors are to be prescribing something, they need to be clear on what it is that they are prescribing. And there is a difference between something that is licensed and is not licensed, because something that is licensed will have a very strict and stringent procedure that follows. If something is not licensed, it is usually because there is good reason for it, and as we have just heard from my hon. Friend Minister Costa, there is not overwhelming evidence in favour of the use of unlicensed cannabis derivatives. There is no scientific proof and that is why it is not something that is under consideration.

We have heard that medical professionals are crying out for this. That is not the case. What we do, in terms of the medical professionals, is turn to products that are licensed. No one in the medical profession is asking the Government for us to provide a framework for products that are not licensed, Mr Speaker.

We are accused of lacking empathy. Of course we find empathy with people who find themselves going through very difficult circumstances indeed. No one wants to find themselves in a position where they are suffering. But that is not the same. That is not to say that we are not being responsible, because in the situation where clear clinical medical evidence as to the safety of the use of a product does not exist, one cannot ask those making the decisions to empathise with the individual. What society would expect would be for the Government to take the responsible approach, defer to the clinical medical expert evidence and rely on the advice that is given. In Gibraltar, as I said, we do that through the Drugs Advisory Council, and nothing further has been recommended, Mr Speaker.

To conclude, the position in relation to the prescription of drugs as it stands is very clear and it is absolutely expert led. There is no question about the advice coming from politicians. The way that it works is that the experts advise the Government through the Drugs Advisory Council, which will then in turn refer the matter either to individual Government Departments or other Ministers, and that is a position that is clear. It has safeguards that need to be in place and is a position that works. It is not a question of whether the Government is being progressive or not, and it is not a question as to whether we should be looking at cultivating cannabis in Gibraltar for it to be distributed. It is looking at products that are licensed, because these come with safeguards; and then, in the prescription of these products it is the doctors who decide who they should be prescribed to. There is absolutely no question of Ministers deciding this and the doctors will decide this on a case-by-case basis depending on the individual's condition, symptoms and whether these are relevant, proper and appropriate in the circumstances. But that, of course, is a clinical and medical a decision, Mr Speaker. It is not that the Government is denying cures or hope in any case; it is absolutely that the Government is being 100% responsible in the way that it deals with this matter based on the clinical evidence that is available to us.

Thank you. (*Banging on desks*)

2600 **Mr Speaker:** The Hon. Roy Clinton.

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

2605 From the official Opposition we welcome the Government's cautious approach to what is a very sensitive subject and we agree that the pros and cons need to be examined scientifically and the correct balance achieved. Certainly by looking at products that are licensed and are in the British National Formulary that is obviously the correct way to go in respect of safety for patients, which must always be paramount. So, on this side of the House in the official
2610 Opposition we do not have too much problem with supporting the amended motion, which hopefully the Minister will be happy with. This is a subject which goes beyond any kind of partisan discussion and it is about the safety of patients first and foremost.

All I would ask is for any of the Members opposite to perhaps clarify what it is that they mean by further research into the subject. Would they envisage setting up a commission or some sort of select committee to look into the question? But, as I say, on the overall substance of the motion the official Opposition does not have a problem with it.

2615 Thank you.

Mr Speaker: The Hon. Dr John Cortes.

2620 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, in my time as Minister for Health I did considerable work on this. I have virtually nothing to add to what my two colleagues, the Hon. Neil Costa and the Hon. Samantha Sacramento, have said in relation to that, except of course that the cannabis derivatives that we are talking about have to be properly licensed and we tend to follow the British National Formulary. We do not have in Gibraltar the wide range of expertise for us to decide what
2625 products should and should not be licensed.

However, just to make it clear that the Government has looked at ... precisely because it cares and because it does care about people in pain, and during my time as Minister for Health in fact I asked one of our senior clinicians, currently the Deputy Medical Director, to engage with the Government of British Columbia, where there is more leeway for cannabis derivative use, to see whether there was anything that they had learnt or done which would convince us that we should do anything further. Sadly, there was no evidence that goes against what my colleagues have said.

I think, though, that I must answer one particular point that the hon. Lady has made, and this is reference to the possibility of a cannabis production and processing procedure in Gibraltar. Mr Speaker, this is not a question of growing a few plants of marijuana in a pot on a balcony and then boiling it in a saucepan in the kitchen. This would require large areas dedicated exclusively to the cultivation of marijuana, otherwise known as cannabis, and a very elaborate process which would be carried out by ... Normally it is carried out by some of these major multi-national pharmaceutical mega-companies. We simply do not and could not have the resources in
2640 Gibraltar to extract derivatives of cannabis safely, even if we could grow enough of the plants, and then have the proper quality controls, the proper regulation of the whole process, licensing of the processes and so on. It is simply not possible without setting up a major industry, for which currently there are certainly no resources and I am sure the Government has many more priorities.

2645 So, Mr Speaker, I just thought I would add that, adding some of my own perhaps botanical knowledge to the debate. So therefore, those would not be realistic in Gibraltar and clearly I will support the Government's amended motion.

Mr Speaker: Is there any other contributor before I call upon the hon. Lady to reply?

2650 I therefore call upon the mover to reply.

Hon. Ms M D Hassan Nahon: I would like to thank the House as a whole for allowing me to present the arguments in favour of my motion and for giving this important issue serious consideration.

2655 I am heartened at least by the fact that this debate has taken place and that deferring points of view have been aired in an atmosphere of respect and that democracy has been exercised. Parliament should always set an example when engaging with issues of public interest and concern, and in this case, as always, I feel like we have delivered.

2660 It is never easy to be defeated in a parliamentary procedure – even though I am getting used to it – no matter how used one might think one is to it, but I am of the firm belief that there is no indignity in defeat when one has argued with passion, commitment and conviction. Where the defeat does hurt, however, is in the thought of the patients who will not be able to benefit from what the original motion proposed, of the doctors whose ability to do what they feel is best for these patients is being restricted and of the families whose search for hope will continue. This
2665 Parliament has already developed a proud record of standing up for the little guy. In this case, however, I feel the little guy can be forgiven for feeling a little bit let down.

The hon. Gentleman, the Minister for Health, talked about clinical trials and real evidence, so I urge him to think about the 15 countries, many who are at the cutting edge of medical science, who have already taken this path and helped hundreds of thousands of patients. Is this House
2670 saying that these countries have no bearing on the good research undertaken to bring to our community?

If I may, Mr Speaker, I must say I take offence to Minister Cortes's rickety visual of a flawed suggestion of growing cannabis in a kitchen pot. This is a serious issue which, with the right mindset, could be looked at seriously.

2675 **Mr Speaker:** If the hon. Lady will sit a moment, I do not think that the Minister dealt with it other than seriously. I do not think it was a joke, I do not think it was a snide comment; I think it was a considered serious point that he made, so I would ask her to withdraw any implication that the Minister had not been serious on the matter.

2680 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I have no doubt that the Minister was being serious, but what I am trying to say that in his visual he undermined my own seriousness at what I was trying to express.

2685 **Hon. Dr J E Cortes:** That was not my intention.

Hon. Ms M D Hassan Nahon: I accept that.

Hon. Dr J E Cortes: It was not my intention at all.

2690 **Hon. Ms M D Hassan Nahon:** Because of course I would never have thought about growing cannabis in a kitchen sink in a little pot, obviously. There is a very internationally well-known process on how to do this, which 15 countries have already taken the lead on.

2695 But anyway, if I may continue, I suggest at this stage that perhaps the Government of Gibraltar bring experts to Gibraltar to talk about the benefits of medical cannabis. When talking about conflicting evidence I remind the Minister that this is medicine, and medicine is not an exact science. Some medicine does work for some people, some medicines work for others; this is why we have such a huge variety of medicinal products behind the pharmacy shelves. But let's not forget that cannabis, unlike many other medicinal drugs that are freely available, is non-
2700 toxic, meaning that there should be no reason or danger to take this debate further and offer

our community the possibility of widening the spectrum to eventually regulate for ourselves within our own jurisdiction or framework this medicinal plant.

2705 So, despite the arguments that have been presented during the course of this debate I remain convinced that in the not-too-distant future the cannabis-derived compounds we have been discussing will form an established part of conventional medical practice, as is the case with other opiate-based medications. I am confident that the science will continue to support the emerging conclusions and that the stigma that has been attached to the plant's value as a medical tool will be confined to the past, and I look forward to the day when these qualities will be made available to those in need of them and to a time when people will wonder what the
2710 fuss was all about.

In the meantime, however, my sympathies lie squarely with those who will suffer until we see this day. It is for them that we have had this debate and it is to them whom we must explain why we have reached these conclusions. I wish them the very best with their treatment.

2715 **Mr Speaker:** I now put the question in the terms of the motion proposed by the hon. Lady and amended by the Hon. Minister. Those in favour? (**Members:** Aye.) Those against? Carried. Are the Opposition voting in favour? Carried unanimously.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): So, Mr Speaker, dogs, kitchen sinks and pharmacists perhaps meaning something different when they say 'Would you like a little something for the
2720 weekend, sir?' What a session!

I now move that the House do now adjourn *sine die*.

Mr Speaker: I now propose the question, which is that the House do now adjourn *sine die*.

2725 I now put the question, which is that the House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Carried.

The House adjourned at 2.38 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.04 p.m. – 4.58 p.m.

Gibraltar, Friday, 10th March 2017

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The Gibraltar Parliament

The Parliament met at 4.04 p.m.

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

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

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Friday, 10th March 2017.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 13th, 15th and 20th February 2017.

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

Mr Speaker signed the Minutes.

COMMUNICATIONS FROM THE CHAIR

Clerk: (iii) Communications from the Chair.

10

Estimates of Expenditure

15 **Mr Speaker:** As hon. Members are aware, it is a requirement under section 69 of the Constitution that the Estimates of Expenditure for the next financial year should be tabled in the House before 30th April. Since the House is not due to meet next month, I am proposing that the provisions of the Constitution will be deemed to have been met if the Estimates are circulated to all hon. Members before the end of April. This is what I have been doing for the last few years and so I propose that it should be the case again for this year. Is that agreed?

Members: Aye.

Statement by the Speaker

20 **Mr Speaker:** There is another matter that I wish to refer to. In last Friday's edition of the *Gibraltar Chronicle* it is reported that, when asked how he had found his first year as an MP, the Hon. Mr Clinton said, and I quote:

There is no manual that you get given, or even an induction course into Parliament. You get shown your seat and you get shown your microphone, but that's about it.

Now, while it is true that there is no induction course as such for newly elected Members, it is not the case that the only guidance and assistance that the new cohort of Members who were elected in November 2015 received was just as described by the hon. Member.

25 Hon. Members will understand that it is incumbent upon me that I should set the record straight.

At the ceremonial Opening of Parliament on 9th December 2015 I assured new Members that they would always find me, the Clerk and the staff at their disposal in order to help them in the exercise of their important duties. Most of them, if not all, in fact, took up this offer prior to the first working meeting of Parliament in January 2016. To that end the Clerk and I, and the staff, met with them and explained to them not just the procedures of parliamentary meetings but also the technical arrangements for the broadcasting of proceedings. Later, once they had received the draft Estimates of Expenditure at the end of March 2016, we held other separate meetings with them at which we explained the salient aspects of that special meeting, which is the Budget session of Parliament.

35 Since elected, the Hon. Mr Clinton in particular has had a number of meetings with the Clerk and myself at which we have given him every possible assistance which he has requested, including more recently the procedures for the introduction of Private Members' Bills and Petitions to Parliament.

40 In the absence of any clarification from the hon. Member since his remarks were published last Friday, I feel compelled to draw attention to what I consider to be unfair, implied criticism of the Clerk of Parliament, the staff and myself.

45 **Hon. R M Clinton:** Mr Speaker, for the record, as you know, I did meet with yourself and the Clerk at 10.30 this morning to try and understand what your issue was with the *Chronicle* article last Friday. It is, however, regrettable that we could not see eye to eye on it and you have made the statement you have. I stand by all I said in the *Chronicle* article and it is regrettable that you have seen fit to make the statement you have.

50 Having said that, may I ask the Speaker if he has had time to consider the contents of my letter of 24th February in relation to the application of Standing Order 45(12)?

55 **Mr Speaker:** No, you will do no such thing. We are going to proceed ... You have had an opportunity, having heard my communication from the Chair. We are going to move on to the next item, if you wish to take up any other matter with me, you can write to me about it.

Hon. R M Clinton: Mr Speaker, with respect I did ask you in my letter to actually make reference to it in directions from the Chair, and if I gather from what you are saying is that you have chosen not to do so.

60 **Mr Speaker:** It is not that I ... You are referring to a matter which has got nothing to do with this, and therefore this is not the appropriate time at which to raise it. The matter that you are referring to is not connected with the Communication from the Chair, with the statement that I have felt compelled to make. It has got nothing to do with it.

65 **Hon. R M Clinton:** Thank you, Mr Speaker. Well, frankly, your earlier statement I think had nothing to do with the proceedings of Parliament. (*Interjections*)
I have actually written to you –

Mr Speaker: Will the hon. Member sit down.
70 It has a lot to do not just with the proceedings of Parliament but with the manner in which Members of Parliament conduct themselves – not just within Parliament but outside.
I would commend to the hon. Member that he reads through the Parliament Act, in particular references to criticism of the Speaker where that is not justified.
Now, if he wishes to continue to contest the matter I will allow him, but ultimately he knows
75 what the rules are and ultimately what I say remains said. It is on the record and that is all there is to it.

I have given the hon. Member an opportunity. He met me this morning and he remains intransigent. So be it. I have had my say and that goes on the record because there are aspects that he needs to understand: respect for the Speaker, respect for the institution that is
80 Parliament and the people who work here for him and for all the other Members.

Hon. R M Clinton: Mr Speaker, I thank you.
I refer back to my letter of 24th February and I would be grateful if you would give an indication whether you would give some kind of statement as regards the content of my letter –
85 or is it that you are choosing to ignore it completely?

Mr Speaker: I may or I may not, because I have considered the *Hansard* of the meeting and before the matter reached the stage which it reached in respect of the acrimony involving Mr Llamas, I made a statement ... If you would care to go back and ... I have checked with the
90 *Hansard* and I know that what I was saying amounted to a defence of Mr Llamas because I explained that it was not easy for Members to arrange their affairs when Parliament meets unexpectedly, and that is the position in which Mr Llamas had found himself and indeed other Members. So I had already defended his position, safeguarded his position, and I said that nothing more should be said about the question of Members being absent.

95 There are Members absent here this afternoon: so what? There is only one person really that needs to be here, apart from a quorum, and that is me. I have no deputy, I am always here and it would be very difficult, the way that things are in Parliament, for any of the other 17 to sit here and keep matters under reasonable control.

I will allow the hon. Member one last opportunity to speak and then we are going to move on
100 to the next item.

Hon. R M Clinton: Thank you, Mr Speaker, but in your view, Standing Order 45(12), does it or does it not prohibit the ... If I use the words:

The conduct of ... members of Parliament ... shall not be raised ...

105 Full stop.

Mr Speaker: Yes, the conduct. I do not consider that what Mr Llamas did amounted to conduct. If anybody from the Government criticised him in respect of his conduct, that is not conduct. Conduct is a habitual behaviour. Conduct has to do with a way of life. An incident in which an hon. Member is absent for one meeting, possibly for very good reasons, does not
110 amount to the conduct of a Member. Therefore, if the Chief Minister or anybody else criticised him in that respect, in my view he was not criticising his conduct, he was criticising the fact that he had not been here for a particular meeting of Parliament. That is all I am going to say.

Clerk, will you please now call the next item: Petitions.

115 **Clerk:** (iv) Petitions; (v) Announcements; (vi) Papers to be laid; (vii) Report of Committees.

**Suspension of Standing Order 7(1)
to proceed with Government Bills**

Clerk: Suspension of Standing Orders. The Hon. the Chief Minister.

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

120

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

BILLS

FIRST AND SECOND READING

**Governor's Emergency Powers Bill 2017 –
First Reading approved**

125

Clerk: Bills: First and Second Reading.

A Bill for an Act to make provision for the exercise of emergency powers in accordance with section 18(2)(b) of the Constitution where a public emergency arises or is likely, and for connected purposes.

130

The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to make provision for the exercise of emergency powers in accordance with section 18(2)(b) of the Constitution where a public emergency arises or is likely, and for connected purposes, be read a first time.

135

Mr Speaker: I now put the question, which is that is that for a Bill for an Act to make provision for the exercise of emergency powers in accordance with section 18(2)(b) of the Constitution where a public emergency arises or is likely, and for connected purposes, be read a first time.

140

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

Clerk: The Governor's Emergency Powers Act 2017.

**Governor's Emergency Powers Bill 2017 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill for the Governor's Emergency Powers Act 2017 be now read a second time.

145

Mr Speaker, hon. Members will know that section 35(3) of the Constitution provides as follows:

Every bill shall be published in the Gazette, and the Parliament shall not proceed upon any bill until the expiration of six weeks after the date on which the bill was so published, unless the Chief Minister certifies by writing under his hand that consideration of the bill is too urgent to permit such a delay.

I have certified that this Bill is urgent under section 35(3) of the Constitution, Mr Speaker. I have written to you to this effect, and although I am not required by the Constitution to do so, I have also written to the Leader of the Opposition and the independent Member, Mrs Hassan Nahon, informing them of my certification of the Bill as urgent.

Mr Speaker, this Bill also engages another part of the Constitution, which requires that Parliament be alert to the manner in which it proceeds today. Section 35(2) of the 2006 Constitution, which establishes this Parliament – which is the one just above the one that allows the certification of urgency – states that:

Except with the consent of the Governor, acting in his discretion, signified by the Chief Minister, the Parliament shall not proceed upon any bill (including an amendment to any bill) that, in the opinion of the Governor, acting in his discretion, signified as aforesaid, concerns a matter for which he is responsible under section 47(1).

Mr Speaker, I have already indicated to you in writing my communication of urgency and that His Excellency the Governor, Lieutenant General Edward Davis, has given his consent, as required by section 35(2) of this Bill, to proceed through the stages in this House. I have confirmed the same to the Leader of the Opposition and Mrs Hassan Nahon, the independent Member, also.

Mr Speaker, turning now to the substance of the Bill, I must tell hon. Members that I have particular pleasure in bringing this Bill to the House because, as the House will know, the exercise by the Governor of powers in an emergency already exists. At present that power is conferred by the Emergency Powers Order 1939 as amended from time to time. In fact, that Order has been amended quite considerably. Amendments range from 1952 to 1973, and that Order in Council is of direct application in Gibraltar – in other words, a piece of UK law which has direct effect in Gibraltar. The 1939 Order has been on the statute book in the United Kingdom for a long time and its application was first specifically provided for in the 1969 Constitution. Whilst the 2006 Constitution continues to refer to the 1939 Order in Council, it also provides that in the alternative there be ‘any law enacted by the Legislature to like effect’ which would then have effect in periods of emergency. Mr Speaker, this Bill, if passed by the Parliament, will be that law, that alternative law enacted by this legislature.

In order to understand the importance of this rule and the Bill that is before the House, Mr Speaker, we should reflect that there are 11 substantive references to an emergency in the Constitution. As lawyers and constitutional scholars will know, the words ‘an emergency’ are usually used to defeat the application of fundamental rights that are protected in a constitution. One must always therefore be very careful when dealing with situations in which we would accept the application of a provision that defeats or blunts the application of the constitutional rights which form the framework of our laws. So, in these circumstances, before bringing to this Parliament a Bill, the Government would be very circumspect indeed to understand that we are not in any way creating any powers which would be potentially used to defeat fundamental constitutional rights. Those rights could be the rights of individuals in the Chapter of Fundamental Human Rights or they could equally be the rights of the home grown institutions of Gibraltar, created by or under the Constitution, which may somehow be suspended or have their powers curtailed in the relevant applicable circumstances. We on the Government side are satisfied that this Act will not curtail such individual or institutional rights in any material way for reasons that will become apparent. In other words, there is no derogation of any powers which the Government may now hold and exercise by the passing by this Parliament of the Governor’s Emergency Powers Act.

Let us also, before going any further, look at where the references in the Constitution are to the 1939 Order in Council and to emergencies generally. Principally, Mr Speaker, sections 17, 18, 45 and 78 of the Constitution contain in these references.

The original reference is in section 17(1). That is the section that provides for periods of public emergency. Section 17 (1) says this:

Nothing contained in or done under the authority of any regulation made under the Emergency Powers Order in Council 1939 or any law enacted by the Legislature ...

195 And, Mr Speaker, that means *this* legislature. It does not mean the UK Parliament; it means *this* legislature. The word 'Legislature' appears capitalised and is therefore subject to the definition of legislature in the Constitution. So:

... any law enacted by the Legislature to like effect shall be held to be inconsistent with or in contravention of section 3, section 4(2) or any provision of sections 7, 9, 10, 11 or 12, section 13(1) or (3) or section 14 to the extent that the regulation or law in question makes in relation to any period of public emergency provision, or authorises the doing during any such period of anything, to the extent strictly required by the exigencies of the situation arising or existing during that period for the purpose of dealing with that situation.

Mr Speaker, all of those sections referred to in section 17 are sections that deal with individual rights protected under the Fundamental Human Rights chapter of our Constitution.

200 Mr Speaker, section 18 sets out when an emergency is deemed to have occurred under the Constitution and I will deal with section 18 in greater detail later in my address when I am dealing with the substantive provisions of the Bill before the House.

Section 45 of our Constitution is in particular relevant when there is an election on foot in Gibraltar. In fact, Mr Speaker, it is important that we look at that section in its interplay with this Bill because that will indicate to hon. Members just how important this Bill is.

205

Section 45(9) of our Constitution provides that:

Upon the dissolution of the Parliament the Chief Minister and Ministers in office at the time of such dissolution shall remain in office and shall discharge their functions until new elections are held and a Chief Minister appointed in accordance with this Constitution following such elections; but such executive authority may not be exercised

– *may not be exercised*, and this is the important parenthesis, Mr Speaker –

save in the event of public emergency (including public order or safety), to commit or bind the next successor Government of Gibraltar to public funding or liability except in the ordinary course of the day to day affairs of Gibraltar.

So, in other words, Mr Speaker, once an election is called, section 45(9) of the Constitution bites, there is still a Chief Minister, there are still Ministers, but we cannot engage spending, other than immediately required, in respect of which there might be any commitment, unless there is an emergency. And those are the types of situations that we are dealing with here.

210

It is important to reflect, Mr Speaker, that in such an emergency being declared the Constitution is not suspended, so neither does cabinet government cease. We are not dealing with the suspension of the Constitution and the United Kingdom taking powers – something that we saw in most recent constitutional history in the Turks and Caicos Islands; neither are we seeing the Constitution remaining but cabinet government being suspended. We are seeing a situation where there is an emergency but the Constitution is still in place and cabinet government is still active, and in that context what we are going to deal with this afternoon creates powers which are complementary to the powers of cabinet government. Indeed, the reality is that the declaration of an emergency will, in effect, in such circumstances allow the Government, through the Governor, to take extraordinary measures for the purposes set out in the Bill – and indeed there are other Acts in our statute book which are relevant, which I will come to in a moment.

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Section 78(5) of the Constitution sets out that:

References in this Constitution to the Emergency Powers Order in Council 1939

225 – which is the one I am referring to the House –

are references to that Order as from time to time amended and include references to any Order or other law replacing that Order in relation to Gibraltar.

It is important, Mr Speaker, that hon. Members keep that in mind.

You see, Mr Speaker, in order for this Parliament to legislate in this field, the 1939 Order in Council must cease to apply. In that regard I would draw the Parliament's attention to the Emergency Powers (Overseas Territories) Order 2017, which is Statutory Instrument 181 of this year of the United Kingdom Parliament and which comes into operation on 16th March this year – that is to say next Thursday. That Order was made on 15th February and was laid before Parliament as recently as 22nd February. It is for that reason that we have not been able to publish our own Bill, which is the localised version of that Order, that new modernised Order, until last week, although we have been doing a lot of work with UK colleagues. But of course the Order in the UK is not crystalized until laid and published.

Mr Speaker, the new Order in Council will have the effect of replacing the 1939 Order with a regime that is substantially the same in effect, albeit with some modernisation. The relevance of the 2017 Order in Council is that it will not apply to Gibraltar but only once this Bill becomes an Act and is in operation. Article 1(2)(b) of the 2017 Order in Council made in the UK a week ago provides that that Order extends to Gibraltar but only to the limited extent provided for in article 3(3) of the Order itself, and article 3(3) of the Order states this:

In relation to Gibraltar, the instruments specified in Schedule 2 that apply to Gibraltar are revoked with effect from the date that equivalent provision comes into force.

'Equivalent provision' being the reference I made earlier, Mr Speaker, that is in the Constitution – in *our* Constitution.

Mr Speaker, therefore what hon. Members will want to know is that this Bill, once it is an Act passed by this Parliament, will be that equivalent provision which will obviate the need for the application of the new Order in Council to Gibraltar. It is therefore the Government's intention that if the Bill is passed by the Parliament today the Act should receive Assent and be published before 16th March. In that way and observing that chronology, the 2017 Order in Council will not ever have applied to Gibraltar.

Hon. Members will know, Mr Speaker, that there is a convention since the 2006 Constitution that the United Kingdom does not extend the application of Orders in Council to Gibraltar, although it has the right to do so. The provisions of the new Emergency Powers Order in Council must nonetheless be provided for in order to ensure that there is constitutional completeness. In the circumstances, we are now providing that constitutional completeness via this home-grown Gibraltar Parliament Act. And indeed, Mr Speaker, in terms of constitutional theory, what this Act will do is ensure a closing of the circle in respect of emergency powers in a way that is entirely home grown.

To summarise all of that constitutional backdrop for hon. Members in non-legal and understandable plain English, Mr Speaker, I will put it like this. The Governor is an emanation of the Gibraltar Constitution. This Parliament is an emanation of the Gibraltar Constitution. And now, with this Act, with this Bill if it becomes an Act, the powers that the Governor would enjoy in an emergency will also be powers granted by an institution which is created by the Constitution. In every way, therefore, we are localising the grant of powers that would be operating in the context of a declaration of emergency by the Governor. We are granting the Governor those powers, Mr Speaker. The grant of powers created by the UK Order in Council – either the 1939 Order or the 2017 Order – would be obviated, as I said before, by the grant of powers by this legislature.

It is important that we put into context what I have just taken the House through and in what circumstances an emergency could be declared and what it would amount to.

Mr Speaker, section 18 of the Constitution provides for the interpretation of its provisions and with respect to emergency it defines them thus:

In this Chapter “a period of public emergency” means any period during which –

(a) Her Majesty is at war;

(b) the provisions of Part II of the Emergency Powers Order in Council 1939 are in operation in Gibraltar, or any emergency has been declared under any law enacted by the Legislature to like effect.

Declarations of war not being the subject of this Bill, Mr Speaker, clause 3(1) provides for there to be a public emergency when declared pursuant to the Act.

275 Such a declaration is made by the Governor issuing a proclamation to that effect, but a proclamation may only be made where the circumstances set out in clause 3(2) apply. That is to say an event or situation that threatens serious damage to human welfare in Gibraltar whether in whole or in part, an event or situation that threatens serious damage to the environment of Gibraltar whether in whole or in part, or an event or situation that threatens serious damage to the security of Gibraltar.

280 The power to make a Proclamation of Emergency is then set out in clause 4 and, unless a shorter period is specified or a proclamation is earlier revoked, the proclamation lapses after 30 days, although a new proclamation can be made pursuant to sub-clause (3).

Sub-clause (5) requires that any Proclamation of Emergency made under this section shall be published in the Gazette as soon as practicable after it is made.

285 Mr Speaker, I think it is important that hon. Members have in mind that the proclamation and the declaration of the emergency do not suspend the Constitution. What they do is they allow for things to be done which might otherwise be caught by certain sections of the Constitution, which are the sections I took the House through before.

290 A regulation-making power is provided for also, which is the basis for action to be taken following the issue of a proclamation of public emergency, and this power is provided for in clause 5.

Such powers are, however, to be exercised where specific conditions are met only, and those are the ones set out in clause 6, and require:

(a) that the provision is necessary for the purpose of preventing, controlling or mitigating an aspect or effect of the state of public emergency in respect of which the regulations are made;

(b) that the effect of the provision is proportionate to that aspect or effect of the state of public emergency; and

(c) that the need for the provision is urgent.

295 **Hon. R M Clinton:** Will the Chief Minister give way?

Hon. Chief Minister: It is very unusual to ask for way to be given in the context of this part of the speech. I think it is probably better if the hon. Gentleman raises an issue in the context of his opportunity to question me during the Second Reading.

300 **Hon. D A Feetham:** The reason why he is doing it is to inform his own contribution in response. That is why I have –

305 **Mr Speaker:** Why doesn't he let the Chief Minister finish? If the point that he wishes to have clarification of is not covered by the Chief Minister, then he can raise the matter and invite the Chief Minister there and then by giving way to reply. That is the proper conduct. I think it is not a very customary thing to ask anybody moving a Second Reading of a Bill to give way. It has never happened.

310 **Hon. D A Feetham:** Mr Speaker, it never happens, no. I have been on that side of the House –

Mr Speaker: It has never happened during the time that I have been in the Chair.

Hon. D A Feetham: Mr Speaker, it has happened when I have been a Government Minister. I have also been a Government Minister. Mr Speaker unfortunately often forgets that, but I have
315 been a Government Minister and I have given way (*Interjections*) from that side of the House.

It is true, Mr Speaker, you are absolutely right, that of course it can be done the other way. And of course we will defer to Mr Speaker, but to say that it never happens – that, certainly in my own experience, is not the case.

Mr Speaker: It is very unusual for that to happen and given the memory that I have, I do recall that the hon. Member has been a Minister of the Government from 2007 to 2011. Am I correct?

Hon. D A Feetham: Yes, Mr Speaker, you are correct.
325

Mr Speaker: Thank you.
Chief Minister, carry on.

Hon. Chief Minister: Mr Speaker, we all remember what parties he used to belong to as well!
330 And one often wonders why it is that the Opposition spend more time opposing the Speaker than the Government!

Anyway, Mr Speaker, I may deal with issues that the hon. Gentleman wants clarified in what is left of my address; otherwise I will be happy to deal with them in the context of my response.

335 Limitations are imposed on the scope of the regulations that can be made, and in particular the Act of course specifically provides that anything done by regulation by the Governor when a Proclamation of Emergency is extant does not allow for the Constitution to be amended – and this is an important point. One could argue that the clause is unnecessary, as a law created by this legislature cannot give power to amend the Constitution which created this legislature, but I think it is important it should remain in because it imputes into the Bill the clarity that the
340 Constitution is not suspended at that point: the Constitution is active and current at that point.

Clause 8 creates offences for breaches of regulations made under clause 5.

Clause 9 provides supremacy over other enactments should there be any inconsistencies.

Clause 10 confers discretion on the Governor in exercising powers conferred under the Bill.

345 However, Mr Speaker, sub-clause (2) specifically provides that, so far as it is practicable to do so, the Governor shall consult the Chief Minister. Mr Speaker, the practicability here is the essential aspect. It may not be practicable to consult because of communications being impossible between the Chief Minister and the Governor in such eventualities. It may not be practicable for a host of reasons which we cannot imagine today. If it is practicable, however, then consultation must occur.

350 Mr Speaker, the House will know that that the Civil Contingencies Act 2007 is the flip side of the coin and confers powers which are not dissimilar to those we are dealing with here, but not powers that relate to security. That Act goes further in the establishment of structure, such as the Civil Contingencies Committee and the Civil Contingencies Co-ordinator post is created. This Act will, however, be relevant in an instance where the structures and powers set out under the
355 civil contingency laws are sometimes potentially not operable, in a situation where a complete breakdown of our institutions could have occurred.

This Act creates an avenue for action which does not require the suspension of the Constitution or the cessation of cabinet government but enables action to be taken or start to be taken in order to re-establish the needs of civil society.

360 Mr Speaker, in making this Bill an Act we will in effect be bringing into the purview of this House the final piece of the jigsaw outstanding in respect of the internal architecture of the current 2006 Constitution. No power which has been granted to the Government of Gibraltar under that Constitution is in any way diminished by this Bill. We would not have brought the Bill if it did. Indeed, we are in effect becoming masters of our own destinies, even in an emergency,

365 as even in that eventuality all the actors will remain creatures of this Constitution and all the powers exercised will emanate from it and its institutions, the most important one being this Parliament itself as we create the powers within the Bill.

Mr Speaker, for all of those reasons I commend the Bill to the House and I look forward to dealing with any issues hon. Members opposite may wish to raise.

370

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. Mr Clinton.

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

I am grateful to the Chief Minister for his explanation and analysis of what is a fairly comprehensive piece of legislation and is obviously being tabled on an urgent basis.

380

I am not much of a historian – as perhaps the Deputy Chief Minister is – more of an amateur historian, but if I recall correctly, in 1939, which is obviously the period when the original Order in Council was put in place, the City Council itself was suspended and the Government then appointed one individual to exercise powers in respect of civilians by himself.

385

I heard the Chief Minister say that the Constitution is not suspended and everything carries on as normal as it can be in the circumstances, and that the cabinet government will carry on. Well, my question to the Chief Minister is: what happens to this place? Does Parliament continue to meet? Is Parliament de facto suspended? Will we continue to be able to pass laws? Or is it just held in suspense? In which case, is this de facto – and this happens all the world over – a Bill for the imposition of martial law?

390

It is a fairly serious matter and I do not think it is something that we can not discuss, or at least have some discussion about it. I understand the reasons for it and I understand that the Governor probably had the powers to do this in any case, and by codifying it in our own legislation we obviously avoid having it imposed upon us. But really, for me, it is just an understanding, as a parliamentarian, as to what our role would be under this Act. Will Parliament continue to sit monthly? Will we be able to pass laws? What is the role that this particular Chamber will perform? Or is it just that the Cabinet will continue to meet and try to run civilian government as best as it can?

395

As I say, I am just looking at it from the point of view of historical precedent, where in 1939 or thereabouts the City Council itself was suspended and I believe the powers were vested in a possibly Major Patron. My memory fails me, but Dr Joseph Garcia, the Deputy Chief Minister, will no doubt be able to confirm or not. That is really what I am trying to understand: what this Bill will do in terms of the wider context of this Parliament. I would be grateful if the Chief Minister in his response could address that.

400

Thank you, Mr Speaker.

405

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits of the Bill? No.

No, I will then call the Hon. the Chief Minister to reply.

410

Hon. Chief Minister: Mr Speaker, the hon. historian, the Deputy Chief Minister, reminds me that in fact the City Council was suspended in January 1941. There was a little something going on then, which was called the Second World War. I have no doubt that the Emergency Powers Order in Council, given that it was dated 1939, may have been related to the planning that Great Britain was doing about what it would do around the world in respect of war, and in fact the first opportunity to declare an emergency in the definition set out is if there is a war. But as I told the Parliament, we were not dealing with that sort of situation, but I will deal with it in the context of my reply.

415

In 1941 I understand all powers were taken by the Governor, but 1941 was a different time and absent the issue of war there was also no Constitution in Gibraltar that granted powers to a Parliament. We were dealing with a City Council that was a municipality. Indeed as the hon. the historian reminds me, all of the personnel in Gibraltar that were not able to join the war effort were evacuated from Gibraltar. That was a context which may indeed have, theoretically, the possibility of arising again – please God it will never happen – but there is a difference between a situation where a constitution is suspended and where emergency powers are being taken.

Now, the hon. Member asked me does this Parliament continue to meet. Well, Mr Speaker, this Parliament might continue to meet, but we do not know whether it would be possible for this Parliament to continue to meet. What he needs to understand in the context of what I have said is that I have already told the House that the Constitution continues in place, and if he looks at the powers granted to the Governor in this instance they are powers that relate principally to the suspension of personal liberties. So, nowhere in the context of what is set out in the provision is the legislature or the executive in any way curtailed. In other words, sections 24 to 43 of the Constitution, which create the Parliament, and sections 44 to 53 are not where the grab occurs. The grab occurs in respect of personal liberty. In other words, protection from slavery or forced or compulsory labour, which is section 4. The right to personal liberty, the protection of the freedom of expression, the protection of the freedom of assembly and association, the protection of the freedom to establish schools, the protection of the freedom of movement and the protection of discrimination on the grounds of race, etc. Those are the clauses that actually engage, Mr Speaker. In other words, those are the ones where, looking at it in stark terms, things can be done in that situation which may in another time offend those sections but in that time may be necessary.

And so this is not a suspension of the Parliament. The Parliament, Mr Speaker, is based on personal membership of the legislature by individuals. We happen to stand in political parties. Political parties exist because we have the freedom of association. The freedom of association might be suspended, but even in our most revolutionary moments I do not think we have done anything that might warrant emergency powers being taken.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):
Not that I remember. I would know if we had! (*Laughter*)

Hon. Chief Minister: And so, Mr Speaker, in a situation where there might be war, the first parenthesis, or the second parenthesis, those emergencies, some things may have to happen which might at another time have offended those parts of the Constitution, but the Parliament is not one of the things that is stopped from meeting – but it may be that the Parliament might not meet.

We have seen the Parliament meet every month since we were elected, except when the Referendum was called, and we have seen times not of war and not of emergency where the Parliament has met twice in a particular year or three times in a particular year, which is what the Constitution provides for. So the Government might not be able to come to Parliament either because of indisposition or because, if there is an emergency on, we might all agree that we do not want to come to Parliament, we want to deal with the emergency. The important thing is that the Constitution is not suspended. That is why it is necessary to say those parts of the Constitution will not have the effect that they have in peace time because the Constitution continues in place, the powers of the legislature under the Constitution continue to have effect and the powers of the executive government under the Constitution continue to have effect.

And so, Mr Speaker, you could not be further from a declaration of martial law, which is what the hon. Gentleman has suggested to me this might be doing. This is not martial law. I think the hon. Gentleman needs to understand what martial law is. You could not have martial law and the Constitution alongside each other; you would have to suspend the Constitution, because it would be a very strange martial law indeed that allowed us to come here and say what we liked

470 about the martials, assuming that we were not the ones declaring martial law, which of course we could not be because we do not have an army. The only people who have an army and who have the constitutional responsibility in respect of the raising of an army and security are the United Kingdom, and the powers that have been given to the Governor by this legislature could not be powers to empower the Governor in respect of the army. And so, Mr Speaker, nothing could be further from what this Bill will do if it becomes an Act than the declaration of martial law.

475 The hon. Gentleman should rest assured that, although we may not see eye to eye on many things, if I was asked to move a Bill to allow for martial law I would say so in the context of my address. I would not pretend to hide such a thing, because as a civil libertarian I would want people to be aware that I had been asked to bring a Bill to the Parliament and, I assume, asked also to convince my ten colleagues to raise their arms at the right moment in order to support it
480 – and that would be something I would not agree with. No.

Mr Speaker, the provisions of this Bill do not do that. They would not be enjoying the support of the Government if they did do that. But the hon. Gentleman might wish to know that of course it is open to a British government to declare martial law in Gibraltar or in any other territory, or indeed in the United Kingdom. I think that that has been shown historically to be
485 anathema to the British system of democracy and that is why it is one of the many strands of the affinity that the people of Gibraltar have with British democracy, the most mature and established democracy in the history of the planet.

But it could happen, and in Gibraltar it would take effect by the simple suspension of the Constitution – and the United Kingdom has not been shy to suspend constitutions. It suspended
490 the constitution of the Turks and Caicos Islands because of financial irregularity, and so therefore that is not something that would be dealt with in the context of emergency powers such as this.

Now, what sort of instances would we be dealing with? Well, they are very difficult to imagine, Mr Speaker, but they would really be instances related principally to natural disasters.
495 They might be instances related to other types of eventualities that make transport, communications and all the rest of it almost impossible. Although cabinet government is not suspended, it might be impossible for cabinet government to operate in the way that it tends to do with Cabinet meetings every week etc., although one is almost tempted to say that we have had the suspension of cabinet government before by Chief Ministers who have not met with the Cabinet as often as one might have expected them to – but that is for a separate discussion.
500

In this instance, Mr Speaker, in my view, because of the quasi parallel civil contingencies provisions, what we are really dealing with is that although Government and executive authority is not suspended, although the Constitution is not suspended, it is not possible to do things in Gibraltar in order to re-establish Gibraltar, and things have to be done for Gibraltar but they are
505 done through the offices created in the Gibraltar Constitution, which is how we would all like to see it happen, and the proclamation and the period of proclamation is as short as is possible. Therefore the 30 days or shorter period and the extension only by a further 30 days which is provided for so that the operation of cabinet government is re-established as quickly as possible and the executive authority is re-established as quickly as possible.

510 So I would say to the hon. Member opposite that in effect what you are seeing in this Bill is the groundwork for the opposite of martial law – in other words, the groundwork for the ability to once again govern ourselves after an emergency as soon as possible.

Mr Speaker, for all of those reasons I think this is a Bill that the House should approve, and in particular I would draw to the attention of the hon. Gentleman the dates I gave him. The English
515 Order in Council will apply in all the Overseas Territories as from 16th March. I think it is in the interest of all Members of this House that we demonstrate that once the trigger of the repeal of the 1939 Order has been pressed by the United Kingdom we move as quickly as possible to ensure that we act in this Parliament to prevent a new Order in Council taking effect on

16th March here by making this Bill an Act seeking assent before 16th March and publication
520 and promulgation before then.

For all of those reasons, Mr Speaker, hoping I have dealt with the hon. Gentleman's query as fully as I could on my feet, I commend the Bill to the House.

Mr Speaker: Could I suggest to the Chief Minister that he might check as to what exactly
525 happened during the Second World War. The civilians that remained behind surely were not subject to military law in respect of any offences which they may have committed of a civil nature – traffic offences and so on. They were not subject to military law. Weren't the courts still in Gibraltar? Was there no Chief Justice in Gibraltar during the Second World War? I think this is a matter that can be easily looked into, surely.

530
Hon. Chief Minister: I am sure, Mr Speake. I am sure, and in fact Mr Speaker is confirming in the way that he postulates those questions that this sort of Order – the 1939 Order is the first emanation; this is the modern version, which is going to become this Act – does not have the effect of suspending a constitution, although then there was not a Constitution to suspend.

535
Mr Speaker: But the courts were there.

Hon. Chief Minister: Of course. There were the courts, there were institutions, etc. and those
540 that continue to function would continue to function, and the effect of the Order in Council was not to suspend them – and in fact I am just being reminded by the Hon. Deputy Chief Minister that Sir Joshua at that time was actively involved in representation before tribunals that continued in effect, etc.

Mr Speaker: I now put the question, which is that a Bill for an Act to make provision for the
545 exercise of emergency powers in accordance with section 18(2)(b) of the Constitution where a public emergency arises or is likely, and for connected purposes, be read a second time.

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

Clerk: The Governor's Emergency Powers Act 2017.

**Governor's Emergency Powers Bill 2017 –
Committee Stage and Third Reading to be taken at this sitting**

550
Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree – and, Mr Speaker, no other Bill will be dealt with today, only this one.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of this
555 Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE

Governor's Emergency Powers Bill 2017 –

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause: the Governor's Emergency Powers Act 2017.

In Committee of the whole Parliament

560

**Governor's Emergency Powers Bill 2017 –
Clauses considered and approved**

Clerk: A Bill for an Act to make provisions for the exercise of emergency powers in accordance with section 18(2)(b) of the Constitution where a public emergency arises or is likely, and for connected purposes.

Clauses 1 to 10.

570

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Governor's Emergency Powers Bill 2017 –
Third Reading approved: Bill passed**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Governor's Emergency Powers Act 2017 has been considered in Committee and agreed to without amendments and I now move that it be read a third time and passed.

Mr Speaker: I now put the question, which is that the Governor's Emergency Powers Act 2017 be read a third time and passed.

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

ADJOURNMENT

585

Chief Minister (Hon. F R Picardo): Mr Speaker, late on a Friday afternoon, on the cusp of a long week – and having read this morning, by the way, in *The Times*, I cannot resist telling the House that today was the day that Crufts commenced in London – I have the honour to move that the House do now adjourn until Friday, 17th March at 2.30 p.m.

Mr Speaker: I now propose the question that the House do now adjourn to Friday, 17th March at 2.30 in the afternoon.

I now put the question, which is that the House do now adjourn to next Friday, 17th March at 2.30 in the afternoon.

590 Those in favour? (**Members:** Aye.) Those against. The House will now adjourn to next Friday at 2.30 in the afternoon.

The House adjourned at 4.58 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.33 a.m. – 3.35 p.m.

Gibraltar, Friday, 17th March 2017

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The House adjourned at 3.35 p.m. 21

The Gibraltar Parliament

The Parliament met at 2.33 p.m.

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

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

PAPERS TO BE LAID

Clerk: Meeting of Parliament, Friday, 17th March 2017.

(vi) Papers to be laid – the Hon. the Minister for Culture, the Media, Youth and Sport.

- 5 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, I have the honour to lay on the table the Report and Audited Accounts for the Gibraltar Broadcasting Corporation for the year ended 31st March 2009, 2010, 2011 and 2012.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

CULTURE, THE MEDIA, YOUTH AND SPORT

Q225/2017

**Gibraltar Music Festival 2016 –
Payments to stallholders**

- 10 **Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.
We commence with Question 225. The Hon. R M Clinton.

Hon. R M Clinton: Thank you.

- 15 Mr Speaker, can the Government advise if all stallholders have been paid in respect of the 2016 Gibraltar Music Festival, and who is actually responsible for such payments?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

- 20 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, some stallholders have not yet been paid because the stallholders need to produce an invoice certified by the event organiser at the Ministry in order for payments to be issued. Some stallholders have not yet produced the invoices certified by the event organisers. Until an invoice is produced, payments will not be issued.

- 25 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Hon. Minister for his reply.

I must confess I am surprised that there are still some payments outstanding. Can he perhaps clarify what he means by an invoice certified by the event organiser? My understanding was there was a prepaid system and that somehow this would be tallied electronically, and that the money, I presumed, would have been just handed over to the stallholders by the event
30 organiser, but obviously this is going through Government.

Could the Minister explain what the procedure is and what exactly is this invoice he refers to? Because there are... As he has said, there are some people who have not yet had payment, one of whom did make representations to me, and it maybe a case of just providing some information to the public as to what it is they need to do to expedite the matter.

35 Thank you.

Hon. S E Linares: Well, first and foremost, Mr Speaker, whichever stallholder has been there for more than a year definitely knows the system, and therefore whichever stallholder might have been a new one from this year and could explain why they do not understand the system.

40 The system is very simple. If you have a stall in the GMF and you sell wares, they will then charge and produce the invoice of how much they have sold, which is then tallied with the amount that comes in. But until they present an invoice, until they present how much of their wares have been sold through either the electronic system or whatever, the Ministry will not pay them. But it is not only the stallholder that has to certify that, it has to be the events
45 organiser who are in touch with the people who do the bands and run the system. It is them who have to certify because any stallholder could say they sold x or y, and it has to be certified.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer.

50 May I suggest, just as a matter of expediency, that he contact the event organisers – obviously it is changing this year – to contact all stallholders to perhaps put this matter to rest so that the books can be cleared in respect of anything that is owing to them.

Hon. S E Linares: Yes, Mr Speaker, it would be better if the stallholder who has made representation to the hon. Member contacts the Ministry and we can explain everything that
55 needs to be done.

Q226/2017

Culture and heritage budget – Breakdown of expenditure

Clerk: Question 226, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide a detailed breakdown of the
60 £4,564,379,42 departmental expenditure under head 40, Culture and Heritage, for the position as at 30th September 2016 and explain why this Department has in six months already spent 70% of its annual budget of £6,498,000?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the figure
65 of £4,564,379.42 accords precisely with the half-year information provided to the Opposition. The hon. Member must understand that departmental spending is not necessarily linear, especially in a Ministry such as Culture. Therefore, there is nothing exceptional to the figure given when compared to that of the overall estimate for the full year.

Hon. R M Clinton: Mr Speaker, I thank the Hon. Minister for his answer. He seems to have answered the second half of my question and not the first half of my question. Is the Minister able to provide me a detailed breakdown of the figure I quoted of £4.5 million?

75 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, this is a matter which has been ventilated on a number of occasions in this House.

The hon. Gentleman is talking about the six month figure which was provided to us when we were in Opposition and which we have, of course, therefore agreed to also provide to hon. Members opposite to enable them to have a heads-up of how things are going towards
80 31st March.

Mr Speaker, no breakdown will be provided of that. There is an annual Budget debate that deals with the figure, which is the figure which is set out in the Estimates Book. By the time we get to 31st March we will have a forecast outturn for the current financial year, which will then be the subject of the debate that we have traditionally in June or July, and that is when they get
85 the opportunity to get breakdowns and when they get the opportunity to ask detailed questions on the subject. What we cannot do is allow every Question Time in this House to turn into a mini Budget debate, because if we do that the House is going to come to a standstill.

Hon. R M Clinton: Mr Speaker, I thank the Chief Minister for his intervention.
90 Can I perhaps then ask the Minister: is he confident that the annual budget of £6.4 million is sufficient for the requirements for the year?

Hon. S E Linares: Yes, Mr Speaker.

Q227/2017

Sports and Leisure Authority – Assistant Resources Manager vacancy

Clerk: Question 227, the Hon. E J Reyes.
95

Hon. E J Reyes: Mr Speaker, sir, following on from answers provided to Questions 1/2017 and 96/2017, can the Minister for Sport update this House in respect of the Assistant Resources Manager – that is a grade 4 post – vacancy within the Gibraltar Sports and Leisure Authority?

100 **Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the interviews that were scheduled have had to be postponed as one of the candidates has unfortunately undergone surgery and will be on certified sick leave for the foreseeable future.
105 Once this individual recovers and returns to work the interviews will be conducted.

Hon. E J Reyes: Can I ask therefore the Minister: I understand that an individual can be on certified sick leave and therefore is not fit for work, but is his condition that serious that he is actually hospitalised? It may be possible to attend an interview.
110

Hon. S E Linares: Mr Speaker, as I said, ‘unfortunately undergone surgery’, so the postponement will be whilst he is recovering from the surgery. I can also give the hon. Member the information that there are only two candidates, so therefore they are waiting for this person to get a bit better so that they can then start the interviews.
115

Hon. E J Reyes: Yes, that is helpful, Mr Speaker. At least we now know there are only two candidates, because last month the Minister said the interviews were in the process.

120 I know that medical conditions do make a person not apt to provide their best, so therefore we wish whichever candidate it is that has not been well a speedy recovery. From the medical certificate, as such, does he have a rough idea as to when that would happen? Would it be this side of the Budget? When it comes to Estimate time and he provides the establishment and the staffing levels that may alter and we may end up having a pending post there. I do not know what other information the Minister can shed on that.

125 **Hon. S E Linares:** Well, Mr Speaker, I do not have the information as to when the candidate will be back, but I am sure that the management of the GSLA will want to have these interviews as soon as is practically possible. Therefore, as soon as I am sure that the candidate is at least fit to come to an interview, that candidate will be called in and they will conduct the interview with that person. I could not commit myself, but I am sure if it is a surgery of the type that is not life threatening or anything like that, then I am sure that it will be done very, very soon.

130 **Mr Speaker:** Given the answer that the hon. Member has received, there is no problem in his asking a question in May as to whether it has by then been possible to hold the interviews which have been unavoidably delayed. Okay?

135 **Hon. E J Reyes:** You are correct, Mr Speaker. I was going to say that given that April is the Easter period, in May I'll just ask for an update. But it has been helpful to know that there are only two candidates, and I was going to ask, with your leave, Mr Speaker: in the meantime I suppose someone is acting for this post so that work may continue as normal as possible.

140 **Hon. S E Linares:** Yes, sir.

**Q228/2017
Victoria Stadium –
FIFA/UEFA certifications**

Clerk: Question 228, the Hon. E J Reyes.

145 **Hon. E J Reyes:** Can the Minister for Sport provide details of the Victoria Stadium's football pitch number 1 in respect of FIFA and/or UEFA certifications currently held, together with details of when these certifications were issued and when they are due for renewal?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

150 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, the playing surface of the Victoria Stadium currently holds a FIFA Quality Pro certification. The certificate was issued on 29th June 2016 for a period of 12 months, and as such is up for renewal on 28th June 2017.

155 **Hon. E J Reyes:** After I posed this question, Mr Speaker, as Mother Nature would have it, the high winds have played a bit of havoc on that surface, so I hope that it has been tackled with and so on.

160 Coming directly to the answer, Mr Speaker, the Minister said that the FIFA certification was issued on 29th June 2016. I know previously from my time in the Ministry we used to get the UEFA certifications. Is there no longer a need for that because of the FIFA one? Does that

surpass it, or have we simply given up on UEFA? Perhaps the Minister can enlighten us; otherwise we end up talking in ignorance at sporting events without really knowing the true state of play.

165 **Hon. S E Linares:** Mr Speaker, as far as I understand it, the laboratory that does the testing used to do the testing for UEFA because we were members of UEFA. Now we are members of FIFA they just give you a FIFA certification. I am assuming that they are both the same and therefore it is now a FIFA-certified quality certification. So whether it is FIFA or UEFA it does not make much difference.

170 As to what the hon. Member said about the inclement weather, I can inform the House that matches were played last night and that we will also have maintenance people working as soon as ... Even though matches are being played with the wind we currently have, as soon as the wind slows down, the parts that are just behind the goals which do not affect the matches will be maintained and fixed so that everything is up to standard.

175 **Hon. E J Reyes:** Mr Speaker, one of the reasons why I posed this question is because those of us who do attend the stadium on a regular basis and so on ... One hears concern amongst team officials and so on that there seems to be a bit of doubt about UEFA's ... not FIFA, the UEFA side agreeing once again, like last year, for the pre-qualifier stages of the Champions League to be played. We had last year the games of Lincoln and Europa FC. And they were saying – and it could only be rumours, and I suppose the Minister may want to go back and look at this – that although it is a FIFA certification, UEFA was not quite straight away rubber stamping that, that it did require some sort of further inspection.

180 Given that there is no meeting next month, Mr Speaker, would it be in order simply to ask the Minister to take these next couple of months to look into it and then he can update us in May, or if anything happens in between he can always communicate to me so that if there is nothing to be feared I can certainly join him in a sportsmanlike spirit to allay any fears whatsoever?

Hon. S E Linares: Yes, Mr Speaker, I have no problem with that.

ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

Q237/2017

**World War II tunnels –
Visitor numbers**

190 **Clerk:** Question 237, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide any statistics whatsoever of visitors to the World War II tunnels from December 2011 to date?

195 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
200 Yes, Mr Speaker. For the financial year 2011-12, 24,074 visitors; for the financial year 2012-13, 21,978 visitors; for 2013/-14, 21,831 visitors; for 2014-15, 23,205 visitors; for 2015-16, 27,955 visitors; and for the current soon-to-end financial year up to and including January 2017, 26,534 visitors. Clearly we have to add February and March to the final tally.

205 **Hon. L F Llamas:** Mr Speaker, can I just ask the Minister ... I posed a question back in
December 2016, where I asked for statistics to the Upper Rock attractions during the last five
years and I was told that there were no statistics held by the Government with regard to the
attractions at the Upper Rock, and it has taken me a little bit of actually having to go and visit
the tunnels and see that there is a system in place where you purchase a ticket and you do have
210 an actual tally on the ticket that tells you which ticket number it is ... as to why in December we
were told that there were no statistics for any of the attractions. but I have actually discovered
today that there are statistics in regard to at least one of the attractions.

215 **Hon Dr J E Cortes:** No, I think, Mr Speaker, that ... and I have not got the benefit of *Hansard* in
front of me ... and we have corresponded before and conversed on this before and this was not
raised. I think that what was said at the December meeting was that we were not able to give
particular breakdowns that had been requested because of the way in which the tickets are
separated by cost rather than the other information that he had asked. I would need to check
exactly what the answer was, but I am very glad to say that we have been able to extract this
220 after a considerable amount of work. It may not be possible to do the same with the other sites.
Remember this is a relatively new site and it is run slightly differently to the others, but I am very
happy to look into the actual detail of this now that he has asked me that specific question. I am
sure that there is an absolutely perfect explanation. In any case he should congratulate me for
having been able to obtain information that perhaps he says I said I was not able to obtain.
(Laughter)

225 **Hon. L F Llamas:** Mr Speaker, absolutely. I did ask about visitors in December and then I did
ask for a breakdown between locals and tourists. It was on the locals and tourists that you said
you were unable to provide any statistics, but having asked the previous month on visitors ...
that is why I posed the question.

230 So would it be reasonable to say then, Mr Speaker, that the Minister undertakes to go back
to his Ministry and double check on that question that the facts are correct, given that obviously
there has been some error?

235 **Hon. Dr J E Cortes:** Mr Speaker, I will say more than that. The hon. Member keeps on asking
me every month different aspects of the same information. I do not really know what it is that
he wants to know – I have to surmise it out of the questions. I would be very happy if he wrote
to me or had a conversation with me telling me what does he want to get out of these answers.
These are facts. This is nothing political – nobody is hiding anything. If he tells me what he wants
out of the answers, then I will use my best endeavours to provide what he wants, but it is very
240 difficult because one month I am asked for one breakdown and the other month I am asked for
another – and I really would like to be helpful but I would like a bit more information, and
certainly I will look into everything that I can.

Q238/2017
Heritage Action Committee –
Reactivated priorities

Clerk: Question 238, the Hon. R M Clinton.

245 **Hon. R M Clinton:** Mr Speaker, can the Government advise what priorities has the
reactivated Heritage Action Committee identified following its recent meeting?

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

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Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Yes, Mr Speaker. The reactivated Heritage Action Committee (HAC) will mainly deal with issues that are current at the time, such as specific works with heritage implications, and will improve communication and co-ordination between the different stakeholders.

255

Priorities in heritage will be set by my Ministry in consultation with the soon to be created Heritage and Antiquities Advisory Council.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Hon. Minister for his answer, but he seems to have given me a generic answer in terms of the interaction of the Heritage Action Committee and various other groups. What I am asking for is have they identified any specific priorities.

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Hon. Dr J E Cortes: Mr Speaker, no, what I am trying to say is that the HAC (Heritage Action Committee) is an action committee. It will meet probably every month or every two months, or whenever there is an issue, a proposed development, perhaps necessary works which may have heritage implications. Therefore we will sit with all the representatives there – I think it is only five or six, so definitely quite an acute action committee – to discuss with all the stakeholders what the implications on heritage may be and what we may need to do to mitigate or to avoid the...

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So I cannot tell him the priorities. The priorities will be those that arise at that moment in time. This is not what we are going to create with the new Heritage and Antiquities Act, which is the Heritage and Antiquities Advisory Council (HAAC), which, working with my Ministry, will be setting up the priorities. This is an action committee which will deal with current issues and therefore I cannot foresee what issues are going to be discussed at the HAC; it is not that kind of committee.

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Hon. R M Clinton: I am grateful to the Minister for his answer.

Perhaps he can narrow down the answer to what acute areas, if any, were identified at the last and if not the first meeting, or the recent last meeting, that warranted action.

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Hon. Dr J E Cortes: The last meeting was the first meeting, where we discussed how we would run the committee and the sorts of things that we would discuss. I would need to check on the minutes but I do not think we discussed any specific issue. We may have done, but I would have to check the minutes.

285

I think I have answered the question in the sense that it has not set any priorities. The priorities will be the issue, the development or the proposal – maybe a wall collapses in a monument: what do we do, how do we deal with it? It is that sort of thing. Priorities in heritage will be set by the Ministry and the new Advisory Council and we can look at all sorts of things that we want to do, but this is definitely, as the name describes, an action committee.

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I cannot remember now – it was some weeks ago – what exactly we discussed at that committee. I can check the minutes at a later stage, but I just want to make the distinction: this is not a policy-creating committee, this is an action committee responding to the needs at that given time. I think it is something that is good to have because it brings all the stakeholders together. We can discuss what can be done, what cannot be done, what the consequences are; and sometimes, by putting all our heads together, we may solve a problem to the benefit of heritage. It is that kind of committee.

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Q239/2017
Sewage treatment plant –
Technical specification and contract

Clerk: Question 239, the Hon. T N Hammond.

300 **Hon. T N Hammond:** Mr Speaker, further to Question 449/2015, 8/2016, 332/2016, the Minister's speech during the Appropriation Bill and Question 630/2016, can the Minister provide an update on whether the technical specification for the sewage treatment plant is now understood and when Government might be in a position to award a contract?

305 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the technical specifications for the new sewage treatment plan are understood, although we are still not in a position to award a contract.
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Hon. T N Hammond: Mr Speaker, can the Hon. Minister explain why they are not in a position to award the contract if they now understand the technical specifications?

315 **Hon. Dr J E Cortes:** Because we are still considering how to go forward and there are a wide range of issues, not just technical, that have to be considered. We are currently considering these and in discussion before we take a decision.

Hon. T N Hammond: And is the Minister in a position to describe some of those other issues which are not technical and which are perhaps holding the project up?
320

Hon. Dr J E Cortes: No, Mr Speaker.

Hon. D A Feetham: Are the issues that the Government are considering in relation to this particular project relating to the type of financing that the Government is envisaging in order to build this sewage plant?
325

Hon. Dr J E Cortes: Mr Speaker, I am not able to provide further information to that I have done. These are obviously discussions which have to be confidential in nature until the award is made.
330

Hon. D A Feetham: Mr Speaker, I can understand that the detail of any financing in relation to the project is confidential, but why is it confidential for the Hon. the Minister to say that one of the issues – if that is the case, one of the issues – concerns what type of financing the Government is considering in relation to this project?
335

Chief Minister (Hon. F R Picardo): Mr Speaker, I think the hon. Gentleman has made clear he does not feel comfortable saying any more. I am surprised that he is being pressed, because clearly it is not that he is not comfortable saying more because there is a very good opportunity for the Government and therefore for the people of Gibraltar; it must be that he is uncomfortable saying more because he is trying to put the Government in a good position for the people of Gibraltar and for the Government.
340

I am surprised sometimes, Mr Speaker, that we get so many questions in this House urging us to complete manifesto commitments whilst at the same time we get so many statements in this

345 House inviting us not to comply with our manifesto commitments because of the way that hon. Members opposite say that they see Gibraltar's future.

So perhaps, Mr Speaker, the easiest thing might be if we just turn up here one day and are left on our desks a list that hon. Members opposite might care to produce for us of those manifesto commitments that they would like us to pursue and those that they think that we should not pursue. I assume this one might be on the list of things that they would like us to do, given their questioning on it.

Hon. D A Feetham: Mr Speaker, I know that the hon. Gentleman jumps to his feet every single time that he feels uncomfortable with a question from the Opposition, or alternatively that he has become so omnipotent in his own mind that he really does not want any questions from the Opposition side. But maybe he can answer this: has the Government made a decision as to how this project is going to be funded?

Hon. Chief Minister: Mr Speaker, if I did not want any questions from the Opposition I would not call meetings of the House every month. The hon. Gentleman knows that, outside the constitutional requirement to hold three meetings in a year where there is not an election and two in a year where there is, I have no obligation to hold a meeting of the House every month. I allow them the opportunity to ask questions by signing a notice convening the House every month. So again, Mr Speaker, the hon. Gentleman's political Tourette's gets the better of him.

I get up, Mr Speaker, because he is the Leader of the Opposition, at least for now, on that side, although I note that already there are some saying that they are eying his post – and I do not just mean the hon. Lady in the rocker chair who is in another party; I have even heard it from the newly baptised Deputy that he would not mind the job if it came his way. But as he is currently the leader of the political grouping on that side and he was asking about something which is general, I, as the political leader of the grouping on this side, have got up to reply to him. He got up as a political leader opposite before I got up, so perhaps all of the references to omnipresence and all of the other references, which I thought were the beginning of the usual slide into belligerence, might apply more to him than they do to me.

Hon. T N Hammond: Mr Speaker, I am grateful for the Chief Minister's intervention, as always.

If I can go back to the Minister, can I ask a very, very simple question? (**A Member:** As always.) As always – always very simple. The Urban Waste Treatment Plant, which I believe is what we are talking about, which in the Budget only had £1,000 allocated to it – is this subject to a tender that you are actually looking at, or are you considering the wording of a future tender? Where are we in the process?

Hon. Dr J E Cortes: Mr Speaker, I suppose that on that side it is now two people who get up in every question!

Mr Speaker, I think that the Opposition is aware that this is a tender process that has now gone through most of the process and there is now a preferred bidder, and that is where we are: it has gone through the tender process. It is obviously a very important project and we have to get it absolutely right, but it has gone through the full tender process.

Hon. T N Hammond: On that basis then, Mr Speaker, could the Hon. the Minister, just so that I know when perhaps to come back with a question and when he may be able to answer it ... Does he have any idea, any idea whatsoever, regarding the timeline for the award of the contract? Could it be a month from now, three months, six months, a year from now? Any idea whatsoever?

395

Hon. Dr J E Cortes: Mr Speaker, the juncture we are at, at this point in time, it is difficult to say and I would rather not. It could happen very quickly or it could happen less quickly, so I would rather not commit myself.

Q240/2017
Western Beach –
Action to rectify sewage problem

Clerk: Question 240, the Hon. T N Hammond.

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Hon. T N Hammond: Mr Speaker, bearing in mind the continued poor water quality at Western Beach and the Government's 2011 manifesto commitment to 'act immediately to ensure the sewage problem is dealt with', what activity has taken place since 2011 to rectify the situation?

405

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, since this Government entered into office, Western Beach has become the most frequently monitored beach in Gibraltar with numerous samples taken on a weekly basis.

Furthermore, the Government has and continues to lobby the European Commission in order to find a permanent solution to the Spanish-induced problem of sewage contamination at Western Beach. Four questions have been tabled by MEPs representing the south-west of England and Gibraltar since 2011: on 30th September 2014, again on 26th March 2015, on 30th November 2015 and 12th May 2016.

415

As stated in my answer 329/2015, the latest position from the Commission was stated by Mr Karmenu Vella on behalf of the European Commission in a written answer on 5th May 2015, in which he confirms, and I quote:

The Commission is aware of the possible pollution situation of the bathing site at Western Beach. He stated: The origin of such pollution is the diversion of a storm drain in the municipality of La Linea de la Concepcion, discharging sewage near that beach. The Commission formally contacted the Spanish authorities, to gather further information on the situation.

420

This was the first time that the Commission publicly accepted that the source of pollution lies in Spain. Our action has therefore secured this important development. The Department of Heritage, Environment and Climate Change is currently preparing to send an update of the latest data to the Commission, requesting that they put further pressure on the Spanish authorities.

425

Hon. T N Hammond: Thank you, Minister, for that extensive answer.

Would the Minister agree with me that while we continue to pump our own raw sewage into the sea at Europa Point our case for Western Beach and the Spaniards effectively doing the same is severely weakened in anybody's eyes?

430

Hon. Dr J E Cortes: No, Mr Speaker.

Chief Minister (Hon. F R Picardo): Mr Speaker, if I may say so, with respect to the hon. Gentleman, I have not heard a question which is more against the public interest of Gibraltar put by a Member of the Opposition in this House since I have been elected to it in 2003.

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Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):
Or I in 44 years.

Hon. Chief Minister: And Mr Bossano says in the 44 years that he has been here.

440 Mr Speaker, let us be very clear: the position in relation to Gibraltarian sewage has been the case for many years. It was the case while hon. Members opposite were in Government, it is unfortunately still the case in relation to us because of the complications that the hon. Gentleman has alluded to. But to say that dumping sewage into a Strait which sees a lot of movement of water and which does not produce pollution to either Little Bay or Rosia Bay or to
445 Sandy Bay or Catalan Bay or Eastern Beach –

Hon. J J Bossano: Or Spanish beaches.

Hon. Chief Minister: – and therefore any Spanish beach, because all of them would be further away, somehow makes our case in respect of an area which is close to where sewage is deposited by Spain and makes it impossible to use a beach, and that somehow our case is affected, is to see a Member of the Opposition rise and play into Spanish hands like I would never have though I would see in this House. But I am seeing things in this House done by this Opposition that I never expected to see Gibraltarians do unto other Gibraltarians – because this
455 is not unto the Government, Mr Speaker, this is unto all of us in Gibraltar.

Hon. T N Hammond: Mr Speaker, I am sorry but it is utterly inexcusable that we should continue to be pumping raw sewage into Europa, whether it affects a beach or not.

460 **Mr Speaker:** It is a separate subject, isn't it, which you are perfectly entitled to ask and develop as you see fit, but you are linking one with another. You have a specific question there and you ought to try to deal with Western Beach, and we will allow you all leeway that you wish in that respect.

465 **Hon. T N Hammond:** Thank you very much.

The point is that raw sewage is raw sewage, and where that raw sewage lands is not necessarily neither here nor there. Any visitor to Europa will see what the raw sewage and the impact of it is at Europa and indeed in the environs around Europa. But I do ask, in terms of the activity with respect to Western Beach, whether the Government and whether the Minister
470 believes we are any closer to a solution to that problem than we were in 2011.

Hon. Chief Minister: No, Mr Speaker, the hon. Gentleman has not understood the import of his own question, and if he did – as the Hon. the Leader of the Opposition is suggesting from a sedentary position that he did – that would be even worse.

475 You see, Mr Speaker, it is absolutely true that to reason is not treason. So, if somebody gets up and reasons out an argument which it is important for a community to understand, then that is not treachery and it would be wrong for anybody to suggest that simply because somebody says something and logically explains it and it is important for a community to understand it, that that would be treachery. But to get up here and to make an argument as logically flawed as
480 the one that the hon. Member has made is really not to reason; it is just to get up to seek a headline in a way that does Gibraltar a massive disservice and is against the public interest of Gibraltar.

I will explain it to him again. Sewage coming out of the northern part of Gibraltar, which has been the case for generations and which was the case under the man they call the greatest
485 Gibraltarian of all time and whilst Mr Feetham was in Government with the GSD, cannot affect beaches in Spain because it does not affect beaches in Gibraltar, which are nearer. And so therefore, Mr Speaker, if that is the case, how can there be an argument that we are somehow,

490 in some way, therefore affecting our case about what happens in the north-westerly corner of Gibraltar, which is adjacent to Spain and the sewage that comes out from there and affects our beaches?

The hon. Gentleman knows that we are working to stop the pumping of raw sewage into the sea. The hon. Gentleman also knows it was our manifesto commitment. I believe it was not theirs – Mr Speaker, they did not have a manifesto. Now, in the circumstances, given that they, as a party, have said repeatedly, with the man who is their leader having been represented sitting next to the man who said it, that it was not a priority for them –

Hon. D A Feetham: It was a priority. We said it was.

500 **Hon. Chief Minister:** Well, Mr Speaker, if you look at *Hansard* you will see that the Hon. Sir Peter Caruana – I recall from memory, but memory is something which is best checked against *Hansard* ... that it was not a priority. And so, Mr Speaker, frankly, to now have this suggestion made to us flies in the face not just of their record but flies in the face of logic and puts an argument which, by their standard – forget that I have demonstrated it is illogical, but by their standard – goes against Gibraltar.

505 So if the hon. Gentleman gets up and says this damages our case ... Well, look, Mr Speaker, the way that things have always been done in this House – not just in this House, in politics in Gibraltar – is that if you think that there is an issue which damages the case of the Government and people of Gibraltar against Spain, you pick up the phone, you call the Minister, who at the end of the day is a parliamentary colleague, and you say, ‘John, I am concerned that this damages our case.’ You do not get up here, in the glare of publicity with proceedings transmitted live on radio and on television, and tell José Ignacio Landaluce, Mr Speaker, which is what the hon. Gentleman has done.

515 **Mr Speaker:** No, that is not the point. The point is this: we have just had a question about the sewage treatment plant. Is the Leader of the Opposition offended that I am making an intervention now? Does he think that I do not have a right. Because if he does think –

Hon. D A Feetham: Mr Speaker, you have asked me a question – can I answer it?

520 **Mr Speaker:** But I am entitled, given the exchanges that have taken place ... When there has just been a question on the sewage treatment plant and now there is another one on Western Beach, I am entitled to intervene, am I not? (*Interjection*) Or does the Hon. the Leader of the Opposition think that I am not? But because I have indicated –

525 **Hon. D A Feetham:** You have asked me a question – may I answer it?

Mr Speaker: – that I am going to intervene, you make a gesture indicative of your displeasure. Is that the case? Are you displeased with the fact that I am intervening?

530 **Hon. D A Feetham:** For the third time, may I answer the question?

Hon. E J Phillips: Seriously, a gesture?

535 **Hon. D A Feetham:** Mr Speaker has got the wrong end of the stick. I have to say yet again there is absolutely no offence taken by me about your intervention, Mr Speaker. (**Mr Speaker:** Right.) You are perfectly entitled to say whatever. But, Mr Speaker, of course if you ask me a question I am entitled to answer it.

540 **Mr Speaker:** Right. Now, the position is this. The Hon. Mr Hammond asked the question about the sewage treatment plant. I think – look, I have been out of Government for many years – there is a link between a sewage treatment plant and sewage going into the Straits, is there not? And therefore it would have been quite proper for you to deal with the matter then.

I think it's unfortunate – to say the least, because it has become controversial – that you have linked it with the question of Western Beach, and I have allowed it but I really do not think that they should go any further on this issue.

If the hon. Member wishes to ask a question at the next meeting of the House about the question of sewage in the Straits, I will allow him that question.

550 I will also allow the Leader of the Opposition now, if he wishes, to ask any supplementary, but I do not want any further exchanges on the issue because they are two separate questions and –

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

555 **Mr Speaker:** The sewage in the Straits has got nothing to do with the sewage at Western Beach, but it has to do with the sewage treatment plant and that is where you should have brought the matter up.

560 **Hon. T N Hammond:** Mr Speaker, if I may, the reason I made that reference – and to be honest, the accusations that the Chief Minister has made of me do not become him – is because in their own 2011 manifesto they write:

We will develop a sewage treatment plant, the absence of which has allowed La Linea to defend its own sewage landing at Western Beach by saying we also put our sewage into the sea.

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

565 **Hon. T N Hammond:** So I have deployed precisely the same argument that they have deployed in their 2011 manifesto.

Hon. D A Feetham: Game, set and match!

570 **Hon. Chief Minister:** They have not, Mr Speaker, and the hon. Gentleman should know better than to use sporting references which are going to be thrown straight back at him when I smash this ball in his court.

It is very simple. What we were saying was what La Linea had said. La Linea, Spain, have actually said in the context of the European Proceedings that that is the position. The hon. Gentleman is making the assertion for himself, and so therefore, with an ace, straight back at you.

575 **Mr Speaker:** Does the Hon. the Leader of the Opposition have a supplementary on this matter?

580 **Hon. D A Feetham:** Yes, Mr Speaker, I wanted to return to the question of the complaint that has been made to the European Commission and ask the Hon. Minister: what action is the European Commission taking in relation to the sewage at Western Beach, other than the fact that it has cited responsibility by Spain for the sewage actually being, not pumped, but via that storm drain.

585 What is going to happen? Because at the end of the day, what people want to know is not that the Government has made the complaint and that the Commission has accepted the

responsibility of Spain for this, but what is the Commission going to do in order to obviously have this stopped, which is a state of affairs that is completely and utterly unacceptable?

590 **Deputy Chief Minister (Hon. Dr J J Garcia)** Mr Speaker, I may be able to assist the House with this issue.

My understanding, and this is subject to confirmation, is that there may well be a subsequent answer to the answer that my hon. Friend has given, and that is that the Commission has actually said that they are initiating legal proceedings, or they were, against Spain at that time and they bundled this particular case with other cases which were affecting other parts of the ...
595 the discharge is coming from Spain ... other parts of the Spanish coastline. So I think there is a subsequent answer and that answer points to legal action on the behalf of the Commission, but we need to confirm that.

Mr Speaker: Next question.

Q241/2017
Cemetery –
Maintenance management programme

600 **Clerk:** Question 241, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, further to the motion passed in this House on 24th November 2016, has the Government prepared its management programme for the maintenance of the cemetery?
605

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
610 Mr Speaker, this is nearing completion.

Hon. T N Hammond: Mr Speaker, does the Minister have an approximate date for the completion?

615 **Hon. Dr J E Cortes:** On this occasion I am happy to say that it is just a couple of weeks away. I have seen the document this week and I think it will be ready very, very soon, certainly by the next time we sit in Parliament.

Hon. R M Clinton: Mr Speaker, if I may ask the Minister: if he recalls last time, or a couple of years ago, there was a tender put out for the maintenance of the cemetery – is it the intention to do that again, or is it going to be done in house?
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Hon. Dr J E Cortes: We are considering the options, Mr Speaker. It very much depends on what the actual management programme is to see how we can deal with it.

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Q242/2017
New power station –
Technology re low emissions

Clerk: Question 242, the Hon. T N Hammond.

Hon. T N Hammond: Can Government describe what technology is being used in the new power station to ensure that emissions are kept as low as is possible?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
635 Mr Speaker, the new gas-fired power station will ensure that emissions are indeed kept as low as possible. The use of natural gas, never previously used for power generation purposes in Gibraltar, will ensure that sulphur-oxide emissions are almost zero, that both carbon-dioxide and nitrogen-oxide emissions are much reduced, and lastly that particulate matter emissions to the atmosphere become negligible.

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Furthermore, all six generating sets, not just the dual fuel sets, will incorporate the use of selective catalytic reactors to reduce nitrogen oxide emissions even further, a practice that is uncommon elsewhere in the world when combusting natural gas for electricity generation.

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Hon. T N Hammond: Mr Speaker, can the Minister then confirm that it is not the intention to use any kind of particulate remover as part of the power station, particularly when the power station – as I imagine it may occasionally have to – is running on diesel?

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Hon. Dr J E Cortes: Mr Speaker, the gas does not require particulate removers because the particulate matter in gas is very, very close to zero. Nevertheless, there are various things that we are doing in order to ensure that particulate matter is virtually not emitted from the stacks.

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There will, of course, be continuous real-time monitoring of all the different ingredients of the emissions, so this will be able to be monitored very, very easily. But we are using extremely high-performance diesel. On the rare occasions when it would use diesel, and we hope that that would be virtually never, it would be very high-quality diesel which would have pre-combustion centrifuging to remove any impurities before combustion, so the particulates are removed before the diesel is burnt. So we are removing it, but the intention is that we should use diesel very, very rarely and it is treated before. So it is very high quality and low in particulate matter and it is treated before burning.

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Hon. T N Hammond: But it is not the intention to install any kind of post combustion particulate removal for when and if the power station needs to run on diesel?

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Hon. Dr J E Cortes: Mr Speaker, we are using the best available technology for these engines. As I say, there are different ways of treating particulate matter. If the hon. Member is referring to electrostatic precipitators, these are not suitable for our type of engines and therefore we will not be using those, but we will be using the best available technology and in fact we are in discussion with the local NGOs on it and they seem to be quite content with the methods that we are using.

Q243/2017
Bouygues –
Awarding of ecosite status

Clerk: Question 243, the Hon. T N Hammond.

670 **Hon. T N Hammond:** Mr Speaker, can the Government say on what basis Bouygues is able to award itself ecosite status at the new power station and what independent verification exists for this process.

675 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, no sir. This should be addressed to Bouygues Energies & Services.

Q244/2017
Recent refinery flaring –
Complaint to EU

Clerk: Question 244, the Hon. T N Hammond.

680 **Hon. T N Hammond:** Has Government received a response from the EU reference its complaint about the recent refinery flaring?

685 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the Government has received formal notification from the European Commission that the complaint has been registered and that it is being considered.

690 **Hon. T N Hammond:** And Mr Speaker, again in order to inform me as to when it may be appropriate to ask a follow-up question, do we know when any kind of further answer may be forthcoming in that respect?

695 **Hon. Dr J E Cortes:** Mr Speaker, I have consulted the Chief Minister and Deputy Chief Minister, who are more au fait with the procedures of the European Commission, and we suspect that it would be about six months or so. We can confirm how much these things normally take, but that is our assessment at this point in time.

Q245/2017
Beaches in off season months –
Measures to keep free from dog litter

Clerk: Question 245, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Following various complaints from beach stakeholders, can Government confirm what measures it has in place to ensure that our beaches are being kept free from dog litter in the off season months when owners are allowed to walk their dogs?

705 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the RGP have an operational role in policing this, which is of course not under the control of my Ministry.

710 In addition, the litter wardens and officers from the Environmental Research and Protection Unit patrol the beaches at different times on a daily basis.

Hon. Ms M D Hassan Nahon: Mr Speaker, I informed the Hon. Minister that I have received complaints from beach stakeholders, especially in the Eastern Beach, saying that the situation is pretty dire and it is very unpleasant. So is the Minister telling me that I should refer to the RGP, or do they take ownership for the state of affairs there?

Hon. Dr J E Cortes: Mr Speaker, the hon. Lady is always free to refer to the RGP, as indeed are those persons who are offended by the state in which dog owners will allow their dogs to leave the beach. As I said, they have an operational role in this and that is not under my control.

We also have the litter wardens and the environmental protection officers who patrol there at different times, but clearly they cannot be there all the time and I suspect that the problem happens when there is nobody there to keep an eye on it. We have increased the number of patrols following complaints, which have also come to me, and we hope that this will improve.

725 Hopefully again, once the DNA process, which will come into effect very, very soon – dog owners have until the end of this month to record their dog's DNA ... hopefully, if anybody does allow their dog to foul and does not pick up, we will be able to identify these, so hopefully next winter we will have a more favourable situation.

730 I am very, very concerned about it and I do receive complaints from people, and also from responsible dog owners who are offended at the fact that those who are less responsible give them a bad name.

I will ask the team to redouble their efforts. Thank you.

735 **Hon. Ms M D Hassan Nahon:** Thank you for that answer.

If I can just suggest perhaps the situation is almost like quite innocent because dog owners leave their dogs to run wild as such in the off season months and they might not run after the dogs to check on what they have done. So perhaps would the Ministry for the Environment be interested in putting up more signs to raise awareness for owners to be more on top, literally, of their dogs and go after them and make sure that they pick up after they do their business?

Hon. Dr J E Cortes: Mr Speaker, absolutely. Obviously now we will be probably looking at next winter and clearly, unfortunately, as we all know, signs in themselves do not solve the problem, which is why we have had to introduce the DNA fingerprinting, but certainly this is something that we would be very happy to do.

Q246/2017

**Bayside and Westside Schools –
Security arrangements**

Clerk: Question 246, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Following my Question 768 of November 2016, has
750 Government made any changes yet to security arrangements at the entrances of Bayside and
Westside Schools?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, both secondary schools have enhanced security arrangements by strictly controlling
access through particular entrances whilst increasing supervision on others. These
improvements are particularly evident at Westside School, where access through the main
760 vehicular and pedestrian thoroughfare is restricted and closely regulated.

If I may add to my prepared answer, Mr Speaker, we have recently ... and perhaps to
illustrate it further, the reception in Westside School has been moved forward to the front of the
school, the southern side of the school, rather than inside the patio. In the past you had to go
into the patio and then into reception. Now reception is on the front line and that has already
765 made a tremendous difference – and further works may be undertaken in the future.

Hon. Ms M D Hassan Nahon: Mr Speaker, I appreciate that answer and I do recognise that
Westside has seen an improvement. The Bayside one though, however, I think still needs
improvement and I remain very concerned given its position in terms of also the front to the
770 airport and the fact that it is still accessible. I drive my son there every morning and in this day
and age it just takes one mad man and it is rather worrying and I urge the Government to take
this as a matter of priority, please.

Hon. Dr J E Cortes: Certainly, Mr Speaker, we are already more vigilant, as I have said, and as
775 I say, it is very likely that we will be carrying out works in order to increase that further, certainly
before the next academic year.

Q304/2017

**Brexit –
Impact assessments on Social Care, the port and tourism**

Clerk: We now move to Question 304. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, in the light of the Brexit referendum, has the Government
780 carried out any impact assessments on Social Care, the port and tourism? If so, are they able to
disclose the details of such assessments and the plans to counteract any potential risk in these
sectors?

Clerk: Answer, the Hon. the Deputy Chief Minister.
785

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, yes, the Government has carried out an impact assessment into the areas that the hon. Member has raised in his question. The Government are not able to disclose any such assessments, for obvious reasons.

790 **Hon. L F Llamas:** Mr Speaker, I can understand how the Deputy Chief Minister deems fit not to disclose those assessments in this House, but would it be possible to have a confidential copy at all?

795 **Hon. Dr J J Garcia:** Mr Speaker, I would be happy to brief the hon. Member – not to supply a copy, but certainly to brief him on the situation.

Q305/2017
Nuffield Pool –
Timeline re handover; free admission

800 **Clerk:** Question 305, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, does the Government have a timeline for when the Nuffield Pool will be handed to them by the MOD and is it still their intention to make it available to the public for free?

805

Clerk: Answer, the Hon. the Deputy Chief Minister.

810 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the handover of the Nuffield Pool by the Ministry of Defence is dependent on the completion and commissioning of the new facility being built at Four Corners. It is anticipated that these works will be completed during the fourth quarter of 2017 with a handover therefore likely in January 2018.

Our 2015 manifesto says, and I quote:

when the Nuffield Pool is handed back to the Gibraltar Government by the MOD a pool will be open to the public at no fee as part of the facilities available to bathers in the area of Camp Bay and Little Bay.

This remains a policy of the Government.

ADJOURNMENT

815 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should now adjourn to Wednesday, 29th March at 10.30 in the morning.

Mr Speaker: The House will now adjourn to Wednesday, the 29th of this month at 10.30 in the morning.

The House adjourned at 3.35 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.35 a.m. – 12.32 p.m.

Gibraltar, Wednesday, 29th March 2017

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The Gibraltar Parliament

The Parliament met at 10.35 a.m.

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

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

Suspension of Standing Order 7(1) to proceed with Government Statements

Clerk: Meeting of Parliament, Wednesday, 29th March 2017.

Mr Speaker: I have received notice from the Chief Minister that he intends to move now the suspension of Standing Orders in order to make two Government statements this morning. I should also inform Members that he will do the same this afternoon in order to make an additional third Statement this afternoon.

The Hon. the Chief Minister.

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

Mr Speaker: I now put the question that the Standing Orders should be suspended as moved by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

The Hon. the Chief Minister.

Westminster terrorist attack – Statement by the Chief Minister

Chief Minister (Hon. F R Picardo): Mr Speaker, the terrorist attack last week in London was a strike on the Mother of all Parliaments. It was an attack on British democracy and as such it was also an attack on this Parliament. We take our powers from an Order in Council that originates at Westminster, we are part of the Commonwealth Parliamentary Association which is based at Westminster, and of course we are British and any attack on Britain is therefore also an attack on us.

In this instance in particular, Mr Speaker, I can tell Hon. Members that, along with the Deputy Chief Minister and the Attorney General, I was in exactly the area of the attack the very day before. We had been in the Lords and in the Commons lobbying for Gibraltar, meeting friends of Gibraltar and engaging with Members of both Houses of Parliament in support of Gibraltar's cause, and on our television screens we saw many regular visitors and friends of Gibraltar affected by this attack.

Mr Speaker, it is the Westminster Parliament that represents the modern concept of the rule of law. It is that Parliament which has, for longer than any other, been the embodiment of freedom and respect, and we in this Parliament will want to stand shoulder to shoulder with our parliamentary colleagues at Westminster in the Commons and the Lords. We express our

solidarity with all MPs and all those who work in the Parliament in London. In particular, we express our condolences to all those who lost loved ones in this attack. Four innocent dead in the heart of Whitehall is an atrocious tally of evil that all in this House will want to roundly condemn.

Specific mention must be made of the loss of life of police officer PC Keith Palmer. On days like last Wednesday we are reminded that we are indebted to all police officers for the dangerous and often thankless work that they do to keep us safe. The death of a police officer in these circumstances serves only to emphasise the risks that they take every day.

It is also worth noting the heroic efforts to revive PC Palmer of former Gibraltar ADC Tobias Ellwood, now a Minister in the Foreign Office, and he has now been elevated to the Privy Council.

Mr Speaker: Does any other hon. Member wish to speak?

The Hon. the Leader of the Opposition.

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

The Hon. the Chief Minister speaks on behalf of the Opposition in what he has said to this House in his Statement a few moments ago.

All that I would do on behalf of Her Majesty's Opposition is to offer our condolences to the families of the victims and also all those who were injured, in particular the four individuals who unfortunately and tragically lost their lives in this terrorist attack: Aysha Frade a mother of two; Kurt Cochran, a US tourist; Leslie Rhodes from South London; and of course, as the Hon. the Chief Minister has pointed out, Police Constable Keith Palmer. All of them left their homes and their families that morning expecting to return to their homes and their families later on that day and unfortunately did not do so, and on behalf of her Majesty's Opposition I wish to extend my condolences to the families of the victims.

Mr Speaker: The Hon. Ms Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, every year on 5th November the United Kingdom comes together to essentially celebrate a failed terrorist attempt to destroy the House of Lords. This atrocity that was not has become a part of folklore, but it draws attention to the fact that even over 400 years ago the heart of British democracy was already a target for those who wanted to subvert the values that the building represents.

Last week the edifice came under attack again and while the methods may be different, the times more modern and the building itself changed, the intentions were still the same: to threaten our freedoms and our political structures and to inspire fear into the hearts of the world's citizens. And while Guy Fawkes and his co-conspirators were defeated, so was this latest perpetrator, showing that these values are as robust and as deep rooted as the buildings that protect them.

In this case, unfortunately, there were some fatalities and we, as a House that also protects the democracy it represents, must pay tribute to their memory. These victims themselves characterise the kind of modern pluralism that extremist actions fail to undermine. A female British teacher of Spanish origin, a male American tourist, an elderly English man – who, incredibly, used to wash the windows of that very bastion of democracy himself, Winston Churchill – and, of course, an unarmed police officer who was tragically killed while discharging his duties. As unnecessary and cruel as these deaths are, Mr Speaker, they are nonetheless a reminder to us all of the value and dignity of a life bereft of hatred, violence and evil. I express my deepest and sincerest condolences to the families of these individuals with the assurance that their memories will never fade in our appreciation of the freedoms we enjoy.

But this is a time of heroes, Mr Speaker: of heroes like PC Keith Palmer, guarding the front line of these freedoms; of heroes like MP Tobias Ellwood, selflessly helping wounded, despite the uncertainty of the event's immediate aftermath; of heroes like all those policemen who

stand outside high-profile targets and promise us that our lives will not be disrupted; and of
85 heroes like the security and emergency services that protect our communities and keep us safe.
And while the pain we all feel will eventually fade, history will remember these heroes and the
sacrifices they have made in the name of everything we hold dear.

But there is perhaps no bigger hero than the City of London itself. This glorious metropolis
has weathered many storms, but wounded and cornered it has refused to be beaten. It has risen
90 from the ashes of the Blitz, it has risen from the rubble of Bishopsgate, it has risen from the
mangled steel of the July bombings, and every time it has risen it has defied hatred as a diverse
and cosmopolitan city of dreams that will not bow to violence but instead will stand up for the
democratic values that we represent.

The very morning after the attack Parliament convened in that same building, showing that
95 the wheels of democracy were far from having been derailed. People took to the streets to
reclaim their own freedoms and show that the City's heart was still beating, that democracy
cannot and will not be defeated and that we will not give in to the fear of hatred. London and its
people should be commended for this response, for sending a clear unified message to those
that aim to divide.

100 But this response, Mr Speaker, must be a responsible one. The world cannot afford for these
actions to create tensions between its people. This event and the person behind it must be
rightly condemned, but we must not blame race or religion or immigration, or revile an entire
culture because of the actions of one. Violence and hate cannot be allowed to divide people and
to make us cast doubts and suspicions over others. To do so would be to threaten the values
105 that many have died protecting, and the unity of our condemnation must be matched by the
unity in our humanity. These were the actions of one deranged and evil individual, a man
resentful of our freedoms, representing nothing but a violent anger that has no place in any
spirituality, and it is precisely by being united and by remaining loyal to our common humanity
that this futile menace will be defeated.

110 This has been an awful episode in human history, Mr Speaker, but I am confident that these
stories of heroism and this stoic refusal to give in to fear will once again show us for the
remarkably lucid and compassionate species we are.

Thank you.

115 **Mr Speaker:** Does any other hon. Member wish to associate themselves with these
sentiments? I will now ask the House to –

Hon. Chief Minister: Mr Speaker.

120 **Mr Speaker:** Chief Minister.

Hon. Chief Minister: Mr Speaker, I will now call on the House to observe a minute's silence in
honour of the City of London and the Members of Parliament at Westminster.

A minute's silence was observed.

Tribute to Maurice Xiberras

125 **Chief Minister (Hon. F R Picardo):** Mr Speaker, all Members of the House will have been
saddened to hear of the death of Mr Maurice Xiberras.

Mr Xiberras sat on benches on both sides of this House. As a leading light in the integrationist
movement of the late 1960s, Maurice became a Member of the House of Assembly as a
Government Minister, with Sir Bob Peliza as Chief Minister from 1969 to 1972 and with Peter

130 Isola as a fellow Minister. Those were challenging times, Mr Speaker. The Frontier was closed and logistical arrangements akin to a Berlin Airlift had to be put in place.

After the election of 1972, Mr Xiberras remained in this House as a Member of Opposition, with Sir Joshua re-elected as Chief Minister. In that year, of course, Mr Speaker, both you and Mr Bossano were elected with Mr Xiberras as Members of this House. Interestingly, Mr Speaker, I note that today in this House there are two people who sat with Mr Xiberras in this place and two people who stood with Mr Xiberras in elections to this place. You and Mr Bossano sat here with him between 1972 and 1979, and Mr Bossano and Mr Feetham stood with him in 1972 and 2003 respectively. I do note that in the gallery we see a former Member of this House, Mr Caruana, who also sat here with Mr Xiberras.

140 Mr Speaker, the 10 years in which Maurice was a Member of this House were, as ever for Gibraltar, challenging and difficult. The closure of the Frontier by the Dictator General Franco was perhaps the most difficult moment, but no less difficult was the return of democracy to Spain and the UK's attempts to engage us in sovereignty discussions with Spain as a result. For much of that time Maurice was in the heart of the action as a Member of this House and as a Minister or Opposition Member or Leader of the Opposition.

145 A very full biography of Mr Xiberras cannot be given today, but it is worth noting that he was a Member of this House for a decade and that he was known for his eloquence whilst here. I will always remember a phrase he coined in the 2003 General Election, the first one I and the Leader of the Opposition were candidates in. Maurice's turn of phrase then was to say that the election was not about grooming horses. I could see how he had managed to encapsulate contesting theories about what that election could be about in just one phrase. He will have been pleased that neither of the two colts in that election have done badly.

I considered Maurice to be a friend, Mr Speaker, who could argue a totally contrary political position but who was nonetheless happy to have dinner and share anecdotes and tales of political battles past in a convivial and jovial spirit.

155 Last week, on hearing of his unexpected death, I spoke to his son David to express the condolences of the Government and of the people of Gibraltar. Today, I record the thanks of this House for Maurice's work in it and his contribution to it.

Mr Speaker, the angry young man is with us no more, but his powerful words in debate, his anger at injustice, his passion for Gibraltar and his contribution to this House will live forever in the record of proceedings of this place. (*Banging on desks*)

Mr Speaker: The Hon. the Leader of the Opposition.

165 **Hon. D A Feetham:** Mr Speaker, much has been said about Maurice Xiberras the politician, and he was indeed one of the great political figures of his time: a founder member of the IWBP; a member of the Constitutional Conference that negotiated for Gibraltar the 1969 Constitution with its linchpin the preamble to the Constitution; he was de facto Deputy Chief Minister in the IWBP Government of the early 1970s and then Leader of the Opposition with the IWBP and then the Democratic Party for British Gibraltar.

170 There is absolutely no doubt that he was, together with Sir Joshua Hassan, Sir Bob Peliza and the Hon. Member opposite, the Father of the House, one of four political figures that dominated politics in the 1970s. To this day his result at the 1976 election, where he stood as an independent following the collapse of the IWBP, coming second in the overall results, continues to be the best result by an independent. Indeed, no independent since has in fact succeeded in being elected to this House.

175 It was a great shame, it has to be said, that despite the fact that he was honoured by this Parliament with the Gibraltar Medallion of Honour, he was not alas honoured by Her Majesty. I do not understand the reason why, Mr Speaker. Perhaps it was that he left Gibraltar for the United Kingdom in 1979, at a time when I am told the DPBG were ahead in the polls, in order to follow his wife and his two young children.

Anyone who has served in politics at the level that Maurice served will understand the unique pressures that politics places on family life. His wife Shirley was raised in Jamaica, unused to living in a small place like Gibraltar and relying on a very small parliamentary salary, and with those unique pressures the strain must have been extremely difficult indeed. When Shirley left Gibraltar he followed, but unfortunately their relationship did not endure and they separated after a few years.

I know that having left Gibraltar in these circumstances left very deep emotional scars, and years later he would tell me that for many years he felt as if he had turned his back on his country. It was one of the reasons why he stood with me in the 2003 election. He wanted, win or lose, to exercise that ghost that had haunted him for many years and he did so by standing again, even though he knew he had little prospect of getting elected. I am glad he did, Mr Speaker, because he became like a father to me, like a mentor, and he followed ... and I indeed followed him – we travelled together in my own political journey since 2003.

He was a man of enormous understanding, honesty, integrity and humility. He was described in the 1970s by his political opponents as ‘an angry young man’. I never knew him as a young man, but I never saw him lose his temper. He was firm when he had to, he would get on his high horse when he felt a matter of principle was at stake and would never compromise on what he felt was fundamental, but I never saw him lose his temper.

If I was to pick a gripe with him it was that his powerful intellect often led him into writing opinion pieces which I described to him, and he agreed, as being the length of a mini thesis. He just had to cover every single point he felt was important, from every conceivable angle. Even after he left frontline politics he would often send me his opinion pieces for a second opinion, always with the title in the email ‘Please slash away’.

It is, of course, his unwavering commitment to retaining British sovereignty over Gibraltar that he is best remembered, a commitment that earned him the nickname at the Foreign Office of the ‘Abominable No Man’. He was deeply suspicious of the Foreign Office but also, it has to be said, of any nationalist tendencies in Gibraltar. He was of course deeply committed to the concept of maintaining our current levels of autonomy whilst strengthening our links with the United Kingdom in the form, in his latter years, of devolved integration – something that he and I both believed might become increasingly relevant in this new chapter that Gibraltar travels in post Brexit.

A few years ago, Mr Speaker, his beloved Mary Ann passed away, unfortunately because of cancer. She had been his partner for many, many years and I knew that he was deeply affected by her loss. I know that he is now in a better place. Maurice, my friend, my mentor, until we meet again may you rest in peace. *(Banging on desks)*

Mr Speaker: Does anyone from the Government ...? The Hon. Mr Bossano.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, I had little contact with Maurice after he left Gibraltar, and therefore what the Hon. the Leader of the Opposition has told us about his subsequent life is something that I think many of us are not familiar with to the level of knowledge that he has told us today.

But of course, I came into politics because of the position that was created in 1964 when the United Nations Committee of 24 for the first time was addressed by Sir Joshua and Peter Isola and came out with a decision which stands today as it stood in 1964 and is the basis of the annual battle we have to fight in the United Nations. And it was because at the time the position that was being taken was that Gibraltar wanted close association – something that did not exist in the terminology of the UN; there were only three options there – there was an option of integration which we were not familiar with but which in fact was brought to the light of day by a journalist who was also working in GBC, Hector Licudi, who was the first one to raise the issue of that option as an alternative. We set up a group to investigate the possibility. We got in touch with the Maltese, to whom it had been in fact offered and Mintoff eventually rejected it, and

235 from that initial investigation we created the pro-integration movement which was the
precursor to the IWBP. The pro-integration movement was the first contact I had with Maurice,
other than the fact that we shared years together in the grammar school, and in that first
240 contact it was when we first started gathering some momentum for the concept. Indeed, it was
no more than an NGO. Within the AACR we had supporters of integration and there was a
debate, which was not a partisan debate – we were looking at the merits of the alternatives that
were before us in a situation where what was available under the UN Charter, which was not so-
called close association but free association, had a serious weakness from our perspective at the
245 time, which was the fact that the relationship could be ended unilaterally by the UK. Therefore,
a free association in decolonisation mode would have allowed the United Kingdom – given the
atmosphere that there was then, and continued with even greater force after the death of
Franco, that a deal had to be ... The UK resisted. The United Nations called for talks with Spain
250 until Franco died, and that is at the time that I was in Opposition and Maurice was in Opposition
and it was at that time that the talks started with Marcelino Oreja in Strasburg. Those talks were
the talks that were being held under pressure from the United Kingdom in order to comply with
the UN recommendation – because it was not a binding thing – that the process that
decolonisation should de facto be one in which Spain would be involved, and as far as Spain was
concerned their involvement was only to agree the terms of the recovery of Gibraltar.

In that context the position that Gibraltar found itself in following the referendum was a
position that was extremely difficult, because the restrictions were getting worse by the day and
it was a baptism of fire for somebody like Maurice and Joe and other people who came in for the
first time into Government, straight into Government without having been in opposition before
255 and having had the opportunity to learn the ropes of the game, and having faced a situation
where overnight our workforce was disappearing. The one thing that people fear, which I think
we are all confident is not going to happen, is a repeat of that situation. If today the workforce
that we have in Spain could not come in, the effect on our economy would be even greater than
it was in 1968, because at that time many of those workers were here to keep the military base
260 going, but today it is not the military base that is going but the private sector, which is what
brings in all the money that we authorise as should be spent in this House through the taxation
of that wealth, and we need to understand just how important it is that we keep the private
sector going. But in those days when Maurice came in, the importance was that the military
base, which was 70% of our economy, and the public services were the big users of foreign
265 labour and that foreign labour had to be sourced, and a deal was done with the Moroccan
government using the offices of the British government to bring people here. And Maurice, as
Minister for Labour, was faced with a situation that nobody had ever had to face in that job
before. It was on the basis of that we were enabled to keep an economy that was flourishing
because the level of activity on the military base was kept up. Within the confines of what could
270 be done in four years, I think the transformation that was carried out in Gibraltar by the first
IWBP Government, which came in under very difficult circumstances and not only managed to
maintain the momentum of the economy but in fact did more – admittedly, some of it with UK
development aid, because of the aid programme under the Sustain and Support policy that the
UK put in place the moment that we had the threat of being strangled by our neighbour, but
275 nevertheless it produced enormous results and the Government was able to rally everybody
around in a situation where people were prepared to work voluntarily. I remember Bob Peliza
going to work in the Alameda Gardens to give an example to the rest of doing work free of
charge because of areas that were short of labour.

I think that Maurice's contribution in a technical sense, in terms of being able to deliver
280 things with his ability, was a very important part of the success of that Government and I believe
that for him it must have been very difficult to leave Gibraltar and leave his involvement in
politics.

I was the one who invited him to join the integration movement before it became a political
party, and there were other people in that original movement from all walks of life and it was

285 completely non-partisan. It became a political issue when there were two political parties, each one with a different philosophy. The philosophy was what was best for Gibraltar.

I think in this House and in our community it is very important that we limit our differences to legitimate things in which we believe we are advocating what is best for Gibraltar and we do not allow it to deteriorate into something that becomes then a personal issue between us and we then follow a course of action which is driven no longer by putting the interests of our country and our people first. I do not think that ever happened with Maurice. I think Maurice believed with everything that he said that he was doing what was best for Gibraltar, even though some of us might have disagreed with some of his later statements after he left Gibraltar and came back.

295 Certainly we were very close friends, we were very close colleagues and I join the statements that have been made by the Chief Minister and the Leader of the Opposition at the great loss that Gibraltar faces. Some of us are nearer that point in life than others.

Hon. D A Feetham: Perish the thought!

300 **Hon. J J Bossano:** I hope that it will be a long time before speeches have got to be made about me in this House!

Hon. Chief Minister: Hear, hear. (*Banging on desks*)

305 **Mr Speaker:** The Hon. Ms Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, my family name's connection with the late Maurice Xiberras is one that goes back many years, even to a time before either you or the present Father of the House were involved in local politics, difficult as it may be to imagine such a time.

310 He was a contemporary of my father's and as such played an important part in helping Gibraltar take those tottering steps towards being a more functional and self-sufficient democracy. Mr Xiberras's contributions as a member of this early generation of Gibraltar's political development are significant and include his participation in the Constitutional Conference that led to our previous and historic Constitution; serving as a Minister in the IWBP Government and later as Leader of the Opposition, a role that saw him represent Gibraltar's interests in discussions with the United Kingdom and Spain, as well as accompanying my father to Strasbourg for these important meetings.

320 Mr Xiberras played these roles with full conviction to his principles and values and there was never any doubting of his commitment to what he felt was the best for Gibraltar. Of course, Mr Speaker, history naturally shows that Mr Xiberras was also a political rival of my father, but despite this, Sir Joshua always held his adversary in high regard. They disagreed on many matters of local and international concern, disagreements which have continued well beyond my father's sad passing, but as has tended to be the case in local politics, there was a healthy mutual respect in this relationship between Chief Minister and Leader of the Opposition. Indeed, Mr Xiberras wrote my father a very kind letter shortly before his move to the UK, where he expressed both his admiration and his appreciation for the way in which Sir Joshua had always treated him. And while the particular versions of history may have differed, I can confidently assert that my father and his family have always remained similarly appreciative of how Mr Xiberras served the people of Gibraltar.

325 It is unfortunate that Mr Xiberras's direct involvement in local politics was cut short with his passing, for I am convinced that he would have continued to make important contributions to our evolving democracy. It is obvious that his interest in local developments continued even to recent months and his engagement was still today helping to shape the minds of some.

335 As a member of the latest generation of a genealogy of parliamentarians that both my father and Mr Xiberras started almost 50 years ago, I would like to give thanks for his loyal service to

the nation we have all been elected to represent, and of course, would like to extend my condolences and those of my family to all of Mr Xiberras's loved ones. May he rest in peace in the knowledge that Gibraltar is a better place today because of what he did yesterday.

340 Thank you. (*Banging on desks*)

Mr Speaker: I would like to echo those sentiments myself. I am not going to deal with the politics of the situation. My relationship, my close friendship with Maurice was also based on other pillars. We spent six wonderful years teaching together in the grammar school. During that
345 time we were both also involved with the Teachers' Association campaigning for the recognition of teachers, which we did not enjoy then and which they enjoy now.

Another aspect of our close friendship was the fact that for a decade we used to go out to bat opening the innings for Grammarians. We were both very keen cricketers, something that also strengthened our friendship.

350 Politics never divided us. We could rise above that, something that I would commend to all. It is terribly important that we should all realise that there are much more important matters in life that bind us together than political differences.

I join myself, my staff as well, with the sentiments that have been expressed. It was a terrible shock. Only last January Maurice was sitting pretty well where Joe Caruana is now. It was the
355 last time we saw him in the House. (*Banging on desks*)

Hon. Chief Minister: Mr Speaker, in light of those tributes across the floor and from the Chair, I would now invite the House to observe a minute's silence as a mark of respect for the passing of Mr Maurice Xiberras, a former Member.

A minute's silence was observed.

360 **Hon. Chief Minister:** Mr Speaker, I think the best way to honour the Westminster Parliament and Maurice Xiberras's memory is to have questions, argument and debate in this House.

Questions for Oral Answer

INFRASTRUCTURE AND PLANNING

Q229/2017

**Park and ride –
Manifesto pledge**

Clerk: We now proceed to answers to Oral Questions, and we commence with Question 229. The questioner is the Hon. T N Hammond.

365 **Hon. T N Hammond:** Mr Speaker, does Government have any plans to construct park and ride car parks to the north of the runway as per the 2011 manifesto pledge and then rent all spaces in the Devil's Tower Road car park to residents?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.
370

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, as part of our Government's 2011 manifesto commitment to provide parking north of the runway, Her

Majesty's Government of Gibraltar announced on 16th January 2014 the use of Western Beach car park.

375 Her Majesty's Government of Gibraltar also invited tenders in 2014 for the commercial development of the old air terminal site. One of the tender requirements was that any proposals include an element of parking for cars and motorbikes for public use.

In view of the Traffic Plan and its potential options for the car park at Devil's Tower Road, no final decision has been taken on the use of this car park.

Q230/2017
Midtown car park –
Breakdown of space ownership

380 **Clerk:** Question 230, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, of the 456 parking spaces sold at the Midtown car park, can the Government say how many different owners there are and if there are any instances of multiple space ownership, provide a breakdown of the number of spaces purchased by a single owner given the number of spaces owned by each owner?
385

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the information requested is attached in the schedule handed to hon. Members.
390

Answer to Question 230/2017

The records held by Gibraltar Car Parks Ltd show as follows:

Owners with one parking space	259	259
Owners with two parking spaces	62	124
Owners with three parking spaces	5	15
Owners with four parking spaces	3	12
Owners with five parking spaces	2	10
Owners with six parking spaces	3	18
Owners with eight parking spaces	1	8
Owners with ten parking spaces	1	10

Hon. T N Hammond: Mr Speaker, I am not sure that the Minister will be able to answer this question but I will ask it anyway. I note on the list that there is a single owner with eight parking spaces and another single owner with 10 parking spaces. Is the Minister aware of whether that is a private individual or a company that owns those spaces?
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Hon. P J Balban: Mr Speaker, yes, they are both companies.

Q231/2017

Black cabs –

Progress re environmentally friendly engines

Clerk: Question 231, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Minister say what progress has been made with the
400 introduction of black cabs with environmentally friendly engines?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the London Taxi
405 Company (LTC) are currently in the process of inaugurating their new facilities in Coventry, UK,
where the new electric TX5 black cab will be manufactured. The left-hand-drive version will not
be available until early 2018 with LTC focusing their initial builds on the right-hand-drive version,
which is their core market.

We expect to be able to procure this version of the traditional London taxi. The left-hand-
410 drive Euro 6 version of the outgoing TX4 version was not manufactured by LTC due to resource
deployment totally being allocated to the preparation of the new facilities and the development
of the right-hand-drive new TX5.

Hon. T N Hammond: I thank the Minister for that response. I just pick up the suggestion that
415 there will be a procurement: is it Government's intention to actually procure the black cabs
themselves, or will they be procured privately?

Hon. P J Balban: Mr Speaker, these black cabs were to be procured in partnership with the
420 GTA.

Hon. T N Hammond: And can the Minister describe how that partnership will take shape?
What does it mean 'in partnership with the GTA'? Is Government going to be providing funds for
that?

Hon. P J Balban: Mr Speaker, we have not completed our discussions on this with the GTA, so
425 it is still ... When the black cabs are available we will then sit down to discuss the detail. The
issue this has not been done before is because the black cabs, as I said in my initial reply, have
been impossible to procure, not that we did not want to procure them. In fact, we are very keen
on seeing black cabs within Gibraltar reflecting the Britishness of Gibraltar, but unfortunately
430 they were not available and because this has now been thrown ahead until probably late 2018,
the discussion really has not been finalised in that respect.

Hon. T N Hammond: But surely, Mr Speaker, if the plan is to enter or to have a partnership
with the GTA, and bearing in mind this concept was introduced back in the 2011 manifesto, 2018
435 is not so very far away now, and it certainly was the case in 2011. There must have been some
conversations already with the GTA, some agreements in principle as to how this partnership
would work.

Hon. P J Balban: Mr Speaker, we work with a GTA Committee whose life is much shorter than
440 ours is within Parliament, and as committees change opinions change, so perhaps what was
discussed very briefly with one committee has evolved with the re-election of other committees.
It is not until we see these cars becoming available, which is what we are waiting for now, that
we will then sit with the committee of the day to discuss the final details on how we proceed
from here on.

445 **Hon. T N Hammond:** Mr Speaker, presumably an initial costing exercise at some point was undertaken in order to come up with this manifesto commitment. Does the Minister have any idea of how much a single black cab of this nature would cost?

450 **Hon. P J Balban:** Mr Speaker, we have no idea what the new electric cabs will cost. The initial investigation was made with the TX4s and we do not know what the new electric vehicles will cost in the future.

455 **Hon. T N Hammond:** And could the Minister, if the calculation has been done for the previous version of the cabs, provide a figure approximately of what one of those cabs would have cost?

460 **Hon. P J Balban:** Mr Speaker, the question the hon. Member is asking is not relevant whatsoever. The question he is asking is what we calculated the price of the vehicles were then; that is totally different to what the price of the electric vehicle will be in the future. Until we have a final price for these electric vehicles it is calculations made in the past, which are totally different today.

465 **Hon. R M Clinton:** Mr Speaker, I would be grateful if the Minister could indicate whether it is the intention with this partnership with the GTA, whether to provide black cabs, to replace all taxis with black cabs or just a proportion of them. We can obviously go to the internet and find out what the cost of a black cab is to purchase and we can do the maths ourselves if he can tell us how many cabs he thinks will be involved.

470 **Hon. P J Balban:** Mr Speaker, initially what we are looking at is just the 'cabs', in inverted commas, the private hire vehicles which belong to the GTA. That is the only thing that was being looked at. There would be, I would say ... I cannot remember off hand, but I think there are six vehicles which are run by the GTA themselves. That was the initial part of this plan.

Q232/2017
'No idling' signs –
Update

Clerk: Question 232, the Hon. T N Hammond.

475 **Hon. T N Hammond:** Further to Question 196/2016, has the Government had an opportunity to review the recommendations made in its Environmental Action and Management Plan on 'No idling' signs; and does the Government intend to begin a programme of placement of these signs, and if so, where?

480 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

485 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the Government is reviewing the recommendations on 'No idling' signs as part of a holistic review of the EAMP. The intention is to ensure that recommendations relating to traffic and traffic reduction reflect and complement the measures included in the Sustainable Traffic, Transport and Parking Plan, which is to be published shortly. Additionally, many vehicles now feature no-idling facilities built in.

Hon. T N Hammond: Mr Speaker, just bearing in mind originally in the Environmental Action and Management Plan the placement of 'No idling' signs actually had a timeframe associated

490 with it – I do not recall, I believe it was 2015 but I stand to be corrected on that – is the Minister
now saying that actually it may be the case that a decision will be taken on review that that
recommendation will be rejected and that no ‘No idling’ signs will be placed? What is the
purpose of reviewing a recommendation which appeared within the plan to have already been
accepted by the Government?

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Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):

Mr Speaker, the Environmental Action and Management Plan is under constant review and it
is acutely being reviewed at the moment. A lot of the commitments in the plan have been
achieved; others we have to review the time frame for them.

500 I do not think that reviewing something actively should be taken as a negative and I suspect
that when we get the review completed and we have new ... Remember that these timeframes
are aims, they are not ... You do it in advance and you are not absolutely certain that you will be
able to hit them, but certainly the intention is to complete all these requirements and it is very
likely that the ‘No idling’ signs will still be a feature of the plan.

505 **Hon. T N Hammond:** I thank the Minister for his intervention. Could I just ask, because
representations have been made to me, whether the Government would consider at least
accelerating the process for the placement of ‘No idling’ signs particularly at the Frontier, where
it is an obvious place, when there is queueing, for ‘No idling’ signs to be placed, and also in areas
of the Upper Rock where often vehicles are in queues and similarly pollution can become a
510 problem for pedestrians?

Hon. Dr J E Cortes: Mr Speaker, I do not have the plan in front of me. I think it specifically did
refer to the Frontier. That is one clear area where this is an objective, and there are other areas
as well.

515 I think really what we have to do is convince people that idling is bad – bad for the
environment, bad for one’s health – so probably, more than just signs in specific areas, we need
to encourage it in other ways as well. I think the Upper Rock is one area where possibly in some
specific cases these could be used, but I think the Frontier is probably the worst offender.

Q233 and 234/2017

Speed cameras –

Aspect of vehicle captured; locations and operational times

Clerk: Question 233, the Hon. T N Hammond.

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Hon. T N Hammond: Mr Speaker, can Government describe the operation of the new speed
cameras, and in particular whether the image they capture is at the front, back or both aspects
of the vehicle?

525 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, I will answer this
question together with Question 234.

530 **Clerk:** Question 234, the Hon. T N Hammond.

Hon. T N Hammond: Can Government say if speed cameras will be in operation at all the
designated sites all of the time?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

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Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, Her Majesty's Government of Gibraltar is in the process of commissioning speed cameras at various locations throughout Gibraltar. These locations are Devil's Tower Road, Rosia Road and Europa Advance Road, where four distinct camera positions are available.

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This pilot project will see cameras placed in all of these locations becoming active and will be controlled operationally by the Royal Gibraltar Police.

Depending on the success of this initiative that is aimed at reducing mortality and injury from speeding-related accidents, further locations may be considered in the future.

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As with parking fines, which have recently been increased, the Government has no desire to take citizens' money for speeding or illegal parking. What we all want to achieve, and I am sure I speak for all Members of this House, is that people should not offend, and in that way save lives, make our roads safer and ensure citizens follow the law of the road. These are manifestly not measures designed to raise revenue, as success of the measures will be when the revenue decreases.

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Hon. T N Hammond: Mr Speaker, absolutely I am sure everyone in this House supports any initiative which will enhance road safety. I have not brought revenue raising into the equation, so I am not sure why the Minister is at pains to point out that it is not a revenue-raising initiative.

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I would ask him whether he could answer the question as to what aspects of the vehicles the cameras will photograph, which was the first question asked: whether it be front, back, or front and back?

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Hon. P J Balban: Mr Speaker, the reason why I mentioned the latter part in the question was because there were Twitter feeds to this effect suggesting that Government would raise revenue with the cameras. That is not the point of the cameras because, as I said in my reply, as people realise that cameras are functioning and they are being caught on cameras they will then obviously reduce their speeds and not get caught. That will reduce revenue and that will be the end of it.

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As to the direct question the hon. Member is asking, this is something which I do not think is in the interest of actually mentioning the details. This is something which the Royal Gibraltar Police is managing and it is strictly a policing thing. If the hon. Member is adamant to know more, I am happy to discuss this behind the Speaker's Chair if necessary.

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Hon. T N Hammond: Mr Speaker, I really cannot understand why it is not in the public interest simply to know whether the speed cameras will be taking images of the front, the back or from both aspects of the vehicle. I would thoroughly recommend, personally, that the speed cameras have the capability to capture images of both aspects of the vehicle. That way, all vehicles, whether they be motorbikes or cars, can be subject to the same restrictions on speed and the same rules and fined accordingly. It would seem inappropriate only to have the capability from the front, because then clearly it would be very difficult to fine mopeds for speeding, and certainly one of the more dangerous aspects of driving on our roads and the people most vulnerable perhaps are speeding moped riders. Often it is very young people who are new to the roads who tend to fall into this trap, and alas and tragically we have seen accidents over the years occurring with young people.

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So I would thoroughly recommend to the Minister that he ensures that the capability of the cameras is such that people can be discouraged from speeding on motorbikes and clearly there is some value to having a front aspect of the vehicle because it then allows the driver of the vehicle to be identified as well. Of course, a vehicle can be insured for multiple drivers so it would be very difficult to fine an individual if the vehicle is only photographed from behind, for

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the very simple reason that it would be very difficult to identify who the driver is. I would just ask the Minister for his views on that.

590 **Hon. P J Balban:** Mr Speaker, we brought to Parliament the Bill to do with speed cameras and the hon. Member I am sure will remember that, regardless of who is driving the vehicle, the onus will be on the registered owner if it cannot be proved otherwise. That was something that was discussed in Parliament and in fact I think we approved unanimously in that respect, so it is a bit odd that the hon. Member should be mentioning that.

595 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I told the Hon. Minister I would come in on the public interest point if it assists the hon. Gentleman and the House.

The cameras are complex and they deal with a number of different aspects of vehicles in different places. What we are saying to the hon. Gentleman is we are happy to have the discussion with him but we do not want to provide a guide as to how the effect of the cameras may be avoided by people. Hence why, instead of having a debate across the floor of the House, we are inviting him to have the information that he is seeking behind the Speaker's Chair. I would have thought that is reasonable. We are not saying we will not give him the information; we just do not think it makes sense to be sharing across the floor of the House that level of information.

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605 The Police may take a different view as to how to deal with issues related to deterrents and they will be the ones on the front line of deciding what is said in terms of any campaign about how the cameras operate etc. We feel that we should not be the ones putting that information out there at this moment in that way and that we are quite happy to have a discussion with him. If it is any consolation, all the things he has said are the things that the Government considered at the time it was procuring the cameras, so he cannot for one moment think that we did not take all of those issues into consideration in the context of procuring, installation and now potential operation of the cameras.

Q235/2017
Government vehicle fleet –
Financial terms re leasing

Clerk: Question 235, the Hon. R M Clinton.

615 **Hon. R M Clinton:** Mr Speaker, further to Question 101/2017 can the Government advise if it has now made a decision in respect of the one expression of interest received for the leasing of its vehicle fleet; and if so, what are the financial terms agreed?

620 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the answer remains as set out to Question 101/2017.

625 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer. Can he give an indication to the House as to when he might expect to make a decision?

Hon. P J Balban: Mr Speaker, the moment we take a decision we will let the hon. Member know when that happens.

630 **Mr Speaker:** May I say to the hon. Member who has asked the question, it is exactly the same question as he asked at the last meeting with the addition of the word 'now'. The answer he has received is the same. I therefore will not allow him to ask another question on the leasing of the Government's vehicle fleet until six months have elapsed.

635 **Hon. R M Clinton:** Mr Speaker, I am grateful for your guidance and you have already expressed this to me. I would, however, ask for some flexibility if I may ask a question about vehicle leasing in future, in a different context.

640 **Mr Speaker:** Should there be a development in the interim period – if there is a development from the Government, if they were to announce the award of the tender – then I will allow the hon. Member to ask about the financial terms agreed, but only if that happens.

COMMERCE

Q236/2017

Post Office and associated services – Supply workers

Clerk: Question 236, the Hon. D A Feetham.

645 **Hon. D A Feetham:** Mr Speaker, how many supply workers are currently working within the Post Office and associated services and since when have those individuals been on supply?

Clerk: Answer, the Hon. the Minister for Commerce.

650 **Minister for Commerce (Hon. A J Isola):** Yes, Mr Speaker, there are 11 supply workers currently working in the Post Office, most of whom have been on supply since August 2015.

655 **Hon. D A Feetham:** Mr Speaker, does the hon. Gentleman have a breakdown of when those individuals started as supply workers? I am interested in particular in any individuals that have been on permanent supply, continuously on supply for a considerable period of time. That is really what I am focusing on and it may assist my saying so to the Hon. Minister in the question that I have asked.

660 **Hon. A J Isola:** Yes, Mr Speaker, there is nobody on permanent supply. There are some that get called more than others do, and the way that the formula works is depending on how many days you have been called over a period of time when you get to an allotment of days, that is when you are eligible to be considered for being permanent. So it is not that I have the details of how many continuous days each of the supply workers have been on supply for, because I do not have that information. What I can tell you is that their start dates are ... As I said, six from 2015, the majority from 2015; one from 2014; two from 2013; one from 2009; and one from 665 2007.

670 **Hon. D A Feetham:** Mr Speaker, the information that I have is that the mail man has been on permanent supply, in other words working continuously – and bear in mind, Mr Speaker, that when an individual is on permanent supply they do not have the benefit of holiday leave and also sick leave – but permanent supply for four years; the euro fulfilment individual has been on permanent supply for three years; parcel post continuous supply for two years; and an individual

in the registration room has also been on permanent supply for another two years. Can he confirm those figures?

675 **Hon. A J Isola:** No, Mr Speaker, I cannot confirm those figures because I do not have that data available to me. What I can tell the hon. Member is that I am meeting with the supply workers, in fact, tomorrow – the meeting was set at around about the same time that he will have received the note that I have received – and we will be discussing these things with them at our meeting.

680 **Hon. D A Feetham:** And does the hon. Gentleman agree with me that for somebody to be four years on permanent supply is really extremely unfair on that individual and on that individual's family, bearing in mind, Mr Speaker, that when they were in Opposition and we were in Government we were constantly lambasted for there being individuals on permanent supply? Indeed, it was a manifesto commitment of theirs in 2011 and I do recall that the Hon. the Father of the House also went to the Post Office during the course of the 2011 election and told individuals there that all those who were on permanent supply would be made permanent.

690 **Hon. A J Isola:** Mr Speaker, I think one of the issues that we have is that we do not really understand what the hon. Member means by 'permanent supply'. Our understanding is that people who are on supply could be on supply for a year and get called once a week, twice a week, two days a week. To what extent that is or is not permanent supply I do not know.

695 From the information I see in this file, I can tell you that none of the people that he is referring to have worked every day on supply for the period. (**Hon. D A Feetham:** They have.) No, they haven't. (**Hon. D A Feetham:** They have.) Not from the information that I have. But as I said to the hon. Member, we will be meeting with the supply workers to go through the issues that he has on the paper that I have and hopefully make some progress to see how these matters can be progressed in order to ensure that the taxpayer receives value for money in their postal service.

700 **Hon. D A Feetham:** Well, Mr Speaker, I am very grateful for that. I can tell the hon. Gentleman that the information that I have comes straight from the horse's mouth and these individuals have been working *continuously* – the first individual for four years.

705 It appears, Mr Speaker, that the heart of the problem – but of course the Hon. the Minister will make his own mind up when he talks to these individuals – is that there are a number of vacancies that exist at the Post Office, and indeed there have been individuals that have been moved out of the Post Office into other areas. For example, the postal sorter retired in 2013; that is a post that has not been filled. Does the Government have any plans in relation to these particular posts that are vacant at the Post Office? Or indeed does the Government have any plans in respect of the individuals that have been moved out of the postal work, therefore creating this space within the postal service that needs to be occupied, in my view – that is my assessment – by these individuals on permanent supply?

715 **Hon. A J Isola:** Mr Speaker, with respect to the length of permanent or normal supply I will wait to meet the horse to understand what it is that they are telling you. (*Laughter*)

In respect of what the vacancies are, what the operational aspects are, I think what we are currently doing is doing a review to better understand exactly what the position is, and once that has been completed I will be in a much better position to discuss with the people themselves, and of course their union, how we see things moving forward.

720 **Mr Speaker:** Next question.

HOUSING AND EQUALITY

Q276/2017

Disability Bill –

Modifications required to public areas and buildings

Clerk: We now move to Question 276. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, further to Written Question 24/2017, is the Government now
725 able to provide an answer?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, this is the exact
730 same question as Question 24/2017 and accordingly the answer remains the same.

Hon. L F Llamas: Mr Speaker, is the Minister able to disclose whether an assessment has
been carried out or is currently being carried out?

Hon. Miss S J Sacramento: Mr Speaker, assessments are being carried out, yes.
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Mr Speaker: Again, I cannot allow the hon. Member to raise this matter for another six
months. Okay?

Q277/2017

**Mortgaged housing estates–
Responsibility for collecting rent arrears**

Clerk: Question 277, the Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government advise with whom the responsibility
rests for the collection of housing arrears in future in respect of the six housing estates
mortgaged, and how will this be managed?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, the responsibility
for the collection of rent arrears will continue to be that of the Housing Department and
managed in the same way.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for her answer. If I may ask, can
she confirm that, in terms of the entering into arrears agreements, that the Government will still
be pursuing the same policy as they have done in the past and offer exactly the same terms and
conditions that they have offered in the past to tenants of these six housing estates prior to the
755 mortgaging?

Hon. Miss S J Sacramento: Mr Speaker, yes, in relation to the six estates that are subject to
the financing, the same conditions apply because the threshold is that we have to collect arrears
of rent regardless. While of course we have a duty in these estates, we also have a duty to the

760 taxpayer in the other estates as well, so we continue to pursue them, to collect them, to chase them as vigorously in relation to all the debtors in the same way.

765 **Hon. R M Clinton:** Mr Speaker, if I may ask the Minister: what would happen in the event of significant build-up of arrears in future? Would it be that the Government would have to make good any deficit in rents collected and have to be paid over to Gibraltar Capital Assets Ltd, or does that risk in respect of arrears lie with Gibraltar Capital Assets Ltd in not receiving rent, or does that risk rest with the Minister for Housing – in which case, does she have an obligation to make good any difference in the collection of rents in the future?

770 **Hon. Miss S J Sacramento:** Mr Speaker, that of course is a hypothetical question –

Minister for Health, Care and Justice (Hon. N F Costa): Which is not allowed.

775 **Hon. Miss S J Sacramento:** – which is not allowed under Standing Orders, but in any event, for a question of that detail I would need notice of the question. However, what I would say in a general answer to that, to allay Mr Clinton's fears in relation to arrears generally, is that since the arrears collection agreement commenced last January – so it has been going on for over a year – the trend has been that arrears have been decreasing and decreasing significantly every single month of the year except for the month after Christmas, where we had very little
780 increase, but other than that, and they are now down and they are now down to a level below the month before. But the trend is that the figures are going down and not up, Mr Speaker.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for her answer and for and her assurance that arrears will be going down.

785 May I ask – I presume there is and maybe she could confirm – is there actually an agreement with Gibraltar Capital Assets Ltd in respect of the collection of rents and would she be willing to provide that to this House?

790 **Hon. Chief Minister (Hon F R Picardo):** Mr Speaker, the hon. Gentleman is asking questions he knows the answers to because he was briefed privately in the subject of this matter. That is not a question that arises from this question. It is a question on which he should have given specific notice and he would have got the answer that he was specifically briefed outside of this House because we said that we would consider those arrangements with him and with other Members of the House. The hon. Lady attended a meeting also where she was briefed in respect
795 of those matters.

Q278/2017

Purchase of new affordable homes – Letters to young people to commence process

Clerk: Question 278, the Hon. R M Clinton.

800 **Hon. R M Clinton:** Mr Speaker, further to Question 173/2017, can the Government advise if letters have since been sent to young people to start the process of purchasing new affordable homes at Bob Peliza Mews and Hassan Centenary Terraces?

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

805 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, not yet but it is expected to happen in days. We want to ensure, as far as possible, that the letters go out to all persons interested.

810 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for her answer. Can she give the House an indication of how many letters will be sent out – presumably she has the statistics; and if possible – it may be a big ask – a split between both developments?

Hon. Miss S J Sacramento: Mr Speaker, I would require notice for details in relation to that question.

815 **Hon. R M Clinton:** Mr Speaker, I will of course in future table a more detailed question, but could she give the House a ballpark figure as to how many letters she intends to send out? She must have some idea.

820 **Chief Minister (Hon. F R Picardo):** Mr Speaker, there is a lot going on in Gibraltar and a lot going on in the world for us to be here being asked to give ballpark figures of numbers of letters. If he wants to know how many letters are going to go out, he asks us how many letters are going to go out. If he wants to know how many letters have gone out, he can ask us, once they have gone out, how many letters have gone out. If we give a ballpark figure and it is somehow slightly different to the figure we finally give of letters that have gone out, then we face a question of
825 why we gave a ballpark figure that is different to the figure of actual numbers.

This is not a question that arises from have they gone out. Why does the hon. Gentleman think that it is appropriate to ask a supplementary about detail? If it is detail, give the Minister notice of the question and then we will happily come and tell you how many letters we are preparing to go out. It is not a question of not giving the information; it is a question of being
830 asked a question about detail in the context of a question in respect of which it does not arise.

Hon. R M Clinton: Mr Speaker, I am grateful for the Chief Minister's intervention.

835 Just for the sake of clarity, the question I asked was specifically in respect of the letters and I assumed that the Government would know how many were being prepared. But I will not pursue the point any further and I will do as the Chief Minister suggests and put in a more detailed question. I appreciate this is not a question either.

840 **Hon. Chief Minister:** Well, thank you, Mr Speaker, for the hon. Gentleman's non-question, but the hon. Gentleman needs to know that these numbers change. There will be more people on the housing waiting list and we want to cast the net as widely as possible, so it is not something we can know today. We can tell him the actual number when it happens and we will be quite happy to tell him – it is just a question of counting the pieces of paper that have gone out to different addresses.

845 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may intervene here, I notice that the statistics online have disappeared on the housing front. Is there any reason for this?

850 **Hon. Miss S J Sacramento:** Mr Speaker, I am not sure how this arises as a supplementary question but I will answer because it was a question put to me by the Hon. Mr Reyes last month, where I explained that we had noticed some errors in the information that was going up and we were completely reviewing everything that was online because it was more important for me to make sure that if information is available on line, that it is correct and it is accurate and not things that we discovered when we reviewed, which for some reason were being inputted by different people and not being inputted properly. But that was a Parliament question at last
855 month's Parliament, if I recall correctly, Mr Speaker.

Q288/2017
Government dwellings –
Numbers vacant or derelict

Clerk: We move to Question 288. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many Government dwellings are there currently in Gibraltar which are vacant or derelict?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, we are currently undertaking an in-depth study of all the properties.

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Hon. Ms M D Hassan Nahon: Mr Speaker, if I may ask, does Government or the Housing Ministry have any policy or any intention to allow for Gibraltarians to take any of these derelict properties on and perhaps beautify them and take them over in the future?

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Hon. Miss S J Sacramento: Mr Speaker, yes, in the future and in the past, because that is precisely what we have been doing with these properties. What we are doing at the moment, though, is looking at all the properties that we have available in our property portfolio to see how collectively we can move forward in a way that best suits the needs of the Government, and indeed, as the hon. Lady says, the housing needs of people in Gibraltar.

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Hon. E J Phillips: Mr Speaker, just one question arising from that question. If the Government is conducting, as the Minister says, an in-depth study into those properties, surely they must know how many dwellings are vacant or derelict.

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Hon. Miss S J Sacramento: Mr Speaker, again it is a number that fluctuates and it is not for the Department to determine whether a property is derelict or not. We need to consider various things into account and we need to look to see whether a property is vacant and beyond economical repair, in which case we would then assess it to be derelict.

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There have been assessments, which we are reviewing, but the reason I have not provided the figure is because figures are subject to change, subject to this review that we are conducting, because it will all be taken into the global context of the properties that we have. But we will have a very clearer picture in the not-too-distant future because we are very advanced in the study. It is something that we are looking at collectively because we are looking at the parcels of properties that we have available and it may be that it entails moving properties. So it may be that we have more empty properties in the future but with a view to looking at the whole urban renewal and urban regeneration of certain parts of the Upper Town in particular.

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Mr Speaker: Next question.

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q289 and 290-301/2017

Public finances –

**Public debt; Liquid reserves; GSB shareholding in Gibtelecom;
Inflation and public sector pay increase; Shell LNG Gibraltar Ltd; GSB debentures;
Standard Credit Finance Company Ltd; Management of mortgage funds;
Gibraltar Capital Assets Ltd; General Sinking Fund balance**

895 **Clerk:** Question 289, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide the total Gross Debt, Aggregate Debt after application of the sinking fund to Gross Debt, Cash Reserves and Net Debt figures for Public Debt as at 1st February 2017?

900

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

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):
905 Mr Speaker, I will answer this question together with Questions 290 to 301.

Clerk: Question 290, the Hon. R M Clinton.

910 **Hon. R M Clinton:** Mr Speaker, I beg your indulgence if I lose my voice in the next five minutes.

Can the Government please advise the total liquid reserves figure and its constituents, namely Consolidated Fund, Improvement and Development Fund, Government Owned Companies, Deposits, Contingencies and other funds for the following date, being 1st February 2017?

915

Clerk: Question 291, the Hon. R M Clinton.

920 **Hon. R M Clinton:** Mr Speaker, can the Government please advise how total liquid reserves are invested/held, giving details of all savings bank accounts and cash held for the following date, being 1st February 2017?

Clerk: Question 292, the Hon. R M Clinton.

925 **Hon. R M Clinton:** Mr Speaker, can the Government advise if the Gibraltar Savings Bank has invited any expressions of interest for all or part of its shareholding in Gibtelecom?

Clerk: Question 293, the Hon. R M Clinton.

930 **Hon. R M Clinton:** Mr Speaker, can the Government advise if it is concerned that inflation for the quarter ended 1st January 2017 is 2.5% compared to 1.5% in the previous quarter; and is it still committed to pay increases of 2.75% or inflation, whichever is higher, for the public sector?

Clerk: Question 294, the Hon. R M Clinton.

935 **Hon. R M Clinton:** Mr Speaker, given that the Chief Minister in his 2016 Budget speech stated that the Government would have a 49% interest in Shell LNG Gibraltar Ltd, can the Government

advise why it answered Question 87/2017 as follows: 'There are no other joint ventures other than the one mentioned in the question'?

940 **Clerk:** Question 295, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise what are the financial terms and period for new savings products offered to holders of Gibraltar Savings Bank debentures that mature in 2017?

945 **Clerk:** Question 296, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise why was Strand Credit Finance Company Ltd (08489759) allowed to be struck off and dissolved by the UK Registrar of Companies by compulsory strike off for the 1st December 2015, and was any property consequently *bona vacantia*?

Clerk: Question 297, the Hon. R M Clinton.

955 **Hon. R M Clinton:** Mr Speaker, can the Government advise why it was felt necessary to incorporate a new Strand Credit Finance Company (10094514) on 31st March 2016 in the United Kingdom and how much did that cost?

Clerk: Question 298, the Hon. R M Clinton.

960 **Hon. R M Clinton:** Mr Speaker, can the Government advise how it intends to manage the net £275 million raised by way of mortgaging the six housing estates and who is the responsible officer?

965 **Clerk:** Question 299, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please identify which Government-owned company is to make payments to Gibraltar Capital Assets Ltd by way of housing allowance and what contractual arrangements have been put in place to facilitate this?

970 **Clerk:** Question 300, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how much has been paid in rents collected to Gibraltar Capital Assets Ltd from inception of the new tenancy agreement for the six housing estates to 31st January 2017?

Clerk: Question 301, the Hon. R M Clinton.

980 **Hon. R M Clinton:** Mr Speaker, can the Government advise the balance on the General Sinking Fund as at 1st February 2017?

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

985 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, the position of the Public Debt as at 1st February 2017 continues to be as previously stated, except that the cash reserves were £95.6 million and the net public debt was £357 million.

990 The position as regards the total liquid assets composition, when, where and how these are
invested on a particular date chosen by the Member opposite continues to be as previously
stated.

The GSB has not invited any expression of interest for the shares in Gibtelecom.

995 The January level of the IRP is in line with what I predicted was likely to happen when I
answered the hon. Member's questions in relation to the index increase of last October. All the
indications are that inflation is likely to be higher in the future than it has been in the recent
past. To the question on whether we stand by our commitments, the answer is that we do stand
by our commitments.

I answered Question 87/2017 by providing the information requested in the question.

1000 There are no new saving products being offered to the holders of the GSB debentures that
mature in 2017.

I am informed that Strand Credit Finance Company Ltd was struck off having been dormant
due to an oversight on the part of the UK administration, who met the cost of reincorporating it.

1005 The cash raised by Gibraltar Capital Assets will be managed by the Treasury as part of the
pooled cash reserves of the Government companies and the Housing Allowance payments will
be received by the company from the funds in the pool. The rental income for the period
requested was £1,896,189.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his response. As usual I will
just need a couple of minutes to absorb it.

1010 I seem to note that I do not have an answer to Question 301, the balance in the General
Sinking Fund.

Hon. J J Bossano: Mr Speaker, the answer to that is already contained in the answer that I
have given him.

1015

Hon. R M Clinton: Mr Speaker, I asked specifically for the balance of the General Sinking
Fund. I do not recall hearing that number.

1020 **Hon. J J Bossano:** Well, Mr Speaker, if I tell him that there has been no change and he knows
what the balance was before, then the answer is that the balance is what it was before. He
should be able to work that one out for himself.

1025 **Hon. R M Clinton:** Mr Speaker, I have never been a great fan of the *Times* cryptic crossword,
but could the Minister indulge me and just give me the number of the balance as at
1st February?

1030 **Hon. J J Bossano:** No, Mr Speaker, I do not see why I should indulge him. I spend every month
telling him that there has been no change and now he cannot remember what was the figure
that I gave him. Well, then, he can look it up.

Hon. R M Clinton: Mr Speaker, coming to the question of Shell LNG Gibraltar Ltd, can the
Minister advise the House whether he considers this to be a Government joint venture? Yes or
no?

1035 **Hon. J J Bossano:** Mr Speaker, I do not tell him what questions he should put and he does not
tell me what answers I should give.

Hon. D A Feetham: But you do ask him [Inaudible]

1040 **Hon. J J Bossano:** No, I give him the benefit of my experience, for which he is always grateful, so that he can improve his performance – which he seems to be doing because he has now been promoted by the Hon. the Leader of the Opposition! (*Laughter and banging on desks*) I think he should thank me for that.

1045 If the hon. Member is asking me to express an opinion, then in my opinion since the Savings Bank owns all the shares, it is not a joint venture. A joint venture is something with a third party.

Hon. R M Clinton: Sorry, Mr Speaker, I do not know if the Minister and myself are talking at cross purposes but did I just hear him say ‘because the Savings Bank owns all the shares’ when I was talking about the Shell LNG?

1050 **Hon. J J Bossano:** Mr Speaker, the answer that I gave him was in relation to the question that he asked, right? He asked whether there was a joint venture with Shell by a Government company, and the answer is that there is not. The fact that a statement was made at a certain stage in time saying this was going to happen does not mean that things cannot be changed and plans cannot be changed. There is not a Government company in joint venture.

Hon. R M Clinton: Mr Speaker, the reason why I asked this question – and I will put a question to the Minister in a minute – is because I am conscious of the Minister’s desire for precise questions, and he gives precise answers for which I am always grateful. But in raising questions in the House I have to be clear in my own head, in my mind, as to will that question elicit the answer that I am expecting or not, and if the rules of the game change it is very hard for me to ask the right question to elicit the right answer. It is a bit like playing Animal, Vegetable, Mineral: suddenly the vegetable becomes a mineral and the mineral becomes a vegetable and I do not know which is which.

1065 Mr Speaker, I am just a bit concerned as to whether the Minister has been given the correct information, because if you do a search on Shell LNG you will find that it was incorporated not long after the Chief Minister’s speech on 18th August 2016, and of the 2,000 issued shares Credit Finance Limited is the proud owner of 98 shares, which is equivalent to the 49% we were talking about. Credit Finance I believe is still owned by the Gibraltar Development Corporation.

1070 When I start asking about Government joint ventures, is it that the Gibraltar Development Corporation or anything that it owns is not considered a joint venture? Or is he, in his answer, only going to answer in relation to specifically directly owned Government entities and nothing that is related to the GDC?

1075 I am sure the Minister will appreciate the difficulty that causes me in asking the right question. I would be grateful if the Minister could clarify.

Hon. J J Bossano: Well, Mr Speaker, the first thing I want to clarify to the hon. Member is that he keeps on asking questions here on information that he has already obtained which is publicly available, which is something he is not supposed to be doing.

1080 The Credit Finance Company is predominantly owned by the Gibraltar Savings Bank and it is therefore something that is used as an investment vehicle by investing in activities, products or ventures that will promote the economic development of Gibraltar. Therefore, Credit Finance has invested because it comes within the terms of reference of what the Savings Bank does under the amendment which I introduced in the House and which he voted in favour of – but it is not the Government with Government money.

Hon. R M Clinton: Mr Speaker – and I know I risk straying into extending the question. Does the Minister not accept that Credit Finance – the £30 million ordinary shares are owned by Gibraltar Development Corporation and that the preference shares are owned by the Savings Bank – have no voting rights?

1090

Hon. J J Bossano: I do not accept what he has said because, as far as I am concerned, the majority shareholder in the company is the Gibraltar Savings Bank.

1095 If the hon. Member's analysis was true, then it would mean that all the things that he has said about the Credit Finance, which has been criticised by him and by his colleagues on innumerable occasions on the basis that Credit Finance was a company that was being used to give money to the Government ... all that would be false if in fact Credit Finance belonged to the Government, because how could the Government be giving money to itself and be criticised for doing it.

1100 There is an element of the original ordinary capital that was created under the GDC and then the bulk of the capital is provided by Credit Finance. So, if Credit Finance provides £400 million out of £430 million, I do not see how the hon. Member opposite argues that it is owned by the owner of the £30 million and not by the owner of the £400 million. So I do not agree with his analysis and it certainly does not stand up against his previous interventions when he has been critical, and so has the Leader of the Opposition, when they have accused the Government of using Credit Finance as a source of finance for Government projects. Well, look, if it belonged to the Government, as the hon. Member is now trying to describe it, then all the previous arguments would be nonsense because then the Government would be using something that belongs to it.

1110

Hon. R M Clinton: Mr Speaker, I always find the Minister's logic infallible. Following his own logic and following on from what I believe he has just said, what he is telling the House is that it is the Savings Bank that owns the 49% indirectly, through Credit Finance, in Shell LNG under the terms of its amended objects in which to further the economic development of Gibraltar. Would that be correct?

1115

Hon. J J Bossano: Yes, and it will earn a very handsome return on that investment.

1120 **Hon. D A Feetham:** Mr Speaker, is it not the case that the position is as follows: that what we have is a Government-owned company that is being funded to the tune of £30 million by the taxpayer through the GDC and £400 million through savers' money through the Gibraltar Savings Bank, but the vehicle itself is owned by the Government? It is a Government-owned company – at least partly owned by the Government, even though, as my hon. Friend has said, ordinary shares are owned by the Government through the GDC and the preference shares are owned by the Gibraltar Savings Bank.

1125

1130 **Hon. J J Bossano:** Well, if the hon. Member is asking me to be true that the Gibraltar Development Corporation owns £30 million of the shares and the Credit Finance Company owns £400 million, then of course it is true because I have just said so myself a few minutes ago and I always tell the truth.

In any event, it is a matter of public knowledge; this is not a secret. But of course if the hon. Member would be happier if the £30 million that is owned by the Government was also owned by Credit Finance, I will take that on board and see if I can make him happy.

1135 **Hon. D A Feetham:** And is it not also the case that the circularity of the argument is as follows? You have a Government-owned company, Credit Finance. It is owned by the Government because the Government owns the ordinary shares. It is also partly owned by the Gibraltar Savings Bank, but it is funded by the taxpayer and by the Gibraltar Savings Bank. The £400 million in Credit Finance which the Gibraltar Savings Bank has invested has gone to another Government-owned company, which is Gibraltar Investment Holdings Ltd, which is then being used in order to pay for expenditure that Gibraltar Investment Holdings Ltd has, including the funding of all the other Gibraltar Government-owned companies, which includes projects and expenditure that those companies may have on behalf of the Government.

1140

1145 **Hon. J J Bossano:** Well, I do not see how that arises from the question on the LNG Shell
Company, but of course all that the hon. Member is saying is that I am right in my analysis – and
I am grateful to him for saying that – because he is saying that in fact the company that is
providing the finance is a Government company and therefore, if it is a Government company,
then he cannot be arguing that a different entity is providing money to the Government.
1150 Logically, his argument would only be consistent with what he has said in the past if he accepts
that the Government is a very small minority shareholder – that is to say it is a shareholder that
has £30 million out of £430 million. As far as I am concerned, the logic is that the decisions on
the investments are determined predominantly for the benefit of the owner of the £400 million,
which is the Gibraltar Savings Bank, which is why I am answering this question.

1155 **Hon. D A Feetham:** A final question, Mr Speaker. The point is that you can have a
Government-owned company that is capitalised, that is provided with capital, with money, by
the Gibraltar Savings Bank. It does not alter the nature of the beast, of the vehicle. The vehicle is
a Government-owned company, at least partly so. It may be funded by the Gibraltar Savings
Bank but it is a Government-owned company and it is then a Government-owned company that
1160 makes the decisions, be it on behalf of the shareholders or whatever, but it is a Government-
owned company that is making the decisions as to where the money is being invested. It is
actually being invested in other Government-owned companies and those other Government-
owned companies are using it in order to fund projects that the hon. Gentleman promised a
multiplicity of people at the last election and indeed previously in the 2011 election.

1165 **Hon. J J Bossano:** Mr Speaker, Credit Finance invests money that it has obtained by issuing
shares. It invests the money in order to make a profit so that the debenture holders are able to
get the return that they do.

1170 There is no way that the hon. Members opposite can be in favour of the Savings Bank having
debentures and paying the rates that they do and against the Savings Bank deploying those
funds in accordance with the power that it has to do under the law to make a profit.

1175 I do not know if it is that the hon. Member prefers that the profits should go to a bank that is
not owned by the Government and that when capital has to be raised it should be raised from
other banks, which is something they used to do when they were in Government, when they
used to put money in Barclays Bank and then borrow money from Barclays Bank, except that
when they lent it to Barclays Bank they were getting 1% and when they borrowed it they were
paying 6%.

1180 If and when the Members form the next Government of Gibraltar they can stop Credit
Finance, they can reduce the activity of the Savings Bank, they can go back to having reserves of
£1,444.45 instead of £25 million. That is their prerogative, but they will have to get a vote to do
that. We have got a vote to enable us to do what we are doing and all that we are here to do is
to explain to him how it is being done, which he does not have to agree with.

1185 **Hon. D A Feetham:** And I am very grateful to him always for his candid explanations, which
certainly when he does explain things I always find very helpful. But drilling down to where the
differences are here, which are highlighted and actually come out of that answer, yes, of course
if you are taking debentures ... the Gibraltar Savings Bank, I mean, is taking money from
customers, it has got to offer a rate, and from 2011 to 2013 it was offering rates that went up to
about 5%. That was *well over* market rates. There is not an investment, unless one is talking
1190 about riskier investments ... very difficult to actually have safe investments that will offer – it is
impossible – more than 5%. Indeed, banks, UK Treasury gilts, they were all offering less than 1%
for most of that period. What is happening here, and I would like the hon. Gentleman to confirm
it, is that the money from the Gibraltar Savings Bank into Credit Finance is actually being
invested in the Government of Gibraltar. That is where it is being invested, and therefore it is the
1195 Government of Gibraltar, because it is those Government-owned companies that are owned ...

1200 that is where the money is actually going. It is Gibraltar Investment Holdings, the Government-owned company, and all the other Government-owned companies that are benefitting from this money, and therefore the Government ... That is the investment. It is the Government ultimately that is going to have to repay this. That is why we have always said, 'Well, actually, it is the Government – indirectly, through this complicated vehicle – that is actually borrowing the money, even though technically speaking it is off the books as Government debt. Apart from the *Sunborn*, I have to say that I cannot think of on my feet any private investment or significant private investment into which the £400 million has actually been paid, other than into Government-owned companies for Government projects.

1205

Hon. J J Bossano: Mr Speaker, the question is about the investment in the LNG plant which has been made by Credit Finance – and he says he cannot think of anything other than the *Sunborn*. The question that we have by Mr Clinton is about the LNG investment. The LNG investment is by Credit Finance on a return. The joint venture, if it is with anybody, is a joint venture between Credit Finance and Shell, not between the Government and Shell.

1210

The issue is whether a company which is owned with £400 million out of £430 million by the Savings Bank and £30 million by the Gibraltar Development Corporation is a Government company. That is what the issue is. As far as I am concerned, it is not a Government company because the Government is a minority. But if they would be more comfortable if it was 100% owned by the Savings Bank, then I am prepared to make them happy by spending £30 million and buying the 30 million shares and then they do not have to worry anymore.

1215

Hon. R M Clinton: Mr Speaker, I hope to wrap up on this particular question and then move on to other ones. In terms of this particular investment by Credit Finance and Shell LNG, can the Minister then ... If I understood him correctly, he is telling the House that the Shell LNG Gibraltar plant is not a Government joint venture project. Is that correct?

1220

Hon. J J Bossano: I am telling him that it is not a joint venture between the Government of Gibraltar using a Government company, but it is a joint venture between Shell and Credit Finance, which has got a minority shareholding of the Government. That is what I am telling him.

1225

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

Again, just wrapping up on this, can the Minister advise – and again this is a hypothetical question – in terms of Credit Finance whether he would be willing to provide information in terms of the equity investments that Credit Finance makes?

1230

Hon. J J Bossano: If by the equity investment what he wants to know is the number of shares that there are, then the number of shares that there are he knows already from the registry that he says he has gone to look at.

1235

Hon. R M Clinton: Mr Speaker, yes, I am not referring specifically to Shell LNG; I am talking in general of any other equity investments that Credit Finance may hold.

Hon. J J Bossano: He has already had the answer to that question before. That answer has not changed.

1240

Hon. R M Clinton: Mr Speaker, I would be grateful if the Minister could refresh my memory in terms of in which question specifically I asked that.

1245

Hon. J J Bossano: I will refresh his memory: the answer was no. *(Laughter)*

Hon. R M Clinton: Mr Speaker, again I beg your indulgence because there are quite a few questions to get through.

1250 Going to Question 292, where the Minister advised the House that he has not invited any expressions of interest for the shareholding in Gibtelecom, can I ask the Minister: does he undertake an annual valuation exercise of the shares that the Savings Bank holds in Gibtelecom in terms of potential earnings, multiples, etc?

1255 **Hon. J J Bossano:** No, Mr Speaker, we carry the shares that are not quoted. He will remember that he asked me a long time ago about whether shares were quoted or not quoted and I told him that they were not quoted because they are not on a stock exchange, even though there was a reference to quoting in the paperwork that I supplied him with.

1260 The value is the value at which we purchased a share. Probably if we were to do a valuation based on the return which we are getting, which is an 8% return, the capital would be worth more, but that is not the way we do it.

If we were at some stage to dispose of the shares, then clearly the remaining shares would be revalued at whatever money was paid for the ones that we sold, because that would be logical.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer.

1265 If I can move to Question 293 in terms of inflation and the public sector pay increases, does the Minister have a view as to inflation and how far it may or may not go up again? I will defer if he says it is a hypothetical question but I am sure he has some feel for where the number may be; and if so, in terms of the public sector pay increases, does he have a cost for honouring that commitment, at say the 2.75% level certainly for this year, in terms of the overall cost of the inflationary increase?
1270

1275 **Hon. J J Bossano:** Well, Mr Speaker, in the estimates we always include a figure from which – I think something like £9 million, which is well above what is required for the pay review, but that has always been the case – and it is from that figure that there is a provision that is then distributed along the heads of expenditure when pay settlements are made and that meets the cost of the pay, which is an important part of that £9 million, and increases either for other charges that may come in at a higher figure than expected ... Inflation will be something that will affect the Government's Budget not just in respect of salaries but in respect of procurement.

1280 So the answer is that the figure ... I cannot tell him what the figure is going to be in this year's Budget because we have not yet done the Budget and it would be wrong to pre-empt those figures, which he will be able to see at the end of April, but it is unlikely to be less than what we have provided in the past because if we look at inflation before the period where prices were, I think, deliberately being kept down and interest rates were being deliberately kept down by this policy of quantitative easing, which put a lot of money in the market, something like 2.5% to 3%
1285 was considered to be a normal rate of inflation.

1290 Indeed, a lot of Governments have been trying to get the level of inflation to go up to the 2% target of the Bank of England because they consider that in order to stimulate economic growth there has to be an element of inflation in the economy, and when inflation has been at zero, or in some cases below zero, negative when prices have been falling, then that is considered to be a recession if it happens in two consecutive quarters according to the mantra that most economists subscribe to – but I do not necessarily do.

1295 But the answer to his question is I think we need to think of inflation around the 3% figure as normality, because all we need to do is to go back some three years and we will find that ... For example, in the years before ... In 2012 it was 3.7%, in 2011 it was 3.5%, in 2010 it was 3.4%. Those are the recent figures until this very strange period that we have lived in the last few years, which has been artificially engineered.

RECESS

Chief Minister (Hon. F R Picardo): Mr Speaker, I am going to have to move that the House should now recess until 3.30 this afternoon, when the supplementary questions etc. will be able to continue.

Mr Speaker: The House will now recess until 3.30 this afternoon.

The House recessed at 12.32 p.m. and resumed its sitting at 3.30 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.34 p.m. – 7.39 p.m.

Gibraltar, Wednesday, 29th March 2017

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The Gibraltar Parliament

The Parliament met at 3.34 p.m.

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

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

Questions for Oral Answer

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q289 and 290-301/2017 – Public finances – Supplementary questions continued

Clerk: We continue with answers to questions. I believe we are on supplementaries to Question 301. The questioner was the Hon. R M Clinton.

5 **Hon. R M Clinton:** Mr Speaker, if I can move to the answer to Question 295 in respect of the Savings Bank and any new products, the Minister advises that there are no new products being offered to holders of maturing debentures in 2017. With reference to his press release in March about the change of interest rates, I can see that the debentures that are available – and he will correct me if I am wrong – are three-year fixed term, five-year fixed term for non-pensioners;
10 and five-year fixed term, 10-year fixed term for pensioners. Is there a reason why there is not a 10-year fixed term for non-pensioners?

15 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, the question is whether anything is being offered to people whose debentures mature, and there is nothing about pensioners in the question.

20 The answer is, of course, that we are not creating a product which is only available to the people whose debentures mature. We did that only once, which was when people had debentures that were redeemed before the maturity date and then something was created because we were moving from the Government to the Savings Bank. Normally with the Savings Bank debenture what happens is that whatever is available on the web page for anybody is what is available to the people whose debentures are maturing now, including taking all their money in cash out. There is about £200 million this year of maturing debentures and if the people wanted the £200 million the cash is there.

25 I think, in terms of why there is not a 10-year one, in fact in the past the 10-year one has not been all that attractive in terms of the money that has been brought in and therefore, because we wanted to keep the higher rate for pensioners, which would not apply to non-pensioners, we decided that since there was already a 10-year one for pensioners we would not reduce the rate of that and we would leave that at the 5%. That is the reason why it was done.

30 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer. If I may move to
Question 296 in respect of Strand Credit Finance Company Ltd and the striking off by the UK
Registrar of Companies, the answer was that it had been dormant and there was an oversight on
the part of the UK administration. I would be grateful if the Minister could advise the House who
is responsible for managing these companies. I believe it is a subsidiary of Gibraltar Strand
35 Property Company Ltd, which is registered in Gibraltar. How did this oversight occur? And the
second part of my question was: was any property consequently *bona vacantia*?

Thank you.

Hon. J J Bossano: Mr Speaker, I gave an explanation to Parliament when the company was
40 originally set up. I think I had questions then from the Leader of the Opposition at one stage, and
then I think from Mr Bossino at another stage. What I said was that the purpose of the company
was in case there were properties that we wanted to buy in the United Kingdom and there was a
difficulty. Let us say, for example, that Calpe House, which has got a mortgage in the United
Kingdom for the new Calpe House ... If Calpe House had been unable to get it or unable to get it
45 on sufficiently attractive terms, then we had a vehicle ready to do that. I gave the example the
last time also of sometimes when there are long-term patients in the United Kingdom that need
family accommodation. I think we have got one case where a property was bought in
Manchester. If it is not easy to get the necessary mortgage facilities, then we would have a
vehicle already in existence.

50 Those circumstances have not materialised, so in effect the company was dormant because
there has been no activity and there is a company of accountants, or something like that,
engaged in the United Kingdom that does the books of these two companies and that is the one
that overlooked the need to keep the registration alive. When it came to light they accepted
that it was their mistake and they put the mistake right at their own cost because it was their
55 fault.

The answer is there is no management, because the company is a vehicle that is ready there
for, and when we need it, but we have not needed it so far.

Hon. R M Clinton: I am grateful to the Minister for his answer.

60 Coming on to Question 297, which I think the Minister may already have answered in
answering my first question, was it then reincorporated because you may envisage a need for
something similar in future and presumably you would want to keep that optionality? And when
you say there is no cost, I presume, as you say, there is no cost to the taxpayer – if you can
confirm that – because the administrator has covered that cost. Would that be right, eh?

65 **Hon. J J Bossano:** I think the cost of maintaining the company is under £200. We think that
for £200 a year it is worth having the company there, because we might need it in a situation
where we want to act quickly if we have difficulty in raising finance simply because the ultimate
owner would not be an entity that lending institutions in the UK might be familiar with.

70 **Hon. R M Clinton:** Mr Speaker, just to finalise on these two questions, if the Minister could
just confirm, then, there was no issue of *bona vacantia* when the company was dissolved.

Hon. J J Bossano: The hon. Member is right, there was not.

75 **Hon. R M Clinton:** Mr Speaker, if I can move now to Question 299 in relation to the Housing
Allowance, the answer the Minister has given the House is that the Housing Allowance payments
will be received by the company, the company being Gibraltar Capital Assets Ltd, from the funds
in the pool. My question is really quite specific in that I wanted to know which Government-
80 owned company is to make these payments and what contractual arrangements are in place. I
wonder if the Minister could answer those two questions.

Hon. J J Bossano: Mr Speaker, I think I have been explaining to the Members opposite something they would know from the time they were in Government – those who were in Government – but I have had to explain it to those who arrived subsequent to 2011 and now to those who have arrived subsequent to 2015. The pool is the pool invented as a device by the GSD administration, which we continue to use because in fact it is a very efficient way of dealing with the situation where all the money during the year the Treasury uses as one single pot of money. There is a pot of money that is company money, there is a pot of money that is I&D money and there is a pot of money that is Consolidated Fund money, and whatever movement there is, that is all reconciled at the close of the financial year. Clearly, if there are companies that have got surpluses and companies that have got deficits, the company which will get charged any payment will be the one that has got the resources available to it to be able to make the payment, because at the end of the day we have got the income that comes in from the rent which goes direct to that company and then it has to be supplemented by the Government because that is part of the agreement that there is with the lenders – which had been explained to the hon. Member by the Chief Minister in the meeting that they had.

So the answer is that there is not a specific company that is there to do that. The money will come from the company that has got the available resources, but at the end of the day we supplement it in order to meet the obligations of what has to be the annual cash that has to be paid and the annual cash that has to be built up for the eventual repayment of the £300 million. That is how it works. That is as much detail as I have got.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister, and yes, I am now well familiar with the cash pooling concept. However, what I am finding some difficulty with is understanding whether there is any contractual obligation to make this payment to Gibraltar Capital Assets Ltd, and if so with whom if the liability gets passed to whichever company has surplus assets. How has this arrangement been formalised to ensure that payments are made? Who is the guarantor of this payment?

Hon. J J Bossano: Mr Speaker, the hon. Member seems to forget that we are the owner of all the same things. I know that he is an accountant but he is not the accountant of the Government who has to satisfy himself that one thing is in one pocket and should not be in another pocket.

We have got Gibraltar Investment Holdings, which has got other companies which are subsidiaries, of which the Member knows from the book; and then we have got the GDC, which has a number of subsidiaries. Those 100% Government-owned companies, if they require decisions, all have the same owners and all have the same directors, all of them, so whatever technicality needs to be done is done in order to make sure that the mechanism that we are using – inherited from them – is working in accordance with any legal requirements there may be.

As a matter of policy, as a policy maker, I do not have to take a decision on that. There are people employed in the Treasury who have been doing this before 2011 and who continue doing it. Obviously, before 2011 there was not the equivalent of the hon. Member on that side who was an accountant trying to be the accountant of the companies, so those kind of questions were not asked before by me. I tended to limit myself to having the Government explain to me or defend its policies, not the technicalities of what the employees in the Treasury do and whether they are doing something that they should or should not be doing. I cannot imagine that any civil servant would be willing to expose themselves to doing things that are in conflict with the law.

Hon. R M Clinton: Mr Speaker, if I may ask the Minister a direct question: is there a contract with Gibraltar Capital Assets, signed by the Government, saying that we will give you the Housing Allowance to make up the difference in your cashflow requirements, and is it a contract

135 between the Government – not a Government-owned company but the Government – and
Gibraltar Capital Assets Ltd?

Hon. J J Bossano: I do not know what the Government told the hon. Member in that meeting
where I was not present, and I do not know whether he asked the questions, so I am not going
to give him an answer until I have found what he asked them and what they told him.

140 **Hon. R M Clinton:** Mr Speaker, is the Minister telling the House that he does not know?
Surely he must know whether there is a contract in place with the Government and Gibraltar
Capital Assets Ltd.

145 **Hon. J J Bossano:** Mr Speaker, I do not have to tell the hon. Member how much I know; I only
have to tell him how much I am prepared to tell him, and therefore what I have just told him is
he had the opportunity – which I probably would not have given him if it had been my decision –
of being briefed in private for several hours. I do not know how much he asked in those several
hours and I was not at that meeting. If I had been, he probably would have been told less than
150 he was told. But I am telling him now that any questions that he wants to know about this I will
look at on the basis of finding out what he asked before and what he was told before and
whether he was told things that he was told there on the basis that he was being given a private
briefing and not a public airing. If he wanted a public airing he should have refused to go to the
private briefing and then he would have had to be content with what he got.

155 But I am telling him as a policy maker the position is that the mechanism works on the basis
that that is how it was working. It is an efficient mechanism, and it was not invented by us but it
is an efficient way of doing things from the point of view of doing things administratively. I do
not believe in adding layers of bureaucracy that cost money; I believe in removing layers of
bureaucracy, which saves money for taxpayers. He believes in that as well because he urges me
160 to do things. I know that he supports the fact that I have taken the responsibility on behalf of the
Government for improving efficiency. If it is something that works and is cost effective, then as a
matter of policy I would not try to change it. If it is something that is in breach of some
technicality, then there are two ways of dealing with it: either we as a Government change the
requirement for the technicality, which we have got the majority to do; or we say to the
165 professionals, 'Well, look, you are technically out of order: put it right.'

When he goes beyond that to say 'Is there an agreement between somebody or the other?' it
is like the questions he has asked on previous occasions: 'Well, did you tell the Attorney General
to do something, or not?' Governments do not come to Parliament to give verbatim reports of
their conversations during office hours with their civil servants. I will find out, and if there is
170 information that is available to me and there is no problem in sharing it with the hon. Member I
will share it with him here so that he is free to do with it what he likes.

Hon. R M Clinton: Mr Speaker, I am, as always, grateful to the Minister for his honesty in
response and his helpfulness in undertaking to at least go and look and see if there is such an
175 agreement. If I may just say that certainly when we attended the meeting we were told there
was going to be a payment from a Government company, although it was not identified to us,
and certainly nothing was said that deemed that information commercially sensitive or private in
any way, which is why I have asked the question of the House.

180 My interest – and I am sure the Minister will appreciate this – is the contractual
arrangements, because I am sure he will agree with me that it would be inappropriate, for
example, for another Government-owned company or, indirectly through the Savings Bank,
Gibtelecom to make a contribution to Gibraltar Capital Assets Ltd. I am sure he would agree that
that would be completely out of order.

185 So, Mr Speaker, I would be grateful if the Minister would find out, if he can, whether there is
such an agreement in place and revert to the House as he said he would.

Thank you.

Hon. J J Bossano: Mr Speaker, I am answerable for the Gibraltar Savings Bank and all the shares of Gibtelecom, as an example, held by the Savings Bank. The profits pay the dividends to the Savings Bank and I can assure the hon. Member nobody is going to touch a penny of my dividends for as long as I am there!

Hon. D A Feetham: Mr Speaker, the hon. Member may recall that in the past when we have spoken about where the money from the Gibraltar Savings Bank, Credit Finance, into this pool mechanism has gone, the hon. Member, when I asked him what is that money being used for, has said to fund the cash requirement of Government-owned companies. That was the answer, that is a matter of record, and I think that he recognises that is what he said.

Bearing in mind that he has given a very similar answer now, in relation to capital assets, to my hon. Friend Mr Clinton – that it is going into the same central pool – and bearing in mind that in fact there are no subdivisions of that pool into defined pockets, as he has described it, am I also right in saying and assuming that that money too is of course being used to fund the cashflow requirements of Government-owned companies or whatever else the Government may need the money for?

Hon. J J Bossano: The money that has been provided to Gibraltar Investment Holdings as FRNs, is then, as he has been told before, finds its way to companies that may need the cash at the time they need the cash. That money has not increased; if anything it has come down. That is to say the original provision of funds to GIH has not gone up since, and if anything it is coming down rather than going up, so there is no question that Credit Finance is providing additional money to GIH other than the money that was provided before this arrangement existed. Before the £300 million facility existed, the money that was given to GIH would have gone down. Nothing extra has gone from Credit Finance to GIH since then.

Hon. D A Feetham: Capital assets, £300 million.

Hon. J J Bossano: Yes, but the £300 million, Mr Speaker, is in the company that obtained the money on the basis that it was secured on the leases of the estates. Having obtained that money, that money is available to the pool. Okay? It is not the case that the company that got the money from Credit Finance, GIH, has received any additional money from Credit Finance in order to make any payments to the company that has the annual rental payments to make, so it is not the case that any new money has gone in that direction from Credit Finance. The money that went initially from Credit Finance has been available to other companies for other things that they were undertaking. For example, you have got property companies that have been receiving money from the sales of properties, from the 50-50 sales. That money is available in the pool either for investment in other things or for the payment or for the amortisation of the capital of this company because it formed part of the same pool.

If the hon. Member is asking is it the case that we are relying on fresh money from Credit Finance, the answer is no; is it the case that the money is not being repaid to Credit Finance, the answer is no. Money is being repaid to Credit Finance at the same time, so there is nothing that has happened as a result of this company coming into existence that has cost more money to be provided from Credit Finance to Gibraltar Investment Holdings.

Hon. D A Feetham: No, that is not the question. Mr Speaker, I apologise, it is probably my fault, but the hon. Gentleman has not understood the question. I understand that otherwise there would be implications of the nature of the scheme. I understand this is not capital assets, Gibraltar Investment Holdings into Credit Finance. I am not asking about that.

I am saying: in the same way as the money from Credit Finance went into the central pool at the Treasury – which was then, according to him, used to finance the cashflow requirements of Government-owned companies, as he said to this House – is the new £300 million from capital assets, which has also gone, according to him, into this pool which is effectively operated by Gibraltar Investment Holdings ... or not? (**Hon. J J Bossano:** Treasury.) Yes, okay, Treasury. Is that pool, is that money, also being used in order to fund the cashflow requirement of Government-owned companies and indeed the Government itself?

Hon. J J Bossano: I do not think it is being used in the sense that use has been made of it so far, but it would be available for that use.

Hon. D A Feetham: Yes. Yes.

Hon. R M Clinton: Mr Speaker, if I may move to Question 298 on the same subject of the money raised by Gibraltar Capital Assets Ltd – and, for the benefit of the House, of course Gibraltar Capital Assets Ltd effectively paid £275 million to Gibraltar Residential Properties, so the holder of that money technically will be Gibraltar Residential Properties ... Coming to my question – and again we always end up with a question on this idea of cash pooling, but can the Minister advise if this £275 million is in any way ring-fenced or restricted in use by the Treasury, as the Chief Minister's office said that these will be used for stuff that will generate economic activity for Gibraltar?

So my question to the Minister is: is this money in any way ring-fenced by Treasury, whether mentally or by way of direction, and told that they cannot use this £275 million unless for a specific purpose?

Hon. J J Bossano: I do not believe there is any legal impediment to the money being used for any specific purpose in the sense that there is anything in the provision of the funding that says you can only use the money for x. It would be a matter of Government policy. Certainly from my perspective the best way to use that money is in a way that generates income, so that in effect it funds itself. Whether that happens or not remains to be seen.

Hon. R M Clinton: Well, Mr Speaker, I sincerely hope that it does fund itself.

If I may just ask one final question: in terms of the responsible officer – and just to confirm my understanding from his response that the money will be managed by the Treasury – is it the case that the Treasury are effectively responsible for this money and therefore it would come under ... the responsible officer would be effectively the Accountant General?

Hon. J J Bossano: Well, Mr Speaker, the question – Question 298 – that the hon. Member asked originally, was who is the controlling officer. The concept of the controlling officer is what there is in the estimates in a Department. The pool of money is managed by the Treasury in the same way that it has always been managed and it is not that there is a list of controls for different kinds of money depending on the source. Otherwise, what would be the use of having a pool? It is not that there is one particular named civil servant who is the one who takes the decision on how to spend £275 million and some other named civil servants who take a decision on money from another source. The money is the cash available to the Government and to wholly owned Government companies, and the availability of that cash at any point in time is used in whatever way is the most efficient way to use that cash from the point of view of managing the financial affairs of the Government and the public service.

The hon. Member has been told that the preferred option – and I would agree that that is the best way to make use of this money – is to invest it in areas where there is a return which not only meets the cost of servicing this money but makes a profit. Therefore, if the hon. Member said that that is what was indicated to him I have to tell him I would clearly think that that

290 should be the preferred option. But the preferred option can only materialise and be put into
effect if an opportunity exists to do that. Everybody who has money wants to make money, but
if wanting to make money was all that was needed then everybody would be very wealthy.
There has to be an opportunity to do it; there has to be a project or an investment possibility
that could do it. For example – I am giving the hon. Member examples and I do not want him to
read into things something I am not doing; I am trying to make him understand – I explained to
295 him before the decision that was taken that Credit Finance should be the one that did the joint
venture on Shell LNG. It could equally have been, ‘Well, look, that is a profitable investment that
will give a return that is more than we have to pay on that money, so we can use the money for
doing that.’ That would be an example, but it is not a decision that was taken. I think in any
event the money was required before this was finalised and, from the point of view of the
300 Savings Bank, we saw that as an opportunity for the Savings Bank to bring in money, which is
important because we want to be able to keep our interest rates as attractive as possible for the
benefit of local savers. I am not saying that it was something that was considered; I am giving
him an example of what might have been a possibility.

305 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his illustration of the use this
money could be put to, but I really have a very specific question. He mentioned controls earlier:
who is responsible for the control of Government-owned companies ultimately, other than
himself? Is there somebody in the Civil Service who is responsible for oversight? You talk about,
on the one side, what is in the Estimates Book, and we all understand that, but who is ultimately
310 responsible for the control of the Government-owned companies?

Hon. J J Bossano: Ultimately, Mr Speaker, the same people who were responsible in the last
15 years: the people who put us here and put him there.

315 **Hon. R M Clinton:** Well, Mr Speaker, I am sure the people of Gibraltar will be pleased to
know that their influence is still acknowledged and the fact that we are their servants.

I must ask again, and forgive me if I repeat myself: who is responsible for the control of
Government-owned companies? Is it somebody in Treasury? Is it the Financial Secretary? There
must be somebody in the Civil Service who is responsible for monitoring these companies.

320 **Hon. J J Bossano:** Mr Speaker, the hon. Member has asked that question before. It is a
question that ... As far as I am concerned, the only person who has ever asked it in this
Parliament in the 44 years that I have been here has been him.

I am here because I am responsible for the Savings Bank. I am not on the counter in the
325 Savings Bank taking money from people for debentures, but if anything goes wrong with the
Savings Bank the guy who can be sacked for it is me. The civil servant cannot be sacked – he can
be reprimanded, he can be given a warning, but he cannot be sacked – but I am liable to be
sacked and I am liable to be sacked by the people who employ me, who are the people who
have voted for me.

330 This is not something new. This is something that has been true of the responsibility you have
in Government since I have been here in 1972, and it is the responsibility that the people in the
Opposition, in all the time that I have been here, clearly understood: the division between the
ultimate responsibility, which is a political one, and the responsibility that civil servants have,
which is not a matter for which they have to be scrutinised, answered, named or identified. The
335 hon. Member has actually even asked for the names of the people concerned. Well, look, it is
not going to happen and it is not right that it should happen. If the hon. Member wants to
criticise the Savings Bank, I take the responsibility and he criticises me; and if he wants to
criticise something that is wrong with the management of the economy, then I take the
responsibility and he criticises me.

340 It does not mean that the day-to-day decisions in matters that affect the economy ... or it
does not mean that, for example, the production of the statistics on which our economy
depends for policymaking are done by me. I do a lot of my own work because I am used to it,
having spent more time in Opposition than in Government, but the bulk of the work has to be
done by the professionals that we employ. Those professionals are the same ones as when they
345 were in Government. They are people who are dedicated people, who know their job – some
know it better and others know it less well – and the work that they do ... It is simply not correct
that the Opposition say, 'Well, I want to know who it is that is responsible for running this or for
running that,' because responsibility rests at a political level with us, just like they have a
responsibility which is political. I think that the hon. Member should understand that distinction.

350 So, ultimately it is the people who decide. If they are not content or satisfied with the
management of their property, they ultimately get rid of the people who have to be voted, just
like if you were talking about a private corporation. If a business is not doing well, what you
would expect would be that the board of directors get kicked out by the shareholders, not that
there should be a mass redundancy of the employees, although the guys who take the
355 responsibility may not have been the individuals who were directly responsible on a day-to-day
basis for running the show. At the end of the day, one sees it all the time in the private sector.
People in the private sector, when a company does very badly, accept that they are the ones
that the shareholders will hold responsible, even though the board of directors may not be
meeting more than two or three times a year. He needs to understand that there is a parallel in
360 the public sector and that is the parallel that where the responsibility is ... He can ask who is the
individual who takes a decision as many times as he wants and the answer is going to be that I
am responsible for all the mistakes that the people who work for me do.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer. I have a question
365 on this at the end, but if you can bear with me ...

He mentions that no, I should not have the names of the people who are responsible for
expenditure and it is not correct for me to ask, but if anybody picks up the Estimates Book – and
there is four hundred-odd million or more of expenditure in here – Department by Department,
at the top of each page, it tells you quite clearly: for example, No. 6 Convent Place, the
370 controlling officer is the Chief Secretary. And it goes on and on and on.

All I am asking is really, quite simply, who is the controlling officer. Who is it that is
responsible for making sure that the Government companies are managed? It is as simple as
that. The Minister may not want to answer me. If he does not want to answer me, I am perfectly
happy for him to say 'I am not going to answer you', but surely there must be somebody who
375 has oversight of these companies who is not a Government Minister. Is that in the Financial
Secretary's office? Is that in Treasury? Under which area of Government does this come under?
There is four hundred and fifty-odd million here. Penny by penny, line by line, it is all accounted
for and we all know who is ultimately responsible for that expenditure. We have well over £700
million going through Government-owned companies. Somebody in Government, either in the
380 Civil Service ... must have oversight of that; and if there is not oversight, would he not agree with
me that there should be?

Hon. J J Bossano: Mr Speaker, I cannot agree with the hon. Member, and it is not that I do
not want to give him an answer; it is just that he does not want to accept the answers that I give
385 him.

What he has just told me I told him 15 minutes ago. Fifteen minutes ago I said the
terminology the hon. Member is using of 'responsible controlling officer' is a public sector
concept in the Book of Estimates, where there is a controlling officer for the expenditure. I told
him that 15 minutes ago. Fifteen minutes later, as if I had not said anything, he tells me what I
390 have told him.

He says that I do not want to answer him. I try as much as I can to provide him with information and I think I go the extra length to satisfy his curiosity, but what I cannot do is restructure the way the public service operates, including state-owned enterprises and Government Departments, simply because of his ideas of how it should be, which is not the way
395 it has ever been. It may be that one day he will be on this side and revolutionise the whole system and introduce controlling officers everywhere – presumably a controlling officer for the University and a controlling officer for the Gibraltar International Bank, who are also owned by the taxpayer. But what he is asking now ... The answer is there is no such thing as a controlling officer.

400 The pool of money is controlled by the same people in the Treasury who control the pool of money. When money is spent on the basis that it has been approved by Parliament, there is a controlling officer because the Parliament, which has approved the expenditure of that money, is informed of who is controlling the money that they have approved. If a Government company tomorrow decides to buy a typewriter, he does not need a controlling officer to buy the
405 typewriter, because the mechanism of a commercial company, even if the shareholder happens to be the state, is not the mechanism of a Department. Maybe if Departments were more like private sector companies and they did not have so many controls things might be done more efficiently and less expensively, but all these controls that they have do not exist in state enterprises here or anywhere else. They have never existed before, and we have had state-
410 owned companies going back to the ship repair yard in the 1970s.

At the end of the day what the Member wants me to do is to say to him either I am not prepared to tell you who is the controlling officer or I am prepared to tell you who is the controlling officer. I am telling him that the concept of a controlling officer is totally alien to the commercial structure. It is an invention of the public sector in a situation where the Parliament
415 says 'I have approved £1,000 for photocopying paper', and the controlling officer makes sure that the £1,000 is for photocopying paper and not for writing pads. In a company you decide if you want writing pads or whether you want photocopying paper, and the guy who decides is the guy who is going to use it. He does not have to go through a line or chain of command, nor is there a paper trail which passes through God knows how many stages.

420 I have explained that to him before. I have explained to him the problem we have in providing any information, given the length of time between the action taking place and the record of that action taking place in the inputting. I have said to him more than once this is a system that needs to be modernised and reviewed but it is a system that has been there a very long time and the inputting takes ages after the event. Therefore, if I say to him 'How much has
425 been spent today?' I know while I am saying it that the figure I am saying is wrong.

So I am not withholding information; I am trying to explain to him they are two different concepts, two different structures and two different ways of carrying out what is ultimately money that belongs to the public, because it is not just taxpayers' money – if a company makes profits, this is not taxpayers' money; it belongs to the citizens whether they pay taxes or not,
430 because ultimately they are the owners and we are what would be the equivalent of the board of directors if there was the same kind of structure. So we have got a role that we play in the Government and a role that we play in Government companies at a policy level, and what we are doing is using civil servants because, frankly, it would cost more if you had all the administration of the companies done by other people in addition to the people we have got in
435 the Government. So it makes more sense to do ...

Before it was introduced by the GSD, the concept of pooling it was not done. It was much more cumbersome and much more expensive and much more rigid. There were vertical lines of decision making, and if you needed to spend money on one thing you then had the situation of how do you go about the machinery of transferring money from one company to another. If you
440 put all the money in one pot, then in effect you are able to do much more efficient management of that money. For example, if somebody needs to borrow money and somebody has got money to lend, it makes more sense that they all draw from a common pool than that one should be

445 depositing money in the bank and another company should be borrowing from that bank as an overdraft – and then the bank is actually giving money to one company using the money of the other company. Those kinds of things used to happen in the past. I think whoever it was who advised the Government after 1996 came up with this concept and it is a concept that has worked for many years; I learned about it on that side, not this one.

450 **Hon. R M Clinton:** Mr Speaker, if I understand the Minister correctly, effectively what he is telling this side of the House, or just me, is that the concept of the controlling officer is irrelevant in this discussion in respect of this £275 million because it is through a Government-owned company and, as such, there is no controlling officer that would normally be associated with the numbers in the Estimates Book. I would just like the Minister to perhaps, if he could, confirm to me that effectively, as I understand it – and this may be blindingly obvious – everything that is a Government-owned company, anything that is not in the Estimates Book, is not subject to the Public Audit Finance and Control Act and is therefore beyond the scrutiny of this Parliament.

460 **Mr Speaker:** This is the last supplementary that I am allowing on this particular issue of controlling officer. The two hon. Members have been at it for 25 minutes on the same supplementary. It is going beyond the pale. It is a kind of situation that I do not think is contemplated in any parliament; I do not think it happens. Of course, we no longer have a question and an answer; what we now have is a discussion going on for 25 minutes, and here the rest of us are as if there was nothing else in the world that is important, as if that was the sole issue that this Parliament meets to debate.

465 I have been very liberal, I think, very patient, but there is a limit. There really is a limit on this specific issue of the controlling officer or the lack of controlling officer. I am not curtailing the hon. Member's supplementaries on any of the other questions, because they have all been answered together; but on this issue yes, because I think the Minister has given exhaustive answers and now the hon. Member is asking the Minister to confirm whether his understanding of those exhaustive answers is not ... Honestly, look, there is a limit and we have come to the limit.

470 Whether the Hon. the Leader of the Opposition likes it or not, I think he must give me credit that we have been 25 minutes on just one simple issue, and surely that is a liberal application of the rules by any concept other than a biased one. *(Laughter)* Okay?

475 Now, the Hon. Mr Clinton has the floor based on what I have told him.

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

480 **Mr Speaker:** You do not have to intervene! The Hon. the Leader of the Opposition thinks that every time I intervene –

Hon. D A Feetham: No, I don't.

485 **Mr Speaker:** – he has got to intervene in order to bring me to order, as it were. *(Laughter)* He does not have to. It is a matter between the Hon. Mr Clinton and me as Speaker only. Yes! It has got nothing to do with you as Leader of the Opposition! You have not asked a question; he has asked the question. He has had the floor for half an hour this morning, half an hour this afternoon, and it goes on. And that is it! *(Laughter)*

490 **Hon. D A Feetham:** No, Mr Speaker –

Mr Speaker: Yes!

Hon. D A Feetham: Yes, it does have something –

495 **Mr Speaker:** You have the floor.

Hon. D A Feetham: Thank you very much. Yes, it does have something to do with me. I was going to just ask Mr Speaker's leave to ask one supplementary question. *(Interjection by Mr Speaker)* That is all! I did not want to say anything else. *(Interjection by Mr Speaker)*

500

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

Mr Speaker: I will, of course, allow you one question, but I will not allow you to query what I have told Mr Clinton –

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Hon. D A Feetham: I'm not querying anything!

Mr Speaker: – because I think I am entitled to point out to him that he is abusing my liberality in respect of the Rules of the House.

510

Now I will allow Mr Clinton supplementaries on other matters. I will allow the Leader of the Opposition his supplementary if it is that he wants additional information or any other issue arising.

Hon. D A Feetham: Just on this issue, yes?

515

Mr Speaker: On this issue?

Hon. D A Feetham: That he has not answered – or do you want to hear mine first?

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Hon. J J Bossano: I have had a question from the hon. Member which is not really a question; it is an attempt to set a trap for me – and he should know me better than to think I am going to walk into it.

I am not here to tell him what he should make or think or interpret from what I have said; I am here to give him information. He says, 'Having heard everything, can the hon. Member confirm that that means that we have not got enough scrutiny, or we have no scrutiny of this Parliament, of the money that is spent through the Government companies?' Well, the answer is that when there are in this Parliament 17 Clintons, then no doubt that interpretation would be correct, but when there is only one Clinton in the Parliament I doubt that that interpretation would be correct.

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Mr Speaker: And when there are 17 Clintons, perhaps the Speaker will have to be a Clinton as well! *(Banging on desks and laughter)*

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Hon. R M Clinton: Alas, Mr Speaker, Hilary didn't make it, but never mind! *(Laughter)*
The House will be relieved to hear that I have nothing further to add.

Several Members: Hear, hear. *(Laughter and banging on desks)*

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Hon. D A Feetham: Well, Mr Speaker, that is the first time that I hear enthusiasm from the other side at a Member on this side saying he has no more questions. That is no doubt because he has been extremely effective *(Interjections and banging on desks)* in the way that he has conducted the questions this afternoon.

Mr Speaker, I have a slightly different angle related to this. I have found the hon. Gentleman's answers very helpful. Can he confirm that really what he is saying is, in a sense, is this: the companies that are spending this money have their own board of directors – it used to be the Chief Secretary, the Financial Secretary and a couple of others; now it is actually

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550 corporate directors, there is a corporate director – but what he is saying is, irrespective that the companies have their own directors, really the decisions about how the money is being spent are made by the Government, because the Government is making those decisions. The day-to-day running may be done by the directors but it is the Government that makes the decisions as to how that money is being spent in that pool contained at Treasury.

555 **Hon. J J Bossano:** I have no doubt that it was so in the four years that he was in government and I have no doubt that it was so in the 11 years before he was in government, when the party that he leads was in government. And I can tell him it was so in the eight years when the GSLP was in government, and to my knowledge it was so between 1972 and 1988 when the AACR was in government. So, if he is asking is something new happening that has never happened before, the answer to that is no. If he is asking, is it the case that the people who are on the board are appointed to that board because they have senior positions in the Civil Service ... And he is right
560 in saying it is a corporate entity, but let's be clear. It was explained, I think, to him previously that the decision is that, in order to be able to facilitate any change of directors in terms of individuals, the corporate identity, which will be Gibraltar Government Directors is the corporate entity – or GDC Directors is the other corporate entity ... Instead of having to change a director in 20 companies, you change the director in that corporate entity and automatically you change
565 it in the whole of the companies. That was the rationale that was proposed to us, we thought it was a good idea and we said to go ahead and implement it.

The policies of all the Government companies, like the policies of all the Government Departments, are policies taken at the political level, for which we are responsible. There is no question about that; it has always been like that and it will always be like that. It is not the case
570 that, because it is a company structure, the company director can decide to go on a jaunt and spend the money of the company without reference to anybody else. But this is not something that is new; it has always been like that.

Mr Speaker: Next question.

Q302/2017
Ship repair industry –
Apprenticeships

575 **Clerk:** Question 302, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government state how many apprentices undertook apprenticeships in the commercial ship repair industry in Gibraltar in each of the calendar years ending 31st December 2012, 2013, 2014, 2015 and 2016; and how many of them have been kept
580 on after completion of those apprenticeships?

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

585 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Yes Mr Speaker, the number of apprentices in ship repairing have been: 2012, 10; 2013, eight; 2014, seven; 2015, two; and 2016, four. Thirteen apprentices have completed the training and been taken on by Gibdock.

590 **Hon. D A Feetham:** Mr Speaker, there appears to be a trend of downward recruitment of apprentices within ship repair from 10, going down to two in 2015 and four in 2016. Does he

595 know why there is this particular trend? Has he himself enquired? I know this is a particular question that he used to ask from the Opposition benches when he was on this side of the House, so I take it that he has continued to take an interest in this area from the Government benches.

Hon. J J Bossano: Well, there is a difference in respect of what happens now and what happened then when I was on the other side, because now we only take the apprentices on the basis that the company tells us that they are going to be employed. Before, people went and did
600 an apprenticeship ... I remember one particular ceremony, because in those days there used to be a ceremony where the Minister went along to hand the people the Level 3 certificate, and when he gave the Level 3 certificate – I think it was Mr Montiel – a couple of the apprentices said, 'Okay, thank you very much for the certificate, but now, next week I am on the dole,' which got more publicity, as one can imagine, than the certificate ceremony had had in any other year.

605 The argument that we had pursued from the Opposition is the policy that we have adopted in Government, which is that we train people for jobs; we do not train them for acquiring skills and then hoping that there will be a vacancy somewhere and that somebody will employ them. I think there is a rationale to that policy. I think people need to understand that although it is normal in countries, in Spain or in the United Kingdom, for people to be trained in a particular
610 trade even if there is no demand in the area where they live, there is a reason for it. You can be trained in the town next door to be a carpenter and finish up in Barcelona working as a carpenter; but in Gibraltar, if we analyse what the labour market wants, then the logic is that we train people for employment – we do not train them to be unemployed and then after the training the guy comes back and says, 'Why have I wasted three or four years of my life and then
615 I am on the dole and I have to finish up doing something else and not what I have been trained to do?'

So the reality of it is that this is driven by two factors: it is driven by what the company tells us they are willing to employ and by the availability of candidates willing to do the jobs for which they will be trained. Just like there is a level of deficiency in a system which just trains people
620 and then hopes they get a job, there is also a situation where some people will go into training simply because they are out of work but not because they have got any intentions or interest in staying there.

I can tell the hon. Member, for example, that in welding and fabrication, which are two of the fundamental skills, it is difficult to get candidates who want to learn those trades if the answer is
625 that when they finish they will have to work in Gibdock. There are people who have done the trades in the past and then finished not ... in the past, given that the Government finances the whole thing ... Look, in terms of Gibdock there is no expense in this. The Government meets the cost of the training and meets the pay of the trainees, so now that they are being told, 'You have to tell us if ...' This year, for example, I think we could only find four suitable candidates and they
630 were willing to take on six, but of all the many people – something like 40 or 50 people – who were interviewed because they were interested in an apprenticeship, when they found that the apprenticeship was not going to lead to a job in the Government sector but lead to a job in Gibdock, then they were not so keen to take it on, so ultimately we finished up with four candidates, who have already started.

635 I think the important thing is that all the 13 candidates that completed were all taken on, but the ship repair yard is a commercial entity and if they feel that the candidates they take on in Gibraltar tend to form part of their permanent workforce, which is something like a hundred – whereas when they have got a lot of work they may go up to two or three hundred, and they bring in workers when there is a peak and they downsize when there is no work – it is that core
640 of a hundred jobs that is the one we expect to be filled locally if there are people who are wanting to do that kind of work. But there is no particular reason or reluctance of the company to take the people on because we made that a necessary part of us financing it.

We are now making it more attractive than it used to be before 2011. People would get three or four hundred pounds a month and now we are giving them about a thousand. So, from the point of view of our apprenticeships, I think in the United Kingdom they get about £2.50 an hour, or £3; here, they are getting the £6.28 from the age of 15. So they can go in at the age of 16, and provided ... Like our own Construction Training Centre, we tend to not ask for academic achievements before you go in. We just give people the basic literacy and numeracy test, because really what we want to do is provide an avenue for the children who come out of schools who have not got qualifications and therefore they are the ones who tend to have less opportunities in life, and those are the ones we want to attract into the apprenticeships. Therefore, in the area of construction we are not as demanding and there is more of an involvement by the instructors in helping people to make the level that they need to make to get their Level 1 and their Level 2 – and in the construction industry, as Members know, the construction trades accept a Level 2 as a craft level, whereas in the mechanical trades it has to be a Level 3. But there is no difficulty in having more, subject to the fact that there is a maximum because of the number of instructors and the facilities that there are in having more.

The other thing is, of course, that I have answered the question based on Gibdock and on the ship repairing trade. The hon. Member knows that that does not mean that these were the only people who were training. There were people training ... For example, we introduced, a couple of years ago, motor car mechanics, which did not exist before, and now that there is that choice some people say, 'Well, I don't want to be working in a shipyard – I would rather be a motor car mechanic.' So they have got other options that were not there before. But I cannot think of any other specific reason.

Hon. D A Feetham: Mr Speaker, that was a very interesting answer, and in fact ... I am going to ask a supplementary, but if I may say so the answer that he has provided about UK trainees being paid £2.50 an hour basically also adds justification for the argument that I used to put to the hon. Member that trainees are not employees and that is why we never counted them as such in the unemployment list, which is the position in the United Kingdom. That is why actually they were able to be paid £2.50, well below the minimum wage. The United Kingdom government, or the local authorities, would have been in breach of the law if it were otherwise.

But, Mr Speaker, out of 31 trainees in the last five years only 13 have been employed by Gibdock. In fact, that actually compares in the same period more or less to the position that it was when the GSD was in government and the hon. Member was asking questions about this. Does he therefore now accept that, really, having attempted to incentivise the taking on of trainees by paying more, so therefore making it more attractive to the trainee, and indeed paying for the training rather than have the company pay for the training, the reality is that really this is led by the employer and there appears to be very little that the Government can do to increase these numbers, which was one of the answers that Mr Montiel used to give him when he used to ask Mr Montiel this very same question when he was in Opposition? And if not, does the Government have any plans to try and further incentivise this particular company to increase the employment rates, which at the moment is well below 50% of those trained?

Hon. J J Bossano: Mr Speaker, not everybody completed the course. The hon. Member asked me how many people completed their training and the answer was 13, and how many people had been taken on and the answer is all of them.

Hon. D A Feetham: I understood 31 had completed their training.

Hon. J J Bossano: Thirteen completed their training. For example, in 2015 we had five who completed and the five were employed.

Hon. D A Feetham: Mr Speaker, he said to me in 2015 two were trained.

695 **Hon. J J Bossano:** No, Mr Speaker, in 2015 two were training and five stopped training because they completed and were employed. So in 2015 two people were left still training after five people had stopped training because they had got their Level 3 and Gibdock took them on.

So the answer is that of the people who have been in training, of the ones that have completed, all the ones that have completed have been employed by Gibdock, which is the result that was not happening before. I have given him the example of what happened – he may remember the occasion – when there was a ceremony where they were given the certificates and there were two trainees who stood up, put up their hands and said, ‘This is all very well, I have got a piece of paper, but next week I have to go to the ETB and sign on as unemployed, so what have you trained me for?’ What we were always urging was that the training should be based on the knowledge that there was a job, particularly when you are in a specialist area. If you are training somebody to be ship repairing and there is only one ship repair yard, short of going to Lisbon or Cádiz, where does a guy go? Some skills are transferrable, but not all of them.

705 What I am saying to him is that if the intake we have got is driven by the numbers that Gibdock tells us they will ... This is future planning. They have to commit themselves three years ahead and say to us that in three years’ time, if the trainee has passed their Level 1, their Level 2 and their Level 3, there is a job for him. This year they told us there would be a job for six at the end of three years and we were not able to produce six candidates interested. There were candidates who were interested in other things – people wanted to be electricians or car mechanics, or other things, but not working on ship repairing, which is a demanding job, as anyone knows who has been involved in the dockyard in the past. Therefore they took on four, because we could not produce six that would meet their criteria. They interview the candidates and they require a certain level, because they say they are only interested in candidates, from their perspective, who they judge have a good chance of being successful and not drop out in the middle of it.

715 So the answer is that we have made it more attractive by increasing what we pay, but of course the fact that we make it more attractive does not necessarily mean that people are willing to work in a shipyard simply because we make it more attractive. People will say, ‘Well, no, if the end result of my training is that what I can do is work in a shipyard,’ and that is why I told him that it was the welders and the metalworkers were the grades where they recruit people and where we have difficulty in supplying sufficient trainees.

720 But what I can say is that I have given him the people who were in training and I have given him the total, which is what he asked me for, of those who had completed their training; and as an example I have said to him that in 2015 there were two people still training and five people who finished, and the five who finished were all taken on. That is the last intake into employment. The last cohort that finished training and were given a job by Gibdock was in 2015. The people who are in 2016 are still in the middle of their training, and there is a new intake in 2017.

Q303/2017
Lift contractors –
Official contractors list

735 **Mr Speaker:** There remains one question on the Order Paper directed to the Hon. Mr Bossano. The Hon. Ms Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Government explain which lift companies were removed from the official contractors list by this present administration and which companies remained?

740 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunication and the GSB.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): None, Mr Speaker.

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Hon. Ms M D Hassan Nahon: Mr Speaker, from my information there have been companies that have been removed, but obviously I have to take the answer from the Hon. Minister at face value and perhaps will revisit this question at another point in time.

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Hon. J J Bossano: Well, none have been removed by the administration. There may be people who have said they do not want to be on the list anymore and they have been removed at the request of the person, but nobody has been removed and nobody has left. The list has only got longer since 2011; it has not got shorter.

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Hon. Ms M D Hassan Nahon: Can I ask whether Government has been using any lift companies more often than others or favouring any lift companies in particular?

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Hon. J J Bossano: It is a very long list, Mr Speaker, because she is asking 'official contractors list'. The official contractors list that we inherited consisted of construction companies, cleaning companies and security companies, which were the three areas that in 2010 were introduced when the previous administration said they were going to put a list where they were making it a requirement that anybody who wanted to be an official contractor to the Government had to commit to taking on people from the unemployment list. And in fact, as I have explained before in Parliament, maybe before the hon. Lady was here, one of the elements in that requirement – and quite extraordinary, and I have never seen anything like it in other jurisdictions, was that it is one that was only on paper; it still is on paper, but I do not think it has ever been actually enforced – was that not only did they have to take the client that was submitted by the Employment Department but they could not terminate the contract of that employee without the permission of the Government. That clause is still in the approved contractor list conditions. It was there from 2010 and it is still there. I do not think anybody has tried to enforce it. I am not sure to what degree it is enforceable, but I can tell the hon. Lady that the initiation of that list was the system that has continued since then and what has happened since then is that we have expanded it to other areas.

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Recently, when my friend Neil Costa was involved, we agreed that we would be extending it to other areas because there is no logic why some Government contractors should be subjected to those requirements and others not. So now what we do is we make sure that all the contractors are subject to the same conditions.

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In the case of, for example, the construction industry, it also affected the subcontractors, so that in some cases you have had a situation where you have subcontractors ... and there, there are some companies that have been removed, but not because of a decision on their removal but because their inclusion in the list was with a fixed date or with a fixed project. So, for example, if we had people who were subcontractors on the marina, when they came in they were put on the list and then in the conditions of their addition to the list was that they would remain on the list, because they had been brought in to do the marina, for as long as they were doing the marina, and then when they finished the marina they would be removed from the list. This is partly to protect local businesses; otherwise, you would have a never-ending flow of new competitors coming into the market. If there is a specialist that needs to come in to do something, normally they are put on the list and their place on that list is conditional on their still being engaged in the work for which they were brought in; or, where there is a known date, then the date is put in. If something has got to be completed by a specific date, then they are an

approved contractor up to that date. Alternatively, they are an approved contractor until the project is finished.

So those people fell off the list automatically. It was not that they were required to be removed, because their original inclusion was for a limited period. But other than that, the list
795 has only changed by having more people in rather than having less.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Hon. Minister for that detailed answer and I am grateful.

My question arose from the fact that, out of the new buildings and housing estates that have
800 been completed, overwhelmingly there is one lift company that tends to be servicing and providing these lifts. So my question was in relation to whether there was in fact fair competition, whether other lift companies were tendering, or whether there was one company that was effectively taking over the new buildings and estates.

Hon. J J Bossano: The lift companies, Mr Speaker, were not on the original list when we came in, and of course given that the lift companies that I know of employ nobody here, indeed it was necessary, for the maintenance of the lifts, to call somebody in Madrid to get somebody from Algeciras to come here and repair the lifts. I do not know how the people caught in the lifts felt about that arrangement, but that was the arrangement that existed.

It may well be that those companies feel that they are not being as well treated nowadays as they were before 2011, but we believe that it is important to give an opportunity to train locals in the installation of lifts and in the maintenance of lifts and not to be in a situation of total dependence on people who are detached workers. They were not even Frontier workers. They were workers who were employed in Spain, posted to Gibraltar when a job needed to be done,
815 paying their social insurance in Spain, and certainly with the Article 50 Notice that we have had today it makes it even more important that we look to having a home-grown industry in that area. But at the time there was no inclusion of these companies on the approved contractor list and therefore it was not that we were breaking any conditions – there were no conditions attached. They did not have to employ anybody and they did not have to pay anything.

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Hon. Ms M D Hassan Nahon: Thank you once again. So then, there is effectively an admission by the Minister that home-grown companies and the work that they are producing means that effectively they get favoured for contracts.

Hon. J J Bossano: When the work is given it is given with the criteria that there has to be the quality, the reliability and the most effective price or value for money, but I make no apologies for putting the interests of Gibraltarians and Gibraltar first – no apologies. And I am sure that her Dad would not either.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you. I have no doubt that his intentions – as, he claims, my father's too – are for the best for Gibraltarians. That was never my question. My question was whether there was some sort of favouring for one particular company, which, it seems there has been an admission of that. The reasons behind it is a different debate, possibly.

Hon. J J Bossano: Mr Speaker, if I want to say something I do not insinuate it, so if she thinks she has discovered that I was subliminally making an admission of something ... I am quite happy to stand up for the beliefs that I have without insinuating something or other.

I have told her that the selection has been on quality and on price. I have to tell her that when it comes to fair and unfair competition I think that not having to have people employed in
840 Gibraltar and being able to bring people in from outside Gibraltar may be unfair competition against a local company, and therefore the local company is not getting preferential treatment if they have to comply with things in Gibraltar and their competitors do not.

845 Certainly I can tell her that I think the position that existed where the competition was
between two companies, both of which employed nobody here, contributed very little and in
terms of multiplier effect in the economy was not satisfactory. Notwithstanding that, they have
not been debarred from competing and putting in tenders. I can tell her also that their tenders
have been lower since we have had a local competitor than they were when they held a
monopoly – but in spite of that, nobody has been given favoured treatment, although there are
plenty of reasons to justify it.

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**Suspension of Standing Order 7(1)
to proceed with Government Statement**

Mr Speaker: The Hon. the Chief Minister.

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

Mr Speaker: I now propose that the Standing Order cited by the Chief Minister be suspended
in order to allow him to make a Statement. Those in favour? (**Members:** Aye.) Those against?
The Hon. the Chief Minister.

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**Activation of Article 50
of the Treaty of Lisbon –
Statement by the Chief Minister**

865 **Chief Minister (Hon. F R Picardo):** Mr Speaker, all hon. Members will be aware of the
statement by the Prime Minister, the Rt Hon. Theresa May, in another Parliament earlier this
afternoon. At 1.30 p.m. Central European time the Prime Minister has informed the House of
Commons that she has formally written to the President of the European Council activating the
operation of Article 50 of the Treaty of Lisbon in respect of the United Kingdom's membership of
the European Union. The United Kingdom's Permanent Representative to the European Union,
Sir Tim Burrow, has already delivered the letter to the President of the European Council, Donald
Tusk.

870 I can assure the House, Mr Speaker, that we have considered in the Joint Ministerial Council
aspects of that letter and on the tactical and strategic aspects of what it should or should not
contain in relation to Gibraltar specifically. Although the letter does not mention Gibraltar
specifically, it does cross refer to the White Paper published in February this year which dealt
with Gibraltar issues. Another White Paper, to be published tomorrow, will also be relevant to
Gibraltar.

875 The Prime Minister has moreover just answered two questions in Parliament about Gibraltar
arising from her statement, confirming specifically that Gibraltar is a specific part of the
multilateral negotiation she will lead with the rest of the European Union. She has also stated
explicitly that she and her government are absolutely and steadfastly in support of Gibraltar and
its people and economy. She has also confirmed on the floor of the House her government's
880 commitment to continue to work closely with the Government of Gibraltar as the negotiations
develop.

Mr Speaker, Gibraltar has been a part of the European Union and the application of the
treaties establishing the European Economic Community and the EU since this House, in

December 1972, voted to give effect to the provisions of the Treaty of Rome through the passing
885 of our European Communities Act.

Article 355(3) of the Treaty Establishing the European Union makes specific provision for the
application of the treaties to a territory for whose external relations a member state is
responsible. Gibraltar is constitutionally such a territory. Since 1973 our constitutional position
has nonetheless developed and now, although a matter may be related to the relationship with
890 the European Union, such a matter will not be outside the constitutional competence of
Gibraltar if it is otherwise a matter for which Gibraltar holds competence. This withdrawal,
Mr Speaker, is therefore a matter of constitutional significance for Gibraltar. The 2006
Constitution provides in section 47(3) as follows:

Without prejudice to the United Kingdom's responsibility for Gibraltar's compliance with European Union law,
matters which under this Constitution are the responsibility of Ministers shall not cease to be so even though they
arise in the context of the European Union.

895 Our membership of the EU is also based on a number of derogations from the full application
of the European *acquis communautaire*. Those who negotiated our membership for Gibraltar in
1972 managed to secure for us terms which have stood the test of time and led to a remarkable
level of prosperity in Gibraltar in the 30 years since the opening of the Frontier with Spain really
allowed us to trade with the rest of the EU. Mr Speaker, I reflect at this moment of
900 commencement of our withdrawal from the European Union, therefore the gratitude of the
generations of Gibraltarians that have followed to those of the AACR and IWBP who were
responsible for those negotiations and those decisions. Former Chief Ministers Sir Joshua
Hassan, Bob Peliza, Joe Bossano and yourself, Mr Speaker, were Members of the Parliament that
took us into the European Economic Community. With you were also former leaders of the
905 Opposition Peter Isola and Maurice Xiberras. The decisions made then now fall to be analysed as
we make decisions about the future direction of trade in and from Gibraltar.

Our Brexit Select Committee will now soon start its work as the negotiations commence to
analyse the choices we should make for today and for the future. The world today as we leave
the European Union is a different place, Mr Speaker, to the world that saw us enter the EEC.
910 Today Gibraltar has access to the United Kingdom market in financial and other services, where
we do 90% of our business. That access has been guaranteed going forward as a result of our
negotiations with the UK in the aftermath of the result of the referendum. Today the globalised
economy and the virtual economy provide opportunities for Gibraltar beyond its immediate
geography. In that respect, Mr Speaker, we will be working to ensure that we open up access for
915 Gibraltar to markets around the world. Today the UK is already considering trade deals with the
world beyond the EU. Those deals will also likely include access for Gibraltar to such markets as
the United Kingdom does trade deals in coming years.

Mr Speaker, considerable work is being done by the Government with the relevant
departments of the government of the United Kingdom to ensure such access is secured. We
920 know that those markets are likely to include nations of the Commonwealth and the United
States. With those nations we share perhaps much greater affinity than we might with some of
the nations with whom we were in partnership today in the European Union. Bonds of language
and the common law create synergies which may yet provide a more interesting market for
those operating from Gibraltar than some nations of the EU have done to date. We look forward
925 to having access to those markets in future. Indeed, we are in fact cautiously optimistic that we
will be able to grow further and prosper even more in the future than we have in the past in the
context of access to those new markets.

Mr Speaker, I can inform the House this afternoon that after the Prime Minister delivered her
message to the Commons I have spoken to the Parliamentary Under-Secretary of State for
930 Exiting the European Union, Robin Walker MP. I have once again been directly assured by
Mr Walker that the government of the United Kingdom will continue to ensure that we are fully

involved and Gibraltar's priorities are fully understood and fully taken into account as we enter the process of negotiations with the European Union on the UK's departure.

935 He has further assured me of the understanding there is on the part of the government of the United Kingdom of Gibraltar's key interests in maintaining market access to the UK in key sectors and in the UK's double lock on sovereignty. Indeed, all hon. Members will be aware of the tenor and content of the Minister's statements when he was in Gibraltar. The double lock commitment, Mr Speaker, has been repeated by the Prime Minister a moment ago in respect of her answers to questions in Parliament this afternoon.

940 Hon. Members will also have noted the statements made by other member states about the United Kingdom's withdrawal from the European Union. The recent statements from the Kingdom of Spain in particular suggest areas of common interest and concern. Speaking last week on Radio Nacional de España, the current Spanish Foreign Minister, Sr Dastis Quecedo, said that he believed Spain was going to have a constructive attitude to Gibraltar because they
945 had an interest in the prosperity not so much of Gibraltar but of the Campo. He added that the region would be one of Spain's priorities.

In a parliamentary response to a written question filed by Salvador de la Encina, who is a friend of the Campo region and a representative of it in Madrid, in the Spanish Cortes, the Foreign Ministry has said the following:

The possible consequences of the departure from the European Union of the UK on the Campo and Spanish workers in Gibraltar will depend on the terms on which the UK leaves the EU.

Amongst the priorities of the Government in this respect in particular is the defence of the interests of Spanish citizens and companies that operate in Gibraltar, with the objective of avoiding that they should be prejudiced by this process.

... Spain will direct its efforts to obtaining favourable conditions for our workers, in terms of free movement and in preserving their social security acquired rights and rights in the process of being acquired, in the context of opportune negotiations with the other side and in agreement with the rest of our Community partners.

950 Speaking to Frankfurter Allgemeine Zeitung, Sr Dastis also specifically confirmed on Monday that Spain is *not* looking to impose punitive measures on Gibraltar and neither is it going to close the Frontier with Gibraltar. He confirmed the Frontier will remain open, that the controls will remain as they are now and subject to such control as there may be on the EU's external borders.

955 It bears saying these things, which should be obvious, Mr Speaker, because we have heard some other things in the past from others. Indeed, we have heard many other discordant voices from the past say more outrageous things, but the position of the Spanish government now is increasingly clear and we have some common concerns and interests.

960 This is a serious time and serious matters affecting the lives of people who live in Spain and work in Gibraltar are at stake. This is not a time to inflame or shout at each other in the headlines; it is time to work to deliver solutions that work for cross-Frontier workers, the tourists who create a large number of their jobs and the children who cross the Frontier every day.

No doubt every Member of this House will welcome the statements that suggest that the government of Spain is also seriously concerned to ensure continued Frontier fluidity in the future. On this, however, all will consider that the jury is out, given their track record in the past.
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Gibraltar, for its part, certainly will be working to ensure continued Frontier fluidity, and with full constitutional power to determine matters related to immigration, we will be able to guarantee access to Gibraltar in future on an unimpeded basis, because Her Majesty's Government of Gibraltar continues to believe that Gibraltar is an important economic engine for the whole of the Campo region, which delivers benefits to citizens on both sides of the Frontier.
970 We can continue to do so even after the UK leaves the European Union. We also recognise a moral responsibility to those European citizens who are established in Gibraltar. We will be willing partners in ensuring their continuing ability to live amongst us, even though the position may be different for those settling after we leave the EU.

975 We will approach all aspects of the discussion about the future relationship with the EU in the spirit of sincere co-operation which the treaties require of existing members of the EU.

We want to see people's lives as unaffected as possible by this process. We will work to avoid disruption to all citizens, in particular those who have to cross the Frontier to work or for any other reason. In this respect, Mr Speaker, we welcome the Prime Minister's statement seeking that the United Kingdom's withdrawal from the European Union should be fair and orderly.

980 Mr Speaker, today is undoubtedly a sad day for Gibraltar. It is not the result we wanted from the referendum. Today is a day when we must be ready to work to turn sadness into optimism and hope. It is a day when we embark on a process we did not choose but are determined to make a success of.

985 As the United Kingdom looks to establish itself as a truly global Britain that reaches beyond Europe, so do we the British people of Gibraltar look to establish ourselves also as a nation with commercial relationships well beyond Europe and in partnership with Britain.

We are a resilient and entrepreneurial people. We will rise to the challenge. We will deliver a prosperous, outward looking, global British Gibraltar living in peace with its neighbours and we will thrive as a people as we adapt to the new realities of post-Brexit trade and adopt its myriad opportunities, because one thing must be clear to everyone beyond our shores: our affections as a people are not for sale. Our sovereignty is not in play. Our future is British now, during and after this process. Let no one think we are a bargaining chip. Gibraltar will be no one's bargaining chip. We will be no pawn in Brexit and we will be no victim of Brexit. As far as we are concerned, this day brings us nothing to celebrate, but it also brings us nothing to fear and everything to fight for, because the stark reality is that in 720 days the United Kingdom will likely no longer be a member of the European Union, and Gibraltar out of Europe will be closer than ever to a truly global Britain. (*Banging on desks*)

1000 **Mr Speaker:** The Hon. the Leader of the Opposition.

Hon. D A Feetham: Mr Speaker, may I start by associating myself with the words of the Chief Minister. It is indeed a sad day for Gibraltar. It is not something that Gibraltar would have wished, and indeed the vast majority of the people of Gibraltar voted against this outcome during the referendum last year.

1005 Mr Speaker, it also is a momentous day – a momentous day for Europe, a momentous day for the United Kingdom, and of course a momentous day for Gibraltar itself.

The Opposition remains cautious and it will remain vigilant in relation to the next two years and the developments and water that must pass under the bridge – and a lot of water I envisage will indeed pass under the bridge and we must remain very vigilant indeed.

1010 The first time that I rose in this House to deliver a speech post the referendum result I said to this House that the priorities of Gibraltar needed to be fourfold, and I, and certainly this side of the House, will remain of that view. Gibraltar needs to aspire to continued access to the UK market; new access to any trade agreements negotiated by the United Kingdom; any access negotiated by the United Kingdom for access into the single market; and above all, in our view, a workable, sensible, reasonable agreement in relation to Frontier fluidity.

1015 Mr Speaker, from our own conversations with the Parliamentary Under-Secretary, Robin Walker MP, the message emanating from the United Kingdom in relation to the first of those two – access into the single market – and also inclusion of Gibraltar in any agreements that are negotiated with third party countries by the United Kingdom ... Mr Walker was extremely positive in his message and confident that the United Kingdom would be able to deliver in relation to those.

1020 In relation to access into the single market, in this regard Mr Walker also drew a distinction between membership of the single market, which perhaps the United Kingdom is not pursuing, but access into the single market, which the United Kingdom is certainly pursuing.

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In relation to Frontier fluidity, although the message emanating from the United Kingdom is that it would do everything that it can in order to ensure that we come out of at the end of this process with something that Gibraltar will be able to live with, and that Gibraltar will be able to continue to prosper, and that the United Kingdom will do everything that it can in order to ensure that we do form part of, for example, any agreement for access into the single market.

Mr Speaker, that is where I believe, and certainly on this side of the House we believe, that the fight, if there is to be a fight in those negotiations, that is where it is going to be, because of course that is where our neighbours to the north, Spain, will be able to exert its influence in relation to any possible agreement emanating between the United Kingdom and Europe. And yes, while we welcome the restatement by the Prime Minister this afternoon of the double lock guarantee, an undertaking provided to the people of Gibraltar, and whilst we also welcome the statements made by the Spanish Foreign Secretary in relation to the Frontier, we must remain extremely vigilant about this because of course the view of one Foreign Secretary at this moment in time in Spain may not be the view of a different Foreign Secretary at some other point in the future. And in the same way as Mr Margallo made all those outrageous statements not long ago when he was Foreign Secretary, of course it is always possible that some other Spanish Foreign Secretary will continue to make those outrageous statements and will continue with its policy of unfriendliness, to say the least, in relation to Gibraltar.

That is why, Mr Speaker, it should not be acceptable to the people of Gibraltar and to Gibraltar for there not to be an agreement that deals with Frontier fluidity. In other words, it should not be acceptable to have a default position of Spain and the United Kingdom reaching an agreement in relation to everything else but remaining silent in relation to the Frontier, because to remain silent and for there not to be included within any such agreement anything on the Frontier always leaves us open as hostages to fortune in the future should there be a Mr Margallo mark 2.

Mr Speaker, I end by saying that the Opposition ... and certainly it has been my policy since I have been Leader of the Opposition in 2013 to offer to work closely with the Government of Gibraltar, shoulder to shoulder, united for the benefit of this community, because at the end of the day we all have common goals which are to ensure the survival and the prosperity of this community, which must always transcend narrow political interests. And in the same way as I proposed, when I became Leader of the Opposition, for there to be meetings of the House in a motion ... I am sorry, I beg your pardon, meetings between my learned and hon. Friend the Chief Minister and myself, and his team and our team, to work together in 2013 to foreshadow what could transpire if the vote at the referendum was negative – and also, Mr Speaker, I proposed on behalf of this side of the House the creation of a Select Committee, after we knew what the result of the referendum was, in order to work together for a positive road map that assists everybody in achieving the best possible result – we maintain that policy and we are ready, willing and able to work with the Government in order to ensure that the people of Gibraltar and our future generations enjoy the same prosperity and the same standard and security of living that all of us in Gibraltar have enjoyed in the past. The sooner we set up the work of the Select Committee on Brexit the better, and I welcome, too, the Hon. the Chief Minister's Statement in that regard. *(Banging on desks)*

Mr Speaker: The Hon. Ms Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, may I too associate myself with the Chief Minister's Statement.

For many, today's events will represent a sober return to the emotions of the morning of 24th June, the day which set us all on the journey beyond our relationship with the European Union. June gave birth to Brexit, but today is its baptism and civil registration. Unlike the happy affair of christening a child, this event unfortunately will not see us booking up a local social club for drinks and tapas. If I may be permitted the indulgence of continuing with my metaphor,

1080 unlike the birth of a child, we are not in a hugely different place to where we were nine months ago. The road ahead continues to be lined with uncertainty. In many ways we are passengers in this process and the voice of the British people has been heard.

So, Mr Speaker, here we are: it has happened. Now is the time to put everything in place. As an Opposition MP I have a role to play, but compared to the hon. Members opposite it is a minor one.

1085 It was the Government led by my father which steered us through the early years of our democracy when we had been delivered from exodus; it was the Government of the Hon. Father of the House who, when our economic future was threatened by the MoD's withdrawal, thought outside the box and redefined our model; and it was the Government of Sir Peter Caruana which saw off the joint sovereignty proposals. Now comes a new challenge, and I daresay it falls on us all. So, once again, I offer my hand of support across the floor of this House.

1090 I have proudly accepted the offer of forming part of the Brexit Select Committee, where over the next 24 months we will analyse and monitor the progress of the UK government in its steer, as well as devise a strategy for lobbying and pushing our agenda beyond our borders. I stand by, ready to be called upon at any moment and will also take every opportunity to promote our joint cause through the international media and my friends and contacts in the UK – for there is only one way we will get through this, and that is together.

Hon. Chief Minister: Mr Speaker, I am grateful for the statements from hon. Members opposite.

1100 The Hon. the Leader of the Opposition has set out that there were four things that he thought we should achieve in the context of Brexit and he enumerated them as, first, continued access to the United Kingdom market; second, access to new trade agreements; third, access to – *(Interjection by the Hon. T N Hammond)*

Mr Speaker: The Hon. Mr Hammond, yes, I will give you the floor.

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Hon. T N Hammond: My apologies, Chief Minister. I was just asking the Speaker if this was a debate. I was not quite sure what process we were in here.

1110 **Mr Speaker:** Perhaps I should explain. When a ministerial statement is made the Rules provide for questions of clarification to be made arising from the ministerial statement. However, given the gravity of the situation, given the matter that is the subject of exchanges this afternoon, and which is something that has happened in the past, Speakers here in Parliament and in the House of Commons are very, very liberal in the application of those rules.

1115 Therefore, invariably what happens in the House of Commons, and has happened here over the years, is that the Leader of the Opposition and the leader of other minority opposition parties are allowed effectively to make a counterstatement, which is what has happened today. Obviously, in that counterstatement matters arise, which have not been perhaps this afternoon posed as questions of clarification but which nevertheless I feel the Chief Minister should be given an opportunity to deal with them as if they were questions of clarification.

1120 So I have interpreted the rules, as I say very liberally; I think it is in the interest of this Parliament that we should, given the seriousness of the matter. I would not always deal with other matters in the same way. I might only expect serious questions of clarification, which can be made by any Member of the Opposition and not just by the Leader of the Opposition and the leader of a minority interest, as has been the case this afternoon.

1125 So, just to clarify the matter, I think it is in the interest of Parliament and of our people this afternoon that the Chief Minister should therefore have an opportunity to deal with issues which have been raised by the two hon. Members from the Opposition benches.

1130 **Hon. Chief Minister:** Thank you very much, Mr Speaker. So we are not dealing with this as a
debate but we are dealing with it as the Rules provide that we should, and perhaps before
challenging Mr Speaker's manner of running the proceedings of the House people should
familiarise themselves with the Rules. The Prime Minister has been on her feet from 12.30 when
she started Prime Minister's Question Time, or quarter to one when she started Prime Minister's
1135 Question Time, until about 4.15, dealing with questions arising from her statement, and she has
dealt with questions from just about every Member of the Parliament in the United Kingdom.

Mr Speaker, the Hon. the Leader of the Opposition raised four matters which he said were
the fourfold issues he wanted to see dealt with in the context of Brexit: continued access to the
UK market; access to the new trade agreements that the United Kingdom may do; access to any
trade agreement the United Kingdom may do with the European Union aka with the single
1140 market; and finally, a workable, sensible agreement with Spain on Frontier fluidity. He went on
to say that it would not be acceptable for the United Kingdom and Spain not to do an agreement
on Frontier fluidity, as far as he was concerned, because we should not be at the whim of any
future Spanish Foreign Minister.

Well, Mr Speaker, dealing with those questions first, in respect of (1) and (2), as he says that
1145 Mr Walker told him in the context of a meeting, we are very much there in respect of continued
access to the UK market and access to the United Kingdom's trade agreements with third
countries when those are done. There has been a very clear commitment from Robin Walker on
behalf of the British government, from Secretary of State Liam Fox in statements made in the
context of Gibraltar Day in London last year, and followed up in writing in respect of both of
1150 those. I say in November of last year, Mr Speaker, because in fact we have been able to achieve
those two of the Hon. the Leader of the Opposition's criteria by November of last year in terms
of commitment. But I think we will be able to go even further, so if I may say so – not in self-
congratulatory terms but in terms of ensuring that those who are doing business from Gibraltar
and in Gibraltar continue to have the confidence that they need to have to know that they can
1155 continue to invest in Gibraltar – I think that is a very good result indeed for the Gibraltar
economy.

The issue of what agreement the United Kingdom will have with the single market is one
which, of course, is vexed in a different way. The first two are matters largely in the bilateral gift
of the United Kingdom itself and we have found absolutely no resistance whatsoever to having
1160 access to things which the United Kingdom controls itself and in the bilateral relationship with
Gibraltar. Of course, hon. Members will know that there has been a debate until very recently as
to whether the United Kingdom should remain a member of the Customs Union, whether it
should seek to stay in the single market. That debate has been resolved really by the Prime
Minister asking people to realise that the objectives for which people appear to have voted in
1165 the context of the referendum are not compatible with some of the rules of the single market
and the Common Customs Union, so what deal the United Kingdom achieves in terms of access
to the single market is the subject of continued debate in the United Kingdom.

Hon. Members may have watched the recent *Question Time* on Monday, where David Davis,
the Secretary of State for Exiting the European Union, was repeatedly asked what deal the
1170 United Kingdom would have with the single market, and he was of course unable to say because
the negotiations have not yet begun. Mr Davis has said that he hopes that the final agreement
between the United Kingdom and the European Union is as good as the relationship ... or
produces as good an opportunity for business as the relationship produces today. That is one of
the six criteria that Sir Keir Starmer, as the Labour shadow Brexit spokesperson has therefore
1175 established for Labour's support to any deal that may come back from the European Union. So
we will see what deal it is that the United Kingdom is able to do with the European Union in
respect of its own access to the single market.

We have to be alive to the fact that what has commenced on the triggering of Article 50 is
the process of withdrawal from the European Union, whilst the new deal for access to the single
1180 market, such as it may be if one is achieved, would be not the process of Article 50, although the

United Kingdom is approaching this process as one that should be intertwined with the new deal going forward that the United Kingdom does with the European Union. In fact, hon. Members will know that one of the things that Mr Davis has said repeatedly, and the Prime Minister herself has said repeatedly, is that no deal in terms of future trade relationships between the United Kingdom and the European Union is better than a bad deal in that respect. So this is very much an issue that is live.

A workable, sensible agreement with Spain on Frontier fluidity is of course what the Government also considers is an essential part of the future, Mr Speaker. To a very great extent we have said so explicitly and implicitly in the context of the Select Committees of the United Kingdom Parliament that I have attended: the importance of the Frontier and the ability to continue to seek fluidity across that Frontier is essential. I have repeated that to the House today, and that is why I say that the jury is out on what a Spanish Foreign Minister or a Spanish President may say one day in relation to Gibraltar and the Frontier and may do on another day. In fact, the references I have made to other statements that we have heard are the recent statements we heard by Sr Margallo when he was Foreign Minister – he was talking about planting the Spanish flag on Gibraltar in the next four years – and Sr Marcelino Oreja, who was a leading light in the Partido Popular at one stage, saying that of course, now that Brexit is going to happen, they will close the Frontier.

I think to an extent we have to put those in context and look at the run of play of what is being said in Spain but understand who is speaking for the government and who is speaking for the position of the government today. That is why, although I put it no higher than the statements which have been uttered in the past days, it is important that we reflect that those are the statements made and they are statements about the Frontier *not* being closed – of course, because it would be an act of political idiocy in the 21st century to close a frontier in Europe, and I doubt that there is anybody in Spain who is going to even seriously countenance that in the upper echelons of government decision making – and second, that there is a desire to achieve Frontier fluidity for Spanish workers.

Spanish workers are an important part of our economy, but they are not *just* Spanish workers who come to Gibraltar to work; there are other EEA nationals and third country nationals who live in Spain and who come to Gibraltar to work, and a lot of the work that they do is for people who arrive in Gibraltar as tourists, who also need to be able to come across a free-flowing Frontier if there is going to be work for Spanish Frontier workers and other people who come to Gibraltar not because they are working here and not because they are tourists but simply because they want to come because they have family here, because they want to buy goods in our stores, etc. So it is important that we understand that fluidity is something that must apply across the board and not just to a select few. But, Mr Speaker, I think it is also important to say that there are provisions in EU law which I have referred select committees to in the UK and I have referred to in previous statements I have made, which provide for access to the Schengen area of the European Union. Regulation 1931/2006 specifically provides for agreements in that respect and that is one potential avenue where an agreement may arise from.

Mr Speaker, the hon. Gentleman says that he has offered to work closely with the Government and shoulder to shoulder with us on this subject. Well, the hon. Gentleman knows that we have said that we are going to set up the Brexit Select Committee to deal with these issues as the negotiations commence. He will have seen that in the United Kingdom the Government is running the Brexit matters; it is not something they do with the Opposition. Here, the process until now has been really a process of information gathering. The process of negotiation begins now. That is when our Select Committee will meet.

But I will say this to the hon. Gentleman – and I do not want to strike a discordant note but it is important that I say it: it is all very well to say that one will work closely with the Government and ‘we will work shoulder to shoulder with the Government’ and then go off and do things which might be interpreted in a different way. I would urge that, for the period in which we are about to embark, we need to all be very conscious of what the effect of our statements and

actions may be on confidence in the Gibraltar economy, on the perception of the Gibraltar economy and Gibraltar outside of Gibraltar, in particular the perception that Spain may be given of the positions being taken in Gibraltar. When we talk about the economy being virtual and globalised, that is a very good thing – it enables us to do business with distant parts of the world. The other side of that, of course, is that everything that we say to each other can be read in another capital just further to the north as if it were being said there. So we have to be conscious of what we say and we have to have that particular desire to ensure that anything we do does not affect Gibraltar’s prospects ... shine through what perhaps might otherwise be seen as normal partisan activity. But it is a matter entirely for Members opposite what they do, how they do it, how they say it and what the repercussions of that are.

Can I thank the hon. Lady for bringing a smile to my face on an otherwise difficult day with her reference to this being a baptism or civil registration of the process of Brexit. At least the thought of being able to get together in a social club and eating some calamares, which seems to be the way that most people celebrate baptisms here, was at least more enticing than what is coming!

Mr Speaker, she said that Gibraltarians, that we in this part of the franchise of the referendum, were passengers in this process. Well, we are as much passengers in this process as everybody who voted remain and finds themselves with a leave result may be, but there is a deep political significance in that concept, and that is that at a time when some might be going off on frolics thinking that Gibraltar’s sovereignty is somehow in play, that this was a moment when perhaps there was an opportunity in respect of the big political sovereignty issue, actually what was happening was the gelling even further together of the people of Gibraltar and the United Kingdom, because we voted together in a franchise on an issue as seminal as whether the United Kingdom should remain a part of the European Union.

The Article 50 letter talks about the withdrawal of the United Kingdom from the European Union. The United Kingdom has a definition in law – those words ‘United Kingdom’ are defined in law – and that definition does not include Gibraltar. Gibraltar is included with the United Kingdom as part of the European Union because of the operation of the European treaty, not because of the operation of English law. We voted in a referendum with a question that did not include the word ‘Gibraltar’ in it, but we voted as part of that franchise in respect of a question that mentioned the United Kingdom. In Gibraltar there have, for 50 years, been integrationists and not integrationists, but there have been very few who want to be anything other than British. In the context of that debate and wanting to be British and continue to be British, voting as part of that franchise in that referendum, even though we were on the side – at least 96% of us – that lost, means that we are not just passengers. We are a part of that process. It is, like it or not, a process which the British people are embarked upon and we are embarked on it with them.

You could take that language and say, well then, that of course you are a passenger if you are embarked on a vessel that is going in a particular direction, but so are all the British people. And so, for those of us who believe passionately, as I know that all Members of this House do, that Gibraltar should continue to be British in perpetuity and exclusively British in perpetuity, then being embarked on that process with the United Kingdom, even though the trajectory of this particular cruise ship is not the one that we chose, demonstrates that we are in it together and that therefore anybody who thought that this was a process that might lead to a destination where Gibraltar might be disembarked from the United Kingdom’s sovereignty they have read it completely wrong and they have not understood the significance of Gibraltar voting as part of the franchise in the referendum and indeed of how that was kicked off – the man sitting behind me is largely responsible for that – by the winning of the Matthews case and Gibraltar’s voting in European parliamentary elections as part of the south west constituency of the United Kingdom.

If anything, the umbilical links between Gibraltar and the United Kingdom are stronger now, and those who might celebrate the fact that when the United Kingdom leaves the European Union Gibraltar leaves with them because they are interested in taking our sovereignty are

1285 celebrating the wrong overture, because what that demonstrates is that we leave because we
are with the United Kingdom and in the sovereignty of the United Kingdom and nowhere near
the sovereignty of any other – though they might have, for one moment, dangled a carrot
suggesting that we might be interested in staying in the single market if we were to change our
sovereignty. So I take the hon. Lady's remarks about being passengers and I suggest to her that it
1290 is not a bad place to be, given what I know her objectives and our objectives on this side of the
House, and indeed the objectives of any Member of this House, are in terms of the long-term
sovereignty position of the people of Gibraltar and Gibraltar itself.

Mr Speaker, the Prime Minister spent, as I have said, four hours today on her feet dealing
with these issues. There are going to be many challenges in the months ahead, but for Gibraltar
1295 there are also many opportunities. Economically, Gibraltar's relationship with the single market
has really been a relationship with the United Kingdom. The hon. Member talks about that first
particular limb, the continued access to the UK. I think it is important for people to understand
that it is an access that no other Overseas Territory has secured. When we went in, in 1972, the
single market had not been created. I saw references to the fact that the single market was
1300 really one of Mrs Thatcher's contributions to the growth of the European Economic Community.
For Gibraltar it meant that we were, in effect, the only one of the Overseas Territories who
obtained the ability to trade freely into the UK, not reliant on the umbilical bilateral relationship
between each Overseas Territory and the United Kingdom but on the basis of the European
Acquis. That is going to continue, which is going to mean that the Gibraltarian relationship with
1305 the United Kingdom is going to be, in market terms, in particular in financial services market
terms, closer than it can be between the United Kingdom and other Overseas Territories, and it
is fair to say that others look at the relationship we have with the UK and I think wish they had
made other choices in the 1970s.

But we now will, to use a European terminology that we may not be using so much in future,
1310 we are going to grandfather that into the world post Brexit and we are going to continue to have
that access. We identified from the first moment that that was one of the most important
measures, and in a letter that I sent to Prime Minister David Cameron I identified that we
needed to be able to say quickly to financial services firms established in Gibraltar that that
would continue post Brexit, and the then Prime Minister was very quick to come back to say that
1315 the political will was there to make that happen – and you have then seen how we have
continued to develop that commitment into something more tangible and it is now an accepted
part of the future going forward.

But the relevance here is this: when the single market happened, Gibraltar started accessing
it principally in relation to the United Kingdom, and so you will have heard, Mr Speaker, and so
1320 will hon. Members have heard me say that 90% of our trade has been with the UK in the single
market. Well, the remaining 10% has principally been with Ireland, and some of the rest of it in
the rest of the European Union. So, when we do this analysis and we get a lot more information
after the Brexit result from the firms that are established in Gibraltar telling us what their
interests are going forward, I think it becomes increasingly clear that the products that Gibraltar
1325 is able to sell, and which are our unique selling point, are clearly best marketed in places where
there is a common language with us, where we have a common legal interface like the common
law, respect for the rule of law. But importantly – and I commend to hon. Members to think
through this important distinction – the common law brings an understanding of ownership
which is twofold, legal and beneficial, and therefore it is possible to do things where that
1330 equitable ownership of things is recognised that it is not possible to do in civil law countries.

The 28-member block is made up principally of civil law countries, and so our financial
services are sold better in a small number of those member states of the European Union than
they would in the whole of the European Union, and some of those are also small jurisdictions
that sell services and therefore are not potential markets for our products. As we go forward, if
1335 the United Kingdom is able to do as they confidently expect that they will, trade deals – whether
in two years, in five years or in 10 years – with states in the Commonwealth, of which I will refer

only to five in dealing with the issues put by hon. Members this afternoon, then it may be that the markets for Gibraltar's services are much more receptive ones post Brexit than the ones that we have pre Brexit. The examples are these, the ones that have been spoken of specifically in the context of the debate already: New Zealand; Australia; the United States of America; Canada, which has just done its agreement with the European Union and is therefore a good blueprint for trade with the United Kingdom going forward; and, of course, India. In those five Commonwealth nations – except the United States, which is not a Commonwealth Nation, although I recently read that the United States may be seeking access to the Commonwealth of Nations – we would see represented almost two billion people. A lot of the argument with all my predecessors, yourself included, as former Chief Ministers, and I put in the context of the Brexit referendum, was to say 'How can we leave a market of 520 million people?' Well, Mr Speaker, of those 520 million people it appears that there were about sixty to eighty million people interested in our financial services, those governed by the common law principally, for all of the reasons that I have referred to the House. Of course, that is not to say that those 80 million each bought a financial service from Gibraltar, but a market of sixty to eighty million people who have that common interface and understanding of the law. If the United Kingdom is able to do trade deals with nations – the five that I have set out that represent two billion people governed by the common law where we have that common interface of language, of common law, rule of law, etc. – then it is possible that the markets to which we have access in the future will be even more attracted to the services that we are able to sell from Gibraltar.

Mr Speaker, that is not to say that we would have changed the recommendation that we made to the people of Gibraltar at the time of the referendum – I certainly would not have – but we have to accept that the referendum result is now firm. The Prime Minister has taken action today to start a process which in 720 days will very likely produce a result, and we have to look for the opportunities, such as I set out to hon. Members today, that deal with not just those four issues that the Hon. the Leader of the Opposition has identified but looks beyond them at what markets there may be for Gibraltar thereafter and enables us to understand why it is that we are pursuing the criteria that we are pursuing.

It is not, Mr Speaker, the day that the people of Gibraltar were most looking forward to, but with the resolve and resilience that this community has shown in the past, and with the hard work that everyone in this community is going to put into ensuring that Gibraltar continues to be a success – and I for one pledge my work to ensuring that the political aspects of this are dealt with, as I am sure every other Member of this House will – I am sure that for Gibraltar this is just, in history, going to be seen as another challenge: another challenge that we surmounted, another challenge that did not make us bend to anybody else's will, and another challenge that ensured that Gibraltar and Gibraltarians will continue to forever be of the British sovereignty that the people of Gibraltar choose it should continue to be.

Mr Speaker, the Prime Minister has one quality which I think it is important to reflect to all Members of this House. Apart from the fact that she is a determined woman, as we have seen, it is also true that, like all of us, she was a remainer. She advocated the vote for the United Kingdom to remain in the European Union and the argument she is making now is an argument born out of respect for the result of the referendum. That is how we must all act in working with the Parliament at Westminster in continuing our work at a technical level with the devolved nations of the United Kingdom, with the islands of the Channel Islands and with the other Overseas Territories to ensure that we take the best opportunities for Gibraltar and take from what might otherwise have delivered a hammer blow to our prospects and turn it into an absolute success going forward for many future generations of Gibraltarians, and I have no doubt that we will achieve that, Mr Speaker. *(Banging on desks)*

Questions for Oral Answer

HEALTH, CARE AND JUSTICE

Q247 and 248 /2017

Care Agency carers –

Gibraltar-resident and cross-Frontier employees and subcontracted workers

1385 **Clerk:** We now resume questions and we commence with Question 247. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provided statistics of how many carers employed by the Care Agency are resident in Gibraltar and how many are cross-Frontier workers?

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Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Question 248.

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Clerk: Question 248, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide statistics of how many subcontracted workers providing care services for the Care Agency are resident in Gibraltar and how many are cross-Frontier workers?

1400

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Hon. N F Costa: Mr Speaker, the number of carers employed by the Care Agency who are resident in Gibraltar and those who are Frontier workers is broken down as follows: resident in Gibraltar, 125; cross-Frontier workers, 34.

1405

The total number of subcontracted workers providing care services for the Care Agency who are resident in Gibraltar and are cross-Frontier workers is broken down as follows: resident, in Gibraltar, 27; cross-Frontier workers, 169.

Q249-252/2017

Dementia and long-term elderly patients –

Dementia Residential Unit; St Bernard's Hospital; Mount Alvernia

1410 **Clerk:** Question 249, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government confirm that the Dementia Residential Unit will be fully operational on 1st April 2017 and that Grand Home Care are to operate the facility?

1415

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Questions 250 to 252.

1420

Clerk: Question 250, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, in what wards at St Bernard's Hospital are dementia and long-term elderly patients currently located?

1425

Clerk: Question 251, the Hon. D A Feetham.

Hon. D A Feetham: How many extra beds at the hospital put in place by the GHA since December 2016/January 2017 are being occupied by dementia and long-term elderly patients, and where are these located?

1430

Clerk: Question 252, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government state how many elderly citizens are presently waiting for a place at Mount Alvernia and how many of these are occupying a bed at St Bernard's Hospital?

1435

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Hon. N F Costa: Mr Speaker, as announced by the Hon. the Chief Minister in his New Year message on 10th January, the Dementia Residential Unit will open within 90 days of his address – that is to say in April of this year. The facility will not be operated by Grand Home Care.

1440

Dementia and long-term elderly patients are currently located in Captain Murchison Ward, Victoria Ward, Calpe Ward, Cochrane Ward and the temporary ward.

The GHA has put in place 11 extra beds at St Bernard's Hospital since December 2016 and January of this year, all of which are being occupied by dementia and long-term elderly patients. These are located as follows: Captain Murchison Ward, two beds; Victoria Mackintosh Ward, two beds; temporary ward, seven beds.

1445

There are currently 70 elderly citizens waiting for a place in Mount Alvernia and 27 of these are occupying a bed in St Bernard's Hospital.

1450

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer.

I was surprised to hear that Grand Home Care will not be operating the Dementia Residential Unit. If I may ask the Minister: who is to operate the Dementia Residential Unit, why the change at this stage, and was there a retender process?

1455

Hon. N F Costa: Mr Speaker, the company that will be operating the Dementia Residential Unit will be Medoc. This bid was the second preferred bid at the time of the tender; it also happened to be the lowest bid.

1460

Certain information came to the Government, which I will be more than happy to discuss with the hon. Gentleman behind the Speaker's Chair, but certain information came to the Government which made the Government deem that it would be unsuitable for Grand Home Care to continue to be the preferred bidder to operate the Dementia Residential Unit.

1465

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his response. Can he advise the House on what date this decision was taken?

Hon. N F Costa: Mr Speaker, I do not have the exact date but it was certainly after I answered this question when he asked me originally which was the preferred bidder and at the time I answered Grand Home Care. It happened subsequent to those events.

1470

Mr Speaker: Next question.

1475 **Hon. R M Clinton:** Mr Speaker, if I may ask the Minister: in terms of the size of the contract, is it not a requirement under European law that if a tender award has been taken away from a contractor that it is required to go back out to tender? Or am I wrong in that assumption?

Hon. N F Costa: Yes, Mr Speaker, he is wrong.

1480 **Clerk:** Question 253, the Hon. D A Feetham.

Hon. D A Feetham: May I just ask one supplementary on my ...? It is in relation to the seven beds in the temporary ward. When he talks about 'temporary ward', he means the temporary ward that has been created out of the rehabilitation gym?

1485 **Hon. N F Costa:** Yes, the hon. Gentleman is correct, Mr Speaker.

Mr Speaker: Next question.

1490

Q253/2017
Cardiac rehabilitation –
Location of classes pending return to use of gym

Clerk: Question 253, the Hon. D A Feetham.

1495 **Hon. D A Feetham:** Mr Speaker, in the light of the fact that the cardiac rehabilitation gym is now being used as a seven-patient ward, where are cardiac patients undertaking rehabilitation?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1500 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, it is perhaps pertinent to remind the Hon. Leader of the Opposition that this area was originally designed as a hydrotherapy pool which had never been commissioned to be used as such by the previous administration. Talk about the prudential use of taxpayers' money for yet another hole in the ground, Mr Speaker!

1505 As a result of the non-use of the pool since 2004, my hon. Friend and predecessor Dr John Cortes decided to convert the area into store capacity for the rehab departments. This was later used as a temporary isolation unit for the Ebola outbreak contingency, which when decommissioned was converted to an additional gym for rehab services.

The hon. Gentleman should also know that the cardiac rehab classes have always been conducted within the established rehabilitation areas. This has been the practice since the move to the current St Bernard's Hospital in 2005.

1510 Once the temporary ward is decommissioned in April of this year, it will be adapted again as an additional gym which will be used fully as a cardio rehabilitation area once our elderly are eligible for admission into the new Hillside residential home.

1515 **Hon. D A Feetham:** Well, Mr Speaker, thank you very much for the history lesson. I have to say I did not even have to push any buttons: the hon. Gentleman decided of his own motion that he would go on the attack! I commend him for that. And here I was telling my hon. Friend Mr Hammond, 'I don't think I'm going to be asking any supplementary questions,' Mr Speaker!

1520 He has outlined the history of this, and then he says that now ... almost indicating, I should say, when he gives the history, 'Well, it's never really been designed as a rehabilitation gym; it was really something else, but now the Government is going to turn it back into a rehabilitation

gym.’ That presumes that it is a space that is usable as a rehabilitation gym and that the Government has made the decision to actually use it as such. What he has not answered is where are those people who require a rehabilitation gym at the present moment in time, where are they being treated. Where are they going –

1525

Hon. N F Costa: I have.

Hon. D A Feetham: Oh, have you? I beg your pardon. Because if there is no gym and it was being used for something else before and now it is being used as a – (*Interjection*) Well, can he, please, because I have to say that I did not understand the answer that he provided.

1530

Hon. N F Costa: Mr Speaker, I did decide to go on the attack but I also did answer the question.

Yes, as I explained, the area was originally designed as a hydrotherapy pool but never actually used. As a result, it was the decision of my hon. predecessor to convert the non-used hydrotherapy pool into a rehabilitation gym, but as an additional rehabilitation gym because, as I explained to him, the cardiac rehabilitation classes have always been conducted within the established rehabilitation areas. And so once the temporary ward is decommissioned, because of course those patients will then be either transferred to the new Dementia Residential Home or indeed to the additional beds that will be provided at the elderly residential facilities, then it will be converted once again into the additional rehabilitation gym and then they will be able to use that additionally for rehabilitation classes.

1535

1540

Hon. D A Feetham: Mr Speaker, it is just that he uses and he has continued to use this phrase ‘rehabilitation areas’. For me, a rehabilitation gym contains gym equipment that is used for rehabilitation purposes. Is he saying that there is another space within the hospital that contains rehabilitation gym equipment for rehabilitation purposes? (**A Member:** Yes.) That is one question.

1545

The second question is: if it was that the Government, by converting this particular space into a rehabilitation gym – he has told me that Minister Cortes was responsible for that ... The Government must have felt that extra rehabilitation space was necessary. That must follow. Therefore, what impact is this having on those people who want to have rehabilitation and indeed need to have rehabilitation?

1550

The Hon. Minister cannot have it both ways. He cannot say to me there is additional rehabilitation elsewhere – but that has always been the case, unless the conversion has taken place after this has been closed. Otherwise there is now a minus lack ... you are in the minus area in terms of rehabilitation equipment and rehabilitation gym.

1555

Hon. N F Costa: Mr Speaker, and then he wonders why I go on the attack! No, the hon. Gentleman clearly has not heard the answer that I have given to him.

1560

The space where the additional rehabilitation gym is currently placed used to be a hydrotherapy pool. The hydrotherapy pool had lain unused for many years, as a result of which my hon. predecessor decided to convert that area into a cardiac rehabilitation gym in addition to the cardiac rehabilitation areas already within St Bernard’s Hospital. The reason why that was decided was not because it was necessary, and therefore I do not agree with the hon. Gentleman’s respectfully flawed logic, but because it was advisable to have additional rehabilitation areas.

1565

In any event, that area was not used because of the Ebola outbreak which became an isolation unit, and following the decommissioning of the Ebola outbreak as an isolation unit the issue with beds arose, as a result of which we made that into a temporary ward since January of this year.

1570

As I have also explained to the hon. Gentleman, this is a temporary ward, as the name suggests, and will be decommissioned by April, once the Dementia Residential Home is open. Therefore, at that point, the additional rehabilitation gym, which forms the subject of this question, will now be fully and properly used as additional space.

Hon. D A Feetham: One final question: what in the Hon. Minister's mind is the difference between necessary and advisable? (*Interjection*) Well, absolutely.

Mr Speaker, the hon. Gentleman has said to me that there has always been rehabilitation space, and then he says it was not necessary but it was advisable to convert this particular space into a gym – that it was not necessary, it was just simply advisable – and he is also telling me that, actually, when all this is over it is going to be reconverted back into a gym.

In my respectful view, Mr Speaker, he is splitting hairs. Is it not the case that the Government deems that it is necessary to have this additional rehabilitation space, otherwise it would not be reconverting it back into a gym; and therefore does it also follow from that that there are patients, certainly who have come to me, who are telling me that they are being prejudiced by the fact that they have lost this rehabilitation facility?

It is the only reason why I ask this – I do not use the gym, I do not use rehabilitation facilities. I ask the questions because constituents are concerned about these issues, and that is why I raise them in the House, so that I can then go back and I can then say to them this is the answer the Minister has provided. I will go back and I will say, 'Well, the Minister says that it is not necessary but it is advisable and it is going to come back later on.'

Hon. N F Costa: Mr Speaker, if the constituents that have gone to talk to him feel prejudiced, they must have been extremely prejudiced during all of the time that the GSD had a hydro pool that was not used since the St Bernard's Hospital came to its current location.

I do not need to explain to a Queen's Counsel the difference between necessity and desirability or advisability. It is necessary to breathe oxygen and it is advisable to have a Leader of the Opposition who understands the answers that are given to him.

Mr Speaker: [*Inaudible*]

Hon. R M Clinton: Okay, thank you very much.

If I may ask the Hon. Minister a very, hopefully, simple and inoffensive question, I heard him refer to Hillside residential home: is that what the Dementia Residential Home will be called?

Hon. N F Costa: Yes, sir.

Mr Speaker: Next question.

Q254/2017
GHA locums –
Numbers and assignment by department

Clerk: Question 254, the Hon. D A Feetham.

Hon. D A Feetham: I am just reading a message received from a constituent listening to this debate saying he is not answering the question, so obviously there are others out there who remain just as unsatisfied by the answer the Hon. Minister has given me.

1615 Mr Speaker, how many locums have been engaged by the GHA in the years ending 2011, 2012, 2013, 2014, 2015 and 2016, and which Departments were they assigned to?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1620 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, perhaps the person who is writing to him can write to me directly and I will answer the question directly to the person.
Mr Speaker, the information is in the schedule I now hand over to the hon. Gentleman.

Answer to Q254

Year	Total Nursing Locums	Breakdown of Nursing Locums	Department	Total AHP Locums	Breakdown of AHP Locums	Department	Total Medical Locums	Breakdown of Medical Locums	Department					
2011	12	3	Mental Health	30	19	Pathology	89	2	Surgical					
			7			Critical Care			6	Optometry	3	Orthopaedics		
			2			Theatres			2	Occupational Therapy	7	ENT		
									1	Occupational Therapy	9	Ophthalmology		
									1	Physiotherapy	5	Obstetrics & Gynaecology		
									1	Radiology	3	Surgical		
											4	Orthopaedics		
2012	6	3	Secondary Care	14	8	Pathology	56	1	Surgical					
			1			Paediatrics			2	Physiotherapy	13	ENT		
			2			Mental Health			2	Speech & Language	1	Ophthalmology		
									2	Occupational Therapy	2	Surgical		
											1	Surgical		
											3	Orthopaedics		
											11	Anaesthesia		
2013	2	2	Mental Health	7	2	Speech & Language	64	1	Surgical					
			2			Pathology			6	ENT				
			2			Physiotherapy			2	Obstetrics & Gynaecology				
									1	Radiology	2	Surgical		
											3	Orthopaedics		
											4	Surgical		
											5	Orthopaedics		
2014	5	4	Critical Care	19	10	Pathology	115	3	Orthopaedics					
			1			Palliative Care			2	Occupational Therapy	17	ENT		
										2	Radiology	15	Obstetrics & Gynaecology	
											2	Physiotherapy	5	Surgical
											1	Pharmacy	2	Surgical
											1	Secondary Care	7	Orthopaedics
											1	Speech & Language	3	Medical
					10	Anaesthesia								
					2	Paediatrics								
					3	Pathology								
					3	Mental Health								

Cont...

Continued Answer to Q254

2015	11	1 Critical Care	9	4 Physiotherapy	99	1 Public Health			
		4 Mental Health		2 Radiology		20 Primary Care			
		4 Maternity		1 Pathology		22 Medical			
		2 Theatres		1 Speech & Language		2 A&E			
				1 Occupational Therapy		3 Surgical	17 Obstetrics & Gynaecology		
							1 Surgical		
							2 Surgical		
							13 Orthopaedics		
							11 Anaesthesia		
							5 Paediatrics		
							3 Radiology		
2016	8	7 Paediatrics	17	7 Physiotherapy	151	5 Pathology			
		1 Critical Care		5 Radiology		1 Mental Health			
				2 Occupational Therapy		1 Medical	2 Public Health		
				2 Pharmacy		26 Primary Care	6 Medical		
				1 Speech & Language		3 A&E	12 Surgical		
							5 Orthopaedics		
							14 Obstetrics & Gynaecology		
							10 Surgical		
							15 Orthopaedics		
							1 Dental		
							13 Anaesthesia		
						10 Paediatrics			
						19 Radiology			
						26 Pathology			
						4 Mental Health			
						2 Public Health			
						4 Primary Care			
						15 Medical			
						1 A&E			

1625 **Mr Speaker:** Can I ask the Hon. the Leader of the Opposition, who has a number of questions, if he would allow the hon. Lady to ask her question, since she has an urgent engagement at 6.30?

1630 **Hon. D A Feetham:** Mr Speaker, I have no objection, but can I say that I have cancelled an appointment which was very urgent, at six o'clock, because of these questions myself. But I have no objection, but I just wanted that to be on record because we all need to be making sacrifices when we are in this House.

Mr Speaker: I am sure we are all going to be rewarded for the sacrifices that we are making!

Q275/2017
Visiting neurologist –
Frequency of visits

1635 **Mr Speaker:** The hon. Lady, Question 275.

Clerk: Question 275, the Hon. Ms M D Hassan Nahon.

1640 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Hon. the Leader of the Opposition for giving way and I can assure you that it is by no means a facetious engagement: my daughter is eleven years old and she is a drummer and has to compete for the Festival of Young Musicians this evening and really wants her mother there. So I am grateful for that.

My question is: what is the Government's position with regard to the frequency of the visiting neurologist to the GHA?

1645

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the Government is satisfied with the frequency of the visiting neurologist to the GHA. We are in the process, however, of seeking to repatriate this and other services.

1650

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you to the Hon. Minister for his answer, but could I commit him to giving us an answer in terms of was there a frequency quarterly, biannual or something like that, because certain constituents who suffer from neurological conditions have been told on the one hand that he was meant to come quarterly but unfortunately did not see him appearing since last October until very recently, and obviously it has caused them concern and problems obviously.

1655

Hon. N F Costa: Mr Speaker, to take the questions that the hon. Lady has asked me in order, the neurologists come from St George's Hospital. There are three neurologists who visit every three months for around two or three days.

1660

There has been, according to my supplementary information, one complaint, and we could therefore be speaking of exactly the same complaint about a patient having missed an appointment. If the hon. Lady cares to give me the details of the patient who has missed the appointment, I will obviously make sure that at the next visit the patient is seen, and of course if the patient requires to be referred urgently we also do that. This year there have been 13 referrals and last year there were 37. So if this patient, having missed the appointment with the neurologist ... it is now felt by another consultant within the GHA should be urgently referred to the UK or to Spain, then the hon. Lady need, as she ordinarily does, only write to me and I will make sure it is immediately looked into.

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1670

Hon. Ms M D Hassan Nahon: Mr Speaker, I am grateful for this answer and for your offer, to the Minister, of being available for this patient, but from what I understand, this patient has never officially complained, he has never missed an appointment, and the complaint and the query is that he was assured that a visiting neurologist comes to Gibraltar every three months and then was told six months later, when no neurologist was coming to Gibraltar, that the missing of a neurologist every quarter is due to the crisis with the NHS.

1675

Hon. N F Costa: No, Mr Speaker, I will certainly go back and ask my team but I would certainly have been told by the Medical Director, with whom I consult daily on numerous occasions and certainly in respect to answers to questions ... He would definitely have told me had there not been the usual quarterly visit by the visiting neurologists, but I will double check that information for her.

1680

Hon. Ms M D Hassan Nahon: I am grateful for that, but I can assure the Minister, and I will have a conversation with him, that this is what the patient was told by the doctor.

1685

I now ask, and perhaps he has already intimated it, but do we have a plan for a frequently visiting neurologist moving forward?

Hon. N F Costa: Mr Speaker, as I have explained to the hon. Lady, there is a quarterly visit by three neurologists from St George's Hospital. Therefore, there is an existing structured visit from the relevant clinicians from St George's Hospital.

1690

As I said, it would really ... I am not doubting for one second what the patient is relaying to the hon. Lady is what the patient says the doctor told him; what I am telling the hon. Lady is that

1695 I would be very surprised indeed if, having discussed all of these questions with the clinical team, they would not have warned me that the question may have been due to the fact that in one particular quarter there was an absence of the visiting neurology team.

1700 **Mr Speaker:** I am grateful to the Hon. the Leader of the Opposition for giving way. Question 255.

Q254/2017
GHA locums –
Supplementary questions

Hon. T N Hammond: Mr Speaker, if I may, one supplementary on the information that was provided on locums.

1705 **Mr Speaker:** What question are we dealing with?

Hon. T N Hammond: Sorry, it would be Question 254, on the statistics provided for locums, and it is simply ... and forgive my ignorance, but I do not necessarily understand all the terms used. I understand what nursing locum means, I think. I am not sure what an AHP as opposed to a medical locum is – I wonder if the Minister could clarify that information.

1710 **Minister for Health, Care and Justice (Hon. N F Costa):** Could the hon. Gentleman refer me to the year and the column he is referring to, please? Oh, I see, yes.

1715 **Hon. T N Hammond:** Absolutely – it is in the headers.

Hon. N F Costa: Yes, sorry, he is referring to the head 'Allied Health Professional'. That relates to occupational therapy, physiotherapy, radiology, psychology, that sort of thing.

1720 **Clerk:** Question 255.

Hon. D A Feetham: Can I just ask one question?

Clerk: I am sorry.

1725 **Hon. D A Feetham:** Mr Speaker, with locums I gather that the total locums are on the right-hand column, is that the case?

Hon. N F Costa: That is correct.

1730 **Hon. D A Feetham:** So it is 89 in 2011, 56 in 2012, 64 in 2013, 115 in 2014, 99 in 2015 and then it is 151 in 2016?

Hon. N F Costa: Yes.

1735 **Hon. D A Feetham:** Does he have an explanation for the sharp rise in locums in the course of 2016?

Hon. N F Costa: Mr Speaker, not one that I have been entirely satisfied with. The fact of the matter is that I would have expected an organisation such as the GHA to have succession

1740 planning in place where the use of locums would not be as necessary. But then again, of course,
Mr Speaker, as the hon. Gentleman will know, specialisms require continuous training –
consultants, allied health professionals, in order to be able to keep up with their skills need to
1745 undergo continued professional development – and of course then there are issues that arise
such as annual leave, maternity leave and usual sickness cover. And of course the reality is that
the GHA continues to grow the services which it provides. For example, if for whatever reason,
say for example the absence of a particular consultant due to illness or due to maternity or any
other reason, and as a result of that there has been an increase in the referral list, the GHA
1750 would always move to bring in locums in order to ensure that that list remains manageable and
within the expected timeframes that Gibraltarian patients expect that they will be referred to by
the GHA consultant.

Hon. D A Feetham: Does he also have an explanation for the sharp rise in locums in
gynaecology? For example, in 2014 it jumped from two the previous year to 15. It then increased
1755 to 17 and it is down to 15 again in 2016. And there is also a sharp rise in locums in relation to
orthopaedics, and I gather ... presumably that is because the Department is trying to do
something about the waiting list in relation to orthopaedics, which we know and which the hon.
Gentleman recognises was not what we all want. And finally, in relation to surgical, which is now
10 in 2016 when it was only one in 2015 – well, two in 2015 – is that because there have been a
number of surgeons that have left the department in recent times and that those gaps left in the
1760 service as a consequence are being filled by locums?

Hon. N F Costa: Mr Speaker, the hon. Gentleman will appreciate that, given the information
that I have provided to him, which is extremely detailed, I could not anticipate each
supplementary that he would ask me. So the hon. Gentleman, if he wants absolute certainty in
1765 the answers that I am going to provide to him, then he should give me notice of those questions.

In respect of the orthopaedics, the hon. Gentleman is right, I can definitely answer that one.
In respect of gynaecology, it relates to 2014, during the course of which my hon. Friend was the
Minister so I will allow him to please assist.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
1770 Yes, Mr Speaker, it is also to do with the waiting lists. I found, at the time, that the gynaecology
waiting list was totally unacceptable. I cannot remember exactly now, but it was many months
and we were in a situation where, because there were three gynaecologists at the time and they
had about 10 weeks of leave each, it happened that we were one gynaecologist down for 30
1775 weeks of the year. Therefore, a decision was taken at the time for a period of time that 15 of
those weeks would be covered by a locum in order to cut down the waiting list, which was done
successfully, but there would have been a spike there and it was precisely to ensure that there
was cover for one of the gynaecologists on leave during half of the total time, and that had a
tremendous effect in lowering the waiting list in that year.

1780
Hon. D A Feetham: And finally, Mr Speaker, has he done an analysis as to whether the
numbers of locums are being influenced at all ... are being driven by vacancies? In other words,
there are vacancies within the GHA in relation to doctors and those are being filled by locums, so
that ... I do not know ... for example, one job is being done by five locums, or anything like that?

1785
Hon. N F Costa: No, Mr Speaker. The hon. Gentleman may recall that very shortly after I was
appointed Minister for Health there was a whole gamut of vacancies advertised in respect of all
of the medical requirements. It takes, unfortunately, quite a few months to be able to fill those
positions. Of course specialisms and consultants that are required for any particular field may
1790 not necessarily be in Gibraltar and therefore we need to advertise in the UK. A process needs to
be followed, a board needs to be set up and then there has to be a recommendation etc.

So no, if locums are being recruited, it is only because we are undergoing the recruitment process through the traditional process of advertising vacancies and establishing boards, and of course once these vacancies are filled then the locum cover will no longer be required.

Q255/2017
Dialysis Unit –
Replacement doctor

1795 **Clerk:** Question 255, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, who will be taking over from the two doctors at the Dialysis Unit whose contracts recently terminated?

1800 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, there was only one doctor at the Dialysis Unit. A doctor has already been contracted to cover until a replacement is appointed.

1805

Hon. D A Feetham: But, Mr Speaker, is it not the case that there was one permanent doctor and there was another temporary doctor who was assisting the principal doctor at the Dialysis Unit?

1810

Hon. N F Costa: Mr Speaker, the answer provided to Parliament has been drafted by the Medical Director, so I have to assume that he would know exactly the number of doctors in any given service in the GHA.

1815

Hon. D A Feetham: Yes, Mr Speaker, that is certainly true. I get my information from patients who are actually being treated in the Dialysis Unit and I am assured there were two doctors working there: one who was permanent and the other one who was on a temporary basis – not a temporary basis, but he was almost part time, he was part time – working to assist the principal doctor.

1820

Mr Speaker, why was the contract terminated, if it was terminated by the Government; or is it a case of the contract having been terminated by a fluxion of time?

Hon. N F Costa: The latter, Mr Speaker.

1825

Hon. D A Feetham: And can the Government explain why the contract of this particular doctor was not renewed?

Hon. N F Costa: The doctor who served the Dialysis Unit could not be registered by the General Medical Council.

1830

Hon. D A Feetham: And why is that, Mr Speaker?

Hon. N F Costa: Because he does not satisfy the requirements of the General Medical Council.

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Hon. D A Feetham: Mr Speaker, that is self-evident, but –

Hon. N F Costa: Well, why are you asking me? *(Laughter)*

1840 **Hon. D A Feetham:** Well, because is it, for example, that we are dealing with a doctor who has a foreign qualification and therefore that places a difficulty in terms of registration under the General Medical Council in the United Kingdom? My understanding is that that is an issue with a number of doctors who have been very successfully treating patients at the hospital and elsewhere within the GHA.

1845 **Hon. N F Costa:** Mr Speaker, I do not have the particulars of the reasons why the General Medical Council determined in this particular case that this gentleman was not registrable. My information is that, due to the fact that the General Medical Council would not register the dialysis doctor, it was obviously decided that the post had to be advertised and a usual selection process followed.

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Hon. D A Feetham: Mr Speaker, how long had this particular doctor been in this particular post? Does he have that information?

Hon. N F Costa: No, Mr Speaker, I do not.

1855

Hon. D A Feetham: But he accepts that this particular doctor ... there had been no complaints from patients and there was generally – if he has the information – satisfaction in relation to the way that this particular doctor was performing?

1860

Hon. N F Costa: Mr Speaker – and I say this really not wishing to be unhelpful – the original question of the hon. Gentleman is who will be taking over from the doctors at the Dialysis Unit. If the hon. Gentleman wanted to ask me specific questions on the particulars, then, with respect to him, he should have provided me with notice of those particulars he sought from me. I would have been delighted to have exchanged that information with him across the floor of the House, but unfortunately, given the original question on the Order Paper, I am afraid to tell him that I do not have whether there have been or have not been any complaints against this particular doctor.

1865

Hon. D A Feetham: Mr Speaker, is it a locum that is going to be taking over on a temporary basis in relation to this doctor, or is this post going to be filled on a permanent basis by somebody else? Also, is that person coming over from the United Kingdom? Does he have any links with Gibraltar at all?

1870

Hon. N F Costa: Mr Speaker, the nephrologist advertisement was on the 17th of this month. There has already been a successful applicant who has accepted the job offer by email on 13th March and who will start on 10th July.

1875

The current contract, the current replacement, is not being carried out by a locum but rather by a doctor on contract – at, I must say, a better rate than the previous doctor that currently provided the services.

1880

Hon. D A Feetham: Mr Speaker, given the very short timeframes – and he must be mistaken in the way that he has provided the answer ... He said that it was on the 17th of this month that the advert went out. It must have been the previous –

1885

Hon. N F Costa: Sorry, February, yes.

Hon. D A Feetham: February. No, I understand that. But we are talking about very small timeframes here, which does indicate that in fact the Government did not envisage that there

1890 would probably be this particular problem with a doctor who was then serving. But am I right in saying that although the job was advertised, the Government had made moves to perhaps identify a replacement for this particular role? Or is it a situation where the Government advertised, there were applicants, and there had been no previous contact at all with the successful candidate?

1895 **Hon. N F Costa:** Mr Speaker, could he repeat the last part of his supplementary?

1900 **Hon. D A Feetham:** Despite the fact that there has been an advert going out, was this particular candidate headhunted, so to speak? Was there some contact between the GHA and this particular candidate, where this particular candidate was invited to apply? It does appear to me that we are talking about very small timeframes within which this has happened, and it may well be that what has happened is that the Government had identified somebody with Gibraltar connections, for example – I am not putting words in his mouth, but I am just trying to get to the explanation of this – and therefore there was an advert and the successful candidate really was somebody the Government had already identified, even though the Government may have advertised and said, ‘Well, let’s see who applies.’

1910 **Hon. N F Costa:** Mr Speaker, in the first place I think I ought to clarify that, whereas I replied to the hon. Gentleman that the contract had ended because of the fluxion of time, and indeed that is correct because the last working day was on 28th February, the doctor actually decided to leave before the last day due to ill health and I thought that it was important to make that fact clear, given how he has phrased ... No, given how he has phrased ... I just thought it was important to clarify that point for the avoidance of doubt.

1915 The hon. Gentleman should know that the advertising process is conducted by the GHA. The Government – or, as the Hon. Mr Bossano has called us before, the ‘outfit’ – had no person in mind, but it is certainly the case that the GHA, when they do advertise for posts ... the different clinicians do contact persons whom they think would be suitable and interested and who have Gibraltar connections. That is the case.

Mr Speaker: Next question.

Q256 and 257/2017
Speech and Language Therapy Unit –
Therapist post; location and complement

1920 **Clerk:** Question 256, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, has the Government now filled the post of speech and language therapist?

1925 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, this question will be answered together with Question 257.

1930 **Clerk:** Question 257, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, where is the Speech and Language Therapy Unit located and how many people are working engaged within it?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1935

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the GHA does not have any vacancies for the post of speech and language therapist. The hon. Member's mole has got it wrong again.

1940

The Speech and Language Therapy department is not a department with a singular purpose and as such is not limited to solely one unit.

The Speech and Language Therapy department provides valuable input into many settings, including schools. If I assume that the hon. Gentleman is asking me in relation to the main offices they report to on a daily basis, the GHA Speech and Language Therapy department have the following bases.

1945

The Primary Care Speech and Language Therapy department. This is the main base of the Paediatric Therapy department. There are four speech and language therapists.

St Bernard's Hospital. This is the main base of the Adult Therapy team. There is one speech and language therapist.

1950

Bella Vista Dementia Day Centre: through this facility, the GHA has ensured that the care provider offers speech and language therapy support for dementia patients. There is one speech and language therapist.

1955

The Paediatric Speech and Language Service consists of two separate caseloads, mainstream and special needs, with clinical leads heading each area. These services are responsible for children, from neonates to adolescents of 18 years of age, who present with communication, swallowing and feeding disorders, including diagnosed genetic and medical conditions, developmental delays, learning disabilities, hearing impairments, autism and specific speech and/or language difficulties. Service locations for these services include mainstream schools; learning support facilities; special schools and special needs nursery; outpatient clinics at Primary Care, Rainbow Ward and the community.

1960

Both service streams within paediatrics have benefitted from staff recruitment within the timeframe of 2014 and 2015. In March 2014, a senior II speech and language therapist was employed to work alongside the clinical lead within this mainstream service and the following year another senior II therapist was recruited within special needs. To date, the staff complement within paediatrics is four full-time posts.

1965

The benefits from increasing from two speech and language therapists to four is self-evident, as it has allowed for a doubling of speech and language therapist time in both areas and has allowed the therapists to develop their competencies accordingly. Therefore, we have increased both availability and the quality of the services.

1970

The adult service is responsible for clients with swallowing and communication difficulties resulting from stroke, neurological disorders, cancer, dementia and voice disorders. The range of disorders which present can include aphasia, dysarthria, dyspraxia, dysphonia, dysphagia and dysfluency.

1975

Service locations for this service include inpatient and outpatient services within St Bernard's Hospital; ECA facilities, including Mount Alvernia; John Mackintosh Wing; Jewish Home; Calpe and Cochrane wards; and community.

The Adult service is staffed by one full-time post.

1980

Hon. D A Feetham: Mr Speaker, how many speech and language therapists did the hon. Gentleman say were being employed by the GHA? How many?

1985

Hon. N F Costa: Mr Speaker, there are four at the Primary Care Speech and Language Therapy department and there is one at St Bernard's Hospital. I also mention, Mr Speaker, that the Bella Vista Dementia Day Centre has ensured that the private provider also provides speech and language therapy support for dementia patients and they have one speech and language therapist. So, four plus one, plus one.

Hon. D A Feetham: Mr Speaker, is there one of those speech therapists that is actually taking care, at the present moment, of paediatric caseloads?

1990 **Hon. N F Costa:** Mr Speaker, I refer the hon. Gentleman ... As I have explained to him in my answer right now ... I just gave him an entire two paragraphs on the fact that the Paediatric Speech and Language Service has gone from two speech and language therapists to four under my hon. predecessor, Dr John Cortes, and I explained to him all of the services that are provided and that it consists of two separate caseloads, one for mainstream and another for special needs, with clinical leads heading each area.

1995

Hon. D A Feetham: So there, is at the moment, a speech and language therapist that is dealing with paediatric caseloads?

Hon. N F Costa: There are actually four.

Q258-264/2017
GHA posts –
Workers on fixed-term contracts

2000 **Clerk:** Question 258, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, have the 22 vacant posts occupied by subcontracted workers identified in answer to Question 518/2016 been permanently filled?

2005 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Questions 259 to 264.

2010 **Clerk:** Question 259, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government state how many workers currently working within Mount Alvernia are on fixed-term contracts?

2015 **Clerk:** Question 260, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government state how many workers employed directly by the GHA are on fixed-term contracts?

2020 **Clerk:** Question 261, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government state how many workers employed directly by the Care Agency are on fixed-term contracts?

2025 **Clerk:** Question 262, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government state how many workers working within the Care Agency and the GHA are on fixed-term contracts with a Government-owned company?

Clerk: Question 263, the Hon. D A Feetham.

2030

Hon. D A Feetham: Of the previous four questions concerning fixed-term contracts within the Care Agency, the GHA and Mount Alvernia, please provide a schedule setting out (a) how many successive fixed-term contracts each worker has been engaged on and (b) the date each were first engaged on the first contract.

2035

Clerk: Question 264, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, in what Department within the GHA are the workers employed by the GHA on fixed-term contracts currently working in?

2040

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, it is hard not to press the buzzer when you know the answer to the question! (*Laughter*)

2045

Mr Speaker, subcontracted workers will be recruited as and when required.

There are three workers currently working within Mount Alvernia on fixed-term contracts.

There are 126 workers employed directly by the GHA on fixed-term contracts. It is pertinent to note that out of the 126 workers 55 are contracts of consultants and doctors who have been on fixed-term contracts, some for over 20 years. Her Majesty's Government of Gibraltar is confident that all consultants will enter into new and specifically negotiated contracts during the course of this year.

2050

There are 33 workers employed directly by the Care Agency on fixed-term contracts, eight of which are to commence employment on indefinite contracts as from 1st April 2017. This will reduce the number of workers employed by the Care Agency on fixed-term contracts to 25. Further, the Care Agency has recruited eight qualified social workers from UK agencies whose contracts will not be renewed after three years.

2055

There are no workers working within the GHA and the Care Agency on fixed-term contracts with a Government-owned company.

In relation to Questions 263 and 264, I now hand over schedules with the information requested, to the hon. Gentleman.

2060

Answer to Question 264 of 2017

Answer to Question 263

GHA

No of Employees issued a FTC	Amount of successive FTC	D.O.C
2	12 contracts per employee	Feb-97 (2 employees)
1	5 contracts per employee	Feb-98 (1 employee)
1	12 contracts per employee	Feb-01 (1 employee)
1	9 contracts per employee	Aug-03 (1 employee)
1	12 contracts per employee	Feb-03 (1 employee)
1	30 contracts per employee	May-03 (1 employee)
1	10 contracts per employee	Feb-04 (1 employee)
1	7 contracts per employee	Aug-05 (1 employee)
1	22 contracts per employee	Sept-05 (1 employee)
1	30 contracts per employee	Feb-05 (1 employee)
2	11 contracts per employee	Sept-06 (1 employee)
		Oct-06 (1 employee)
1	20 contracts per employee	July-06 (1 employee)
1	27 contracts per employee	Aug-06 (1 employee)
1	28 contracts per employee	Sept-07 (1 employee)
1	7 contracts per employee	Oct-08 (1 employee)
1	17 contracts per employee	Nov-09 (1 employee)
1	8 contracts per employee	Jun-10 (1 employee)
1	10 contracts per employee	Nov-10 (1 employee)
1	15 contracts per employee	Dec-10 (1 employee)
1	5 contracts per employee	Sept-11 (1 employee)
1	12 contracts per employee	Jun-11 (1 employee)
1	5 contracts per employee	Jun-12 (1 employee)
1	6 contracts per employee	Sept-12 (1 employee)
1	10 contracts per employee	Feb-12 (1 employee)
1	1 contracts per employee	Oct-16 (1 employee)
1	2 contracts per employee	Sept-13 (1 employee)
2	3 contracts per employee	Jun-13 (1 employee)
		Jul-13 (1 employee)
8	4 contracts per employee	Aug-13 (3 employees)
		Sept-13 (3 employees)
		Oct-13 (2 employees)
3	5 contracts per employee	
		Jul-13 (1 employee)

Cont...

Continued Answer to Question 264 of 2017

Continued Answer to Question 263

		Sept-13 (2 employees)
1	6 contracts per employee	Jul-13 (1 employee)
1	7 contracts per employee	Oct-13 (1 employee)
4	1 contract per employee	Apr-14 (1 employee)
		Sept-14 (1 employee)
		Oct-14 (2 employees)
1	2 contracts per employee	Feb-14 (1 Employee)
7	3 contracts per employee	Sept-14 (3 employees)
		Nov-14 (1 employee)
		Dec-14 (3 employees)
7	4 contracts per employee	Jan-14 (2 employees)
		Mar-14 (1 employee)
		Apr-14 (3 employees)
		Jun-14 (1 employee)
1	5 contracts per employee	May-14 (1 employee)
6	1 contract per employee	Jan-15 (1 employee)
		Apr-15 (1 employee)
		Aug-15 (1 employee)
		Sept-15 (1 employee)
		Oct-15 (2 employees)
16	2 contracts per employee	Jan-15 (1 employees)
		Feb-15 (1 employee)
		Mar-15 (1 employee)
		Apr-15 (1 employee)
		May-15 (2 employees)
		Jun-15 (1 employee)
		July-15 (3 employees)
		Aug-15 (4 employees)
		Nov-15 (2 employees)
6	3 contracts per employee	Jan-15 (2 employees)
		July-15 (2 employees)
		Sept-15 (1 employee)
		Nov-15 (1 employee)
2	4 contracts per employee	Apr-15 (1 employee)
		Sept-15 (1 employee)
1	5 contracts per employee	Sept-15 (1 employee)
21	1 contract per employee	Jan-16 (1 employee)
		Feb-16 (2 employees)
		Apr-16 (1 employee)
		May-16 (4 employees)
		Jun-16 (3 employees)
		Aug-16 (2 employees)

Cont...

Continued answer to Question 264 of 2017

Continued Answer to Question 263

		Sept-16 (6 employees)
		Oct-16 (2 employees)
5	2 contracts per employee	Mar-16 (2 employees)
		Apr-16 (2 employees)
		Sept-16 (1 employee)
6	1 contract per employee	Jan-17 (5 employees)
		Feb-17 (1 employee)

CARE AGENCY

No.of Employees issued a FTC	Amount of successive FTC	D.O.C
2	7 contracts per employee	Apr-10
		Dec-10
6	4 contracts per employee	Jul-13 (1 employee)
		Aug-13 (2 employees)
		Oct-13 (2 employees)
		Nov-13 (1 employees)
1	3 contracts per employee	Nov-13 (1 employee)
3	4 contracts per employee	Feb-14 (1 employee)
		Mar-14 (1 employee)
		May 2014 (1 employee)
10	3 contracts per employee	July-14 (6 employees)
		Aug-14 (1 employee)
		Sep-14 (1 employee)
		Oct-14 (1 employee)
		Nov-14 (1 employee)
3	3 contracts per employee	May-15 (2 employees)
		July-15 (1 employee)
14	2 contracts per employee	Jun-15 (2 employees)
		Aug-15 (3 employees)
		Sept-15 (8 employees)
		Nov-15 (1 employee)
4	1 contract per employee	Apr-16 (1 employee)
		May-16 (1 employee)
		Aug-16 (2 employee)
2	2 contracts per employee	Mar-16 (1 employee)
		Dec-16 (1 employee)

Contd Answer to Question 264 of 2017

Answer to Question 264

No of Workers	Department
6	Maternity Ward
12	Primary Care Centre
1	Victoria Ward
2	Captain Murchison Ward
4	Night Duty
2	Dudley Toomey Ward
7	John Ward
4	Rainbow Ward
4	A&E
10	Critical Care Unit
4	Day Surgery Unit
5	Operating Theatres
8	Ocean Views
2	Dental Department
47	Medical
1	Public Health
3	Radiology
3	Physiotherapy
1	Occupational Therapy

2065 **Hon. D A Feetham:** Mr Speaker, now I understand, having heard the answer to these questions, why the hon. Gentleman came to this House with his cannons firmly locked and loaded, because he was obviously concerned about the answers that he had to give in relation to these questions.

2070 In relation to Question 259 – can the Government state how many workers currently working... sorry, I beg your pardon, Question 258: have the 22 posts occupied by subcontracted workers identified in answer to Question 518/2016 been permanently filled – the answer the hon. Gentleman gave me was ‘that post will be filled as and when necessary’. Unless I have misheard him, that was the answer that he gave me. But of course that is an extremely evasive answer, does the Hon. Minister not agree, because in answer to Question 518/2016 he said there were 22 vacant posts within the Care Agency at the time, and then when I asked him the question about several ... I think it was last month or the month before – were there any
2075 vacancies, or how many vacancies there were within the GHA and the Care Agency, the hon. Gentleman said to me there were no vacancies.

Hon. N F Costa: That is right.

2080 **Hon. D A Feetham:** No vacancies. The answer in 2016, towards the end of 2016, is there are 22 vacancies in the Care Agency.

Hon. N F Costa: Of care workers.

2085 **Hon. D A Feetham:** Of care workers only, indeed. At the beginning of this year he tells me there are no vacancies in the Care Agency, and now when I ask him, ‘Of course, well, look, in the light of that answer that you have given me, that there are no vacancies in the Care Agency, which you gave me a couple of months ago, I ask how many of the posts of these 22 which the Government told me existed barely a few months before?’ he now says posts will be filled as and
2090 when.

Does he not agree with me that is an unsatisfactory answer that he has provided and it is an extremely evasive answer, and the fact is the Government does not want to come clean to this House providing statistics on what the true level of vacancies are within the Care Agency and the
2095 GHA?

Hon. N F Costa: Mr Speaker, I do not understand how the hon. Gentleman can construe my answers as anything other than extremely specific.

2100 He tells me that I have come to this House with my cannons loaded as a result of the answers that I am going to give to him in answer to this question. The hon. Gentleman could not be more wrong. The reason why I come with my cannons loaded is because of the sheer nonsense that I have to reply to in press releases as a result of the incredibly incorrect information he is being fed with by a disgruntled mole. Mr Speaker, I should pay this mole personally, from my own pocket, so that he keeps feeding the Hon. the Leader of the Opposition such bloody nonsense, to be honest!

2105 Mr Speaker, the hon. Gentleman really has the hard face of cement. The Hon. Leader of the Opposition, when he sat here as Minister for Justice, used to subscribe to the view that there were no vacancies in authorities and agencies. That view was presented by the best Gibraltarian of all time, Sir Peter Caruana, and when he was the Minister for Justice he never disputed that theory postulated by the greatest Gibraltarian of all time. Therefore, if it was good for the goose
2110 it is good for the gander, and if Sir Peter Caruana used to say that there were no such things as vacancies in companies, agencies and authorities and I stand up to say the same thing, and he did not utter a word of disapproval from these benches, then surely he has to agree with me that the answer I am giving him has to be specific, it has to be precise. It cannot be evasive, because I am emulating the greatest Gibraltarian of all time. So, unless he is saying that the

2115 greatest Gibraltarian of all time uttered falsehoods in this place, he has to agree with me that my answer is correct.

And in any case, Mr Speaker, does he not remember the most eloquent and erudite answer given to the Hon. Mr Llamas by my colleague, the Hon. Samantha Sacramento, when she explained the rudimentaries of these things to him? She said:

Mr Speaker, I appreciate that the hon. Member is new to this and I will of course be as helpful as I possibly can. Unlike the complement in the Civil Service, there is no such thing as a complement in agencies and that is the position that was taken by the GSD when they were in Government.

2120 So no, Mr Speaker, I did not come here worried or with my cannons loaded, to use his colourful metaphors, as a result of these answers. I am proud of the answers that I am giving and I am more proud of the work that I am conducting with Unite the Union that has resulted in an industrial relations review that has, for the first time since the Care Agency was set up by the previous administration, given them – consistently with their considerations of what are
2125 appropriate terms and conditions for them, concluded just the other day – a very satisfactory industrial relations review that actually values, truly values, the work that is conducted by care workers.

They did not do that, Mr Speaker. They did not conduct that industrial relations review. They were the ones who brought in fixed-term contracts and we, unlike them, who are consistent and would be embarrassed to present a political hypocritical discourse in this House and then
2130 outside ... When they stood up in this House and spoke about fixed-term contracts and they said, 'We will introduce fixed-term contracts because whilst we bring fixed-term contract workers from across the way, we will identify local, suitable people, whether in the UK or currently being trained in Gibraltar, to fill those posts.' And of course Minister Bossano, always being entirely
2135 consistent and true to his political beliefs, stood up and said:

Well, if the reason why you are bringing fixed-term contract workers from across the way is because you have identified suitable people to be trained or educated in the UK to fill those posts, then we will support the position.

And given that when the greatest Gibraltarian of all time expanded that philosophy he agreed and banged the table, he should agree and bang the table for my answers. (*Banging on desks*)

Mr Speaker: I think I should warn the Hon. the Minister for Health and the Hon. the Leader of the Opposition that they are now getting into debating territory and if they continue in this vein I will move on to the next question. So no debate, please.
2140

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

2145 **Mr Speaker:** I do not have to tell them the object of Question Time: seek information, urge the Government to adopt a policy or a line of action, but no speeches. We have had enough speeches today.

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

2150 I am tempted to ask the hon. Gentleman by way of supplementary is he the GSD in disguise, because quite frankly he is using us to justify what are, quite frankly, in my respectful view, answers that are not straight answers. They are not straight answers. I will explain that and ask him whether he will review those answers in the light of what I am going to tell him now.

I do not agree with the way that he has characterised it, but whether our policy was that technically there were never any vacancies in the GHA or the Care Agency because there is a distinction to be drawn between that and the Civil Service ... in September when I asked the
2155 question about vacancies I was told that there were about 40-something vacancies within the

GHA. Okay? It is not the hon. Gentleman who answered the question; it was a written answer that was provided. That was the answer provided to me in September.

2160 Separately, my hon. Friend Mr Llamas asked on 29th September what vacancies there were within the Care Agency specific to care workers ... or the answer came back specific to care workers, and the answer was vacant posts pending recruitment – we all know the English language, Mr Speaker – the answer, vacant posts, recruitment, 22.

2165 And now the hon. Gentleman seeks to evade giving me an answer in this House by saying, 'Well, because the policy of the greatest Gibraltarian of all time ...' and everybody there on the other side laughing, including the Father of the House, who had innumerable battles with the greatest Gibraltarian ... or the greatest Gibraltarian of *our* time; that is what I said.

2170 Mr Speaker, the Government has got to make up its mind. Does he not recognise that there is a huge, monumental inconsistency in the way that the Government has been answering these questions across the floor of the House? And indeed it is only when I raised this issue publicly in my press releases, that so seem to vex the hon. Gentleman, that the Government's position then changed and all of a sudden they decide, 'Well, we're not going to provide figures for vacancies.' Does he not recognise that there is that inconsistency? For the sake of our friendship?

2175 **Mr Speaker:** A short answer – does the Hon. Minister recognise, or doesn't he – and then we can move on to the next question.

Hon. N F Costa: Mr Speaker, my answers in this House have always been entirely consistent with the policies of the Government.

2180 **Mr Speaker:** Any other supplementaries on these number of questions that have been grouped together?

Hon. D A Feetham: None that I can think of Mr Speaker.

2185 **Mr Speaker:** Okay. Shall we move on to the next one?

Hon. D A Feetham: Yes. I will analyse them at home.

2190 **Mr Speaker:** Okay, fine.

**Q265 and 266/2017
Intensive Care Unit employees –
Indefinite permanent and fixed-term contracts; recruitment consultants**

Clerk: Question 265, the Hon. D A Feetham.

2195 **Hon. D A Feetham:** Mr Speaker, how many staff working within the Intensive Care Unit are currently employed directly by the GHA (a) on indefinite permanent contracts and (b) on fixed-term contracts?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

2200 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Question 266.

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

Hon. D A Feetham: Mr Speaker, how many staff working within the Intensive Care Unit are currently employed directly by the GHA via the services of recruitment consultants?

2205

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, there are 20 nurses on indefinite contracts.

2210

There are 10 less nurses on fixed-term contracts, two of whom will have their contracts varied to indefinite and the two nurses in question have already been informed.

2215

Mr Speaker, temperatures may rise even further. I am astonished that the hon. Gentleman should not have withdrawn this question, given that he decided, contrary to parliamentary convention, to issue a press release having filed this question in this House. (**A Member:** Hear, hear.) The Hon. the Leader of the Opposition should by now surely know the conventions and the practices of this place. In any case, I am delighted to remind the House that the number of nurses under this Government has increased from 387 in 2010 to 473 last year – in other words, a staggering increase of 19%.

2220

The numbers show an unprecedented level of investment in our clinical professional staff. Moreover, the fact that the Hon. the Leader of the Opposition issued a press release in circumstances where he had already filed a question in this House demonstrates that the Opposition is not at all interested in learning the answers to the question that they pose and are instead blatantly interested in cheap political theatrics and pathetic headline grabbing based on the mistaken information provided to them by this – I have to say wonderful – disgruntled mole. (*Laughter*) This in itself would be serious enough and is made more so by the fact that when the Opposition jump the gun in relation to our Health Services it only serves to worry the public and to denigrate the excellent clinical professionals at the GHA.

2225

Further still, Mr Speaker, I make no apologies for the Government's policy to identify existing nursing staff to train in the various specialisms. As the House may be aware, the GHA is currently in the process of providing presentations to Westside and Bayside students highlighting the many different career pathways. The Government will continue to identify members of our community currently studying in the UK or already working, to train them in order to provide high-quality empathic and compassionate medical care.

2230

Mr Speaker, whilst the role of the Opposition is to challenge the Government, it is not to cause undue and totally unwarranted, and more than likely malicious, concern by repeating in their press statements what is plainly and simply unsubstantiated gossip by their disaffected, but worth his weight in gold, disaffected informer. If the hon. Gentleman really wanted to know the answer to the question that he posed, he would have waited for my answer in Parliament.

2235

I used to shadow the Health portfolio when I was in Opposition and I used to write to the then Minister for Health before issuing press releases, and I even used to counsel complainants not to issue press releases and to give the then Minister the opportunity to consider their cases and reply. The stark difference between them and us is that whilst I am still waiting for the GSD's Minister for Health to answer any one of my emails or phone calls in relation to individual complaints – and I had better sit down in my wait – the Opposition will have to admit that I answer every email, every phone call, every text, every WhatsApp, and meet them with their constituents if they so request. We therefore mark a profound difference, in that actually we also then proceed to resolve their constituents' issues.

2240

Even further still, the hon. Gentleman would do well to learn from the Hon. Marlene Hassan Nahon, who has the decency to write to me first to enquire if there is any truth in any complaint made to her by any person. This must surely be because the hon. Lady fully understands that casting doubt on the quality of care in an intensive care unit can only create unnecessary panic among our community, which is something that she clearly does not want to generate.

2245

For his part, the Hon. Mr Feetham has tried panic for votes over the Savings Bank. That did not work and Mr Bossano is taking more deposits than ever in the bank. He tried panic for votes

2255 over the natural gas facility. That did not work either, and we got more votes than ever in the last General Election. They tried panic over public finances for votes and that did not work either: Gibraltar is better off than ever under the Government. And now Mr Feetham is trying to create panic over our Health and ICU services, when we are investing more than ever in that service.

2260 Mr Speaker, in relation to answer to Question 266, there are none. *(Banging on desks)*

Chief Minister (Hon. F R Picardo): Well answered.

2265 **Hon. D A Feetham:** Mr Speaker, there I was, thinking that the Drama Festival had ended some months ago! **(A Member: Hear, hear.)** *(Laughter and banging on desks)*

At least nobody on this side of the House has participated in any Spanish programmes calling into question the services offered within the Care Agency here in Gibraltar. I cannot say the same about him, I have to say.

2270 Mr Speaker, I am very grateful for the answer and I am very grateful, in fact, for the press release that he provided that also shed some light in relation to this. But I want to focus on the decision, if there has been a decision. In fact, I will ask the first question: has there actually been a decision by the Government not to renew the contracts of four fixed-term contract nurses within the Intensive Care Unit because the Government has made a decision to basically train four local people, which we commend, four locals, but in substitution for four nurses whose
2275 contracts are coming up for renewal once they expire?

Hon. N F Costa: Mr Speaker, the hon. Gentleman needs the services of the memory clinic: the Drama Festival did not finish last month, it finished on Saturday. And no, Mr Speaker.

2280 **Hon. D A Feetham:** So can the Government then therefore guarantee and assure this House that the current complement of nurses there within the Intensive Care Unit, be it – well, those that are there on fixed-term contracts – that those are going to be maintained and that there is going to be no attempt to replace experienced nurses and the number of experienced nurses, a dilution of that, in favour of trainee nurses, however small that they may be?

2285 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman has accused me of rattling off a press release, but clearly he did not read my reply. I told him in the reply to his press statement that the hard facts are strikingly clear. In May of 2011, when they were in Government, the CCU had 28 registered nurses; we have 30 registered nurses, an increase of two. When they were in
2290 Government, those 28 registered nurses comprised of two charge nurses; we have three charge nurses. And then 24 staff nurses; we have 27 staff nurses. So there has been no dilution, it has been quite the opposite: there has been an increase in the quality of the specialisms and the complement being provided in CCU, which is why I am telling him that he really ought to stop listening to this disgruntled mole. He ought to start thinking that maybe, just maybe, I am
2295 feeding him the information because every time he shouts on the back of that information he gets it horribly wrong.

2300 **Hon. D A Feetham:** Mr Speaker, he seems to be obsessed by the mole, I have to say. And how does he know that it is just one mole? He keeps on going on about 'the mole, the mole, the mole'. It could be several moles for all that the hon. Gentleman knows. *(Interjection)* Well, no, they are all actually getting it right – that the answers that the hon. Gentleman chooses to provide me are half the truth and half not the truth. Well, that is another matter.

2305 Mr Speaker, it is obvious – because people have come to me, employees have come to me; they have come directly to me about this – that there is concern within the Intensive Care Unit, where there are a number of nurses ... The majority of them are actually foreign nurses, because this is a very specialised area. It requires training abroad and the specialism does not exist here.

2310 People who have fixed-term contracts, who know that, for example, if they are employed under successive fixed-term contracts for more than four years they will acquire rights, and the intimation to them ... It has been on an informal basis, but the intimation to them has been that the Government or the GHA is not going to renew those contracts because they do not want people within the Intensive Care Unit acquiring permanent rights, and that therefore the Government is planning either to replace with a number of trainees or with contract staff – please listen to the question; you can deny it afterwards (*Interjection by Hon. N F Costa*) – contract staff, either from Medoc or other recruitment consultants.

2315 Can he confirm and assure the House that that is not the intention of the Government – and of course he knows that when he gives me that answer I am going to be looking at this with a hawkish gaze in the future.

Hon. N F Costa: Mr Speaker, what a tangled web we weave when first we learn to deceive. 2320 And when he talks about half truths, surely he was referring to the witches and Lady Macbeth and he could have at least have quoted that paragraph for me.

In any case, I have just told him *again* that the complement of the CCU has gone up by two, that the number of qualified nurses has gone up from 24 registered nurses to 27. Therefore, it logically follows numerically, mathematically, logically, inevitably, inexorably, that there has 2325 been an increase in the quality and the specialism and the skills in care. Can he not see that if there were 28 in his time and there are two in our time that is two more? Can he not see that if there were 24 registered nurses and three enrolled nurses but with us there are 27 registered nurses, the skills have gone up? Can he not see that? Can he not add numbers? Can he not follow simple logic? The complement has gone up, the skills mix has gone up. It is, of course, not 2330 possible ever to replace a registered nurse with a trainee. Whoever is telling him that really has not got a clue what she is talking about. How could you possibly replace a CCU trained nurse with an assistant? Does he think I am mad? Does he think that I am so nationalistic that I would choose a Gibraltar nursing assistant over a Spanish registered nurse? Does he honestly think that? Does he think that I would put Gibraltar's patient safety at risk by way of hollow 2335 nationalism? Of course not.

When one goes into hospital, when one is admitted, one does not care who is in government and who is in opposition; one only cares about the quality of the service that one receives. One wants the best consultants, the best nurses and the best care. I have demonstrated to him – and he can check it with hawkish glare or with bunny eyesight (*Laughter*) – I have demonstrated to 2340 him, numerically, that under us specialisms are up, complements are up, skills are up, investment is up, 19% of nurses are up, and if he cannot do the mathematics, Mr Speaker, he should go back to school.

Hon. D A Feetham: Mr Speaker, the hon. Gentleman does not really need to get angry – 2345

Hon. N F Costa: I'm not angry.

Hon. D A Feetham: – in the answer.

2350 **Hon. N F Costa:** I have He enjoyed it thoroughly.

Hon. D A Feetham: Mr Speaker, he doesn't, he doesn't. Also, Mr Speaker, his unhealthy obsession with the mole should end. He has just described the mole as 'she'. I do not know how he knows it is a she; it may well be a he or a number of moles, as I have told him in the past. 2355

But he has not answered the second part of the question. There were two parts to the question. I am satisfied with the first, I have to tell him, and I will continue to monitor Government policy. But the other question that I asked, the second part of the question, was: does the Government intend to essentially not allow those nurses within the ICU to serve out

2360 those four years in successive fixed-term contracts, thus not allowing them to acquire permanent rights, and replace those people with subcontracted labour from Medoc or other recruitment consultants? I am asking about Government policy.

2365 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman, in his previous supplementary, said that there was some informal intimation about Government policy: there is no informal intimation of anything. The Government's policy, continuing *their* policy, is that we will bring fixed-term workers, with the skills necessary for any particular ward, for a fixed-term period. Fixed-term contracts: within the name lies the answer. They are brought in to fill in a gap in a skill that is required by the GHA, and because it is a fixed-term contract the person is told that he or she will be serving at the GHA for a fixed period of time – and for which we are eminently and forever grateful for the care they provide our community, but in order to give effect to the GSD's wonderful policy of bringing in fixed-term workers with a particular skills set for a period of time until local suitable people have been fully trained with the right experience, to be introduced in any of these areas. There is no intimation and it is not informal – it is the policy of the Government. I have said it here, I have said it in a press release, and I am repeating it to him again.

2375 So, Mr Speaker, to answer his supplementary, the fixed-term worker will be told from the outset that the contract will not run beyond a certain period of time. Therefore the person has the choice and the right to say, 'I don't want to be here for two years, I don't want to be here for a year, I don't want to be here for three years – I want to be made indefinite from the get-go.' 2380 The GHA would reply, 'I am sorry, that is not the policy of the Government.' Therefore, the person has a right to either choose to stay or choose to go, and whilst they are here they will be treated with the rights and privileges of every other GHA employee and welcomed to the family.

2385 But to follow that policy, whilst those fixed-term contract workers are providing the services we will be identifying suitable local people to be trained in the School of Health Studies – which is why we have it, which is why we allocate money for it every year – and we will also identify those Gibraltarians out in the world or being trained in the UK for when they come back they have a job, a satisfying career at home for which he and I, as taxpayers, have paid for their education.

2390 So we make absolutely no apologies whatever, Mr Speaker, to scream from the rooftops and say calmly in this Parliament that it is the fixed policy of this Government to ensure that we have fixed-term workers to ensure quality and safe care, and then those persons will be thanked and then the contract not renewed.

2395 **Hon. D A Feetham:** I am afraid, Mr Speaker, that is an unsatisfactory answer, and again he knows, he knows that he is evading the point because the reality is there are substantial numbers of nurses within the ICU who are on fixed-term contracts, who are on the second or their third fixed-term contracts, and he must know as well that those same people have been informally told, 'You're not going to get another contract, not because we are unhappy with the service you are providing but because we don't want you to acquire permanent rights.' (Hon. N 2400 **F Costa:** No.) Yes, Mr Speaker, and I am asking him again: is that or is that not Government policy?

2405 **Mr Speaker:** I will allow the Minister to answer that question and then we are moving on to the next question.

Hon. N F Costa: Mr Speaker, the hon. Gentleman –

Mr Speaker: We are just having repetition and debate.

2410 **Hon. N F Costa:** Yes, Mr Speaker, I agree, and the hon. Gentleman should have some chai tea and relax; he should not get angry. *(Laughter)*

Mr Speaker, there is no intimation or informality. I have told him that it is the expressly, publicly stipulated ... of this Government, for which we make no apologies. If the result of that policy is what he says, he can colour it in whatever way he likes.

2415

Mr Speaker: Next question.

Q267/2017

Sponsored patients –

Policy re check-up and review appointments

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

2420 **Hon. D A Feetham:** Mr Speaker, has there been a change in policy in relation to the ongoing check-ups and review appointments for sponsored patients?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

2425 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, there has been no change in policy.

2430 **Hon. D A Feetham:** Mr Speaker, the reason why I am asking this is because there have been individuals, patients, that have come to me, who would have in the past have had reviews in the United Kingdom, for example, which would have been their preference, but are now being told that that is no longer possible and the reviews have got to be here when they would feel more comfortable with having the reviews in the United Kingdom.

2435 Is the hon. Gentleman then saying, really, that the Government has not changed its approach from the past in relation to this and that there must be some explanation – some medical explanation, for example – as to why the review is happening here in Gibraltar? And in that case, Mr Speaker, can I refer those individuals directly to his Department so that the Department provides an explanation to them? Because obviously people who are being treated – for example, being reviewed in respect of cancers and things of the like – who are being told, ‘Well, you have got to do your review here in Gibraltar’ obviously are going to feel panicky, as is natural, and in circumstances where there might be a natural and quite acceptable explanation people jump to conclusions.

2440

Hon. N F Costa: Mr Speaker, there has been no change in policy; it may well be that the policy is now being more actively enforced. I am surmising as to why some persons who may have before gone for reviews to the UK are not being sent to reviews anymore.

2445 The hon. Gentleman should understand that these determinations are not made because of clients’ preference. In other words, he said to me that ‘some patients would prefer’. Well, clinical decisions are not made on patients’ preference. Clinical decisions are made on what the clinician determines to be the most medically indicated service or the most medically indicated intervention. For a person to be referred to the UK or to Spain there has to be a consultant who refers that person to the UK.

2450

2455 In the past what has happened as well is that UK hospitals, without appreciating that the person is Gibraltarian and not from the UK, may have sent the review date to the patient directly rather than to the Sponsored Patients department. Since I have become the Minister for Health I have more fully resourced within existing resources the Sponsored Patients department, and therefore, as a result of those additional human resources, they have been able to more actively manage to ensure that where services are being able to be provided locally and the clinician

determines that it should be provided locally, they ought to be provided locally. I am sure that the hon. Gentleman would agree that that is a very good thing, because it saves the expenses of sponsored patients where they do not have to be spent.

2460

Hon. D A Feetham: Yes, and it does seem to me that it does indicate that there has been a difference of approach. It is a question of semantics whether one calls it a policy or an approach.

2465 What the hon. Gentleman is telling me is: I came in as a Government Minister, I looked at it, I resourced the sponsored patients department here in Gibraltar; as a consequence of that, we were able to review more people here in Gibraltar, and therefore, rather than have a situation where we are spending more money in getting them reviewed in the United Kingdom, we are doing it in Gibraltar.'

2470 It does provide an explanation, but it does seem to me to indicate that that is a change of approach. Whether one calls it a change of policy or otherwise, it is a change of approach. It is a conscious decision by the Government to have more people reviewed here – (*Interjection*)

Hon. N F Costa: No, Mr Speaker, the hon. Gentleman is intent today on either misunderstanding me or repeating me and then characterising my remarks in a way that I have not uttered them.

2475 I have said that, in the past, UK hospitals may have, accidentally and without meaning to, tried to arrange an appointment directly with a Gibraltar patient. When a sponsored patient is referred by a consultant to the hospital in the UK with which the GHA has a service level agreement, the consultant's letter is necessary for the initial referral, investigation or procedure. Then the letter makes it clear that any subsequent reviews need to be done through Sponsored
2480 Patients. In the past, if a Gibraltar patient may have received that reminder, rather than going through Sponsored Patients they may have decided to go ahead and keep the appointment. And then, of course, because the UK hospital would have emailed the patient in Gibraltar directly, the GHA would naturally – because we do tend to be as fair and as reasonable as humanly possible – that they would have paid for the trip – for the transport, for the flights and for the
2485 escorts. But because there is now a more active management of the existing policy, I can assure him that the policy remains the same as it was when my hon. predecessor, Dr John Cortes, was the Minister, but as a result of resourcing the Sponsored Patients department more from within the existing human resource capital of the GHA, they are just making sure that all sponsored patients' referrals are being done properly in accordance with the policy.

2490 As I have just explained to him, money, thankfully – and, please God, may it continue forever – money does not factor into determinations by clinicians. In other words, if a clinician determines that a person in Gibraltar would be best served by some treatment which has been clinically tested and is proven to cure cancer, and it costs whatever, the clinician will make that determination and the GHA will actually pay for it. It is an important point to make, Mr Speaker,
2495 because in the NHS there are some cancer treatments that the NHS does not fund because of the cost – they consider it prohibitive – and because they may only extend the life of the person between four to six months. We, the GHA, on the other hand, if a clinician says, 'This treatment is available, it has been clinically tested, it is successful; it is going to cost you an arm and a leg but it will extend that person's life for a few months,' we will pay for it.

2500 So, Mr Speaker, given the answer that the Hon. the Leader of the Opposition has made, I do not want anyone leaving this Chamber thinking for a moment that any choice is made depending on how much it costs. It is not, never has been and, please God, never will be.

2505 **Hon. D A Feetham:** Mr Speaker, I am glad about that, but of course if it has all been clinician led throughout it is difficult to envisage why there has been this tightening up of the policy. But in relation to the tightening up ... That is what he is telling me: there is a tightening up of the policy. That is –

2510 **Hon. N F Costa:** Enforcement of the policy.

Hon. D A Feetham: Yes, okay, tightening up the enforcement of the policy. My point is that if it were always clinician led, there would not have been a need to tighten up the policy – because it is clinician led.

2515 Mr Speaker, does he have an idea of how much this is going to save if that is being done –

Mr Speaker: No, that does not arise. Out of order. It does not arise at all from the question.

2520 **Hon. D A Feetham:** No, it arises from the answer that he has given me. He has said that effectively what the Government wants to do is ... that there is a wastage financially and therefore there is a tightening up of the policy so that it is dealt with here in Gibraltar.

Mr Speaker: He has just said that savings do not come into it, (*Interjections*) that the Government (*Interjections*) ... [*Inaudible*] on treatment which is recommended by the clinicians, and you are asking ... [*Inaudible*] It does not arise, I am sorry.

2525 Next question.

2530 **Hon. D A Feetham:** Well, Mr Speaker, how can you tighten a policy if it has always been clinician led? That is the question. If it has always been clinician led, how can you tighten up a policy, unless what he is really saying is that all he has done is ensured that those hospitals in the United Kingdom that used to send, according to him, these letters, no longer send these letters?

Hon. N F Costa: Mr Speaker, the hon. Gentleman really does need to just focus and listen to the very full answers that I give him, because I have explained what he is asking me in supplementary information, so I am not going to repeat it.

2535 The record shows that the policy has always been that referrals to the UK for investigations, for opinions and for interventions, have always been determined by a clinician. And because there is now active management, or rather more active management of sponsored patients, where the services can be provided locally and the clinician determines that the appropriate level of service can be done locally, it is done locally according to that clinical determination.

2540 Mr Speaker, the hon. Gentleman really is trying to be all things to all men. If I had stood here to say that there was a free for all in sponsored patients, he would be wagging his finger at me and telling me that I need to get control of the financial arrangements of the GHA, which no doubt will be his line at the Budget, because every time he talks about the GHA he says, 'Oh, it costs £7 million a year and we have got to get the most value for money for the taxpayer.'

2545 **Mr Speaker:** The Hon. Minister is now debating. Please stick to the question in hand.

Hon D A Feetham: it is financially led.

2550 **Hon N F Costa:** No.

Mr Speaker: Next question.

**Q268 and 269/2017
Mount Alvernia nurses –**

Direct employment; employment through recruitment agency

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

2555 **Hon. D A Feetham:** Thank you very much for answering my non-supplementary question.

How many nurses were employed directly by the Care Agency at Mount Alvernia as at 31st December 2012, 2013, 2014 and 2015?

2560 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Question 269.

2565 **Clerk:** Question 269, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many nurses were placed working within the Care Agency at Mount Alvernia through the services of a recruitment agency as at 31st December 2012, 2013, 2014 and 2015, identifying the recruitment agency?

2570 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the answer is in the schedule I now hand over to the hon. Gentleman.

Answer to Question 269

Answer to Question 268

The following is a breakdown of the nurses employed directly by the Care Agency and Mount Alvernia:

As at 31 st December 2000	2 - SSA
	20 - Mount Alvernia
As at 31 st December 2001	2 - SSA
	20 - Mount Alvernia
As at 31 st December 2002	2 - SSA
	22 - Mount Alvernia
As at 31 st December 2003	2 - SSA
	22 - Mount Alvernia
As at 31 st December 2004	2 - SSA
	22 - Mount Alvernia
As at 31 st December 2005	2 - SSA
	22 - Mount Alvernia
As at 31 st December 2006	2 - SSA
	22 - Mount Alvernia
As at 31 st December 2007	2 - SSA
	38 - Mount Alvernia
As at 31 st December 2008	2 - SSA
	38 - Mount Alvernia
As at 31 st December 2009	2 - Care Agency
	39 - Mount Alvernia
As at 31 st December 2010	2 - Care Agency
	48 - Mount Alvernia
As at 31 st December 2011	2 - Care Agency
	47 - Mount Alvernia
As at 31 st December 2012	8 - Care Agency
	56 - Mount Alvernia
As at 31 st December 2013	8 - Care Agency
	57 - Mount Alvernia

Cont...

Cont. answer to Question 269

Cont. answer to Question 268

As at 31 st December 2014	8 - Care Agency 56 - Mount Alvernia
As at 31 st December 2015	9 - Care Agency 58 - Mount Alvernia

Answer to Question 269

The following are the number of nurses who were placed / working within the Care Agency and Mount Alvernia through the services of a recruitment agency:

As at 31 st December 2000	Nil - Elderly Care Agency (ECA) (ECA was formed Jan 2000)
As at 31 st December 2001	Nil - Elderly Care Agency (ECA)
As at 31 st December 2002	Nil - Elderly Care Agency (ECA)
As at 31 st December 2003	Nil - Elderly Care Agency (ECA)
As at 31 st December 2004	Nil - Elderly Care Agency (ECA)
As at 31 st December 2005	Nil - Elderly Care Agency (ECA)
As at 31 st December 2006	Nil - Elderly Care Agency (ECA)
As at 31 st December 2007	Nil - Elderly Care Agency (ECA)
As at 31 st December 2008	Nil - Elderly Care Agency (ECA)
As at 31 st December 2009	Nil - Care Agency (ECA & SSA became CA in May 2009)
	Nil - Mount Alvernia (part of ERS)
As at 31 st December 2010	Nil - Care Agency
	Nil - Mount Alvernia (part of ERS)
As at 31 st December 2011	Nil - Care Agency
	Nil - Mount Alvernia (part of ERS)
As at 31 st December 2012	Nil - Care Agency
	Nil - Mount Alvernia (part of ERS)
As at 31 st December 2013	Nil - Care Agency
	Nil - Mount Alvernia (part of ERS)
As at 31 st December 2014	1 - Care Agency - Grand Home Care
	8 - Mount Alvernia (part of ERS) - Grand Home Care
	12 - John Macintosh Home (part of ERS) - Grand Home Care
As at 31 st December 2015	2 - Care Agency – Grand Home Care
	10 - Mount Alvernia – (part of ERS) Grand Home Care
	12 - John Macintosh Home (part of ERS) – Grand Home Care

Q270/2017
GHA workers –
Identification of recruitment agencies

2575 **Clerk:** Question 270, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, in relation to Questions 152, 153, 154 and 155/2017, please break those figures down by identifying the recruitment agencies concerned.

2580 **Clerk:** Answer, the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the answer is in the schedule I now hand over to the hon. Gentleman.

Answer to Question 270 of 2017

Question 152 - Number of nurses within the GHA through the services of a recruitment agency	
Year	Agency Used
2012	5 Pulse Staffing Locum Agency (UK) 1 Team24 Locum Agency (UK)
2013	1 Pulse Staffing Locum Agency (UK) 1 Team24 Locum Agency (UK)
2014	4 Flex Staffing Locum Agency (UK) 1 Independently sourced
2015	5 Flex Staffing Locum Agency (UK) 1 Pulse Staffing Locum Agency (UK) 5 Nursdoc Locum Agency (UK)

Question 153 – Number of workers within the GHA through the services of a recruitment agency	
S&K recruitment	26 (Clerks)

Number of workers within the Care Agency through the services of a recruitment agency					
Question 154	ADA	Grand Home Care	S&K	JFM	JT Security
RGNs	3	1			
Care Workers	77	25	1		
Admins			9		
Counsellors			1		
Drivers					1
Maintenance/Hybrid/General Operative			2	1	
Domestics			14	11	
Cook		1			

Number of workers within Mount Alvernia through the services of a recruitment agency			
Question 155	S&K	Admiral Security	JFM
Admins	2		
Security		1	
Catering	5		
Domestics	2		3
Maintenance/Hybrid/General Operative	1		2

Q271 and 272/2017
Gibraltar Health Authority –
Vacant posts

2585 **Clerk:** Question 271, the Hon. D A Feetham.

Hon. D A Feetham: Please refer to Written Answer 51/2016. Which one of the vacant posts under the schedule headed 'Agencies, Authorities & Government Owned Companies (Gibraltar Health Authority)' related to the Gibraltar Health Authority? Note, the same schedule highlighting the relevant entries would suffice.

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Question 272.

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

Hon. D A Feetham: Please refer to Written Answer 51/2016. In relation to the heading 'Agencies, Authorities & Government Owned Companies (Gibraltar Health Authority)' in the schedule provided in answer to the question, please state (a) which agency, authority or Government-owned company each vacancy relates to (b) whether such vacancy has now been filled (c) whether it has been filled permanently or on a temporary basis (d) whether the vacancy has been filled by someone employed by those entities directly or through the placement of a worker via a recruitment agency (e) if employed directly by those entities, the length of the contract of service.

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, as previously mentioned in answer to Questions 149 and 150 of this year, all posts within the Gibraltar Health Authority are covered, and as such there are no vacancies. What was provided in answer to Written Question 51/2016 was a snapshot of the vacant posts at that particular point and not necessarily vacancies going forward.

I can inform the hon. Gentleman opposite that all posts are being actively evaluated. Where possible, the workload has either been redirected within the existing workforce or the post has been filled.

Hon. D A Feetham: Mr Speaker, we have gone through this in the past in relation to a previous question, so I am going to limit my supplementaries.

Again I am not happy with the answer, Mr Speaker. In October 2016, which this question relates to – that is the month; Question 51/2016 – the Government at the time told me that there were ... I think it was about 45 – (**Hon. L F Llamas:** Seventy nine and a half.) Seventy nine and a half, I am told by my hon. Friend Mr Llamas. In fact, I had underestimated it from memory. So, if it is 79½ vacancies in 'Agencies, Authorities and Government Owned Companies (Gibraltar Health Authority)' and I have asked how many of those related to the Gibraltar Health Authority, the Hon. the Minister should be in a position to tell me, bearing in mind that the Government has answered, in October of last year, that there are 79½ vacancies in this area, including the Gibraltar Health Authority – I actually suspect they are all, or most of them, in the Gibraltar Health Authority – how many of them related to the Gibraltar Health Authority? Is he not at least prepared to provide me with that answer?

2635 My second supplementary, Mr Speaker, to move it on, is he said some of them have been moved, some of them have been filled – is he not prepared to tell me how many of those 79½ that related to the GHA have actually been filled and how many have been 'moved on', as he put it in his answer?

Hon. N F Costa: Mr Speaker, we have just had the same debate not 15 minutes ago and I have already explained to the hon. Gentleman at least four or five times that the GHA does not have a fixed complement and that therefore vacancies do not exist.

2640 When the clinical teams, whether the Medical Director, the Director of Nursing, the Director of the Allied Health Professionals or the manager of the hospital ... when I am advised that they require additional people, a study is carried out and if the case is made out then posts are advertised. I have explained that to him already.

2645 **Hon. D A Feetham:** Mr Speaker, it really is completely unsatisfactory. (**Hon. N F Costa:** Why?) No, he can moan all he likes, but I get an answer in October when I ask how many vacancies there are within agencies, authorities and Government-owned companies, and I get the answer: Agencies, Authorities and Government Owned Companies (Gibraltar Health Authority), 79½. Now is he saying that the previous answer that the Government provided, 79½, was an incorrect answer? Or has there been a change in policy in the way that the Government answers questions before this House? Because clearly everybody can see there is an inconsistency.

2650 I am just referring to an answer that has been provided to me. He can say to me, 'Look, Mr Feetham, out of that 79.5% none related to the GHA and there was a mistake in the previous answer provided by the Government when it said this includes the GHA.' I do not think it is correct, but at least it is a sensible answer, I could understand it; but what I do not understand is the Government answering 79.5 vacancies including the GHA in October of 2016, and now he tells me there are no vacancies and there has never been any vacancy in the GHA. I am sorry, but what it indicates to me is a Government intent on playing games, and because we have focused on the number of vacancies and because they do not want to disclose to people who may be disgruntled by the number of vacancies, they now decide to change their policy to say there have never been any vacancies in the GHA.

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2660 He knows I have got a lot of time for him, but he is really now stretching everybody's patience to the limit with the fine distinctions that he seeks to draw and the evasiveness in the answer.

2665 **Hon. N F Costa:** Mr Speaker, in the same way that the hon. Gentleman did not understand what a short-term contract was between a fixed-term contract, and is a QC telling me whether we have any short-term contracts and there are in fact-fixed term contracts, whether he says he has got time for me ... And he definitely has time for me; he spent seven minutes asking me I do not know how many questions. It is meant to be a supplementary question, one supplementary question at a time. I have written down seven supplementary questions in seven minutes. I wish he had a little less time for me in Parliament, Mr Speaker.

2670 I do not know how else to tell him. My answers in this House have always been consistent. He quotes to me one answer given by this Government and I have quoted to him the answer already given by the Hon. Minister Sacramento that there are no fixed complements in authorities, agencies and Government-owned companies and that recruitment is taking place according to the demands of the service.

2675 He has a very peculiar notion of how he defines reasonableness. He is not here to tell me how I should answer to satisfy him, and he is not here to tell me how he thinks I will satisfy and assuage the concerns of what he says are the disaffected members.

2680 Mr Speaker, I see a lot of people in my office. I meet with the clinical nurse managers, I meet with the directors, I meet directly [inaudible] In fact, I am told off regularly for taking complaints directly from members of staff. I am told off regularly for taking complaints from people directly

2685 who have concerns with the Health Service. I have a very good idea of what is going on in the
GHA, an excellent idea of what is going on within the GHA because I am there every day and I
know what is going on. I can assure him that if the GHA required more people in any service we
would hire them in the same way that we increased nurses by 19%, in the same way that in
November we increased the number of consultants we are trying to recruit, in the same way
that we went from two speech and language therapists to four, plus one in ERS and plus one at
2690 the Bella Vista Day Centre.

Mr Speaker, does he not see that, under this Government, investment in the GHA has really
grown? Of course, not being at all conscious or being blithely unaware, consciously unaware of
the hypocrisy of his political discourse, he will today say here why aren't I filling the supposed
vacancies, but then in the next question or in the next breath or in the next press statement will
2695 accuse us of spending too much money in the GHA. The person who cannot have it either way is
him. Either we are spending too much money and we should put on the hand brake and stop
recruiting people, or we should fill what he says are those vacancies. He cannot have it either
way, Mr Speaker.

I have been entirely consistent. The policies of the Government have been expressly put
2700 forward by me. There are no informal intimations of anything: I carry out my business openly
and notoriously. My policies are set out in writing and if there is any issue with anyone they
need to see me. I dare say that I have received complaints from persons about their contracts
not being terminated and I have told them this: I am following the policies of the GSD.

2705 **Mr Speaker:** I am allowing one other supplementary and then we are moving on to the next
question.

Hon. D A Feetham: I am very grateful for Mr Speaker's patience, but unfortunately this is
2710 about the answers that have been provided to this House. This is about the fact that the
Government has provided an answer in October of last year saying that there are 79.5 vacancies
in Government agencies and authorities, including the GHA, and the hon. Gentleman cannot say
to me which ones of those 79.5 related to the GHA or did not relate to the GHA.

In answer, he has also said to me that the Hon. Minister Sacramento, in relation to the Care
Agency, provided an answer, and yet he has not been able to explain to me why, in an answer in
2715 September 2016, Minister Sacramento said 'vacant posts pending recruitment, 22'. Not 'there
are no vacancies because the policy, because we simply recruit people as and when'; she said
'vacant posts pending recruitment, 22'. And then, in a bulletin issued by Unite to its members, it
says:

Vacancies, GHA – all existing vacancies are being brought to the Minister's attention as a matter of urgency and
will be dealt with ASAP.

2720 Unite the Union. Mr Speaker, I suppose that what he will say to me, and I am asking is, all this
is wrong and the position that the Hon. Minister is now taking is the correct one.

Hon. N F Costa: Mr Speaker, if he knows the answers to his own questions he should not be
2725 asking them, but maybe the Hon. the Leader of the Opposition thinks that if he repeats the same
thing again and again he may somehow convert me to his position. Mr Speaker, that is never
going to happen.

The Hon. the Leader of the Opposition refers to a bulletin of Unite that was dated, if I recall,
sometime in –

2730 **Hon. D A Feetham:** 17th January this year.

Hon. N F Costa: – January of this year. But he then will have recalled, surely – because time moves on, it is not static – that that same entity which he has quoted here today and which he has quoted in a press release and which he has repeated again and again, has also issued a statement jointly with the Government, and they have said that they have drawn a line in the sand in respect of those affected members which they thought ought to be converted from fixed-term contracts to indefinite contracts. So yes, Mr Speaker, I am satisfied with the position, I am satisfied with my answers. That same entity which he quotes in respect of the bulletin has also already come out publicly with us to say that they are now satisfied that they can draw a line in the sand, that they are happy with the work that the Government has conducted in respect of their previously affected members.

**Q273 and 274/2017
Care Agency and GHA –
Payments and receipts**

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

Hon. D A Feetham: Mr Speaker, can Government state what have been the payments made by the Care Agency, and separately the GHA, for this financial year to 30th September 2016 and 31st January 2017, with a breakdown for personal emoluments, industrial wages, other personnel and employer contributions, and other recurrent expenditure?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Question 274.

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

Hon. D A Feetham: Mr Speaker, can the Government state what have been the receipts of the Care Agency, and separately the GHA, for this financial year to 30th September 2016 and 31st January 2017?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, in accordance with the practice of providing tentative figures at the mid-point of the financial year – that is for 30th September – limited to the summary of heads of expenditure, the payments for the GHA and the Care Agency were as follows. September 2016: GHA, £57,087,460; Care Agency, £7,283,682.

In respect of the answer to Question 274, at September 2016: GHA, £10,815,583; and the Care Agency £2,952.

Hon. D A Feetham: Mr Speaker, again, unfortunately, this falls short of the answer that I was seeking from the hon. Gentleman.

I should explain to this House, Mr Speaker, that this is a question that is verbatim, word for word, except for the fact that I perhaps went a little bit too far in asking for the information up to 31st January 2017. But if you omit 31st January 2017 and just restrict yourself to 30th September 2016, which is six months after the end of the last financial year, it is a question, word for word, both of them, that the Hon. the Father of the House used to ask when he was on

2780 this side of the House, and indeed the Hon. the Minister for Health and Social Services – for the Care Agency, I should say – used to ask when he was on this side of the House. And when we were on the other side of the House we used to provide a full answer to this particular question, so therefore, given that the Hon. Minister Costa has provided to this House during the course of this evening a masterclass as to how to be the GSD in disguise, and bearing in mind that he also used to ask this very same question when he was on this side of the House, may I ask him to provide a full answer to this question.

2785 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):**
Mr Speaker, the Government has already stated the policy of information that it will provide for the estimated six months' expenditure. That information was provided to the Hon. Mr Clinton and that is the information that will be provided. The agencies were not included there because they were not included initially in the answers that I used to get, and therefore the same information is being provided in respect of the agencies, which matches quite closely what is in
2790 the book in terms of the amount that is provided from the Department to the agencies but is not necessarily an exact coincidence of figures.

2795 **Hon. D A Feetham:** Yes, Mr Speaker, I understand that, but what he has not done and what the Government is refusing to do is to provide us with the same information which we used to provide them when they used to ask for this information. The full breakdown was provided. I have gone back to *Hansard* and the full breakdown of everything that I asked was provided by the GSD Government to the Hon. the Father of the House – and indeed, more pertinently, to the Hon. Mr Costa. No doubt on Minister Bossano's instructions he used to ask this particular question, because it has Minister Bossano's prints all over it and I just cannot see on what basis
2800 the Government is now refusing to provide those answers.

2805 **Hon. J J Bossano:** On the basis that that is the policy that I informed the hon. Member we were adopting in answer to Question 243, where I said that we would be providing tentative figures up to September and that they would be provided with the same caveats that they could not be relied on to be an indication of the full year and that they would be provided in January in respect of the figures up to September, and having informed the hon. Member in March 2016 that that was the policy, I have to tell him that in March 2017 it continues to be the policy. If, in fact, he is now saying that they used to do more in that respect, perhaps that must be the exception to the rule because in almost every other respect we do more than they did, by far.
2810

Hon. N F Costa: By far.

ADJOURNMENT

Mr Speaker: May I invite a Government Minister to move the adjournment of the House.

2815 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):**
Mr Speaker, I have the honour to move that this House do now adjourn until tomorrow at 3 p.m.

Mr Speaker: The House will now adjourn until tomorrow at three in the afternoon.

The House adjourned at 7.39 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.06 p.m. – 4.40 p.m.

Gibraltar, Thursday, 30th March 2017

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The Gibraltar Parliament

The Parliament met at 3.06 p.m.

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

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

Questions for Oral Answer

CHIEF MINISTER

Q306 and 307/2017

Housing Works Agency –

Future role and manning levels; Early retirement and exit packages

Clerk: Meeting of Parliament, Thursday, 30th March 2017.

We continue with answers to Oral Questions. We commence with Question 306. The questioner is the Hon. Roy Clinton on behalf of the Hon. E J Reyes.

5

Hon. R M Clinton: Mr Speaker, can the Government provide details of its intentions for the future role and manning levels of the Housing Works Agency?

Clerk: Answer, the Hon. the Chief Minister.

10

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question 307.

Clerk: Question 307. The Hon. R M Clinton on behalf of the Hon. E J Reyes.

15

Hon. R M Clinton: Mr Speaker, can the Government provide details of any early retirement or exit packages it is offering employees of the Housing Works Agency?

Clerk: Answer, the Hon. the Chief Minister.

20

Hon. Chief Minister: Mr Speaker, a review is currently being undertaken to identify the Housing Works Agency's requirements looking towards determining its future resources, roles, staffing levels and responsibilities.

25

Hon. R M Clinton: Mr Speaker, I thank the Chief Minister for his response. I seem to recall that he made an announcement or pronouncement on I think it was *Viewpoint* about a new exciting maintenance programme for housing estates. Would he care to elaborate on that; and if so, how might that interface with the Housing Works Agency?

30

Hon. Chief Minister: No, Mr Speaker.

Hon. R M Clinton: Mr Speaker, no he does not care to elaborate, or is it no there is no new exciting maintenance project for the housing estates?

Hon. Chief Minister: No, I would not care to elaborate, Mr Speaker.

**Q308 and 309/2017
Eastside reclamation –
Beautification works; Blue Water Project**

35 **Clerk:** Question 308, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Government say what beautification works have taken place in the Eastside reclamation since the start of 2012?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question 309.

45 **Clerk:** Question 309, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide an update in respect of the Blue Water Project announced in June 2015; specifically, is it still intended to build a superyacht luxury marina and a five-star hotel?

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

Hon. Chief Minister: Mr Speaker, since the start of 2012 the Eastside reclamation has seen many changes. It was a plot of 78,500 m² when we took over; it is now a plot of 95,000 m². We grew it in part by pushing a lot of the rubble mountain into the sea and adding an additional revetment. That served to level part of the plot out for a time.

The position in respect of the Blue Water Project remains as set out already repeatedly each month to the hon. Gentleman.

60 **Hon. T N Hammond:** Mr Speaker, I thank the Chief Minister for his response and note that clearly the reclamation area has been expanded in terms of square metreage, but the question was what beautification works have taken place – I wonder if he could elaborate on whether any actual beautification of the area has taken place since 2012.

65 **Hon. Chief Minister:** Well, Mr Speaker, I would swear I have seen some candytuft there. (**A Member:** Yes, good.)

The answer I gave set out to the hon. Gentleman the fact that what was at one stage a higher mountain was flattened out, and in that respect I think we changed the aspect of it. Beauty, however, remains a matter that is in the eye of the beholder. I think every time Mr Bossano passes it and sees the opportunities for further expansion of plot and reclamations elsewhere in Gibraltar using the builders rubble, he sees something quite beautiful to behold. Others of us might think that if we are not careful and candytuft takes hold there, then the Hon. the Minister for the Environment is never going to allow us to flatten the plot again.

75 So the hon. Gentleman has seen what we have done in respect of the plot. Part of what we intended was to see how quickly we could flatten that plot. We flattened part of it for a while.

The builders' rubble has built up again. The builders' rubble is actually an asset in the hands of the Government because it does lead to potential reclamation, so he will see some movement in respect of that plot both in relation to the reclamation and material that is there in the future.

Q310/2017
Coaling Island –
Update re reclamation project

Clerk: Question 310, the Hon. R M Clinton.

80

Hon. R M Clinton: Mr Speaker, can the Government provide an update in respect of the Coaling Island major reclamation project referred to by the Chief Minister in his 2016 Budget speech, and can he also advise if this is to be purely residential, industrial or commercial in nature?

85

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, no, sir. Negotiations on finalising this project are currently ongoing. The Government will make a public announcement on this when these negotiations have been concluded.

90

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer, but is he able to provide any specific answer in respect of whether it is anticipated the project would be residential, industrial or commercial in nature in terms of what will be built on it?

95

Hon. Chief Minister: Well, Mr Speaker, I do not envisage it is going to include any industrial activity being located on that site, but there may be some element of work done there which is not industrial. There is an industrial facility there at the moment in respect of yacht repair, but I do not envisage any industrial activity on such a plot.

Q311/2017
Private property developments –
Waiver of import duty

Clerk: Question 311, the Hon. R M Clinton.

100

Hon. R M Clinton: Mr Speaker, can the Government advise if it has waived import duty in respect of the construction, fitting out of and equipping any private property developments; and if so, for which?

105

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, but without a relevant time period designated in the question it is, however, impossible to provide any further detail in answer to this question.

110

Hon. R M Clinton: Mr Speaker, if I may address you – if I were to table a rephrased question in future, would you allow it if I put in a timeframe? Thank you.

Q312/2017
Universal Credit Scheme –
Rollout to pensioners on low income

Clerk: Question 312, the Hon. R M Clinton.

115

Hon. R M Clinton: Mr Speaker, can the Government provide an update in respect of the Universal Credit Scheme rollout to pensioners on low income?

Clerk: Answer, the Hon. the Chief Minister.

120

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government expects to make a statement in respect of assistance to be provided to private sector pensioners on low incomes in the context of the new financial year.

This class of pensioners has been ignored for many years. This Government has repeatedly met with them and has worked on proposals to assist. We have been the only Government to listen and we are expecting to be able to assist those in need.

Given that this group were ignored by the GSD when they were in Government, it is quite something to see the party opposite do a volte-face in their apparent engagement with this group now. Perhaps they would have the courtesy to explicitly condemn the Government in which the current Leader of the Opposition sat as a Minister, for ignoring these pensioners. They might also congratulate us for having engaged with them.

Hon. R M Clinton: Mr Speaker, may I ask the Chief Minister if it is still the intention that this Universal Credit Scheme would involve the assistance or participation of Community Care?

135

Hon. Chief Minister: Mr Speaker, I think it is fair to say that a full statement will be made of the detail of the provision that will be made for pensioners on low incomes who are in need of further assistance in the context of the new financial year, and that will contain details of who it will be that will be engaging in providing that assistance.

Q313-314 and 318/2017
Occupational pension schemes –
Private sector workers

Clerk: Question 313, the Hon. R M Clinton.

140

Hon. R M Clinton: Mr Speaker, can the Government advise if it is to conduct a consultation on the introduction of compulsory pension schemes in the private sector?

Clerk: Answer, the Hon. the Chief Minister.

145

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 314 and 318.

Clerk: Question 314, the Hon. D A Feetham.

150

Hon. D A Feetham: Mr Speaker, does the Government intend to introduce legislation making occupational pension schemes compulsory in the private sector?

155 **Clerk:** Question 318, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is the Government's policy in relation to private sector workers' pensions?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I am surprised to receive two almost identical questions from the Leader of the Opposition and the Deputy Leader of the Opposition. It is almost as if they are not talking to each other.

165 Mr Speaker, our policy in relation to pensions in the private sector is set out in our manifesto at page 51 and provides as follows:

PENSIONS FOR THE PRIVATE SECTOR Pensions will be introduced for employees in the private sector. This will not, however, be done without a thorough consultation with the business representative organisations, namely the Chamber of Commerce and the Federation of Small Businesses and the relevant trade unions, in particular Unite the Union which has led on this policy area. We acknowledge that there are some sectors which have a very high turnover of staff, for which pensions may not be appropriate for their workers. We also acknowledge that this is an additional cost to business, which many small businesses may not be able to bear and which we have to ensure is ameliorated in order to keep Gibraltar attractive as a place to do international business. Working together with all sectors, we believe we can get the balance right.

Mr Speaker, as I told the House in my Budget address of last year at paragraph 325 under the heading 'Pensions in the Private Sector', I said this:

We have commenced the process of consultation with Unite the Union and the Federation of Small Businesses and the Chamber of Commerce in respect of the potential introduction in Gibraltar of pensions in the private sector. Given the BREXIT decision, we will not be progressing this process in this financial year whilst we observe the effects on the economy of the result of the vote of the British people.

170 Mr Speaker, Mr Clinton's question was therefore unnecessary, unless he was not listening to my Budget address; Ms Hassan Nahon's question was therefore unnecessary, unless she had not read our manifesto, although I do note that she did not have responsibility for those matters at the time of the election when she was in the other party; and Mr Feetham's question was obviously entirely unnecessary, unless he is not aware that Government can only implement such a policy by compulsion by legislation.

175

Hon. R M Clinton: Mr Speaker, I am grateful for the Chief Minister's reading of the GSLP manifesto, which sounds sweeter in his voice than in mine.

180 Yes, I have read the Chief Minister's Budget address and the manifesto. My question was really ... and you did state quite clearly in your Budget address that you would effectively suspend the process due to Brexit. My question was aimed at are you going to now conduct this consultation, given the time period that has elapsed. So, to perhaps clarify my question, my question to the Chief Minister is: are you now going to continue with that consultation process, and if so ... have you or have you not recommenced that process?

185 **Hon. Chief Minister:** Well, Mr Speaker, his question does require a lot of clarification, because if you read his question you do not see that it is about recommencing any process. His question is 'Can the Government advise if it is to conduct a consultation on the introduction of the compulsory schemes in the private sector?'

190 He says he has read my speech – at least that is what I thought I heard him say from a sedentary position – well, he obviously also heard my speech, because he was here in this House to hear it. He says he enjoys hearing me read him the GSLP manifesto. Well, Mr Speaker, I commend to him the fact that we have our manifestos available for those who might not be able to read on ... we had it on our website, but you can even get your iPad to read it to you, given

195 the technology these days. He may then find that if he listens to it often enough the policies might commend themselves to him in a more favourable way.

Mr Speaker, we conducted a consultation. We will go back to the process of continuing that consultation during the course of the financial year that starts on 1st April, because the effects on the economy that we have observed do not suggest that we should not continue to pursue this important policy area, which I hasten to add was only a policy defended by the parties
200 represented on this side of the House at the last General Election.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I may, I am grateful to the Chief Minister for his information.

I just want to say that, to be perfectly clear, my argument or my question does not stem from actually the merits of the pension itself. It stems from the fact that I have met with the Pensioners Association a few times and I have attended meetings, and they are deeply aggrieved and let down because they claim, a body of at least a hundred people, that they were going to be dealt with much sooner and in a much more personal way. They claim that they also have been trying to reach the Chief Minister and have not managed to meet with him until they have
210 meetings, when they are promised something on the eve of the meeting and then they do not hear from them again for nine months.

So perhaps there are merits – and I would not doubt it, especially in this economic climate – but the problem I have is that they seem very, very let down and they feel like they are being passed around like a football with no clarity at all. So this is what I would ask the Chief Minister
215 to address.

Hon. Chief Minister: Well, Mr Speaker, the hon. Lady raises a more human problem than just the issue of policy. If I may say so to her, we interpreted her question to be about pensions in the private sector, i.e. for people who are working now. So I apologise to her if I have answered
220 her in respect of that policy proposal and not in respect of those who are currently pensioners already, who do not have the benefit of a private sector pension income.

In that respect, if I may say so with respect to the hon. Lady, she does have to factor in – as I think she generously has in the way that she has postulated her question, but far too early on for it to sting by the time that she sat down – that these are difficult times. There are only 24 hours
225 in a day and there is a lot to do in the context of the international issues facing Gibraltar, and it is not just the Private Sector Pensioners Association that is having difficulty getting the Chief Minister's time; it is the Chief Minister himself who sometimes has difficulty finding time to do some of the most basic necessities, not that those necessities are necessarily interfered with because I do, sometimes, some of my best reading as I am doing some of my most basic
230 necessities, but let us ... A bit too much detail there. And then they say we are not transparent, Mr Speaker! But if I may put it this way, Mr Speaker, we have ... In the question I answered earlier I did say to the House that we were the – *(Interjection and laughter)* Don't tempt me, I'll just keep talking about the same *(Laughter)*

Mr Speaker, what I said before was that *(Interjections and laughter)* we have met with that association more than anybody has. We have committed ourselves to deliver something to pensioners who are in need. We have not been able to do so yet, that is absolutely true. They wish we had done so already. We wish we had done so already. Nobody else gave them the time of day before 2011. We have given them the time of day, we have given them the time to understand their issues and we have not yet been able to deliver in respect of those who most
240 need us to deliver in that sector. But we will, and what we are trying to do is deliver in this financial year. We said we would ensure we finished all of our considerations before the end of this financial year – I believe we have, and therefore we will deliver to them.

What I would just say to those pensioners who the hon. Lady brings to my attention is that many of them are very good friends of mine, from the time that we have been dealing with this
245 issue and from before. They are not far from our thoughts, but it is very difficult because there

are just 24 hours in a day and there is a lot to be done at the moment to determine what is a greater priority than dealing with the future international issues affecting Gibraltar today, but we are going to deal with them and deliver for those most in need. And then I think I should also seek to indulge their generosity, because I know they are people who by dint of their age have lived through some of the challenges Gibraltar has already surmounted that we are at such a stage of challenge that getting time with me and with other Ministers who are relevant is slightly harder than any of us might wish it to be – for them, for family and everything else – because of this moment in our history.

But we are on it. We will deliver on our promise to ensure that those most in need have additional resources available to them. They are far from forgotten – and look, it may be that we have not had the chance to sit down and give them the warmth that they not just obviously crave, given what the hon. Lady has said, but they deserve because they are people who have worked in our economy for many years and I am always very keen to recognise that the Gibraltar that I lead today is the Gibraltar built on the backs of those who have worked in our economy for years. So they will have an opportunity to meet with us and they will have an opportunity to see what we are proposing will be what delivers for those most in need and they are far from forgotten. I thank her for raising the human aspect of this rather than the policy aspect of this, which is what I dealt with in the context of my answer.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Chief Minister for his very detailed answer. Could I commit the Chief Minister to a timeline for when this Association will have their attention and their commitment?

Hon. Chief Minister: They have had our commitment, Mr Speaker; they have had our attention. The implementation of the work that we are going to do, which I think is what she wants to see me committed to, is something that will be envisaged as from the beginning of the new financial year. The new financial year starts over this weekend. I think we will be in a position to make announcements in respect of this new financial year when we usually do, which is in the context of the Budget – but I am not going to say ‘in the Budget’, I am going to say ‘in the context of the Budget’, because as she has heard me say before, this may not be something that the Government becomes involved in, for reasons that I would rather not ventilate across the floor of the House.

Hon. D A Feetham: Mr Speaker, may I drill down in relation to Government policy on the consultation side. Is it the case that the Government is still committed in principle to the introduction of this piece of legislation – occupational pension schemes – and that the consultation exercise may concentrate on the mechanics and, for example, the scope? Just to give the Hon. the Chief Minister an example, perhaps extending it to larger companies exempting smaller companies, or is it all in the air? In other words, is it also in the air that the Government might in fact take the view that it will not introduce any kind of legislation in relation to occupational pension schemes across the board?

Hon. Chief Minister: Mr Speaker, page 51 of the GSLP manifesto for the election provides all of the answers that the hon. Gentleman needs. I will read him again the paragraph I read a few moments ago – Mr Clinton might quite enjoy it:

PENSIONS FOR THE PRIVATE SECTOR Pensions will be introduced for employees in the private sector. This will not, however, be done without a thorough consultation with the business representative organisations, namely the Chamber of Commerce and the Federation of Small Businesses and the relevant trade unions, in particular Unite the Union which has led on this policy area. We acknowledge that there are some sectors which have a very high turnover of staff, for which pensions may not be appropriate for their workers. We also acknowledge that this is an additional cost to business, which many small businesses may not be able to bear and which we may

have to ensure is ameliorated in order to keep Gibraltar attractive as a place to do international business. Working together with all sectors, we believe we can get the balance right.

Mr Speaker, that covers all of the issues that the hon. Gentleman has asked me in his supplementary.

295 **Hon. D A Feetham:** Mr Speaker, unfortunately the way that the hon. Gentleman chooses to answer questions and the acerbic nature in which he responds then leaves us both to enter into what the Hon. the Speaker of the House calls a debate, and I have no wish to do so.

300 The position then – and this is the reason why I have asked the question – is that there is no change from the position as expressed in the GSLP manifesto in 2015, because of course my understanding is that that commitment and that wide commitment in the way that the hon. Gentleman has just now read it, has in fact been superseded by the Brexit vote and that therefore the Government’s thinking may have changed. But if the answer is actually the Government’s thinking has not changed, because it is exactly the same consultation as we would have undertaken in any event because we won the election, it was a manifesto commitment, well, so be it, but I was just simply trying to drill down as to how the policy has changed as a consequence of the Brexit referendum. But it appears, from what he is saying to me, is that really it has not changed, because it was always envisaged that there would be a consultation exercise and that consultation exercise is going to be on everything ... principle ... as the hon. Gentleman has just read in the manifesto, which I am not going to repeat.

310 **Hon. Chief Minister:** Well, Mr Speaker, the hon. Gentleman seems not to read the questions that his newly elevated Deputy files and does not seem to listen to the supplementaries that his newly elevated Deputy puts, because the Hon. Mr Clinton has just asked me, ‘So what’s going to happen – are you going to continue with the policy, or not?’ and I said to him, I said to the House, we were going to observe the effects, we have observed the effects, we are going to continue next year with the consultation and implementation. So, asked and answered, Mr Speaker.

Mr Speaker: Next question.

Q315 and 316/2017

Tax rebates –

Entitlement, overall value and number of payments

320 **Clerk:** Question 315, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many individuals or entities are currently entitled to tax rebates, and what is the overall value of rebates due?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question 316.

330 **Clerk:** Question 316, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many tax rebates have been paid out to individuals and entities entitled to the same since 1st April 2016?

Clerk: Answer, the Hon. the Chief Minister.

335 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as the hon. Member has not provided a date on his question seeking overall rebates due. It is not possible to answer his question accurately where the only parameter of time is 'currently'. In the past he has rightly asked for the figures as at 31st March, a figure which is obviously not yet available for this year.

340 Since 31st March 2016, which is the parameter in respect of Question 316/2017, the total value of rebates paid in this financial year amounts to £9,635,381.54 paid to 10,399 individuals and 65 entities.

Hon. D A Feetham: Mr Speaker, in relation to Question 315, in the absence of a specific date it is the latest date that is available to the Government. Does he have the figure therefore the latest date available to the Government?

Hon. Chief Minister: No, Mr Speaker, it is not, in the absence of a date in a question, that it is the latest date available to the Government. Questions are for a particular date; they are not simply to be assumed to be the latest figure available to the Government, because even the latest figure available to the Government is something that moves all of the time. The latest figure available when I receive a question, the latest figure available when I deliver an answer to a question. That is why most questioners in any Parliament will know to give a date for when they are asking for a particular set of information. And it is something that he has done in the past. Last time he asked this question he asked as at 31st March 2016. Well, the next 31st March is coming up now and he can ask about the information as at 31st March 2017. He can ask for it broken down by quarters – he may want to ask every quarter about it – but if he says 'currently' ... Well, Mr Speaker, 'currently' means something in his head when he writes a question, something else to somebody who is preparing an answer and something else when I stand up in this House and I answer.

360

Mr Speaker: Rather than have a debate on the matter, could I just suggest to the Hon. the Leader of the Opposition that he puts in a question for the next meeting and I will have no problem in allowing it, and then I think we can get on with business.

365 **Hon. D A Feetham:** Mr Speaker, of course I have no wish to raise temperatures, but if I ask how many individuals or entities are currently entitled to tax rebates it means now, and the reasonable thing for the Government to do is to provide me with the most recent figures, because I am asking about now.

370 But of course I will, Mr Speaker, (*Interjection by Mr Speaker*) ask the question next time round, and then I will just simply add a particular date if that is what the Chief Minister wants me to do.

Hon. Chief Minister: Mr Speaker, because 'now' is the same as 'currently', and now is one thing when he files the question, another thing when we are answering the question and quite another when I am answering. Whilst if we have a particular date, then I can confirm to the House the accuracy of the figure that is provided, because if then there is a discrepancy in the figure he comes back and tells me that I have got it wrong. So I very much welcome Mr Speaker's suggestion that a question is put with a particular date. It would then be able to be provided with information which is accurate.

380

Mr Speaker: Before the next question is called, I would like to draw the attention of hon. Members to 'Rules governing right to ask questions', 17(3):

a question must not publish any name or statement not strictly necessary to make the question intelligible;

385 Arising from that, could I therefore ask both the Leader of the Opposition and the Chief Minister, who is answering the next question, not to name any person in the course of supplementaries.

The Hon. the Leader of the Opposition.

Q317/2016

**Former General Secretary of GGCA –
Assistance to Government**

Clerk: Question 317, the Hon. D A Feetham.

390 **Hon. D A Feetham:** Mr Speaker, of course.
What does the former General Secretary of the GGCA do for the Government?

Clerk: Answer, the Hon. the Chief Minister.

395 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the former General Secretary of the GGCA assists the Central Human Resources Department and the Chief Secretary's Office in matters relating to industrial relations – e.g. historical claims both individual and collective, job descriptions, pensions issues and grievances.

400 **Hon. D A Feetham:** Mr Speaker, is he a consultant for the Government?

Hon. Chief Minister: I do not believe so, Mr Speaker.

405 **Hon. D A Feetham:** Mr Speaker, he certainly describes himself as a consultant for the Government in his LinkedIn profile, and the reason why I ask this question is, of course, because he does not appear in the list of consultants that the Government of Gibraltar publishes.

If he is not a consultant, is he then employed by the Government directly on a fixed-term contract or any other kind of contract, or is he employed by the GDC or any other Government-owned company? Does he have that information?

410 **Hon. Chief Minister:** Mr Speaker, he has a services agreement with the Government of Gibraltar. Frankly, I do not think I am answerable for what somebody may or may not have said in their LinkedIn profile, that is for sure.

415 **Hon. D A Feetham:** Mr Speaker, I am just concerned about the accuracy of information that has been posted and I have asked in the past about consultants working for the Government. Whilst in the past I have also agreed not to ask the Government and push the Government in relation to any consultant whose appointment may be sensitive to Gibraltar plc as a whole, this is not such a case. Therefore, having seen that he does not appear on the list, having seen that he describes himself as a consultant in his LinkedIn profile, and indeed, from the answer that the
420 hon. Gentleman is in fact giving me, that he has got a services agreement, well, a services agreement is perhaps not incommensurate with this particular gentleman being a consultant.

425 Would the hon. Gentleman go back and have a look at this and perhaps clarify whether he is a consultant – and if he is not a consultant, what is he: is he a fixed-term employee of the Government – so that we understand the nature of the obligations of the Government in relation to this individual and the individual to the Government.

Hon. Chief Minister: Well, Mr Speaker, I do not think there is anything to go back to. It is a services agreement with the Government of Gibraltar; it is not a consultancy agreement. He provides services to the Government. Those services are not described as consultancy services; they are services which are provided when required.

If the individual in question has decided that he wants to describe himself as a consultant, well, okay, that is a matter for him, but he is certainly not a consultant as far as the Government is concerned. He is somebody who has a services agreement with the Government. He is a service provider. We have many of them and I do not think anybody could stretch the definition of consultant to include those people who provide services to the Government within that definition.

Hon. D A Feetham: Well, Mr Speaker, unfortunately I disagree. There is a distinction between a contract for the provision of services or a services contract, which is akin to an employment contract, and this is why I am attempting to drill down here – and not in relation to this particular gentleman necessarily, although of course I noted, having seen his LinkedIn profile, that he was not on the list of consultants. It is in relation to perhaps others who may have a contract for the provision of services to the Government that may be akin to a consultancy agreement and do not appear on the Government website in relation to the list of consultants. Because of course it is a matter of interest to the Opposition as to what services are being provided and by whom to the Government in particular areas and whether people are being left out of that particular list.

Hon. Chief Minister: Well, Mr Speaker, I still have to tell the hon. Gentleman that I disagree with him – I disagree with his disagreement with me – because by his attempt to extend the definition of consultancy we should be putting Master Services on the list of consultants to the Government because Master Services has a services agreement with the Government. The hon. Gentleman knows that there is a contract for service and contracts for services, and Master Services has a contract for services and Michael Tampin has a contract for services. Neither of them, Mr Speaker, have a consultancy agreement with the Government of Gibraltar, so neither of them are consultants.

Hon. D A Feetham: Mr Speaker, next time round I will ask a question about individuals and services agreements with the Government.

Hon. Chief Minister: Next time round, Mr Speaker, I will provide the answer to that question. *(Laughter)*

Hon. D A Feetham: I doubt that very much! I have to say!

Hon. Chief Minister: With everything else, however ridiculous the question may be with everything else that is going on in Gibraltar.

Q319 and 320/2017
Registered charities –
Timely filing of accounts; Charities Commissioner

Clerk: Question 319, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What policy and procedures do Government have in place to ensure that the accounts of registered charities are filed on time?

Clerk: Answer, the Hon. the Chief Minister.

475 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 320.

Clerk: Question 320, the Hon. Ms M D Hassan Nahon.

480 **Hon. Ms M D Hassan Nahon:** What is the role of the Gibraltar Charities Commissioner and to whom is he or she answerable and accountable to?

Clerk: Answer, the Hon. the Chief Minister.

485 **Chief Minister (Hon F R Picardo):** Mr Speaker, charities are registered with the Board of Charity Commissioners for Gibraltar and are answerable to that said board, not to the Government. The Board of Charity Commissioners for Gibraltar is an independent regulatory body governed by the Charities Act.

490 **Hon. Ms M D Hassan Nahon:** Thank you for that answer.
If I had any queries as to why ... For example, if I had written to the Charities Commissioner and had received no reply, would the Government be able to point me in the right direction as to whom I should take this up with, or has it got nothing to do with that at all? Or can it understand perhaps why either a Member of Parliament or a member of the public would want to have some kind of ability to reach the Charities Commissioner?

495 **Hon. Chief Minister:** Mr Speaker, for 'Charities Commissioner' read Financial Services Commissioner in the old nomenclature. These are independent statutory bodies – for example, the Data Commissioner – and if one of them fails to answer correspondence ... Well, look, I am the Leader of the House – the House funds these organisations, so of course it would be something I could follow up with them, but it would be very unusual, in my view, to see that correspondence is not eventually followed up, even if it might not be followed up as quickly as an hon. Member might like, but I think she should persevere in seeking engagement from the Charity Commission and from the Gibraltar Charities Commissioner. We are not, in my view, the port of call with responsibility for the Charity Commissioner to answer correspondence or otherwise.

500 My advice – and I do not think I am being asked for more than that in the context of the supplementary – is to seek engagement with the Board of the Charity Commission or to persevere in correspondence with the Chairman of the Board of the Charity Commission.

510 **Hon. Ms M D Hassan Nahon:** Thank you for that answer; I am grateful. If, for example, I had bumped into the Charities Commissioner down the street and asked him why he had not answered my email and he directed me to a civil servant for more information, where would the Government fit in if the Government says that it has nothing to do with it?

515 **Hon. Chief Minister:** Well, because I think in the architecture of the Board of Charity Commissioners their day to day is handled by civil servants who are provided almost on secondment to them for the purposes of that part of their work.

520 It is a little like Mr Speaker's other role as Mayor, where he is supported in his functions by civil servants, but when they are with the Mayor's office they are acting independently and for the Mayor's office in the discharge of his functions, which are non-partisan and non-governmental – they are municipal.

So I would take up the offer of the Charities Commissioner to liaise with those civil servants he may have been directing her to in their capacity as those who are seconded to him for the purposes of the service that he provides, I assume, as Secretary to the Board.

Q321/2017

**Government charitable contributions –
Safeguards to ensure efficient spending**

525 **Clerk:** Question 321, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What procedures and safeguards does Government have in place for when Government itself makes contributions to charities, to ensure that moneys are spent efficiently and correctly?

530

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government relies on the Charities Commissioner to oversee the operation of charities.

535

Mr Speaker: Does he reply to the letters? (*Laughter*)

**Suspension of Standing Order 7(1)
to proceed with Government motion and Bills**

Clerk: Suspension of Standing Orders. The Hon. the Chief Minister.

540

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

Mr Speaker: I put the question in the terms moved by the Chief Minister under Standing Order 7(3) in order to suspend Standing Order 7(1) and enable the House to proceed with a Government motion and Bills. Those in favour? (**Members:** Aye.) Those against? Carried.

**Mayor and Deputy Mayor of Gibraltar –
Mrs Kaiane Lopez GMH
and Mr John Gonçalves MBE, GMD appointed**

545 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

This House:

Appoints Mrs Kaiane Lopez GMH to be Mayor of Gibraltar, and Mr John Gonçalves MBE, GMD to be her deputy as from Tuesday 4th April 2017.

550 Mr Speaker, I think it is true to say that in the context of Kaiane Aldorino, as she was known, and her trajectory through the Miss World contest, every Gibraltarian will remember where they were when she, Kaiane Aldorino, was crowned Miss World.

555 It was a propulsion of the name of Gibraltar into the consciousness of everybody, the many millions of people who might have been watching the Miss World show, and in Kaiane Aldorino we saw appointed to that position a Gibraltarian who really embodied the best of what Gibraltarians represent. She was not just a young Gibraltarian woman; she was a young Gibraltarian woman who is known for her generosity, who is known for her kindness and who, on the occasion that she won Miss World, managed to do so also because she brought great dancing attributes to the role that she discharged and also great sporting aptitude to the role that she was undertaking while competing in Miss World.

560 That was some time ago now and I think the welcome that Gibraltar gave Kaiane when she returned to Gibraltar – then under the former administration, who flew her to Gibraltar on a private aircraft to ensure that she was here at the time that the celebrations were fixed to go on – I think the welcome was so rapturous that it demonstrated how Gibraltar had taken Miss Gibraltar, who had left the Rock, and Miss World, who came back to the Rock, into our collective heart for the way that she had managed to propel Gibraltar's name around the world.

570 Mr Speaker, when it was proposed in the context of a Cabinet meeting that she might be a fitting person to appoint as Mayor of Gibraltar, there was a unanimous view across the Cabinet table that she represented somebody who young people would be able to associate with and therefore that the mayoralty would be associated not just with distinguished Gibraltarians like yourself, who are now discharging that role, but also with young Gibraltarians of distinction, like Kaiane, who might now assume the role and bring something to it which is different to the things that other mayors have brought.

575 If I may say so with respect to you, because you are here in your role as Speaker but you have also discharged the role of Mayor on two occasions, you have done, of course, a magnificent job in the role and you have brought your own style to the role of Mayor. Every Mayor brings their own style, brings their own aptitude to the role. Every Mayor we have had, I think, without singling anybody out, has done Gibraltar proud in the time that they have been Mayor, and I think appointing a person who is likely younger than other Mayors have been in the past will bring also something which is different to the mayoralty and something that will perhaps ensure that younger people associate themselves with the work of the mayoralty. And that work, Mr Speaker, I think is so hugely important in the context of Gibraltar today, because the mayoralty represents municipal Gibraltar, represents all Gibraltarians – it represents civic Gibraltar in a way that perhaps politicians might not be able to do because politicians represent the people of Gibraltar politically and internationally but we do not represent that civic municipal Gibraltar which is reserved to the mayoralty.

585 So I think that Kaiane Aldorino was absolutely a good proposal as Mayor of Gibraltar. I think she will serve, if the House agrees, with great distinction in the role of Mayor of Gibraltar and that by the time she leaves the role she will have been a great Mayor of Gibraltar and she will have perhaps lit in other young people, and other young women in particular, an understanding of what the civic and municipal role of Mayor is and what involvement in Gibraltar's civic affairs is all about, and perhaps even kindle in some young people a better understanding of the political hierarchy of Gibraltar – something that I think would be a very good thing indeed.

590 Mr Speaker, to appoint somebody as a Deputy to Kaiane who will in future assume the role of Mayor, we are proposing John Gonçalves, a man who has been known not just for his service in the Civil Service – I remember in the old days when I started my career in the law, he had been a man who had served with great distinction in the Supreme Court – but also somebody who has served in the private sector in Gibraltar and who has represented Gibraltar internationally in his role in basketball. He has been one of the members of the board of the International Basketball Federation, one of the movers and shakers of Gibraltar sport, and I hope he is not listening when I describe him as a person who is advanced in years compared to Kaiane. So there is, I think, a

balance also of John's age versus Kaiane's age and he will be able to bring, in support of Kaiane, all of the experience that he has had of representing Gibraltar internationally in the sport of basketball.

605 Mr Speaker, both John and Kaiane are people who have represented Gibraltar already, as I have said, in their respected fields internationally with great distinction. John is well known as 'Mr Basketball' in Gibraltar and he is 'Mr Gibraltar' in basketball internationally, so we thought Miss Gibraltar and Mr Basketball might not make a bad combination for the mayoralty. I think they will bring something different to the mayoralty and I very much look forward to seeing them impress their own style on the mayoralty. I think that they are choices which can be
610 commended to the House and I am sure that all Members of the House will then enjoy the benefit of seeing Kaiane and John discharge their respective functions and will welcome the work that they will do. No doubt they will make us feel welcome in the many civic functions to which Members of this House often find themselves invited at the behest of Mayor and Deputy Mayor.

615 Mr Speaker, it would be remiss of me to sit down without thanking you, and in particular your wife Julie, for the work that you have done when you have once again assumed the mantle of the role of Mayor. Having done so during the course of your political life, you agreed to step in when I asked you to return also to that civic role. I think you have done so much for Gibraltar in the time that you have discharged that function. As Speaker you do so much for us in this
620 House. At the same time as you have been Speaker you have also generously assumed the role of Mayor and you have brought to that role your usual kindness and your gentlemanly self, and I could not think of a better way to have seen Gibraltar represented at a municipal and civic level in the past years than by yourself, and of course by Julie. Although we shall miss you in the robes and with the chain of office, as Speaker you will no doubt continue to be an important feature of
625 all the functions that the Mayor organises, so you are not going to get away from us quite as quickly as you might have wished.

I think the House will want to join me, not just, I hope, by acclamation of appointing Kaiane and John, but also by acclamation thanking you and Julie for the service you have rendered on the second occasion that you have held the distinguished role of Mayor. (*Banging on desks*)

630

Mr Speaker: I now propose a question in the terms of the motion moved by the Hon. the Chief Minister.

The Hon. the Leader of the Opposition.

635 **Hon. D A Feetham:** Mr Speaker, it is convention on these occasions, unless of course there is a particular controversy in relation to the appointment, for the Opposition to support the Government and the Government's judgement in relation to these particular issues. On the last occasion that we were here with a mayorship, unfortunately there was disagreement because of Tony Lombard at the time, but I have no hesitation, on behalf of the Opposition, in supporting
640 the appointment of Kaiane Aldorino and Mr Gonçalves in relation to Deputy Mayor.

The Hon. the Chief Minister is absolutely right: the mayorship has to be, as indeed any other aspect of public and civil life, representative of society. I cannot, on my feet, think about any other Mayor that has been appointed – that has actually been appointed certainly in modern times – who has been less than 50 years old, and therefore the appointment of somebody who
645 is young, somebody who brings a fresh image – with respect to Mr Speaker – to the role of mayor is likely to be beneficial and is likely, in my view, to attract and perhaps engage with young people, which is so difficult in civil life nowadays.

Her achievements, Mr Speaker, are there for everybody to see. Kaiane Aldorino winning Miss World is a moment that everybody will remember, and everybody will probably remember
650 where they were at the time when she was appointed Miss World. I certainly do and it was a magnificent achievement, and therefore it is not only because she is young that this

appointment and this honour is bestowed upon her, but it is also because of her achievements and what she has done in order to bring Gibraltar and place Gibraltar on the map.

655 Mr Speaker, in relation to Mr Gonçalves, I think the Hon. the Chief Minister is also right: Mr Gonçalves is somebody who has done a lot in order to put Gibraltar on the international map as far as basketball is concerned and I have no hesitation, on behalf of the Opposition again, to support the Government in relation to his appointment as Deputy Mayor.

660 All that remains, Mr Speaker, is for me to thank Mr Speaker and his wife Julie, as the Hon. the Chief Minister has done, for their service and for the distinction that he has brought to this particular role. He knows that there was some disagreement at the beginning in relation to the appointment, but I have to say that in relation to the way that the Hon. Mr Speaker has discharged his role as Mayor he has always been exemplary, as far as I am concerned, and I echo the words of the Chief Minister in that regard and I thank Mr Speaker for everything that he has done in that role as Mayor on behalf of Gibraltar. *(Banging on desks)*

665

Mr Speaker: Before I put the question, does any other hon. Member wish to add to the debate? Yes, the Hon. Ms Marlene Hassan Nahon.

670 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am very happy to see that somebody like Kaiane is going to have the opportunity to be Mayor of Gibraltar.

675 There has been some controversy which I have seen around in social media, talking about whether it is justified for the winner of an international beauty pageant to take this job, and I have to say that perhaps on the outset, as a woman, my feminine streak would have coldly been minded to go with that. But we have to remember that this appointment does not come as a result directly of winning a beauty contest, it is what it represents, and when Kaiane won Miss World what she showed Gibraltar was so many things – that we could aim high, that we could pitch above our weight and that we could do great things. And as the Leader of the Opposition and the Chief Minister have said, we all remember where we were when Kaiane won and we all remember how it unified us and how elated and proud we all felt, and how we felt that we could aim high, and Kaiane did this for all of us. Since then, she has continued her good work in the charities field and she has always been giving of her time. She is a generous and lovely lady who is always willing to serve the community, and these are exactly the types of people we need to perform these civic roles. So it does not matter whether she won a beauty contest, a chess tournament or the opportunity to train with the NASA space centre; it is what she did for Gibraltar, how she unified us and how she has become a worthy ambassador for Gibraltar. This is why I think she will do her job with distinction and I am grateful for my part in advance that she has taken this task, which as you know is a big ask.

680 I take this opportunity to thank you, and your wife as well, for all the commitment that you have shown, and also of course I endorse the appointment of John Gonçalves as Deputy Mayor – again, another man who has served the community in many capacities and I am sure will perform his duties with distinction.

685 Thank you. *(Banging on desks)*

695 **Mr Speaker:** Anybody else before I ask the mover to reply? The Hon. the Chief Minister.

Hon. Chief Minister: Thank you, Mr Speaker.

I think it is important to reflect on some of the things that the hon. Lady has said.

I have not detected any of that reference that the hon. Lady has referred to in social media, but if it is there it is right that we should address it in this House.

700 Not only do I remember where I was when Kaiane won Miss World, Mr Speaker, I remember what I did, because I almost broke my ankle! I whooped and I jumped out of the chair I was sitting in at home at Willis's Road. I could not quite believe that Gibraltar had won through all of what appears to be the politics of a competition like that. I think the hon. Lady has reflected it

705 properly: she made us realise that we could win and I think she did that beyond the ambit of a
simple competition like Miss World. We have seen UEFA since then, we have seen FIFA since
then both recognise Gibraltar. All of these things are linked in different ways, and if there is one
thing that I might ungenerously have thought at the time that Kaiane Aldorino won Miss World,
it was that Spain had never won it before Gibraltar had won it. They have won it since and I am
710 very pleased that they did, for them, but Gibraltar took a crown that had not been taken by
those who deny us our own existence.

I think, therefore, that it is absolutely right that we should reflect on that and also on who
Kaiane is today, because Kaiane today is not the girl who won Miss World: she is a mother. She is
a much more mature Gibraltarian woman than she was on the day that she won Miss World, but
715 when she won Miss World, as a very young Gibraltarian woman then, she did a magnificent job
of representing Gibraltar internationally and we were all so proud in that year to see Kaiane
representing Gibraltar as she carried the crown of Miss World. In the past period she not only
has become a Gibraltarian mother, she has also been your Deputy Mayor, so she has been
exposed to the mayoralty and, if I may say so, on occasions you have had a need to ask Kaiane to
720 discharge some of your functions and she has done so with great distinction. I think anybody
who thinks that she might not be up to it has failed to follow the growth that Kaiane has
demonstrated and the work she has already done as Deputy Mayor.

Mr Speaker, I think she is a magnificent representation of what Gibraltarian women can
achieve. She is taking on the mantle of the mayoralty at a time when she has also just had a
725 magnificent, beautiful child, so it will be onerous for her in that way. Mr Speaker, I think, will
recall that when you had taken the mayoralty before, you had young children on that first
occasion. It is not going to be easy. The mayoralty requires functions at times during the day
when one would perhaps prefer to be or be required to be home with the children, so there will
be an element of sacrifice on her part as well, as there is always in public life.

So I think it is right for the hon. Lady to raise these issues which may have been raised in
730 social media, if they have been, and that we should confront them head on and tell those people
who are making those assertions that they are wrong and that we are sure in this House that
Kaiane Aldorino – or Kaiane Lopez, as she is now – will do an excellent job. As the motion sets
out clearly, she is the holder of Gibraltar's Medallion of Honour, which was bestowed upon her, I
believe, by the former administration – not the Medallion of Distinction but the Medallion of
735 Honour, which is the highest civic honour, short of the Freedom, that this House can bestow –
and so the Mayoralty is, in my view, absolutely appropriately passing into her hands.

Mr Speaker: Before I put the question, may I thank hon. Members – the Chief Minister, the
740 Leader of the Opposition and Miss Hassan Nahon – for their very kind words in respect of myself
and my wife.

May I ask leave of the House also to say, if I may – I should not, but I cannot help it (*Laughter*)
– Kaiane is already an institution. When you speak of Winston, everybody knows it is Churchill.
When you speak of Federico, people know it is García Lorca. When you speak of Kaiane, all
745 Gibraltarians know whom you are speaking of.

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

Order of the Day

BILLS

FIRST AND SECOND READING

Private Foundations Bill 2017 – First Reading approved

Clerk: Bills, First and Second Reading.

750 A Bill for an Act to permit the establishment of private foundations in Gibraltar, to determine the legal status of such foundations, to restrict the purposes for which such foundations may be used, to regulate the creation, operation and management thereof and to provide for the winding up of any foundation so created and for matters incidental thereto including but not limited to the establishment and conduct of a register of private foundations.

The Hon. the Minister for Commerce.

755 **Minister for Commerce (Hon. A J Isola):** Mr Speaker, I have the honour to move that a Bill for an Act to permit the establishment of private foundations in Gibraltar, to determine the legal status of such foundations, to restrict the purposes for which such foundations may be used, to regulate the creation, operation and management thereof and to provide for the winding up of any foundation so created and for matters incidental thereto including but not limited to the establishment and conduct of a register of private foundations be read a first time.

760 **Mr Speaker:** I now put the question, which is that a Bill for an Act to permit the establishment of private foundations in Gibraltar, to determine the legal status of such foundations, to restrict the purposes for which such foundations may be used, to regulate the creation, operation and management thereof and to provide for the winding up of any foundation so created and for matters incidental thereto including but not limited to the establishment and conduct of a register of private foundations be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Private Foundations Bill 2017 – Second Reading approved

Clerk: Private Foundations Act 2017.

770 **Minister for Commerce (Hon. A J Isola):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

In 2012 the Gibraltar Society for Trusts and Estate Practitioners proposed a number of legislative reforms to the Ministry of Financial Services in the area of trusts and family offices. *Inter alia*, these proposals included a recommendation for the introduction of foundations legislation providing for the establishment of private foundations in Gibraltar.

775 The introduction of foundations legislation provides additional choice and flexibility for the fiduciary sector of the financial services industry and its clients whilst allowing Gibraltar to continue to meet international standards through high standards of transparency and compliance. The Ministry resolved in principle that foundations should be introduced and directed STEP to prepare the relevant legislation with the help of the Government law officers.

780

Private foundations have existed in Europe since at least 1926 and were introduced to provide a civil law equivalent to common law trusts. Foundations are structures that can be used in similar circumstances to traditional family trusts, but are familiar to clients and intermediaries with a civil law background. As foundations, unlike trusts, are legal entities, they will, in accordance with Gibraltar's legal tradition, be entered onto a public register which will be administered by the Gibraltar Registry.

The demand for foundations appears to arise primarily from a need for structures that can be used in similar circumstances to traditional family trusts but are familiar to clients and intermediaries with a civil law background, as I mentioned earlier. There is demand for foundations which are domiciled in a well-regulated, co-operative and transparent jurisdiction.

Mr Speaker, I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish – (*Interjection*) I am sorry, Minister, I think this was switched on. I think it will have gone into *Hansard*, though. He may have been off screen, that is all.

Before I put the question, does any Hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Mr Clinton.

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

Having spent a substantial part of my former career in the private sector in financial services, I can only too readily understand the need as a jurisdiction to provide new products for potential clients. We have to constantly keep on reinventing ourselves and making sure that what our product offering is, is up to date and is what the market is demanding.

Seeing as this legislation is actually a product of what I imagine is quite extensive private sector consultation – and I am sure the Minister has taken on board all aspects of any concerns that may or may not be had – we on the official Opposition have no problem supporting this Bill, and I welcome the fact that there is going to be a publicly searchable register of foundations, which in this day and age I think is important.

So, on that basis, as I say, it will be a welcome addition to our financial services product offering, and on the side of the official Opposition we have no problem in supporting it.

Mr Speaker: Does the hon. mover wish to reply?

Hon. A J Isola: No, Mr Speaker. I am grateful to the hon. Members opposite for their support. I think it is a product that we do need to, as you said, in terms of products, need to keep reinventing ourselves and making sure we are ahead of the time. In that respect and with this product in particular we have been rather tardy because of the amount of work that has gone into its preparation by the private sector, to whom of course I am extremely grateful, in particular to STEP.

Mr Speaker: I now put the question, which is that a Bill for an Act to permit the establishment of private foundations in Gibraltar, to determine the legal status of such foundations, to restrict the purposes for which such foundations may be used, to regulate the creation, operation and management thereof and to provide for the winding up of any foundation so created and for matters incidental thereto including but not limited to the establishment and conduct of a register of private foundations be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Private Foundations Act 2017.

**Private Foundations Bill 2017 –
Committee Stage and Third Reading to be taken at this sitting**

830 **Minister for Commerce (Hon. A J Isola):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Income Tax (Amendment) Bill 2017 –
First Reading approved**

835 **Clerk:** A Bill for an Act to amend the Income Tax Act 2010. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Income Tax Act 2010 be read a first time.

840 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Income Tax (Amendment) Act 2017.

**Income Tax (Amendment) Bill 2017 –
Second Reading approved**

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

In parallel with the Private Foundations Bill 2017, which has today been presented – in fact, a moment ago – by the Hon. Minister for Commerce, Mr Isola, I am pleased to present this Income Tax (Amendment) Bill 2017.

850 What this Bill aims to do is to regulate the taxation of Gibraltar private foundations which are established and registered under that very Private Foundations Act 2017 and sets out the required changes for the Income Tax Act 2010 that establishes the parameters for that taxation of foundations, the beneficiaries and the taxation of the foundations themselves.

Mr Speaker, I commend the Bill to the House.

855 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the merits and principles of this Bill?

I will now therefore put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

860 **Clerk:** The Income Tax Amendment Act 2017.

**Income Tax (Amendment) Bill 2017 –
Committee Stage and Third Reading to be taken at this sitting**

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

865 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Crimes (Amendment) Bill 2017 –
First Reading approved**

Clerk: A Bill for an Act to amend the Crimes Act 2011. The Hon. the Minister for Health, Care and Justice.

870 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Crimes Act 2011 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Crimes Act 2011 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

875

Clerk: The Crimes (Amendment) Act 2017.

**Crimes (Amendment) Bill 2017 –
Second Reading approved**

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I have the honour to move that the Bill be now read a second time.

880 This Bill as originally published contained two amendments to the Crimes Act 2011. The main amendment is the fulfilment of a GSLP Liberal manifesto commitment to introduce a new and specific offence dealing with the problem of so-called revenge porn. The second amendment in the Bill as published is the offence of grooming.

885 At Committee Stage, Mr Speaker, I will be moving amendments to the Bill following representations made to me by the Gibraltar Women's Association. These amendments create a new specific offence of sexual communication with a child.

890 The new revenge porn offence is based on the equivalent UK offence of disclosing private sexual photographs and films with intent to cause distress, which was introduced in the United Kingdom in 2015. Legislating for such a separate and distinct offence is not just a manifesto commitment but also, in our view, particularly important given the rise of social media in Gibraltar as elsewhere. Gibraltar must make it absolutely clear that as a society we will not tolerate this behaviour. The message we send is that no one should feel free to inflict the distress and humiliation that this particularly invasive and hurtful crime causes on its victims.

895 Mr Speaker, moving on to the specifics of the offence, it is committed if private sexual photographs or films are shown to other persons without the consent of an individual who appears in the photograph or film and with the intention of causing that victim distress.

There are, of course, a number of defences. These include the disclosure being necessary to prevent, detect or investigate crime; the disclosure being made in specific journalistic

circumstances; or where the defendant shows that he or she reasonably believed that the photograph or film in question had been shown for profit.

900 The maximum sentence for this offence is of two years' imprisonment. The fact that the offence will exist does not mean that other current offences may not also be charged in appropriate circumstances. Rather, Mr Speaker, it increases the range of options available to our law enforcement agencies when dealing with such cases. There are already offences under Part 6 of the Crimes Act that may be relevant if the facts show a pattern of harassment and also
905 offences under the Communication Act of 2006 which prohibit the sending through a public electronic communications network of a certain type of message. Of course, should the images be of a victim under the age of 18 or the publication be intended to be used to coerce victims into further sexual activity, other offences under the Crimes Act will also be relevant and engaged.

910 Mr Speaker, the second amendment included in the published Bill is to the offence of grooming in Gibraltar to bring this offence in line with the equivalent offence in the UK. The grooming offence as currently enacted applies to an adult who communicates on at least two occasions and who subsequently meets or arranges to meet a child to commit a sexual offence. The proposed amendment will reduce to one the number of occasions on which the defendant
915 must initially meet or communicate with a child with the intention of committing a sexual offence.

The reduction in the number of meetings or communications was legislated for in the UK in 2015. The amendment was made there as a result of a cross-party inquiry, undertaken together with Barnardo's, into child sexual exploitation. That inquiry recommended the change following
920 evidence sessions at which advocates and the Police reported that the existing legislation was too weak and that making the grooming offence easier to use would make it a more effective prevention tool. The support for this change was unanimous in the inquiry's oral evidence sessions.

Mr Speaker, it is arguable that our legislation's current requirement for prior communications on two occasions is there to demonstrate without question the intent to commit the crime. From a police point of view, however, and especially that of the child, this is at best an unnecessary burden and at worst will lead to a child being abused before the Police can actually act. The UK recognised the concern but considered that it is the content and the context of communications that are key to proving the offence rather than the number of communications.
925 There is a clear possibility that a particularly skilled paedophile could in one communication arrange a meeting with a vulnerable child. We agree with this argument; this is why the amendment is included in the Bill.

Mr Speaker, as I stated earlier, I will be moving a number of amendments to the Bill at Committee Stage, following representation by the Gibraltar Women's Association. It is right to say that the GWA welcomed the changes in the Bill and offered their support for it. However, they also suggested that this would be an excellent opportunity to go even further by including a new offence to target paedophiles who communicate sexually with a child. After consideration, we agreed. In England and Wales such an offence was introduced by the Serious Crime Act 2015 and it is an equivalent of that offence which will be proposed as an amendment to the Bill at
930 Committee Stage. The amendment will make it a criminal offence for a person aged 18 or over to communicate with a child under 16 years if the communication is sexual or if it is intended to elicit from the child a communication which is sexual. The offence applies only where the defendant can be shown to have acted for the purpose of obtaining sexual gratification. Ordinary social or educational interactions between children and adults, or communications
940 between young people themselves, will of course not be caught by the offence.

945 The offence is also subject to a two-year maximum prison sentence and will lead to notification requirements.

950 Mr Speaker, I would like to take the opportunity to once again thank the Gibraltar Women's Association for their support in this area, and indeed for actively coming forward with their proposals.

Mr Speaker, we are all agreed that sexual offences against children and the deliberate infliction of distress and humiliation on persons by means of publication of private sexual images are terrible crimes and that it is vital that we do everything that we can to prevent such abhorrent behaviour. It is important that we continue to adapt our laws, particularly to reflect changes in technology and communications which have given potential offenders new ways of offending.

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

960 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Elliott Phillips.

965 **Hon. E J Phillips:** Mr Speaker, we on this side of the House will support the Bill. It is right that the law in this area should be strengthened, given the changing circumstances and the increasing use of technology and social media. These are, Mr Speaker, despicable crimes and we are pleased that the Government are legislating in this field.

I, in my other professional capacity, have had the opportunity of looking at some types of these cases in 2007, which horrified me to see cases like these in terms of images, whether they be photo, film, or in fact transfer of data, which was one of the cases that I had to deal with, and thereafter the Government of the day changed the law to incorporate electronic transmission of data where images were transferred through the wire.

This Bill will enjoy the full support of this side of the House.

Mr Speaker: Does any other hon. Member wish to contribute to the debate?

I call upon the mover to reply.

975

Hon. N F Costa: Mr Speaker, only to thank the Hon. Mr Phillips for his remarks and for the support that he brings with the Opposition.

980 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Crimes Act 2011 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Crimes Amendment Act 2017.

**Crimes (Amendment) Bill 2017 –
Committee Stage and Third Reading to be taken at this sitting**

985 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE AND THIRD READING

Mr Speaker: The Hon. the Chief Minister.

990 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause – that is to say the Private Foundations Bill 2017, the Crimes (Amendment) Bill 2017 and the Income Tax (Amendment) Bill 2017.

In Committee of the whole Parliament

995

**Private Foundations Bill 2017 –
Clauses considered and approved**

Clerk: A Bill for an Act to permit the establishment of private foundations in Gibraltar, to determine the legal status of such foundations, to restrict the purposes for which such foundations may be used, to regulate the creation, operation and management thereof and to provide for the winding up of any foundation so created and for matters incidental thereto including but not limited to the establishment and conduct of a register of private foundations.
1000 Part 1, clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

1005 **Clerk:** Part 2, clauses 3 to 10.

Mr Chairman: Stand part of the Bill.

Clerk: Part 3, clauses 11 to 22.

1010 **Mr Chairman:** Stand part of the Bill.

Clerk: Part 4, clauses 23 to 36.

1015 **Mr Chairman:** Stand part of the Bill.

Clerk: Part 5, clauses 37 to 42.

Mr Chairman: Stand part of the Bill.

1020 **Clerk:** Part 6, clauses 43 to 55.

Mr Chairman: Stand part of the Bill.

1025 **Clerk:** Part 7, clauses 56 to 59.

Mr Chairman: Stand part of the Bill.

Clerk: Part 8, clauses 60 to 79.

1030 **Mr Chairman:** Stand part of the Bill.

Clerk: Part 9, clauses 80 to 82.

Mr Chairman: Stand part of the Bill.

1035

Clerk: Part 10, clauses 83 to 87.

Mr Chairman: Stand part of the Bill.

1040

Clerk: Part 11, clauses 88 to 89.

Mr Chairman: Stand part of the Bill.

Clerk: Schedule 1.

1045

Mr Chairman: Stands part of the Bill.

Clerk: Schedule 2 as amended.

1050

Mr Chairman: Schedule 2: two amendments have been circulated to all hon. Members. Do all hon. Members agree that they be incorporated into the Schedule? Those in favour? (**Members:** Aye.) Those against? Carried. The amendments are therefore carried.

Clerk: The long title.

1055

Mr Chairman: Stands part of the Bill.

**Income Tax (Amendment) Bill 2017 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Income Tax Act 2010.
Clauses 1 and 2.

1060

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Crimes (Amendment) Bill 2017 –
Clauses considered and approved**

1065

Clerk: A Bill for an Act to amend the Crimes Act 2011.
Clause 1 as amended.

Mr Chairman: If all hon. Members are agreed – again, notice has been given of the amendments that are proposed to this Bill – clause 1 as amended stands part of the Bill.

1070

Clerk: Clause 2.

Mr Chairman: Stands part of the Bill.

1075 **Clerk:** Clause 3 as amended.

Mr Chairman: Again, there is an amendment to clause 3. If all Members are agreed stand part of the Bill ... Clause 3, as amended, stands part of the Bill.

1080 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

1085 **Hon. T N Hammond:** Mr Speaker, if I may, on the last Bill we have looked at, I just want to assure myself – and not being a lawyer I cannot say with any certainty, so I am seeking advice on this really – whether the definitions ... Sorry, Mr Chairman, of course ... whether the definitions under the meaning of ‘private’ and ‘sexual’ are sufficiently robust to capture everything we might desire to be captured within a Bill such as this, or whether there are potentially any loopholes there. I am thinking really in terms of the references specifically to genitalia and pubic
1090 areas, whereas of course in the case of females there are other areas which may be pertinent and a woman would not wish to have shared in public without consent, even though the photos may have been taken in a public context.

I am, I appreciate, treading rather delicately on this subject, but I just want to assure myself that we are definitely passing a Bill here which does capture all of those potential areas where a
1095 situation may arise where there is a non-consensual publication or disclosure, and I just wonder whether we are doing that successfully here.

Minister for Health, Care and Justice (Hon. N F Costa): Yes, Mr Speaker, I am satisfied to the extent that 97D(1) says:

The following apply for the purposes of section 97B.

(2) A photograph or film is “private” if it shows something that is not of a kind ordinarily seen in public.

1100 – which would cover the top part.

Hon. T N Hammond: That is not covered.

Hon. N F Costa: That is not ordinarily made public, or one would assume not.

1105 **Hon. T N Hammond:** And hence my reason for raising that particular issue, because of course there are contexts in which such parts are exposed in public – beaches to name but one example, and one of the more common of the examples – so I just wonder whether we are definitely covering this area. An analogy, face to face, I would say I am choosing my words as
1110 carefully as possible, but I notice that we ... I just wish to ensure that this area is covered with respect to non-consensual release of material onto perhaps social media. *(Interjection by Hon. Chief Minister)* It is not my intention to do so, I assure you.

1115 **Hon. N F Costa:** Yes, Mr Chairman, I am persuaded that it is. I will revert back to the senior draftsman who drafted the Bill. He is a senior draftsman with the Government, he has been now for quite a long number of years and has a lot of experience in drafting Bills.

I am satisfied, given the wording of 97D(2), which specifically says ‘that is not of a kind ordinarily seen in public’.

1120 **Hon. T N Hammond:** I thank the Minister for that response and certainly for his consideration of the matter also.

Hon. R M Clinton: Mr Chairman, I just have one point.
I would be grateful if the Minister could clarify for me – clause 97E(2) says:

Section 97B applies to a Gibraltar service provider who-
(a) discloses a photograph or film in an EEA state outside Gibraltar, and
(b) does so in the course of providing information society services ...

1125 This is under the general heading ‘ ... extension of liability’. I am just wondering why is there a restriction just to an EEA state and not worldwide.

Hon. N F Costa: Mr Chairman, I do recall discussing this provision with Mr Warwick and asking him that question. Unfortunately, in the supplementary information that he has provided for me that particular answer is not provided, but I can give him a guarantee right now that after we resume I will call Mr Warwick and I will be able to provide him with the answer. There was, I remember, a good reason why it had to be drafted in those terms but I will give him the answer shortly.

**Income Tax (Amendment) Bill 2017 –
Crimes (Amendment) Bill 2017 –
Private Foundations Bill 2017 –
Third Readings approved: Bills passed**

1135 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Income Tax (Amendment) Bill 2017, the Crimes (Amendment) Bill 2017 and the Private Foundations Bill 2017 have been considered in Committee and agreed to with some amendments and I now move that they be read a third time and passed.

1140 **Mr Speaker:** I now put the question, namely that the Private Foundations Bill 2017 be read a third time and carried. All in favour? (**Member:** Aye.) Those against? Carried.

I now put the question that the Bill for an Act to amend the Income Tax Act 2010 be read a third time and carried. Those in favour? (**Members:** Aye.) Those against? Carried.

I also put the question that a Bill to amend the Crimes Act 2011 be read a third time. Those in favour? (**Members:** Aye.) Those against? Carried.

1145 **Clerk:** We now come back to answers to Oral Questions.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House do now adjourn to Wednesday, 21st June at 10.30 a.m.

1150 **Mr Speaker:** I now propose the question that the House do now adjourn to Wednesday, 21st June at 10.30 a.m.

I now put the question that the House do now adjourn to Wednesday, 21st June at 10.30 a.m. Those in favour? (**Members:** Aye.) Those against? Carried.

The House will now adjourn to Wednesday, 21st June at 10.30 in the morning.

1155

The House adjourned at 4.40 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.39 a.m. – 1.03 p.m.

Gibraltar, Wednesday, 21st June 2017

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The Gibraltar Parliament

The Parliament met at 10.09 a.m.

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

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

Tribute to Juan Carlos Perez

Clerk: Wednesday, 21st June, Meeting of Parliament.
The Hon. the Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, before the House continues its ordinary business, this is the first time that we meet after the passing of Juan Carlos Perez, who was a long-time Member of this House.

10 In fact, he was a Member of this House from 1984 until 2003. In that time, in those just shy of 20 years of membership of this House, Juan Carlos Perez became an essential part of the way that debates were carried out, of the rigor with which Opposition did its job at the time that he was a Member of the GSLP Opposition and of the way that Government did its work in the time that he was an essential part of the GSLP Government from 1988 to 1966, and no less rigor was applied by him as a Member of Opposition between 1996 and 2003.

15 A lot of things have been said about Juan Carlos since he passed away. The Hon. Joe Bossano and I have had opportunity to reflect publicly, as many of us on this side of the House have done publicly and privately, on the impact that Juan Carlos has had on our community, on his human qualities and on his political qualities. But today in this House I would just pause for a moment before I ask the House to observe a minute's silence for the passing of one of its longstanding Members to reflect on Juan Carlos the parliamentarian.

20 He was always robust in debate but always highly well prepared. Juan Carlos was not a man whose arguments would fail for lack of understanding or lack of preparation. If there was a person who has not been Leader of this House but who has had the political acumen, who has had the depth of understanding of the politics of this community, it is certainly Juan Carlos Perez.

25 Perhaps the biggest accolade I can pay him, Mr Speaker, is to reflect on the things that the Hon. the former Chief Minister and Leader of the House Sir Peter Caruana said of Juan Carlos during the course of a particularly prickly exchange with me after Juan Carlos had left, commending me to learn from Juan Carlos Perez and telling me that whilst I might be talking nonsense – which was the usual term of endearment that the former Chief Minister used to apply to me – he might say Juan Carlos Perez was, in parliamentary terms, much missed. When
30 your opponents recognise your contribution like that, I think you show what you have given your community.

So I would call on the House, Mr Speaker, before we hear other tributes from Members who might wish to speak, to observe a minute's silence in honour of Juan Carlos Perez.

Members observed a minute's silence.

35 **Mr Speaker:** The Hon. Mr Bossano.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):
Mr Speaker, of all of us here I shared more of my life with Juan Carlos than anybody else, both as a trade unionist and as a Member of Parliament and in everything to do with Gibraltar's political life.

40 He was not a politician, he was somebody who had politics flowing through his veins instead of blood, so there was no time in the day or the night or a day of the week when politics did not enter into his life and mine. Everything that I have been able to contribute, both in Government and in Opposition and in the trade union, would have been much less effective and much less likely to have been successful had it not been for the fact that I had him on my side, constantly
45 working with me, learning from me and teaching me. We made a team that was totally dedicated – as parliamentarians, as trade unionists, as political activists – to the welfare of Gibraltar as we saw it and in the best interest of all sectors of our community.

Juan Carlos, notwithstanding the fact that we had to argue a point, had no problem in being forceful, but had friends across this House ever since we first became involved. That is he had
50 close friends in the AACR when we were the Opposition, he had close friends in the GSD when that was the party opposite us, and of course in the GSLP family he was the life of the party. It is a life that is now gone and we are going to miss it. (*Banging on desks*)

Mr Speaker: The Hon. Edwin Reyes.

55

Hon. E J Reyes: Thank you, Mr Speaker.

I echo the words of the Father of the House: Juan Carlos certainly did have friends on both sides of this House – he even had friends from those who liked to hang around outside this House. He was one of those gentlemen who had that ability, like the members of his party are
60 saying, to be able to fight a point to the end but always be respectful, and that does not come easy.

I remember – I am sure Mr Speaker does as well – I first came across Juan Carlos in the late 1960s when we were mere young schoolchildren, when you were the deputy headteacher, Mr Speaker, and there was the tail-end of debating societies in school. Names were picked out
65 of a hat for which side you were on and I remember really rejoicing that I was on Juan Carlos's side because boy did you have a tough time if you were ever to speak against his arguments! He used to prepare himself well. How many hours he spent one can only guess, but he had that ability of having very well-argued points of view to put forward. Like I said before, with respect he could fight his point.

70 Having left school and having done the many things that he did, I also had some brief contacts with him in the trade union, although I was not in the T&G – being a civil servant I was with the GGCA. He was someone who actually inspired enthusiasm, and Joe Bossano is completely correct – he was very much always involved in that big battle for parity in the early 1970s and a certain percentage of that success must be attributed to Juan Carlos for either
75 whatever he did directly or his mere support for the main negotiators such as the Branch Officer Mr Bossano was at the time.

Mr Speaker, he then – I have fond memories – held the portfolio as Minister for Government Services. At one stage when Steven Linares and I were involved with the Teachers' Association we used to have meetings with him – I think it was somewhere in Europort he had his office, yes
80 – and if you went well prepared he did actually acknowledge when you were right. He was very honest and very frank and I think our best successes at the time, if Steven remembers correctly, were when we were fighting the points of excellence and so on and his trade union background I think made him manage to convince Joe Bossano that the teachers should be paid. So, Joe, Juan Carlos I know must have given you as well a bit of a tough time because he was always a true
85 representative of the workers. Even though he had the responsibility of looking after the Government's purse, he never betrayed what was, as the Chief Minister rightly said, running through his veins – that fight for the workers.

So, Mr Speaker, on behalf of this side of the House we offer our condolences to his mother Angeles, to his sister and to all those close relatives of his and the overall family of the GSLP.

90 May he rest in peace, Mr Speaker. *(Banging on desks)*

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, it is with great sadness that we once again find ourselves paying tribute to a departed colleague from the world of Gibraltar politics.

95 To describe Juan Carlos Perez only as a founding member of the GSLP does a disservice to the countless hours that Mr Perez dedicated himself to his particular political cause, from almost his constant presence in the party's office to his long tenure as editor of the GSLP's newspaper.

100 There is, I am sure, no political development over the last 40 years in Gibraltar that has not warranted his astuteness nor his opinion, and I am sure that the Members opposite all feel greatly indebted to his advice and guidance.

105 Like Robert Mor, Joshua Gabay and Charles Bruzon, who all sadly left this world before him, Juan Carlos Perez was a committed socialist who always had Gibraltar's interests at heart and, like theirs, his loss will be keenly felt. It must be remembered, Mr Speaker, that in the late 1980s and 1990s Mr Perez played a significant role in developing the necessary telecommunications infrastructure to support Gibraltar's burgeoning economy, and this important contribution for our community deserves all of our appreciation.

110 Of course Mr Perez was a political adversary of my father and his party, but he always treated him with the respect and admiration that was mutually reciprocated and which I can remember since a very young age. I personally always found Mr Perez willing to give me much of his time and we both enjoyed many discussions in the Piazza, which was very much his political turf. I liked being in the company of this larger-than-life personality and I am very saddened by the loss of such a strong political presence.

115 I would like to convey my most heartfelt condolences to his family, his friends and all his political colleagues, while offering the consolation that Juan Carlos's legacy in this House will live on for many generations. *(Banging on desks)*

Mr Speaker: And one of the great joys of teaching –

120 **Hon. Chief Minister:** Mr Speaker, Mr Speaker... The Deputy Leader of the party.

Mr Speaker: Okay. The Hon. Dr Joseph Garcia.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I first met Juan Carlos as a family friend, so he was somebody I would see on a regular basis in the days of the Spinning Wheel and the Old Rock, which probably most people here are too young to remember – and I think that says something!

125 In 1999 when I was first elected I had the pleasure of serving with him in the House for that short period of time. Indeed, my election was due to the tragic death of Robert Mor; it followed Mr Mor's death. I had the pleasure of serving with him in this House from then until 2003. He was an expert teacher, a political strategist who had a brilliant political mind. I think that has already been said and certainly his performances in this Chamber speak for themselves – the fact that he was admired and liked by friends and by political opponents alike.

130 So I would like to express my most sincere condolences to his mother Angeles and to his friends and family. *(Banging on desks)*

Mr Speaker: Let me not jump the gun: does anybody else wish to pay tribute? The Hon. Mr Albert Isola.

135

Minister for Commerce (Hon. A J Isola): Thank you, Mr Speaker.

Juan Carlos and the Father of the House were the two individuals who welcomed me into this GSLP family many, many years ago – and I enjoyed *many*, many a night at the Old Rock, which my colleague has just mentioned, sharing his company, his intelligence and his wit. I do not think I have ever met somebody who had the same level of political intelligence that he had, and to boot with a wit that was pretty much unbeatable, a speed of tongue which was really quite terrifying.

But I think for me the one thing I take from Juan Carlos is not that he did 20 years of politics, which of course we all know and that is well documented, but he spent a life of giving. That is what I think is really quite incredible: he has given his entire life to helping, giving and serving the people of this community in any walk of life. It was not just with the union; anybody who needed help had an open door and he was there to greet, to welcome and to help in whatever way he possibly could. For me the biggest thing about this huge political giant of a man was his ability and his sheer desire to help and give to others throughout the entirety of his life, and for that I think he should be well remembered.

I also join in offering my sincerest condolences to Angeles and of course his family and all of his friends.

Thank you, sir. (*Banging on desks*)

Mr Speaker: One of the great joys of teaching in a secondary school in Gibraltar is the fact that many of your former pupils become in later life your closest friends, and that was very much the case with Juan Carlos Perez, as far as I am concerned. Politically we were opponents but always friends. Politics never divided us.

I would like to recall the young man that Maurice Xiberras and I taught in the Grammar School. Juan Carlos was mischievous with a great sense of fun and he was never afraid to question and to stand up to the teachers if he felt that an injustice had been committed. But there is an incident that I always remember very, very fondly. The school was staging the play *A Man for All Seasons* by Robert Bolt, and Juan Carlos was cast as Everyman – Everyman is effectively the prologue of the play – and when the curtains parted, Juan Carlos walked on to the middle of the stage. He paused. He was dressed in a black leotard and, looking at himself, he uttered those immortal words of the opening of the play:

Is this a costume? Does this say anything? It barely covers one man's nakedness!

I will always remember him and I always used to chide him about it. I always remembered it in particular when I used to put on the mayoral robes, which was a different sort of costume if you like.

It is a very sad year, I think, for this Parliament; 2017 is proving to be a very, very sad year. We have lost more than one former parliamentarian and I am sorry to say that, being in contact with some of the other former Members, we should prepare ourselves for even further sad news before the year is out; that is the way of the world.

And so, back to business. (*Banging on desks*)

Hon. Chief Minister: Mr Speaker, can I, on behalf of this side of the House, thank Members opposite for their very kind words.

Without prejudice to the characterisation of *The New People*, can I just say that if Juan Carlos were here I think he would probably say, 'Look, this is too many eulogies – you go to Parliament to do politics, just get on with it!'

Thank you. (*Banging on desks*)

Questions for Oral Answer

DEPUTY CHIEF MINISTER

Q337-339/2017

**Gibraltar Wine Vaults –
Tourism; beneficial owners; consideration and alternative use of site**

Clerk: We now continue with answers to Oral Questions.
We commence with Question 337. The questioner is the Hon. L F Llamas.

185 **Hon. L F Llamas:** Mr Speaker, can the Government disclose what tourism expectations have been projected for the Gibraltar Wine Vaults?

Clerk: Answer, the Hon. the Deputy Chief Minister.

190 **Deputy Chief Minister (Dr J J Garcia)** Mr Speaker, I will answer this question together with Questions 338 and 339.

Clerk: Question 338. The Hon. L F Llamas.

195 **Hon. L F Llamas:** Mr Speaker, who are the beneficial owners of Gibraltar Wine Vaults?

Clerk: Question 339. The Hon. L F Llamas.

200 **Hon. L F Llamas:** Mr Speaker, what consideration is being paid by Gibraltar Wine Vaults and did the Government consult or advertise the site for alternative usage?

Clerk: Answer, the Hon. the Deputy Chief Minister.

205 **Hon. Deputy Chief Minister:** Mr Speaker, the operators of the Wine Vaults have told the Government that they expect to provide a tourism facility as part of the overall wine package experience, not only to see the wine storage facility but also to experience the World War II tunnels and chambers. This will not, however, be organised or controlled by the Government. It is an integral part of the wine storage operation. The operators expect that the combination of wine tasting and visit to the World War II experience could attract tours from cruise liners.

210 The beneficial owners are Gibraltar Wine Vaults Limited.

The consideration already paid by Gibraltar Wine Vaults for the ex-WT Station is £350,000. The Government did not consult or advertise the site for alternative usage. Gibraltar Wine Vaults approached the Government on this project. It was felt that this was a unique project perfectly suited for those chambers, which have little other use, and which will provide Gibraltar with economic activity and employment and could attract wealthy wine connoisseurs and tourism in general.

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220 **Hon. L F Llamas:** Mr Speaker, could I ask the Government: is there a set lease or a control mechanism whereby the Government will be able to monitor the success of this project; and in any event, if it seems that the project is not returning the economic activity that is envisaged, it can call back the land and offer it for an alternative use?

225 **Hon. Deputy Chief Minister:** Mr Speaker, this is not land in the normal sense. These are tunnels inside the Rock itself. There is a lease which regulates the activity and which the operators have to abide by. I do not have the terms of the lease with me, but obviously there is a lease which they obtained in exchange for the premium.

230 **Hon. L F Llamas:** One final question, Mr Speaker: has the Government been consulted on what the entrance fee to the tunnels in this site will be?

Hon. Deputy Chief Minister: No, Mr Speaker, there has been no consultation certainly that I am aware of.

235 **Hon. Chief Minister:** There does not have to be.

Hon. Deputy Chief Minister: And obviously the option is open to them not to have a fee if they so wish it – they are the operators.

240 **Hon. L F Llamas:** Sorry, one final supplementary, Mr Speaker: does the Minister know for how long the lease will run, off the top of his head? I know it is a supplementary maybe not arising from these questions.

245 **Hon. Deputy Chief Minister:** Mr Speaker, I have that information but I do not have it with me. If the hon. Member cares to ask me the question then I will be happy to answer it at a future Parliament.

TOURISM, EMPLOYMENT, COMMERCIAL AVIATION AND THE PORT

Q340/2017

Gibraltar Talking Plaques – Government involvement

Clerk: Question 340. The Hon. L F Llamas.

250 **Hon. L F Llamas:** Mr Speaker, can the Government state what involvement it had with setting up and assisting Gibraltar Talking Plaques, together with details of any contract it may have entered into?

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

255 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, Talking Plaques is a fully private concern. They approached the Gibraltar Tourist Board for assistance in 2016. The GTB assisted in marketing the service on its social media platforms, proof reading and helping with the map produced by the operators, adding details on the product to the GTB website and displaying leaflets in the GTB information
260 offices and at events. This, Mr Speaker, is similar to the assistance provided to most private concerns that take an initiative to produce a tourism-related product.

In addition, the GTB provided the sum of £4,689 to Talking Plaques Limited towards marketing material that the company produced, including leaflets and branded giveaways to include the Gibraltar branding. The sum also went towards braille signs on the posts and
265 microchips contained therein.

There is no contract entered into with the GTB. The company sought its necessary permissions from the relevant authorities to roll out their business.

270 **Hon. L F Llamas:** Mr Speaker, is it then safe to say that the private entity can sell on the business or decide not to maintain the signs or anything, given that there is no contract; or does the Government have a way of controlling what happens with this business which is being run essentially on Gibraltar's key sites?

275 **Hon. G H Licudi:** Mr Speaker, as I mentioned, there is no contract and there is certainly no prohibition of the company behind this initiative having its shares sold to anyone. It is, of course, subject to permissions being given by the Government and that is how it was set up: it was set up by seeking permission from the Government and the Government giving permission to place these plaques in various sites, providing certain information. Therefore, if anything which was of concern to Government were to happen, that permission can simply be withdrawn and the
280 plaques would have to be taken down, by the Government if necessary, because they are on Government property and therefore subject to, at the moment, no contract, no lease, just a licence, and therefore that licence can be terminated by the Government at will.

Q341/2017
Visit Gibraltar website –
Relaunch

Clerk: Question 341. The Hon. L F Llamas.

285 **Hon. L F Llamas:** Mr Speaker, has the Government made any progress in relaunching a new visitgibraltar.gi website?

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.
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Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, the Gibraltar Tourist Board is now working with the current provider of the website to launch a new version of the site and this is scheduled to happen late September/early October of this year.

Q342/2017
Pleasure craft –
Licensing criteria

295 **Clerk:** Question 342. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government explain what is the licensing criteria on pleasure craft?

300 **Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):

305 Mr Speaker, the criteria for the licensing of small pleasure craft for use within designated areas in British Gibraltar Territorial Waters is stipulated under Schedule 4 of the Small Vessels (Mooring Controls) Rules 2016 and the Seaside Pleasure Boat Rules 1989.

310 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I understand the criteria at the moment as per the law, but my question leads to ask whether the Government would be looking at perhaps making the criteria more stringent given the recent surge of pleasure craft with the new marina and also the accident that we saw a couple of weeks ago that might be telling us that our youngsters may find it very easy to get on a pleasure craft without having enough knowledge of sailing or of the pleasure craft itself. Would the Government be willing to make these laws more stringent?

315 **Hon. G H Licudi:** Mr Speaker, the question asks about licensing criteria rather than the enforcement of the laws and whether the laws should be changed. The licensing criteria, as I have indicated, is already in the legislation.

In fact, what we did – although the hon. Member says the criteria may not be stringent enough, it depends on how one looks at it – what we did was to actually set out, for the purposes of the new marina, we set out the criteria in legislation. Under the Small Vessels (Mooring Controls) Rules 2016 we actually set out what the criteria for licensing and for permitting vessels in the small boats marina at the Mid Harbour Marina should be. That was firstly for the sake of certainty and clarity so that nobody could say, ‘Well, I’ve been treated unfairly because the criteria has been improperly applied or discretions have not been applied to the required standard or properly in my case.’ Therefore there are steps that need to be taken, documents which need to be produced and very clear certainty in the legislation as to what the criteria should be.

330 The hon. Member mentions issues about who can use these craft. Clearly the legislation sets out who can use the craft and it is a matter for enforcement. Do we need stricter controls? That is perhaps something that can be looked at. When we made the changes that we did for the purposes of the small boats marina, hon. Members will recall that I also announced changes to the Seaside Pleasure Boat Rules to do with jet-skis, to require strict criteria in relation to jet-skis, particularly in relation to age limits and proficiency certificates in relation to jet-skis. So that criteria is already there in relation to jet-skis.

335 We also introduced a new category of vessels which we have called exempt vessels, which were vessels which could be exempt from the fast launch control rules, subject to the vessels not exceeding 40 knots and subject also to the user of that vessel, the person who was being licensed, having the necessary competency certificate, which is generally an RYA motorboat handling certificate, which is required by the Captain of the Port, and also insurance in relation to that vessel.

340 I can also say that we have set up, under the legislation which we produced for the small boats marina, the Small Vessels Advisory Board. That is a board that is tasked statutorily with looking at all aspects of small vessels, including use, licensing criteria, insurance and proficiency. I have met with the board and there has been advice given to me, particularly in relation to insurance, which should cover all motorised vessels, and that is advice that I have accepted. It is a recommendation that has been made by the board to me and we are in the process of looking at the legislation that needs to be changed in order to introduce a mandatory provision, which we already have for fast launches, we already have for exempt vessels, we already have for jet-skis and we are about to introduce it for all vessels which are of a motorised nature. That legislation I hope to either bring to Parliament if we need to change an Act, and I am seeking advice at the moment on that, or introduce it by regulations and make an announcement on it; but I hope to do that very quickly in deed.

Mr Speaker: Next question.

HEALTH, CARE AND JUSTICE

Q343/2017

Hillsides –

Permanent residents

355 **Clerk:** Question 343. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government state how many residents are now permanently living at Hillsides, together with a breakdown of their long-term previous accommodation broken down into: (a) private accommodation; (b) Government rental housing;
360 (c) GHA wards; and (d) other elderly residential centres?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, there are 42 residents
365 living permanently at Hillsides. All 42 residents were transferred from GHA wards. Before admission to hospital, 28 out of the 42 residents lived in Government rented accommodation and 14 resided in private accommodation. No residents from the elderly residential centres have been transferred to Hillsides.

Q344/2017

Hillsides residents –

Selection criteria

370 **Clerk:** Question 344. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government disclose the selection criteria in choosing the residents for Hillsides?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

375 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the criteria selection was clinically led, considering each individual's diagnosis and condition. A panel including GHA and Care Agency professionals were commissioned to assess eligibility. The same criteria for admission of dementia patients to ERS were followed. All the residents admitted to Hillsides
380 have been diagnosed with different stages of dementia.

Hon. L F Llamas: Mr Speaker, can the Minister disclose whether residents of other elderly residential centres were considered as part of the changeover or the moving in into Hillsides?

385 **Hon. N F Costa:** Mr Speaker, the admission criteria for Hillsides is the same as would be for any admission to any other ERS site, like, for instance, Mount Alvernia. The additional difference is that there is also a mental capacity because, as the hon. Gentleman knows, Hillsides is designed primarily to care for persons who suffer from dementia and Alzheimer's. The applications are assessed by the Care Agency and they prioritise individuals based on need.

390 The hon. Gentleman may also know that before, under the previous administration, there was a list and it was on a first-come first-served basis. I think it was my hon. predecessor, either Dr John Cortes, and Samantha Sacramento who decided that it made more sense, given the

progressive nature of the disease – Alzheimer’s and dementia – that there should be admissions based on the person’s need rather than on whether you were first on the list

Q345/2017
Alzheimer’s and dementia patients –
Numbers resident in DHA facilities

395 **Clerk:** Question 345. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government state how many diagnosed Alzheimer’s and dementia sufferers currently reside at each of the following: John Cochrane Ward, Calpe Ward, Mount Alvernia and St. Bernard’s Hospital?

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Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the number of residents or patients diagnosed with Alzheimer’s and dementia in the named areas is as follows: John Cochrane Ward, 16; Calpe Ward, eight; Mount Alvernia, 72; and St Bernard’s Hospital, six.

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Q346-347/2017
Dementia Day Centre and Hillside –
Invitations to care providers

Clerk: Question 346. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government disclose the names of the care providers it invited to express interest in providing the necessary staff for the Dementia Day Centre, together with (a) the date on which the invitation was sent to each care provider and (b) the closing date or dates?

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Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Question 347.

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Clerk: Question 347. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government disclose the names of the care providers it invited to express interest in providing the necessary staff for the Dementia Residential Facility together with (a) the date on which the invitation was sent to each care provider and (b) the closing date or dates?

420

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

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Hon. N F Costa: Mr Speaker, as I have previously stated, it is not the policy of the Government to publicly name any company that is approached and invited to apply for a public contract. I can confirm, however, that as I have already noted in response to previous answers to Questions 727/2016 and 51 of this year, all six known local care providers were approached in

430

respect of the Dementia Day Centre. Invitations were sent on 7th September of last year and on the closing date of 15th September of last year three applications were received. In respect of Hillside's Dementia Residential Facility, five invitations were sent on 5th June 2015 and on the closing date of 22nd June 2015 five applications were received.

Q348-2017
Subcontracted nurses –
Payments to care providers

435 **Clerk:** Question 348. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a monthly schedule since 1st April 2016 to date of how much has been paid to care providers in return for subcontracted nurses by (a) the GHA, b) the Care Agency and (c) Elderly Residential Services?

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Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the estimated information, subject to audit, is in the schedule I now hand over to the hon. Gentleman.

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Mr Speaker: I suggest we proceed with the next question and then the hon. questioner may come back once he has had an opportunity to study the schedule.

Answer to Question 348

During the Period 1st April 2016 to 31st March 2017 the following monthly payments were made to care providers in return for subcontracted nurses.

	GHA			CARE AGENCY			ERS		
		Period (Agency 1)	Period (Agency 2)		Period (Agency 1)	Period (Agency 2)		Period (Agency 1)	Period (Agency 2)
Apr-16	£4,877.87	28/03/16-03/04/16	n/a	£1,143.00	14/03/16-25/03/16	n/a	£39,162.00	14/03/16-24/03/16	n/a
May-16	£17,788.04	04/04/16-04/05/16	n/a	£8,077.26	25/03/16-24/04/16	01/04/16-30/04/16	£0.00	n/a	n/a
Jun-16	£13,651.57	10/05/16-29/05/16	n/a	£7,632.43	25/04/16-24/05/16	01/05/16-31/05/16	£237,451.00	25/03/16-24/05/16	n/a
Jul-16	£2,175.96	28/03/16-03/04/16	n/a	£7,536.00	25/05/16-24/06/16	01/06/16-30/06/16	£0.00	n/a	n/a
Aug-16	£0.00	n/a	n/a	£8,209.50	25/06/16-24/07/16	01/07/16-31/07/16	£160,918.00	25/05/16-24/07/16	n/a
Sep-16	£6,603.61	28/03/16-26/08/16	n/a	£11,205.00	25/05/16-24/08/16	01/08/16-31/08/16	£0.00	n/a	n/a
Oct-16	£0.00	n/a	n/a	£12,538.50	25/08/16-24/09/16	01/09/16-31/09/16	£83,478.00	25/07/16-24/08/16	n/a
Nov-16	£0.00	n/a	n/a	£6,471.00	25/09/16-24/10/16	01/10/16-31/10/16	£74,565.00	25/08/16-24/09/16	n/a
Dec-16	£0.00	n/a	n/a	£3,522.00	25/10/16-24/11/16	n/a	£79,612.50	25/09/16-24/10/16	n/a
Jan-17	£0.00	n/a	n/a	£8,763.00	25/11/16-24/12/16	01/11/16-31/12/16	£78,858.00	25/10/16-24/11/16	n/a
Feb-17	£0.00	n/a	n/a	£16,762.00	25/12/16-24/02/17	01/01/17-31/01/17	£89,551.50	25/11/16-24/12/16	n/a
Mar-17	£102,419.05	01/01/17-20/02/17	n/a	£10,512.75	25/02/17-13/03/17	01/02/17-31/03/17	£176,198.90	25/12/16-13/03/17	1/2/2017-18/3/2017

450

Mr Speaker: I suggest we proceed with the next question and then the hon. questioner may come back once he has had an opportunity to study the schedule.

Q349-350/2017

**Subcontracted care workers and nurses –
Payments to care providers**

Clerk: Question 349. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a monthly schedule, since 1st April 2016 to date, of how much has been paid to each care provider in return for subcontracted care workers by (a) the GHA, (b) the Care Agency and (c) Elderly Residential Services?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Question 350.

Clerk: Question 350. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a schedule per financial year since 1st April 2012 until 31st March 2016 of how much has been paid to care providers in return for subcontracted nurses by (a) the GHA, (b) the Care Agency and (c) Elderly Residential Services?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the estimated information, subject to audit, is in the schedule I now hand over to the hon. Gentleman.

Answer to Question 349

GHA

	Period	Grand Home Care	Period	Rainbow Services
Apr-16	n/a		n/a	
May-16	n/a		n/a	
Jun-16	n/a		n/a	
Jul-16	n/a		n/a	
Aug-16	n/a		01/05/16-12/08/16	£ 2,367.75
Sep-16	n/a		n/a	
Oct-16	n/a		n/a	
Nov-16	n/a		n/a	
Dec-16	25/08/16-24/11/16	£3,036.00	n/a	
Jan-17	22/03/16-31/12/16	£25,146.35	23/09/16-01/12/16	£ 2,984.80
Feb-17	n/a		n/a	
Mar-17	01/02/17-28/02/17	£924.00	n/a	

Care Agency

	Period	Grand Home Care	Period	Rainbow Services
Apr-16	14/03/16-25/03/16	£ 19,289.62	01/03/16-31/03/16	£ 53,137.03
May-16	25/03/16-24/04/16	£ 48,141.43	01/04/16-30/04/16	£ 68,894.16
Jun-16	25/04/16-24/06/16	£ 42,721.14	01/05/16-31/05/16	£ 54,573.66
Jul-16	25/05/16-24/06/16	£ 55,524.18	01/06/16-31/07/16	£ 179,810.18
Aug-16	25/06/16-24/07/16	£ 31,880.31	01/07/16-31/07/16	£ 28,690.20
Sep-16	25/07/16-24/08/16	£ 56,347.82	01/08/16-31/08/16	£ 136,013.39
Oct-16	25/09/16-24/09/16	£ 59,800.16	01/09/16-30/09/16	£ 290,069.75
Nov-16	25/10/16-24/10/16	£ 38,185.97	01/10/16-31/10/16	£ 121,928.60
Dec-16	25/10/16-24/11/16	£ 51,925.55	01/10/16-31/10/16	£ 84,148.13
Jan-17	25/11/16-24/12/16	£ 44,541.89	01/11/16-31/12/16	£ 71,090.10
Feb-17	25/12/16-24/02/17	£ 59,703.00	01/11/16-31/01/17	£ 184,111.40
Mar-17	25/02/17-13/03/17	£ 28,020.68	01/02/17-13/3/17	£ 223,345.99

ERS

	Period	Grand Home Care	Period	Rainbow Services	Period	Meddoc
Apr-16	01/03/17-31/03/17	£ 50,737.00	01/03/16-31/03/16	£ 11,226.60		
May-16	n/a		01/04/16-30/04/16	£ 5,492.03		
Jun-16	25/03/16-24/05/16	£ 128,548.81	01/05/16-31/05/16	£ 5,806.65		
Jul-16	25/03/16-24/05/16	£ 34,516.00	01/06/16-31/07/16	£ 4,989.60		
Aug-16	25/05/2016-24/07/16	£ 265,004.00	01/07/16-31/07/16	£ 4,992.00		
Sep-16	25/05/16-24/07/16	£ 6,751.75	01/08/16-31/08/16	£ 4,617.60		
Oct-16	25/07/16-24/08/16	£ 143,284.00	01/09/16-30/09/16	£ 5,865.60		
Nov-16	25/08/16-24/09/16	£ 157,637.78	01/10/16-31/10/16	£ 4,617.60		
Dec-16	n/a		n/a			
Jan-17	25/09/16-24/11/16	£ 277,787.91	01/11/16-31/12/16	£ 11,606.40		
Feb-17	25/11/16-24/12/16	£ 142,218.98	n/a	£		
Mar-17	25/12/16-13/03/17	£ 206,411.45	01/01/17-31/03/17	£ 22,713.60	01/01/17-31/03/17	£ 13,905.00

470 In respect to the answer to Question 350, the information requested is only available from 1st April 2015, as previously invoices submitted for the Care Agency and ERS were per service and not per grade.

The information for the period 1st April 2015 to 31st March 2016 is as follows. GHA, £0. Care Agency: Grand Home Care, £450,974; Rainbow, £1,188,061. ERS: Grand Home Care, £1,288,237; 475 Rainbow, £87,802.

Mr Speaker: The Hon. Roy Clinton.

480 **Hon. R M Clinton:** Sorry, Mr Speaker, I have just glanced at the schedule in answer to Question 348 and I was wondering if the Minister could explain the use of subcontracted nurses in the GHA, certainly in the month of March. It obviously seems to be out of scale compared to previous months. Is there something the GHA is doing differently to what it was doing before?

Hon. N F Costa: Sorry, Mr Speaker, could Mr Clinton repeat the question, please?

485 **Hon. R M Clinton:** Certainly, Mr Speaker. If the Minister could look at the schedule in answer
to Question 348/2017, for the GHA, for the period of March 2017, there is a number there of
£102,419.05 for that particular month, but if you look at the previous month, certainly from
October to February is zero and other months certainly a figure much lower than that. Could the
490 Minister explain to the House why it is that the number is so large in March? Is the Government
or the GHA doing something different in respect of subcontracted nurses?

Hon. N F Costa: Mr Speaker, there has been no change in policy in that respect and therefore
I do not have the answers to why there was, as he rightly points out, a sizeable jump in March. I
dare say, and I will confirm this for the hon. Gentleman but I daresay that the amount reflected
495 in March ... In fact, it is the answer. If the hon. Gentleman looks at the column just next to the
amount, it says that the period relating to the £102,000 is from 1st January to 20th March, so it
includes two months of 2017, which would explain two months only, so there are three other
months which appear to be unaccounted for. So I will go back to ... In fact, I will email my office
and hopefully during the course of this session I will have an answer for him.

500 **Hon. L F Llamas:** Mr Speaker, just a clarification, guidance from the Minister to be able to
interpret this schedule correctly, the schedule in answer to Questions 350/2017 and 349/2017.
Could the Minister clarify which table relates to Question 349 and which tables relate to
Question 350? One is for subcontracted care workers and the other one relates to
505 subcontracted nurses. If the Minister could clarify which table.

Hon. N F Costa: Mr Speaker, the answer in the tables relates to Question 349. The
information relating to Question 350 was the one that I read to him across the floor of the
House, so it should not have said 'Answer to Question 350'. Thank you for spotting that out.

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Mr Speaker: Any other supplementary?

**Q351/2017
Ocean Views –
Re-admission rate**

Clerk: Question 351. The Hon. R M Clinton.

515 **Hon. R M Clinton:** Mr Speaker, can the Government advise the re-admission rate for Ocean
Views in the year ended 31st March 2017?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

520 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the re-admission rate for
Ocean Views for the year ending 31st March of this year is 2.85%.

It is salient to highlight, Mr Speaker, that the NHS benchmarking report found a 9% re-
admission rate in the UK in 2015. Evidently, therefore, our excellent professionals at Ocean
Views should be congratulated for the outstanding work in ensuring such a low re-admission
rate. I will have more to say about this, Mr Speaker, in my Budget address.

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Q352/2017

**St Bernard's Hospital, Mount Alvernia and Ocean Views –
Average daily bed costs**

Clerk: Question 352. The Hon. R M Clinton.

530 **Hon. R M Clinton:** Mr Speaker, can the Government advise the average cost per day per bed for each of St Bernard's Hospital, Mount Alvernia and Ocean Views in the financial year 2016-17?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

535 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the average cost per day per bed for St Bernard's Hospital depends on the level of dependency. Therefore, the cost of a bed can vary from £340 to £515.

The average cost per day per bed for Ocean Views is £338.

The average cost per day per bed for Mount Alvernia is £192.

Q353/2017

**Health centre cards –
Renewal by self-employed individuals**

540 **Clerk:** Question 353. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise what is the policy for renewal of health centre cards by self-employed individuals?

545 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the renewal of health cards for self-employed individuals is only initiated when the Department is satisfied that individuals have settled their Social Insurance contributions by the 15th of every month, as stipulated by the Social Insurance Regulations 1955.

550 If a self-employed individual is up to date with Social Insurance payments, then proof of payment and a renewal form would suffice to renew their health card.

555 The GHA ensures that a settlement agreement has been reached if the individual is in arrears. Failure to conform to the agreement will result in the GHA suspending their rights to medical care. It is important to note that the individual will still be entitled to emergency medical treatment.

As with any process, there may be cases with specific issues which may require referral to the registration board for individual consideration. This is done via an appeal.

560 **Hon. R M Clinton:** Mr Speaker, I am grateful for the Minister's response.

I have come across a number of individuals who have approached me with varying advice that has been given to them, some of which is contradictory. I would be grateful if the Minister could clarify for the House: if a self-employed individual is entirely up to date, how long would his health centre card be valid for? Would he be issued with a five-year card?

565 **Hon. N F Costa:** Yes, Mr Speaker.

Hon. R M Clinton: I am grateful for that answer and I will go back to the constituents and advise them of such. If a self-employed individual is given contrary advice, who should they contact? Who is responsible for this? Would it be the tax department or the GHA?

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Hon. N F Costa: Mr Speaker, they can either contact me directly by email or they can contact Rose Suissa, who is the Primary Health Care Centre Manager, but either of us will attend to it straightaway.

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Hon. R M Clinton: Mr Speaker, perhaps this is not a question but he should be aware that individuals have been asked to pay in advance, either monthly or for an entire year, to get health centre cards for renewal. I am happy to share this information with him behind the Speaker's Chair later on.

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Hon. N F Costa: Mr Speaker, that may have been in cases where the individual would have been in significant arrears for a number of years and therefore we would ask for a reasonable amount of cash payment so that we do not find ourselves in a position where a settlement arrears agreement is reached and then in the very first month we are once again in the position of arrears; and therefore, to establish trust between that particular person who owes arrears and the GHA, a reasonable amount is asked for. But if any individual feels that

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the amount being asked for is unreasonable, they can feel free to write to me directly.

Hon. E J Reyes: Mr Speaker may I, because I can give the Minister first-hand experience, having had to assist my son, who happens to be a self-employed person. Shortly after Christmas he was refused an appointment at the Health Centre because he was now self-employed and had to produce all the necessary documents for Social Insurance contributions. He was told that the card would be renewed for a month until the end of March and was therefore advised that he pay until the end of the financial year in advance, which he did until the end of June. Coming now to that expiry date, again he has been advised, as recently

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as the last few days, to pay the whole of the 2017-18 year in advance of Social Insurance contributions. This is fresh as this week progresses.

So there seems to be some contradictory information feeding through from the clerical side. I would be grateful if the Minister could look at it, because there are several cases that we know of and although it makes a certain sense that the Government has to protect that payments have been made, you cannot put a heavy burden on young self-employed people, that we all encourage, to start off having to pay a whole year of Social Insurance in advance.

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Hon. N F Costa: Yes, Mr Speaker, I agree with the hon. Gentleman that such a request would be counterintuitive and unacceptable, so I will certainly, after this session of the House, perhaps after the Budget session, call in Rose, who I have to say is formidable and very well acquainted with the work that she does. These must be individual cases which, unforgivably and unacceptably, have fallen through the net, but certainly your son should not have been put in that position. I will see to it that it is immediately rectified and I thank him for bringing it to my attention.

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Q354-355/2017

**Law Reform Commission –
Sentencing reforms; appointments to Commission**

610 **Clerk:** Question 354. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state what specific sentencing reforms it is looking to address in the context of the Law Reform Commission?

615 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the particular areas of sentencing reform to be looked at are yet to be finalised as it is my intention as Chairperson of the Commission to consult the Law Commissioners before a final decision is made.

620 I refer the hon. Gentleman to my –

Mr Speaker: He is answering the question together with Question 355.

625 **Hon. N F Costa:** Yes, sorry, Mr Speaker, in my eagerness I jumped the gun. I will answer this question together with Question 355.

Clerk: Question 355. The Hon. E J Phillips.

630 **Hon. E J Phillips:** Can the Government state the names of experts that will be appointed to the proposed Law Commission?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

635 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I refer the hon. Gentleman to my previous statements on this matter, where I stated that I intend to review local sentencing laws to ensure that they cater for the needs of Gibraltar, rather than being tied to sentencing guidelines which have evolved for another jurisdiction with its own particular issues and that may not necessarily apply to us.

640 It should also be noted that I have in the past said that there appear to be a number of classes of offence where, due to local circumstances, following UK guidelines does not always produce appropriate sentences for Gibraltar. These include, for example, offences of violence and sexual offences. It is these types of offences that I think should be looked into by the Commission.

645 As the hon. Gentleman will himself know, the issue of sentencing guidelines is a matter for the Hon. the Chief Justice in consultation with me. Any recommendations in this area will be communicated to the Chief Justice under section 484 of the Criminal Procedure and Evidence Act 2011 for him to take into regard when deciding whether or not to make any changes.

650 Additionally, it may be that the Commission will look into offences which have been part of our statute book for a number of years and which were legislated with maximum fines which did not refer to the standard scale of fines but rather to a set amount which with the passage of time has made the amount irrelevant. In undertaking an exercise in examining such offences, the Commission is able to propose new fines referring to the standard scale, which are more in keeping with the seriousness of each of these offences.

655 Finally, I am keen that the Commission be tasked with an examination of the parole system and the amount of time that persons serving custodial sentences must serve before being eligible to be released on licence. This is of particular relevance given the differences between the UK and local systems, which are not reflected in local sentencing practice.

660 In accordance with clause 4 of the Bill, it is intended that there will be initially appointed at least four Commissioners in addition to Her Majesty's Attorney General, who will be an ex-officio member, and the Minister with responsibility for Justice, who will act as Chairman. At least two of the Commissioners so appointed will be lawyers.

665 Of course, given the fact that the Bill will be debated in a few weeks' time, the hon. Gentleman will forgive me if I do not give the names of the persons it is intended to appoint as Commissioners today and I hope he will allow me to keep something for my Budget speech at the Bill's Second Reading.

670 **Hon. E J Phillips:** Mr Speaker, I am grateful for that response. Would the Hon. Minister agree that this is a significant undertaking in terms of the Law Commission, its constitution and also its terms of reference? It is a significant undertaking.

Hon. N F Costa: Yes, Mr Speaker, I agree that it is. At the same time we are very excited about the project and the work that would be undertaken.

675 I will tell him that the persons that we have approached to be appointed as Law Commissioners have all accepted and, as I say, I will reveal those names during the course of my Budget address.

680 **Hon. E J Phillips:** Just one further supplementary question: how long does the Government envisage this process will take? The reason why I ask the question about a significant undertaking is when we are looking at the jurisprudence and the development of precedent in the area of sentencing and sentencing notes by the judiciary, obviously there will be some inconsistency with what has been drawn from the United Kingdom in terms of their sentencing practice. Therefore, does the Government have any idea how long this process will take to develop that sentencing practice?

685 **Hon. N F Costa:** Mr Speaker, the answer is no on the basis that, as I explained at the beginning of my answer, I intend to consult with the Law Commissioners on which tasks we should tackle first. It may be that we decide at the first meeting to deal with discreet matters that can be dealt with expeditiously and certainly during the rest of this mandate. But as I say, it will be decided by the Law Commission at the first meeting and at that point I think we will have
690 a clear idea of what we are able to realistically achieve in whatever is left of this term of office.

Q356-358/2017

RGP investigations of fraud and dishonesty cases – Number; criminal proceedings; duration

Clerk: Question 356. The Hon. E J Phillips.

695 **Hon. E J Phillips:** Can the Government state the number of fraud or dishonesty cases which are currently being investigated by the Royal Gibraltar Police?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

700 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 357 and 358.

Clerk: Question 357. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state from the number of fraud or dishonesty cases currently being investigated by the RGP how many have resulted in criminal proceedings being brought?

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Clerk: Question 358. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state from the number of fraud or dishonesty cases currently being investigated by the RGP the duration of the investigations categorised into the following: (i) one month; (ii) three months; (iii) six months; (iv) nine months; (v) 12 months; or (vi) in excess of 12 months?

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Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

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Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the Royal Gibraltar Police can confirm that there are currently 12 major fraud investigations locally in Gibraltar. This, however, does not take into account the numerous investigations that the RGP assists other jurisdictions with.

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There are currently four major fraud cases where persons have been charged and are before the courts.

Additionally, the schedules which I am passing to the hon. Member set out the number of minor fraud and dishonesty offences which have been reported to the RGP during the last financial policing year. The second column shows the number of unresolved crimes, which means the matter is still under some form of investigation or before the courts.

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With regard to overall crime reported to the RGP in the 2016-17 policing year and related to minor fraud and dishonesty offences, the detection rates contained in the schedule have been recorded by the RGP. A detection is recorded only once the person has been judicially dealt with by the courts and has been found to have been responsible for the crime or a police caution has been accepted.

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The duration of current investigations by the RGP for major fraud offences is as follows: one month, one case; three months, two cases; six months, two cases; nine months, two cases; 12 months, one case; in excess of 12 months, four cases.

Mr Speaker, it is impracticable, in the sense of time consuming, for the Royal Gibraltar Police to calculate the duration of investigation for each minor fraud or dishonesty offence reported to the police.

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Answer to Question 356

Offence	Total	Live
Fraud by Abuse of Position	2	1
Fraud by False Representation	72	55
Fraud by False Representation (attempted)	2	1
Passing, etc. of Counterfeit Notes and Coins	11	11
Using a False Instrument	2	2

Offence	Total	Live
Acquisition / Possession / Use of Proceeds of Criminal Conduct	10	1
Assisting another to Retain the Benefit of Criminal Conduct	3	2
Concealing or Transferring Proceeds of Criminal Conduct	4	3
Failing to apply Customer Due Diligence Measures	2	2
Offence	Total	Live
Going Equipped for Stealing, etc.	9	4
Interfering with Vehicles	3	3
Making Off without Payment	42	31
Taking a Conveyance without Authority	29	17
Theft: Value under £500	286	209
Theft: Value under £500 (attempted)	21	6

Offence	Total	Live
Assault with Intent to Rob	2	2
Blackmail	2	2
Burglary	67	34
Burglary (attempted)	9	8
Handling Stolen Goods	21	7
Robbery	4	3
Robbery (attempted)	1	1
Theft: Value over £500	103	90
Theft: Value over £500 (attempted)	9	3

Answer to Question 357

Offence	Investigations	Detected
False Accounting	4	4
Fraud by Abuse of Position	2	1
Fraud by False Representation	72	13
Fraud by False Representation (attempted)	2	1
Holding Out to be a Commissioner for Oaths	1	1
Passing, etc. of Counterfeit Notes and Coins	11	0
Possession of a forged instrument	1	1
Using a False Instrument	2	0

Offence	Investigations	Detected
Acquisition / Possession / Use of Proceeds of Criminal Conduct	10	9
Assisting another to Retain the Benefit of Criminal Conduct	3	1
Concealing or Transferring Proceeds of Criminal Conduct	4	1
Failing to apply Customer Due Diligence Measures	2	0

Offence	Investigations	Detected
Going Equipped for Stealing, etc.	9	5
Interfering with Vehicles	3	0
Making Off without Payment	42	11
Taking a Conveyance without Authority	29	12
Theft: Value under £500	286	77
Theft: Value under £500 (attempted)	21	15

Offence	Investigations	Detected
Aggravated Burglary	1	1
Aggravated Vehicle Taking	1	1
Assault with Intent to Rob	2	0
Blackmail	2	0
Burglary	67	33
Burglary (attempted)	9	1
Handling Stolen Goods	21	14
Robbery	4	1
Robbery (attempted)	1	0
Theft: Value over £500	103	13
Theft: Value over £500 (attempted)	9	6

740 **Hon. E J Phillips:** Just one question arising from the answer that the Hon. Minister gave, without looking at this stage at the schedule – and I will deal with that later on, if I may, Mr Speaker: insofar as the characterisation of major and minor fraud cases, can the Minister confirm that those are categorised by reference either to value and/or complexity?

745 **Hon. N F Costa:** Mr Speaker, the RGP define a major fraud case as one assessed where the loss is in excess of £10,000. Anything under is categorised as a minor fraud or dishonesty offence. So it is a numerical value attached as to whether it is classified as one or the other.

The Speaker: Next question. We can come back to the schedules.

Q359/2017
Human Resources Manager –
Substitute post holder

750 **Clerk:** Question 359. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, who is performing the functions of Human Resources Manager at the GHA?

755 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, a senior official, substituting to the grade of Senior Executive Officer, presently covers this role.

760 **Hon. D A Feetham:** Mr Speaker, I understand that the former Human Resources Manager is now in the Licensing Office. Can the hon. Gentleman explain why there has been a change in personnel occupying this particular post?

765 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am sorry to say to the hon. Gentleman that his information is once again incorrect: the former Head of Human Resources at the GHA is not at the Licensing Office.

There has never been any comment in this House as to the movement of civil servants from one Department to another. They are interchangeable. Those are the rules of the Civil Service

770 and that is neither subject to a referendum in the Civil Service as to whether people move or do not move, in particular at that grade, or indeed to a debate in this House.

775 **Hon. D A Feetham:** Mr Speaker, nobody is wanting to debate this particular issue; I just want an understanding of whether there are any particular policy reasons as to the transfer of this particular gentleman, who I know was occupying this particular post for some time, elsewhere. If I am mistaken that he has been transferred to the Licensing Department, in fact maybe it is the nomenclature that I have actually used, because I have dealt with this particular individual in relation to residency permits and indeed he has dealt with my queries in his new role very well indeed. It is the policy that I am interested in and whether there are any policy reasons for this particular change.

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Hon. Chief Minister: Mr Speaker, the policy is that civil servants are freely transferable, and that has been not just the policy – it is the terms and conditions of engagement of civil servants. We have very effective civil servants at every grade who do a very good job where they were and where they are, and so there is no policy reason for anybody being moved, because moving people from one place to another is not a matter of policy, it is a matter of people playing to their strengths and doing the jobs that the Government needs done in order to provide the public with the service that we endeavour to provide.

785 The Department, Mr Speaker, which has not changed in nomenclature under my administration but is the same Department that would have been in place when he was in Government, is the CSRO, Civil Status and Registration Office. We do not license people in Gibraltar, Mr Speaker, we register them.

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Q360/2017
ERS Facilities Manager –
Recruitment process

Clerk: Question 360. The Hon. Ms M D Hassan Nahon.

795 **Hon. Ms M D Hassan Nahon:** In connection with the appointment of the Facilities Manager or equivalent at the ERS, can the Minister for Health explain what the recruitment process has been for this post in the context of qualification and experience?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

800 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, to date there has been no appointment to this post.

Hon. Ms M D Hassan Nahon: Mr Speaker, can the Health Minister kindly confirm whether this post is open and will be filled, or are they looking to fill it?

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Hon. N F Costa: Mr Speaker, all I can say really at this stage is that from my understanding there has been no movement in respect of this particular post since I became Minister for Health. The hon. Lady knows, because we have discussed it in the past, that we are in the process of integrating Elderly Residential Services into the GHA so are currently evaluating all posts relating to their effectiveness. But, as I say, since I was appointed Health Minister there has been no movement in relation to this post.

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Q361/2017
Primary Care Clinic Health Visitor –
Recruitment process

Clerk: Question 361. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: In connection with the new appointment at the Primary Care Clinic for the post of Health Visitor, can the Minister for Health explain what the recruitment process has been for this position in the context of qualification and experience?
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Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, there has been no recruitment process for the post of Health Visitor as the post is currently filled with a contract nurse.
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Hon. Ms M D Hassan Nahon: Mr Speaker, does the Health Minister consider it fair that there is another health visitor, because I understand there are two health visitors, or there should be two health visitors, at any time and that the other health visitor only got the job by an interview process presentation to panel, and is it fair that the latest recruit for this position has not had to go through the same channels?
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Hon. N. F Costa: Mr Speaker, as I have told the hon. Lady, there has been no recruitment to the post. Therefore, at the point that there is recruitment the usual recruitment procedures will apply, and if that is what ordinarily happens, that the health visitor is requested to prepare a presentation and, I imagine, subject herself or himself to an interview, then that will be the process that will be followed at that time. But currently there is already a contract nurse occupying the post.
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Hon. Ms M D Hassan Nahon: Mr Speaker, can the Health Minister, or perhaps the Education Minister, give us some clarification that there is currently a junior staff nurse who was sent to the UK through the Education back door, a candidate well known to the GSLP family, and will be placed in this position in a very short time frame?
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Hon. N F Costa: Mr Speaker, the hon. Lady and I have discussed this in the bunk of No. 6, at the Piazza Grill downstairs, which we affectionately call the Lower House, and I have told her that her information is incorrect. She has written to me on the subject. I have had my principal secretary Mrs Cervan write to her. Clearly, unfortunately, on this occasion she seems not to trust what I have told her by email, but I can assure her that what I tell her in the Piazza Grill I do as if I were answering her in this House and I always live on the basis that all the decisions that I take will be subject to her scrutiny and to the scrutiny of hon. Members opposite.
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Let me just tell her that her information is so incorrect that this lady to whom she alludes is not a junior nurse; she is a registered general nurse, which, as she will know, is higher than a nursing assistant, higher than an enrolled nurse. She is a tier-one nurse. So, please, let her leave this House in the knowledge that her information is skewed and it is incorrect. I have told her orally, I have told her by email, I have now said so under the Speaker's Chair and I can assure her that there is no explanation other than what I have already iterated to her orally and in writing and now under my responsibility in this House to give to her full and frank disclosure.
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Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister for Health for his explanation and it is indeed true that I have been chasing this matter for many months because I and many workers within the GHA consider this situation very disconcerting. And it is true that the Minister

860 often and any time that I ask for any information can see that I have come in good faith. This is
why I have been waiting for this question. But I have to say that it is precisely because I have not
been satisfied with the answers given by his officials that I have felt a need to raise it. So perhaps
if I can ask the question: once this candidate completes her studies and comes back, should she
be given the position, perhaps the Minister for Health will indulge in answering whether all this
865 coincidence, shall we say, in placing her was in fact a fait accompli or not.

Hon. N F Costa: Mr Speaker, I have already told the hon. Lady that her information is
incorrect: she is already a registered general nurse. The RGN is a tier-one nurse. They undergo
what I understand to be an excruciating three-year degree and she completed her BSc (Hons) via
870 the School of Health Studies. So I can assure her that this is not a junior grade, this is a fully
qualified tier-one professional, and at the point that the contract nurse's term of engagement
expires, then, as I understand it from the supplementary information given to me, the position
will be, in the usual manner, advertised internally for people to apply.

But let me also tell her, Mr Speaker, that since I have been Health Minister, I have on many
875 different occasions seen a need for our GNs or ENs in one part of the GHA and without any
internal vacancy or without any other process I have asked the Director of Nursing whether we
could reorganise and restructure the nursing cohorts so that one ward could do with perhaps
having less particular tier nurse and move to another. In other words, what I am trying to tell her
is that it would not be at all unusual if this lady who is currently undertaking the work ... because
880 she is a fully qualified nurse, at the point that the contract nurse's contract expires I am advised
clinically by the Director of Nursing that she is suitable to carry out the post. But let me assure
her that if she were not, she would not be placed in that position, because she knows me well
enough to know that my first concern, as is the concern of every single person on this bench, is
patients' safety, dignity and compassionate care by highly qualified and skilled people.

885 Thank you.

Tribute to victims of attacks in London, Manchester and Brussels and Grenfell Tower fire

Chief Minister (Hon. F R Picardo): Mr Speaker, I do not mean to interfere in the debate of
supplementaries, but I am afraid ... If the hon. Lady will allow me just to recess the House
quickly, because we are going to pay a tribute in a moment.

If I can just ask the House to reflect as we go downstairs that this is the first meeting of the
890 House since the attack at the Manchester Arena, which incredibly is just over a month ago, the
Borough Market attack, the Finsbury Mosque attack and the tragedy at Grenfell Tower.

In relation to the Manchester Arena, I think many of us could not believe that we were
witnessing such a vicious terrorist attack at an event that was, in effect, attended by young
people and children, some of whom were just having a great night out.

895 At Borough Market, Mr Speaker, a place where people were enjoying an evening out in that
fantastic city that is London, again terrorists trying to change people's ability to enjoy freedom
and liberty, especially in a city as cosmopolitan as London.

And then only two days ago, at Finsbury Mosque, a cowardly attempt to create a conflict of
religions and civilisations where a man died because he was in the region of his place of worship
900 and his place of worship was attacked. Terrorists are terrorists, Mr Speaker, whatever religion
they may be, whatever religion, or no religion, of the persons that they kill.

And yesterday in Brussels another attempted attack, where I am sorry to say some
Gibraltarians were in the region of the attempted attack but were very lucky to be able to see
that attack thwarted.

905 It is also, Mr Speaker, exactly a week since the horrific event of the Grenfell Tower, which has
led us, of course, in Gibraltar to have to check quickly – as the Minister for Housing and the City
Fire Brigade and all the other relevant parts of Government have done – the work that has been
done on our own high-rise buildings, on which no doubt we will be saying more. We have seen
such horrific scenes. Everyone watching the news I think will have been horrified and will likely
910 have turned away to see what was happening in London.

I ask the House, Mr Speaker, to show its grief, in respect and its condolences by recessing so
that we may assemble downstairs for a minute's silence at 12 o'clock, where we will be joined
by His Excellency the Governor and by the religious leaders of our community. So I therefore
invite the House to now recess.

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Mr Speaker: The House will now have a short recess.

The House recessed at 11.55 a.m. and resumed its sitting at 12.06 p.m.

Q361/2017 continued

Mr Speaker: We were dealing with supplementaries arising from Question 361. Any other
supplementary?

920 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am sorry, I got cut off my line of thought a little
bit. If I can just pick myself up again ... I and the Minister for Health share a very good
relationship in the interests of this community and he knows very well that where I can get
answers privately in order to help people I try not to go public if it is not needed.

I repeat: precisely because I was not satisfied by the answers I was being given in the GHA I
925 have continued to prod on this issue. I accept that the Minister for Health is trying to be
forthcoming and from where he is standing there is nothing untoward about this appointment.
But let me just put it this way: if this candidate who has been given – by the Department of
Education, it seems – a scholarship to go and train for this post which has not been filled and
then this candidate comes back and then this candidate gets this post, can the Minister for
930 Health not understand why the public or even the staff at the GHA might find it disconcerting
that all the factors have lined up in order for this candidate to get the job?

Hon. N F Costa: Mr Speaker, I think that the hon. Lady needs to be reminded of the facts. The
first fact is that there has been no appointment. She needs to understand that. In the course of
935 her supplementary question she once again said that there had been an appointment as a fact.
There has been no appointment. There is currently a contract nurse that is filling that position.

I think it is unfair to this particular person to have suggested in her first supplementary to me
that she has somehow got in through the back door. This is a registered general nurse and I can
assure the hon. Lady that they do not gift those degrees as though they were either confetti or
940 sweets. They are hard degrees, and due to dint of her diligence and her perseverance she
qualified as a registered general nurse, which is tier one of nursing. We should congratulate our
local brothers and sisters who go to the UK to be able to qualify in professions that we can
actually give them a job in to serve our community with compassion and with skill. (*Banging on
desks*) She then, after, was successful in an application to do a further course of study for a
945 Specialist Community Public Health scholarship. She was not gifted it by the Department of
Education. She had to apply as everyone else applies and after the application, and after due
consideration by what I know are excellent professionals at the Department of Education, she
was granted the right to attend John Moores University in September of last year, to be

completed in summer of this year, to do the course of Specialist Community Public Health
950 Nursing.

Mr Speaker, further, it is important to note that in the GHA – and my hon. and illustrious
predecessor will correct me if I am wrong – there is only one other Gibraltar health visitor. In
fact, I think there are only two health visitors in the entire GHA. So we have a Gibraltar who
955 successfully completes a Bachelor of Science and becomes a top tier-one registered general
nurse. She then applies again to continue and further her education and she is successful, she is
given a scholarship, and all that we are saying to the hon. Lady opposite – and I have said this to
her in this House and previously by email and when we meet socially – is that she has not been
appointed to this. Whether or not this lady will become the health visitor in this particular post
will not be determined by me, I can assure her. It will be determined on the basis of clinical
960 advice and nothing else.

So, no, Mr Speaker, there is no back door. No, Mr Speaker, there is no hanky-panky. No, Mr
Speaker, this is being done entirely properly and everyone on this side of the House will applaud
the fact that a Gibraltar has been successful as an RGN, has been successful to get a
scholarship and we have now a second Gibraltar health visitor. And the fact that there are
965 only two health visitors out of a complement of 500 nurses has to mean, by necessity, that not
many Gibaltarians want to be health visitors, so good for her! (*Banging on desks*)

Hon. Ms M D Hassan Nahon: Mr Speaker, will the post of health visitor, given that there is a
contract nurse at the moment whose contract will be finishing in September, be opening up in
970 September?

Hon. N F Costa: Mr Speaker, as I have told her during the course of one of my answers to her
supplementary, whether or not this person is appointed to the position which is currently being
filled in by the contract nurse will be determined by the Clinical Manager in consultation with
975 the Nursing Director once the position becomes available, and whether or not she is successful
will solely depend on the advice that I receive from the Clinical Nurse Manager.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): If
I may assist – because this is nothing new, Mr Speaker – there have been similar cases going
980 back years, and I believe beyond when we came into office, in other disciplines. The only thing is
that there are so few health visitors that this may attract people's attention.

Midwives have regularly gone to study midwifery. Qualified nurses have got scholarships
through the Education Department to study midwifery and have come back and have been
slotted in to replace contract workers. This has been happening for years, there is nothing new,
985 so I do not understand why this particular young lady, who has gone out of her way, who wants
to specialist and train and take her place rightfully within the Gibraltar Health Authority, is being
singled out by the Member opposite. (*Banging on desks*)

Hon. Ms M D Hassan Nahon: Mr Speaker, can I just say that I am by no means singling out
990 anybody. I am trying to bring to light an issue that is of concern to many GHA workers and I think
that they deserve an explanation. This is not about the individual; this is about procedure and
process.

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

Mr Speaker: Yes.

Hon. D A Feetham: Mr Speaker, just one question. In listening to these exchanges across the
floor of the House, there appears to be an assumption on the part of the Minister in his answers
1000 that this lady, who is now qualified, or has recently qualified in the United Kingdom, is actually

going to be applying for this particular post. Has the Minister received an indication that that is so, and that is why in his answers he is basically taking it as a given that this lady is going to be applying for this particular post?

1005 **Hon. N F Costa:** Mr Speaker, the question as phrased by the hon. Lady was suggesting a back door and that is why I have answered in the way that I have. But the facts as presented to me by Mrs Cervan in the supplementary information are that this particular lady approached the Acting Director of Nursing in September 2016, that she was interested in pursuing this training, that she had been successful in obtaining the scholarship and they discussed the career opportunities and possibilities. But as I have told the hon. Lady and I will repeat to the hon. Gentleman, there has not been a determination. I promise him there has not been a determination –

Hon. D A Feetham: There is no vacancy.

1015 **Hon. N F Costa:** Absolutely. That is right. As I have also said, there is currently a contract nurse, but once the contract expires the vacancy will then be available, and then from within the GHA they will make a determination of who is suitable. But the point that I also made to the hon. Lady is that there are only two, so she will not be the only person who can apply: the other health visitor lady could also apply once the position becomes available.

1020 **Mr Speaker:** Next question.

Q362/2017
St Bernard's Hospital –
Press officer

Clerk: Question 362. The Hon. Ms M D Hassan Nahon.

1025 **Hon. Ms M D Hassan Nahon:** Is there a press officer stationed at the seventh floor of St Bernard's Hospital; and if so, what does his or her work entail?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1030 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, there is no press officer stationed at the seventh floor of St Bernard's Hospital.

Q363/2017
GHA Heads of Department –
Meeting with Minister to discuss concerns

Clerk: Question 363. The Hon. Ms M D Hassan Nahon.

1035 **Hon. Ms M D Hassan Nahon:** Has the Health Minister met with all Heads of Department at the GHA in order to listen to their concerns?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, yes.

1040 **Hon. Ms M D Hassan Nahon:** Mr Speaker, what would I tell a few of the Heads of Department who claim that they still have not met with the Health Minister and are dying for the opportunity to voice their concerns?

Hon. N F Costa: That they are not the Head of the Department.

1045 **Hon. Ms M D Hassan Nahon:** I believe there is some sort of discrepancy here because there are a few who claim that they have not met and are Heads of Department, so perhaps ...

1050 **Hon. N F Costa:** Mr Speaker, perhaps to clear up any ambiguity: I have met with the Medical Director approximately 172 times, for his sins; the Public Health Director 43 times – obviously he was good in a former life and has not been subjected to me for as much as the Medical Director; Clinical Nurse Managers, around once a month; the Acting Human Resources Manager – it says here 68, but I doubt that the poor fellow had so much luck and it is probably a lot more than that; the Director of Nursing – I just met with her this morning, I see her very regularly, I would say perhaps three or four times a week; the Director of Finance, around 16 times; Ocean Views Manager, around 43; the St Bernard's Hospital Operations Manager, around 11; the PCC Manager, truly for her sins around 172 or 173 times; and the I&T Director, around 12 or 13 times.

Mr Speaker: Next question.

Q364/2017

Patients requiring mental health assistance – Out-of-hours arrangements

1060 **Clerk:** Question 364. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What 24-hour arrangements are there in place for patients who require mental assistance, especially on weekends?

1065 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

1070 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, at present, there is assistance from the Community Mental Health Team during working hours and an on-call crisis team – composed of a consultant psychiatrist, a mental welfare officer, and a registered mental health charge nurse – who deal with emergencies, assessments and admissions out of normal working hours.

1075 Mr Speaker, I am delighted to report today in this House for the first time that as from yesterday the Community Mental Health Team services will be further enhanced by the introduction of an outreach support component for community patients. The service will be provided by experienced qualified nurses who will be on call after normal working hours, including on weekends. The main aim is to offer an extra tier of support for our community patients outside normal working hours. Although still at embryonic stages, the new extension to the service will see the phased introduction of a number of new initiatives aimed exclusively at improving the quality of life for patients and carers in the community and will continue to develop as the services grow.

1080 It is important, Mr Speaker, I think, at this point to highlight the answer that I gave to the Hon. Mr Clinton that the re-admission rate is at 2.8%, and we hope that with this new community outreach service support we will be able to do even better on that figure.

1085 It is important to note that, although a high standard of care is presently on offer, the new
component will ensure that a more robust support network is available to patients after hours
and will be a welcome addition to the existing on-call team. Some of the services that will be
available will include: a nursing after-hours on-call service from five o'clock in the afternoon until
eight in the morning, seven days a week, including Bank Holidays; improved discharge packages
1090 incorporating more supportive structures for people moving back into the community from
Ocean Views; improved supervision and management of patient caseloads that require more
input or monitoring; increase in frequency of home visits and checking compliance with
medication.

Following the necessary training, a mental health support line will be available to our known
patients/carers incorporating a combination of phone and physical presence and, where
1095 necessary, linking with the excellent team at Club House to offer advice and support.

It is anticipated that this improved approach will have a positive impact in reducing the need
for admissions or length of stay in hospital.

Mr Speaker, by way of additional information I think it is also important to say that the Hon.
the Deputy Chief Minister, the Hon. the Chief Minister and I are very much in close discussions
1100 with Sams Gibraltar and we are looking to work closely with them to reinforce and add resilience
to the additional community outreach programme that I have just announced today in the
House.

Hon. Ms M D Hassan Nahon: Mr Speaker, I congratulate the Minister and the Government
1105 for such a well thought-out package and I thank him as a citizen. I think it will benefit many,
many people.

Can I ask when can we expect this service to be advertised and the number known to the
public. I personally receive many desperate pleas from people, and obviously I am not equipped
to deal with mental health issues so I am looking forward to the day when this will actually be up
1110 and running. Can we have some type of timeframe, please?

Hon. N F Costa: Yes, Mr Speaker. The process that we followed was that we opened internal
vacancies for three enrolled nurses who have got specialised training in mental health, and
those three enrolled nurses are now currently undergoing extra training to make sure that when
1115 they receive calls, and indeed when they make house visits, which for me was one of the most
important parts and components of the new strategy, that nurses are able to visit persons who
are in the community who have been discharged from Ocean Views and they are able to check
on medication and of course provide any other medical assistance that an enrolled nurse can
provide ... We should be in a position to, the training having been completed in time, to fully roll
1120 out this programme by before the Parliament recesses for summer. So hopefully at some point
in July.

Mr Speaker: The Hon. Roy Clinton.

1125 **Hon. R M Clinton:** Mr Speaker, may I add my congratulations to the Minister, along with
those of the hon. Lady. As this House will recall, we both debated or brought separate motions
to this House in relation to the continuity of care for mental health patients in the community
and that more should be done to help the most vulnerable in the community.

May I ask the Minister whether this initiative, which is obviously much welcomed on this side
1130 of the House, was as a result of any review that was undertaken; and if so, would the Minister
be willing to publish details of that review?

Hon. N F Costa: Mr Speaker, if the hon. Gentleman is asking me whether it was part of a
formal review, no it was not. When I became Minister for Health, one of the things that struck
1135 me was that there should be a more robust and resilient community process where we ensured

1140 that persons who have been discharged from Ocean Views do not return to Ocean Views. And although there has already been, as I said before, a psychiatrist, a community mental welfare officer and a nurse that deal with after-hours support, in our estimation it was sound but not enough. Therefore, that is why we rolled it out, and I have and congratulate Kay and Chris Chipolina who have provided us with the clinical advice on that after having also received advice from Mr Manolo Peralta and from other members of the Community Mental Health team that this additional level of support will be sufficient. But of course, like with any new pilot programme that the Government deploys, we will have to wait and see whether three enrolled nurses are enough or whether that needs to be considered at an additional time.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for the additional information. Just one final question: will an element of this service be available to the families of service users who may have concerns?

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Hon. N F Costa: Absolutely, Mr Speaker, yes.

HOUSING AND EQUALITY

Q365/2017

Government dwellings – Number vacant and/or derelict

Clerk: Question 365. The Hon. E J Reyes.

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Hon. E J Reyes: Mr Speaker, following on from the answer provided to Question 288/2017, is the Minister for Housing now in a position to say how many Government dwellings are currently vacant and/or derelict in Gibraltar?

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

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Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, as previously advised, we are undertaking an in-depth study of all properties and this is ongoing.

Hon. E J Reyes: Mr Speaker, does the Minister have an indication by when this study will be completed – to avoid me having to make the question unnecessarily if I have a rough estimate?

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Hon. Miss S J Sacramento: Mr Speaker, I envisage that it will be ready now after the summer. However, the hon. Gentleman may recall that he has asked me a separate question about vacant flats and there are figures, in that it is a written question so he will get it in a written answer. But the exercise that we are undertaking is in respect of flats that are derelict and may no longer be, or we may decide are beyond economical repair.

Q366-367/2017

**Laguna, Glacis and Moorish Castle Estates –
Completed and pending refurbishment works**

1170 **Clerk:** Question 366. The Hon. E J Reyes.

Hon. E J Reyes. Can the Minister for Housing provide an updated list of all refurbishment works already fully completed, with details of commencement and completion dates and naming the individual blocks of flats where concerned, within the following rental housing estates: (a) Laguna Estate; (b) Glacis Estate; and (c) Moorish Castle Estate?
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Clerk: Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 367.
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Clerk: Question 367. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide revised and updated estimated completion dates of pending refurbishment works, naming the individual blocks of flats where concerned, still being undertaken at the following rental housing estates: (a) Laguna Estate; (b) Glacis Estate; and (c) Moorish Castle Estate?
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Clerk: Answer, the Hon. the Minister for Housing and Equality.
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Hon. Miss S J Sacramento: Mr Speaker, in answer to Question 366/2017, the following refurbishment works have been completed.

For part (a): Rodney House, September 2013 to November 2016.

For part (b): George Jeger House, commencement September 2013, completion December 2016; Referendum House, September 2013 to December 2016; Constitution House, February 2014 to December 2016; Brother O'Brien, June 2014 to December 2016; Portmore House, June 2014 to December 2016; Gustavo Bacarisa House, August 2014 to November 2016; Ironside House, November 2014 to November 2016.
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For part (c): Calpe House, September 2014 to November 2016; Castle House, September 2013 to April 2017; Ince House, November 2013 to April 2017; Wall House, February 2014 to April 2017; and Key House, September 2014 to May 2017.
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In answer to Question 367, the following are the target dates for completion of the refurbishment of these estates. Estate (a) Laguna, December 2018; Estate (b) Glacis, December 2017; Estate (c) Moorish Castle, December 2017.
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Hon. E J Reyes: Mr Speaker, the Minister has given me comprehensive information. However, in respect of Question 367 I did ask for the naming of the individual blocks of flats, where concerned. It is so that when I do meet with tenants from those estates I can then home in and at least we know for certain that a block that is still on the list of pending refurbishment works to be completed is not one that has been completed and it allows the tenants to be in a better position to know if works are still to be carried out.
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Hon. Miss S J Sacramento: Mr Speaker, the answer is phrased in the way that it is because we have moved on from the initial way in which we were phasing the works at the estates. As you can see from the list of blocks that I have highlighted in Question 366, a lot of these blocks have been completed, so we are no longer working within the estates in phases as we were. The way we are working towards completion is works across the board in terms of all the blocks, so
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essentially we have the same completion date for everything that remains in the refurbishment process.

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Hon. E J Reyes: Yes, Mr Speaker, I think I understand what the Minister is saying, but if I give you one quick example. In Question 366 for Glacis Estate the Minister referred to Brother O'Brien House. In Question 367, by not homing in or not being able to provide details of the block, the residents of Brother O'Brien are still uncertain if any internal refurbishments have to be carried out – or is everything now ticked off and therefore no further works are to happen? Were that to be the case, the tenants may wish to get together and plead with Government that the works have not quite gone as far as they were led to believe. This is why I thought this information could help to perhaps calm their fears.

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Hon. Miss S J Sacramento: Yes, Mr Speaker, insofar as Brother O'Brien, and indeed all the other blocks that are listed in part (b) of my answer to Question 366, all of these are now completed. We are at a stage where we have completion but we are finalising on the snagging of the completion works, The answer to that is that we have completion subject to snagging.

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Hon. E J Reyes: I will leave it at that, Mr Speaker, and if need be after the summer recess I can then clarify any further points with the Minister.

Q368/2017

Government rental housing estates – Intended new refurbishment works

Clerk: Question 368. The Hon. E J Reyes.

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Hon. E J Reyes: Can the Minister for Housing provide details of what new refurbishment works it intends to carry out at any Government rental housing estates in the immediate future?

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

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Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, we will continue to invest in the refurbishment of all Government housing estates and there is a programme of works to ensure that estates continue to be refurbished as well as maintained. More details will be announced in respect of the estates to be tackled and dates when the works will be undertaken.

Q369/2017

Alameda House – Works re fresh water system

Clerk: Question 369. The Hon. E J Reyes.

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Hon. E J Reyes: Can the Minister for Housing provide details of remedial works undertaken and/or works still to be undertaken or completed, to the supply of the fresh water system at Alameda House in Alameda Estate, indicating if they are of a permanent or temporary arrangement?

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

1260 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the fresh water supply at Alameda Estate was provisionally rerouted externally via corridors as an emergency measure. The provisional installation is currently being secured within the inner side of the common areas to afford protection against extreme weather conditions, vandalism and accidental damage until a permanent re-routing solution is implemented as part of the forthcoming external refurbishment of Alameda House.

1265 **Hon. E J Reyes:** Mr Speaker, I am grateful and I am certain that the tenants will welcome that eventually a more permanent thing will happen. Any possibility of an indication of the dates when these external works would take place at Alameda House that will finalise the works that unfortunately had to be taken to the fresh water supply system at Alameda House?

1270 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, in respect of Alameda House we are on track with our refurbishment plan and it is envisaged that the external refurbishment of Alameda House will commence in January 2018.

Q370/2017

**Homeless and drug-dependent ex-offenders –
Access to Government accommodation**

Clerk: Question 370. The Hon. E J Phillips.

1275 **Hon. E J Phillips:** Can the Government state what arrangements are in place for those who have completed a custodial sentence, have no place of residence and have drug dependency issues to immediately access Government accommodation?

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

1280 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, arrangements have been established between the Housing Department and all partner bodies, where cases of people falling under this category are discussed on a multi-agency basis and suitable accommodation is identified in accordance with Government allocation policies.

1285 **Hon. E J Phillips:** Just one further question arising from that: does that mean, Minister, that as soon as someone is released from prison having completed that custodial sentence, that arrangements are either put in place before they simply make their application for urgent rehousing or housing? How does it work on a practical level for those people to access accommodation in those circumstances? I am grateful.

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Hon. Miss S J Sacramento: Mr Speaker, under the new arrangements we do not wait for someone to have completed their sentence. This is where the Housing Department works with the prison authorities and social workers, probation officers or drugs workers, depending on the offender, to assist them in their reintegration prior to release. They will assist them in making an application.

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What I have said is that their application will be considered in accordance with the housing allocation policies. That is not to say that someone will automatically be rehoused upon release but that their application will be considered in line with the policy. If in consideration in line with the policy it means that the person meets the criteria for rehousing, they will be rehoused but

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they will be rehoused because they meet the housing criteria as opposed to an automatic rehousing because they have been in prison. I hope that is clear.

1305 **Hon. E J Phillips:** It is, yes. One further question: insofar as immediate homelessness is concerned, I assume that criteria speeds up their process.

1310 **Hon. Miss S J Sacramento:** It will be treated in the same way as a case of homelessness is concerned. It is not an automatic case that someone who finishes serving a custodial sentence will be rehoused by the Housing Department; that person may have a house to go back to. If that person is likely to be vulnerable or at risk because they are homeless, then the case will be treated as a homeless case in the same way that other cases are treated and they will be given priority accordingly.

Thank you.

Q371/2017
Assisted living flats –
Allocation to old age pensioners

1315 **Clerk:** Question 371. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is this Government's policy in relation to allocating assisted living flats to old age pensioners?

1320 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, Government does not have assisted living flats for old age pensioners.

1325 **Hon. Ms M D Hassan Nahon:** Mr Speaker, firstly, can I just clarify the term I am using so that the Minister understands: the ones like Sea Master Lodge and Charles Bruzon House – what are they known as?

1330 **Hon. Miss S J Sacramento:** Mr Speaker, those are flats that are purpose built for the elderly. They are not assisted living flats. Assisted living flats are something completely different and it is something that ... In the UK, for example, assisted living flats for the elderly would have live-in assistance or some kind of care or assistance provided to them as part of the package of the flat.

1335 The flats that we have are flats for elderly people, for pensioners, and the two latest blocks that our Government has built and which we inaugurated recently have been specifically purposely built and are completely accessible for the needs of elderly people to help them live independently in the community. If these are the flats that the hon. Lady is referring to, flats such as Charles Bruzon House and Sea Master Lodge etc., then the criteria used for allocating these is primarily for people who are elderly and are on the medical list. Allocations are also made to the people who may be on the housing exchange list. Those are the two primary ways of people being rehoused in these flats that are purposely built for the elderly.

1340 **Hon. E J Reyes:** May I, Mr Speaker? In connection with that, the hon. Lady has just explained the criteria and the priority being given to those on the medical list and so on, which I think is a well-established norm. However, Mr Speaker, could the Minister enlighten us: is it correct that there are those elderly people on the medical list who have been led to believe that because
1345 they are renting from a private landlord at present and not from the Government rental stock

that they will not be eligible to move into these flats? Can the Minister confirm or deny that, so that we can allay certain fears?

1350 **Hon. Miss S J Sacramento:** No, that is not the case at all, because those individuals are entitled to be applicants and, as applicants, if they are then considered to be on the medical list they will be on the medical list just like anybody else who is a current housing tenant. So it is not to say that only people who are housing tenants and on the exchange list are eligible for the elderly flats. Anybody on the waiting list, depending on where they are at this stage, would be allocated one of these flats, and indeed we have allocated many of these. So that is absolutely
1355 not true.

1360 **Hon. E J Reyes:** I thank her, Mr Speaker. I know what elderly people are like... I already fall into the category of those of us who are on the 60-plus! I am not saying that her Ministry or Department are necessarily incorrect in the information they give, but elderly people can sometimes easily misunderstand. More than one person came out from meetings at the Housing Ministry saying, 'Yes, but we've been told there's a huge disadvantage because we don't have a Government flat to return back to the stock,' something that I know previous Governments have also at times had to use that priority – if an elderly couple, for example, could be occupying a 4RKB and are on the medical list and would benefit from moving down to the 2RKB in, for
1365 example, the beautiful Charles Bruzon House, and release a 4RKB. But certainly it is good news to hear that because someone is renting from the private sector it does not necessarily exclude them from the list and therefore if there are still any misunderstandings I will take it up personally with the lady, like we do on a couple of occasions.

1370 **Hon. Miss S J Sacramento:** No, Mr Speaker, the supplementary question was as to eligibility and I can confirm that as long as people meet the criteria to be an applicant for housing – and someone who is in a private rental would meet the criteria – then there is no reason why they cannot be on there. The rules are very clear and I know that the Department explains it very clearly.
1375

Mr Speaker: The Hon. Marlene Hassan Nahon.

1380 **Hon. Ms M D Hassan Nahon:** My supplementary was pretty much along the same lines as the hon. Gentleman on my right, in that I have had a couple of complaints from constituents who feel that because they are not on the Government tenants list and are renting privately ... old age pensioners want to be eligible to rent these old age pensioner flats – we are not calling it assisted living – so I will go back and tell them that they are not prejudiced in any way and they have the same rights as any existing Government tenant. Is that right?

1385 **Hon. Miss S J Sacramento:** Yes. What the Department does when they consider allocation, because there is a difference between eligibility and your entitlement to be on the list and how then your application is considered and the urgency and the weight that you are given when allocation ... At the time of allocation we look at who at that point on the list will need it most. So, if someone is on the waiting list and is in a private rental but may be particularly old or frail
1390 and living in a flat that is extremely inaccessible for them, which means that they have a very poor quality of life, then that person would have priority over somebody who may be a bit fitter or a bit healthier and living in Government rental accommodation, notwithstanding the fact that they would release rental accommodation. What the Department does is they do a balancing exercise where they try and assist all the applicants on the list and also try to look at everything
1395 in the round. So it all depends on the individual and the individual's circumstances and the urgent need of the individual to be re-accommodated.

Q372/2017

**Government rental housing –
Policy re arrears agreements and parking spaces**

Clerk: Question 372. The Hon. Ms M D Hassan Nahon.

1400 **Hon. Ms M D Hassan Nahon:** What is the Government's policy in relation to Government housing rental tenants who have arrears agreements and parking spots?

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

1405 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, household tenancies and parking spaces are not connected. As such, anyone with an agreement for payment of arrears of rent enters into an agreement in respect of the flat only. Anyone who is in arrears of rent is not entitled to additional benefits, and this includes a parking permit or a licence to park in the estate.

1410 **Hon. Ms M D Hassan Nahon:** Mr Speaker, would the Minister for Housing understand that to those tenants who are paying their arrears – many of whom have financial issues, which is what got them there in the first place – this policy to them is connected in the sense that it does punish those with arrears agreements because their parking spot gets removed and perhaps they depend on their cars to maybe take their kids to school or do the shopping, or perhaps it is
1415 a very important part of their everyday living? Considering that they have come into an arrears agreement, and especially for those, I suspect, most of whom are keeping to it, they feel like this parking spot removal is a punishment to them and to their lives. Would the Minister for Housing be willing to review such a policy?

1420 **Hon. Miss S J Sacramento:** Mr Speaker, the starting point is that we are talking about people who do not pay their rent but still can afford a car – and of course the petrol and the insurance and all the inherent expenses of the vehicle.

I have to say, Mr Speaker, that there have been a couple of estates where the parking permits have expired in the last couple of months – there have been four estates that come to
1425 mind – and since we have written to people informing them of the Government policy that anybody in arrears of rent is not entitled to any extras ... So it is not just the parking, the ability to avail themselves of a parking space that we are not making available anymore; it is the same as people who are not entitled to have a berth and to have certain other additions that go beyond the protection of being in your dwelling.

1430 Mr Speaker, the number of people who have automatically come in and paid lump sums have been people who have not paid rent in 10 years, 15 years, who, for the sake of not losing their parking, have paid the arrears. So I do not agree with the hon. Lady's premise that people cannot afford to pay their rent and that is why they are in arrears. In fact, some of the anecdotal information that I have from my office, who are meeting people who are coming in and clearing
1435 their arrears completely in the last couple of months when we started dealing with estates where parking has expired ... There was a particular gentleman who came in and said, 'No, I cannot pay – let me pay you half of my arrears,' which was a few thousand pounds, 'but I'll pay you the other thousand in a few months' time because I'm going on a cruise next week,' and he said, 'Well, sorry, your parking space, your permit, expires in the next two weeks – you can either pay it in full or you will find yourself clamped when you come back from your cruise,' and
1440 within 24 hours the full lump sum was paid. Someone else paid a lump sum, Mr Speaker, incredibly enough, of £19,000 so as not to lose their parking space.

So, Mr Speaker, all cases are considered on a case-by-case basis – (*Mr Speaker: Que caradura tienen la gente!*) (*Laughter and banging on desks*) Precisely, Mr Speaker, and it is because we

1445 recognise ... What we do is we distinguish between *la gente con la caradura* and people who genuinely cannot pay, and it is the *caraduras* who are not allowed the parking permit. We do look at people as individual cases and there have been exceptions made for people who we know are in genuine hardship or people who may have a disability and they therefore need their parking. But what we will not do it for, Mr Speaker, is for the *caradura*.

1450 Only recently – another anecdote, Mr Speaker – someone asked for us to make an exception to the parking permit. When we looked at the household and the income, there were four people in the household in employment – all of them were in employment. Most of them were earning around £20,000 and the highest earner was earning £40,000, and the car for which they were seeking the permit and they were asking us not to enforce the policy for the parking was a brand new Mercedes Benz. So, yes, *cara dura* indeed.

1455 But it is for the *caraduras*, Mr Speaker, to whom this policy applies, and for the people who are in circumstances of genuine hardship to whom it does not apply, and it is because of the application of that policy that we have for the first time made tremendous in-roads in the recovery of arrears.

1460 **Several Members:** Hear, Hear. (*Banging on desks*)

Mr Speaker: Next question.

CULTURE, THE MEDIA, YOUTH AND SPORT

Q373/2017

Ince's Hall mural – Cost and selection of artist

Clerk: Question 373. The Hon. R M Clinton.

1465 **Hon. R M Clinton:** Mr Speaker, can the Government please advise what was the cost of the graffiti mural painted on the northern side of Ince's Hall and what tender process was followed in selecting the artist?

1470 **Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the total cost of the graffiti mural was £19,881.34. The acclaimed and highly regarded street artist Ben Eine directly approached the Government to undertake the job.

1475 **Hon. R M Clinton:** Mr Speaker, if I then correctly understand the Minister, by the artist directly approaching the Government obviously there was no tender process. Can I ask the Minister: £20,000 to paint the side of the building is not an inconsequential sum – how was the artistic merit of the proposal decided upon?

1480 **Hon. S E Linares:** Mr Speaker, the hon. Member asks first of all about the tender. If someone wants to commission a Dalí or a Picasso or a Christian Hook, you do not go out to tender. That is the first thing. (*Interjection*) Christian Hook, yes, that is why I had to put him in! You could not acquire a Picasso or a Dalí, because they are both dead, Mr Speaker! But anyway, the point is that if you want somebody who is a brilliant artist to do a job, you tell them, 'Here's the wall: do your art,' which is the second point that the hon. Member actually made. We do not tell the artist what they have to do. It is their skill, their profession, to do what they need to do with the

1485

1490 wall, and that was the case with Ben Eine, who is, like I said, an acclaimed street artist who wanted to do a street art. We gave him the opportunity of using that wall and he produced the magnificent, fantastic painting which is there.

1495 This is a subjective thing, therefore people might like the wall in grey and I might like it in orange, and the artist believed at the time that what he painted on the wall was what should have been done. So there might be people who like it or there might be people who do not like it. All I can tell you is that it is attracting loads of tourists taking photographs because of the magnificent painting on that wall.

Hon. R M Clinton: Mr Speaker, indeed, art is in the eye of the beholder, but can I ask the Minister how was the decision made: is there an art appreciation committee within the Culture Agency that decides these things, or was it purely a subjective matter for himself?

1500 And I may ask one further question: how was it that the artist approached the Gibraltar Government? What are his connections to Gibraltar? And are there any plans for him to do any further such murals in Gibraltar?

Chief Minister (Hon. F R Picardo): Mr Speaker, the artist approached me through his girlfriend, who is a Gibraltarian. This is a person of international renown as a street artist and he said, through that link to the Government of Gibraltar, 'I would be delighted to paint a wall in Gibraltar.'

1505 This gentleman has a huge following. People travel to see his art around the world. He has just finished doing something in Buenos Aires; he has done a number of things in Spain and in the United Kingdom. He was very well connected to somebody the hon. Gentleman may have heard of: Banksy. He painted with Banksy for many years and Ben was very closely linked to Banksy.

1510 This was not a question of the Government deciding it wanted street art of that form; this was an artist who approached the Government and said, 'I would be delighted if you would give me a wall to paint my street art,' and depending on what wall a different sort of thing would have been painted. The wall proposed by the Government was Ince's Hall, which is related to entertainment. So, in his view, because he is the artist, he thought it made sense to paint 'That's Entertainment'. I think it is a magnificent depiction of what has gone on in that building for many hundreds of years and a way of making that building modern for a while. But, as Mr Eine himself said on television, all he has put on the building is paint. It can be taken down when the time comes to do a full refurbishment of that building in the style of the Gibraltar International Bank, which refurbishment Minister Isola led on and did a magnificent job on.

1515 I do not know whether there is such a thing as an arbiter of taste, but most artists decide for themselves what it is that they put on whatever they are invited to use as canvas. Frankly, from my point of view, as somebody who has no understanding of art and is just a layman who sees things that he likes and things that he does not like – and some of the things I like art critics think are terrible, and some of the things I dislike art critics think are magnificent – I happen to think this is magnificent because it really shows in a piece of modern street art what the Ince's Hall is all about. It is smarter than it was and I would like to use this opportunity to thank Ben Eine for having come to Gibraltar, for having decorated a historic building like the Ince's Hall as he has. It is not something that is going to be there forever, because the building will be refurbished in the style of the whole of that area in some appropriate moment, but I am delighted that we have been able to have Ben Eine come to Gibraltar. He volunteered to do so; we have really just paid for paint, accommodation and for him to come – at his request.

1525 1530 1535 I think that part of Gibraltar is smarter and it is more fun as a result of this magnificent piece of street art. Is my view shared? Well, Mr Speaker, it might not even be shared on this side of the House, it may not be shared on that side of the House, it may be shared by many outside, it may be shared by very few outside. Beauty is in the eye of the beholder and I reckon that if we

1540 had painted it beige, the hon. Gentleman opposite might have loved it. But look, at the end of the day, that's entertainment! (*Laughter and banging on desks*)

1545 **Hon. R M Clinton:** Well, Mr Speaker, I am grateful for the Chief Minister's intervention and his acceptance of responsibility for the choice of artist and in fact the graffiti that was painted on that wall. I hasten to add that I have always been a great admirer of art, albeit a lot of the art now, in the form of Christian Hook, I cannot afford, alas.

1550 If I may ask the Chief Minister just one supplementary, then, on this subject: is there any intention of any further art to be done in Gibraltar by this particular artist, or indeed any other street artist? And, as regards the choice of colour of beige, no, perhaps white would have been better – at a much lower cost of £5,000 plus waterproofing – but never mind.

1555 **Hon. Chief Minister:** Mr Speaker, I had a magnificent choice before me. The hon. Gentleman has said that I have taken responsibility for the choice of artist. I had an absolutely magnificent choice of artist: I had one artist who volunteered. So, given that choice, I felt duty bound to give it to him, given that nobody else had volunteered to give us of their time. Nobody else of international renown, or indeed at all, had offered to give us of their time to create this street art at cost. So I will take full responsibility for making the choice out of the one that was available.

1560 Mr Speaker, there is a programme of street art – which is not my responsibility, it is the responsibility of the Ministry for Culture in close liaison with the Ministry for the Environment – which will shortly be rolled out. I do not think we should be prompted to make an announcement about that now, because I think it is an exciting opportunity, which many other cities are taking, which does not involve much painting in beige or in white, which the hon. Gentleman would obviously quite love. I think that modernising a city at the same time as being militant in the preservation of its heritage is what the future is all about, and that is what this Government is all about.

1565 **Mr Speaker:** Next question.

Q374-375/2017
Gibraltar Football Association –
Arrangements re purchase or lease of facilities

Clerk: Question 374. The Hon. E J Reyes.

1570 **Hon. E J Reyes:** Can the Minister for Sport furnish this House with full details pertaining to the sale/lease of any sporting or other facilities, such as at the Victoria Stadium, to the Gibraltar Football Association?

1575 **Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, I will answer this question together with Question 375.

1580 **Clerk:** Question 375. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sport furnish this House with full details of its intentions, if any, to re-provide or re-site sporting facilities which may be lost for public use at the Victoria

Stadium/Bayside Sports Complex as a result of the arrangements it has entered into with the Gibraltar Football Association?

1585

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Hon. S E Linares: Mr Speaker, both these questions will be answered in detail in the Budget statement which I will be delivering early next week.

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Hon. E J Reyes: I understand that, Mr Speaker; however, it will not allow me to pose any supplementary questions should they, in the information that has come forward, arise. I do not know ... Perhaps your guidance ...?

1595

Mr Speaker: Unless the Hon. Mr Reyes speaks before ... If you speak before the Minister, then you have a problem. If you speak after the Minister you will be able, in your own contribution, to raise matters which you are interested in and which he may or may not have covered. In any case, given that you have put these questions and they have not been totally answered, I will be liberal and I would hope the Minister would also be liberal if you ask him to give way and to answer any specific matters that you may deal with.

1600

Chief Minister (Hon. F R Picardo) Mr Speaker, if I can be of assistance to the House, I am intending to inform the House that we should be taking the Budget debate to the Appropriation Bill on Monday.

1605

The Hon. the Deputy Chief Minister has a proposed draft order of speeches that we will circulate, so that we can agree, as usual, the order of our interventions, and the hon. Gentleman will be pleased to see that he will be speaking in our proposal, just like last year, after the hon. Gentleman – in fact, I think four or five after the hon. Gentleman – so he will have an opportunity to tailor his congratulations to the hon. Gentleman for the announcements he will make in good time.

1610

Mr Speaker: So, if the Hon. Mr Reyes deals in your contribution with issues that you would have tackled in supplementaries, then I would give the Minister the opportunity, if you give way to him, to deal with those matters.

1615

Hon. E J Reyes: Yes, Mr Speaker, I think we will do that and I think it is implied in what you are saying that, if as a result of all that and digesting on the answers, should I then need to come up with a formal oral question or whatever, say in the September session, I am sure Mr Speaker will be liberal enough to allow me to pose a question despite not being in the six months' time span because of what is happening. With that assurance, then, I am satisfied with what has been explained, Mr Speaker.

1620

Mr Speaker: Right, we now recess until three this afternoon.

The House recessed at 1.03 p.m. and resumed its sitting at 3 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.06 p.m. – 4.43 p.m.

Gibraltar, Wednesday, 21st June 2017

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<i>The House adjourned at 4.43 p.m.</i>	<i>28</i>

The Gibraltar Parliament

The Parliament met at 3.06 p.m.

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

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

Questions for Oral Answer

CULTURE, THE MEDIA, YOUTH AND SPORT

Q376/2017

Gibraltar Sports and Leisure Authority – Assistant Resources Manager

Clerk: We continue with answers to Oral Questions.

We recommence at Question 376 and the questioner is the Hon. E J Reyes.

5 **Hon. E J Reyes:** Mr Speaker, further to the answer provided to Question 227/2017, can the Minister for Sport update this House in respect of the outcome relating to the selection of the Assistant Resources Manager, which was a grade 4 post, within the Gibraltar Sports and Leisure Authority?

10 **Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the selection process was finalised and a successful candidate identified. This individual started her new post on 1st June 2017.

15

Hon. E J Reyes: And, Mr Speaker, does it follow from there that there are now any vacancies arising within the Gibraltar Sports and Leisure Authority, or was the successful applicant an external applicant?

20

Hon. S E Linares: No, Mr Speaker, the successful candidate is not an external candidate but from within, and now it will probably go down the line, as it usually does. But I must emphasise that the GSLA has not yet agreed as to the money levels as it goes down the line. Because this is a managerial post, people from within the organisation will probably apply for these posts and then we will need to review the whole of the organisation at the bottom part.

25

Hon. E J Reyes: Mr Speaker, can I deduce from that ... In previous answers some months ago the Minister did mention that they were holding discussions with the staff side representatives and so on. Is that process still ongoing and needs to be updated now in light of this vacancy, or is the process now at its final conclusion stages?

30

Hon. S E Linares: Mr Speaker, it is still ongoing.

Q377/2017
GSLA Swimming Pool Complex –
Lockers

35 **Clerk:** Question 377. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sport provide details of how many lockers are installed at the GSLA swimming pools and, of these, how many are (a) available for public use, (b) currently awaiting repairs, (c) assigned for use to GASA members or any other entity, and all this, together with details of terms and conditions for their use?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, at present there are: (a) 152 lockers available for public use at the GSLA swimming pool; 110 of these are located in the accessible pool and 42 in the 25-metre pool. (b) Only five of these lockers are awaiting repairs and replacement locker units ordered; these are located in the accessible pool. (c) No lockers are assigned for use to any entity.

Hon. E J Reyes: Mr Speaker, can I ask the Hon. Minister to please have a look at the situation there, because I am told by members of the public who go there that although the number of lockers was well in excess of 100, such as the Minister has confirmed today, that very few of them were actually available for use, hence leading to a sort of a hypothesis that they are either awaiting repairs – which has now been confirmed as being only five and that none have been assigned to GASA and others. It seems to be the same lockers that are constantly, from opening time to closing time, unavailable, so something has gone wrong somewhere in the system. I do not know if the Minister knows any further information at present or if he can commit himself to look into this as soon as possible.

Hon. S E Linares: Mr Speaker, in relation to the lockers, the information that I have here, obviously pre-empting the hon. Member's supplementary, is that there seem to be people of the public who keep the key. Therefore the problem is being looked at. People get the key and take it home with them, and the problem obviously is that then if you have 100 lockers of which 90 people open the locker and take the key, the availability is going to be only 10.

I can tell you that the management is actively looking at a way in which people are not able to take the key and also telling the people to bring back the key. Another thing that they do is they try and take the actual lock off and put new locks in, but again the same thing happens, so it is a problem that the management is trying to sort out due to the people taking the keys home.

Hon. E J Reyes: I am very grateful for that part of the answer. Yes, it does lead to **???**55.56 which is why I had ended my question saying 'together with details of terms and conditions for their use'. I am sure one can deduct from there that the terms and conditions are that it is for day use only and the keys will be returned.

Rather than a question, I want to end up with an assurance to the Minister that he can count on my full co-operation so that we can eradicate this abuse by what is today's phrase, the *caraduras*, once and for all.

Hon. S E Linares: Yes, thank you, Mr Speaker, and thank you to the hon. Member for that.

80 We were trying to solve the problem and one solution would have been to pay a pound, for which you keep the key and then you get your pound back, but obviously people were leaving the pound there and keeping the whole locker for themselves.

I thank the hon. Member for stating that he will help and we will try and eradicate the *caraduras*.

85

Hon. E J Reyes: And I dare to say even Mr Speaker will join us.

Q378/2017

**GSLA Swimming Pool Complex –
Solar panels**

Clerk: Question 378. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state the total cost to the taxpayer of the
90 installation and maintenance of the solar panels at the GASA pool?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the GASA
95 pool has been under the GSLA management and known as the GSLA Swimming Pool Complex since April 2012.

The total cost to the taxpayer for the installation of the solar panel system at the GSLA pool complex was £683,250.43.

The maintenance contract for both systems is £68,000 per annum.

100 The contract is held by Green Resources and entered into as part of the installation package. This is up for renewal in 2018.

It is important to note that since the swimming pool complex has been utilising solar panels our cumulative savings on the electricity bills are currently at £270,339.13, with fuel savings of approximately £75,000 per annum. Therefore the total saving to date is approximately
105 £720,000. Not only has it surpassed the capital expenditure, but it is also producing surplus electricity which is fed back into the grid.

I have not got anything prepared here, because the hon. Member should also know that from the £683,000-odd that I told him, approximately £290,000 of that was EU funding.

110 **Mr Speaker:** Next question.

INFRASTRUCTURE AND PLANNING

Q379/2017

**Illegal parking –
Intention to increase fines**

Clerk: Question 379. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, I tabled this question some time ago, so if I may just rephrase it slightly because it is not quite in date anymore. (*Interjection*) Yes, I appreciate that,

115 and so the answer should be the same; I just need to rephrase the question ever so slightly to
make it make sense. So, I would ask...

Chief Minister (Hon. F R Picardo): As a matter of procedural propriety, I do not think it is
120 possible for the hon. Gentleman to change the question that is on the Order Paper. I appreciate
that he may wish to seek to make it relevant, but I think for the purposes of the record he must
read the question as it is on the Order Paper and then perhaps as a supplementary he may wish
to clarify, as he has, matters that relate to the updating of the question.

Mr Speaker: Ask the same question.

125 **Hon. T N Hammond:** I am happy to ask the question as written; it does not require much
explanation, Mr Speaker.

Can Government say if it is the intention to raise the fine for illegal parking on 1st April; and if
so, by how much?

130 I just wish to clarify that the intention is 'Was it raised last 1st April?' This is not a reference
to the next 1st April.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman needs to know that the record of
135 *Hansard* for Question Time is produced with the question read out and then the answer. So
everything he has said will not likely be in the *Hansard*. If he wants it to be in the *Hansard* – I am
not saying it should not be in the *Hansard*; there is no difficulty with that – he has to do it in the
context of his first supplementary because the *Hansard* of questions and answers is question-
answer, and then the supplementary can be the clarification. Otherwise, what he has said today
just now, what you want on the record – and I think it is absolutely right it should be on the
140 record – will not be on the record.

Mr Speaker: The Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, fines for illegal
parking were not raised on 1st April 2017.

Mr Speaker: Now withdraw that.

145 **Hon. T N Hammond:** I thank the Chief Minister for his advice. Just to clarify, the question was
lodged before 1st April and hence it was written in a different tense to the one that is now
relevant.

Q380-381/2017
Bus Company –
Bus drivers working on supply

Clerk: Question 380. The Hon. T N Hammond.

150 **Hon. T N Hammond:** Mr Speaker, can the Minister say how many bus drivers work on supply
to the Bus Company and for how long they have been on supply?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

155 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 381.

Clerk: Question 381. The Hon. T N Hammond.

160 **Hon. T N Hammond:** Do supply drivers for the Bus Company enjoy the same terms and conditions as full-time drivers; and if not, can the Minister explain how these terms and conditions differ?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

165

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, as far as our Bus Company goes, three drivers have been taken on as from 14th June 2017 to work on a supply basis. These drivers are only called as and when required and do not enjoy any of the terms and conditions of a full-time driver.

170 At present there are no other drivers on the payroll that work on a supply basis.

Q382/2017

Sustainable Transport, Traffic and Parking Plan – Environmental zones

Clerk: Question 382. The Hon. T N Hammond.

175 **Hon. T N Hammond:** Mr Speaker, can the Minister clarify what special provisions will apply within the environmental zones as described in the Sustainable Transport, Traffic and Parking Plan?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

180 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the environmental zone should not be considered as a standalone project but rather be viewed as an overall objective of the STTP which is to improve the current traffic, transport and parking situation and encourage behavioural change and a shift in modal transport towards more sustainable alternatives which will be better for the environment.

185 An environmental zone can be considered as a low-emission zone aimed at improving air quality. The manner in which this can be achieved is by the control of parking within the zone and also by improving traffic flow within these areas so as to reduce congestion.

The control of parking looks at, where possible, relocating parking outside the zone so as to encourage less vehicles to enter the zone, coupled with the redesignation of parking facilities to accommodate essential parking by the introduction of pay and display parking.

190 Other measures which are being considered include making access to areas within environmental zones limited to commercial vehicles and/or permit holders only. An example of this is what has recently been introduced in Main Street whereby access has been restricted to fewer hours and special loading and unloading hubs have been provided within the close proximity of Main Street, thus reducing vehicular movement in the centre of town.

195 In addition to these measures, the environmental zones will be complemented by improved pedestrian access to the zone and by enhancing public transport links.

Q383/2017
Governor's Lane –
Measures to curb speeding

Clerk: Question 383. The Hon. E J Phillips.

200 **Hon. E J Phillips:** Mr Speaker, can the Government confirm what further specific traffic measures it will introduce in the area of Governor's Lane, where the book shop is located, to curb speeding?

205 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, at this moment in time the Government cannot be categorical on what traffic measures will be introduced to curb speeding at Governor's Lane. The width of this road and the restricted access by the Gibraltar Book Shop makes identifying a solution challenging when trying to balance pedestrian safety and continued traffic flow in the area.

210 As part of the STTPP a number of options are currently being developed for consideration by the Traffic Commission and once a full assessment has been completed a decision will be taken.

Q384/2017
Redibike scheme –
Upkeep and maintenance

Clerk: Question 384. The Hon. Ms M D Hassan Nahon.

215 **Hon. Ms M D Hassan Nahon:** Who is responsible for the upkeep and maintenance of the RediBike scheme?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

220 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the upkeep and maintenance of the RediBike scheme is carried out under contract by Gibraltar Parking Management Services Limited.

225 **Hon. Ms M D Hassan Nahon:** Mr Speaker, could the Hon. Minister say whether this contract went out to tender?

Hon. P J Balban: Mr Speaker, the actual cost involved in the Redibike scheme was actually funded by a private company; it was done with Gib Oil. The actual part of the maintenance was in addition to the contract held by the company that does parking management, so it is part of the same company as the PMOs. So the contractor that deals with parking management, PMOs, have this as part of their contract. It is in addition to that. *(Interjection)* And that went out to tender. That went out to the three quotes system originally.

235 **Hon. Ms M D Hassan Nahon:** I am sorry, I am a little bit confused. So because it was privately funded there was some sort of agreement with the parking company that they would then get the contract for the maintenance?

Chief Minister (Hon. F R Picardo): No, there are two stages which the hon. Lady is confusing. The launch of the scheme, the funding of the scheme, is not something the Government has paid for; it has been paid for through sponsorship. There was an announcement which details how it was paid for. The maintenance of the scheme is something that was included in the three quotes that were sought generally in relation to parking. So the parking scheme, the enforcement of the parking scheme which is run by this company, Gibraltar Parking etc., was the subject of three quotes sought from the companies that could do that sort of work, and that included the maintenance of the Redibikes. So there was a competitive process in respect of this as part of that general traffic parking maintenance contract.

Hon. R M Clinton: Mr Speaker, just a simple point of clarification: can the Chief Minister confirm that Gibraltar Parking Management Services Limited is not owned or controlled by the Government, it is an independent third party private company?

Hon. Chief Minister: Well, Mr Speaker, we are not in the habit of seeking quotes from ourselves. *(Laughter and interjection)* Yes, but it is quite different to charge yourself import duties, stamp duties etc., which the law requires, and quite something *[inaudible]* *(Laughter)*

ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

Q322-323/2017

East Side wave power generator – Serviceability; output

Clerk: Question 322. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can Government confirm that the East Side wave power generator is still serviceable and whether it has suffered any periods of unserviceability in the last six months?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 323.

Clerk: Question 323. The Hon. T N Hammond.

Hon. T N Hammond: What has been the average monthly output and peak output of the East Side wave generator since October 2016?

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

Hon. Dr J E Cortes: Mr Speaker, the East Side wave power generator recently suffered several months of unserviceability due to repairs and modifications undertaken following the severe weather experienced on 29th September last year and subsequent storms. It is currently serviceable.

The average monthly output since October 2016 is 40.2 kWh. Peak output is 4.5 kWh.

Hon. T N Hammond: Can the Minister please advise: from 29th September was it one single long-term outage until it became serviceable or were there several shorter outages in that period?

285 **Hon. Dr J E Cortes:** Mr Speaker, I think we must remember that this is not a Government facility, it is Eco Wave that runs it, but I am able to facilitate the information.

It was out of action due to storm damage from 29th September to 5th October. You will recall that there has been a lot of bad weather over the winter period right into the spring. There were modifications being carried out on it and that took a number of months from
290 28th October to 2nd February. From 2nd February it was working partially as they were monitoring how the modifications were going, and the modifications were completed by the end of March.

Hon. T N Hammond: I do thank the Minister for the answer and I do recognise it is a private project, of course, but it is a private project which is very much, I believe, supported by
295 Government when it was initially launched.

I do wonder whether these extensive outages have made the Government consider whether wave technology of this nature is in the best interests of Gibraltar in terms of long-term renewable energy strategy or whether other forms of renewable energy might be exploited,
300 bearing in mind we have had, over a six-month period, the best part of five months with the system either unserviceable or being upgraded.

Hon. Dr J E Cortes: Mr Speaker, the use of the words 'in the interests of' is a curious one. Any renewable energy is in the interests of Gibraltar and of everybody else on the planet, needless
305 to say, no matter how little.

I think we must remember that this is a prototype, it is a new design; and the Government was very pleased to offer Gibraltar as a location for this innovative form of power generation. Like every pilot scheme, people will learn from the difficulties they experience. They have learned; they have changed. In fact, only yesterday there was an announcement of a very similar
310 plant being opened very soon in Mexico using the example that Gibraltar has given, because they have been able to modify and make it more effective.

So, because it was minimal investment from the Government – I think all we did was throw the cable down the cliff to connect it; it was all done at the expense of Eco Wave – I think it is certainly worth allowing that to continue. Hopefully they will be able to refine the technology
315 and it will then be producing a lot more power for Gibraltar and using the lessons learned elsewhere in the world.

Mr Speaker: Next question.

Q324-326/2017

Upper Rock –

Mount Misery glass lookout; Skywalk; mobile app

Clerk: Question 324. The Hon. L F Llamas.
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Hon. L F Llamas: Mr Speaker, does the Government have an estimated opening date for the Mount Misery glass lookout and an estimated final cost for the entire project?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, I will answer this question together with Questions 325 and 326.

Clerk: Question 325. The Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, did the Government consult or have any knowledge when planning the glass lookout at Mount Misery that the cable car was planning its own glass walkway at the top station?

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Clerk: Question 326. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, has the Government made any progress in updating or launching a new Upper Rock mobile app?

340

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

345

Hon. Dr J E Cortes: Mr Speaker, the works were affected yet again by severe weather and the completion date was further delayed. The works are very near completion and are awaiting other works in the area to ensure safety. I will not at this time commit to a date. The final cost will be available once the project is completed.

The Skywalk was tabled and discussed publicly at the Development and Planning Commission, where the public had the opportunity to comment.

350

Finally, the app has been completed and will be released to coincide with the opening of the Skywalk.

355

Hon. L F Llamas: Just one supplementary, Mr Speaker. Can the Minister just confirm that the delay has been purely attributed to the weather and there have not been any other factors which have contributed to the delay?

360

Hon. Dr J E Cortes: Mr Speaker, I believe one consignment of glass was found to be defective and had to be replaced at the cost of the company producing it. That is the only reason that I know that there may have been a little bit more of a delay; and also obviously when working in an area which is quite busy, things like putting up the crane and removing it had to be timed so that there was not a cruise liner and so on in port. But the main reason is certainly the weather.

Mr Speaker: The Hon. Roy Clinton.

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

I am not sure whether I heard the Minister correctly, but did he give an answer to Question 325 in terms of consulting and knowledge in respect of the cable car previously? You said it was mentioned at the DPC, but in terms of the consulting or having knowledge of the cable car before you did your own glass walkway was there any knowledge or consultation beforehand?

370

Hon. Dr J E Cortes: Certainly not, no. The answer I gave in fact says that we ... Obviously anybody, including the cable car, could have commented. No, certainly we had no knowledge that the cable car was planning ... We do not even know if it was planning or they just thought it was a good idea and wanted to have one too. But no.

Q327/2017
St Michael's Cave –
PA system

375 **Clerk:** Question 327. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide details of the electrical or sound works being carried out at St. Michael's Cave, including cost, contractor, date works commenced, date works completed and details of the works?

380

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
385 Mr Speaker, the PA system works consist of 16 speakers, three amplifiers, cabling, two microphones and stand, rack and labour. Also included is a 12-month maintenance attendance and warranty which will be effective in the current financial year 2017-18.

Works were approved and started on 9th December 2016 and finished on 24th March 2017. Works were carried out by Sound Reinforcement Systems Limited. The works' cost was
390 £19,975.34 and the maintenance is £975 a year.

Hon. L F Llamas: Mr Speaker, I would ask the Minister ... Obviously it is difficult to pinpoint whether I am asking the correct question or not, given that I do not know what the cables are for, but there seem to be a lot of cables exposed around the stairways in the cave, some are in
395 conduits, others are just open and I am not sure if they are electrical or sound. Perhaps the Minister would be able to know whether these are the works he has quoted, or could there be other works which are pending? Obviously it seems like it is a job which either has not been finished or has been bad workmanship in terms of craft.

Hon. Dr J E Cortes: Mr Speaker, if the hon. Member wanted to know what the cables were he could have asked me directly and I would have found out. I do not know. My information is that the works were finished on 24th March; therefore I can only assume that these are other cables. I will certainly find out, but I do not have that information here.

405 **Mr Speaker:** Next question.

Q328-331/2017
St Martin's School and Early Birds Nursery –
Modifications; projected student numbers; bus replacement

Clerk: Question 328. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, what modifications to St Martin's School and Early Birds Nursery are being carried out or being planned in preparation for September 2017?

410

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
415 Mr Speaker, I will answer this question together with Questions 329, 330 and 331.

Clerk: Question 329. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, what is the projected number of students expected to be at Early Birds Nursery for each academic year 2017-18 and 2018-19?

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Clerk: Question 330. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, what is the projected number of students expected to be at St Martin's School for each of the academic years 2017-18 and 2018-19?

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Clerk: Question 331. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, following on from last year's Budget speech, what arrangements have been made to replace the old bus for St Martin's School?

430

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

435

Hon. Dr J E Cortes: Mr Speaker, St Martin's School is expecting an increase in pupil numbers in September 2017. Modifications are therefore focused on providing temporary additional and appropriate classroom space. Plans for this include the installation of new specialist toilet facilities along the same lines as was provided last academic year. This is an interim measure as the development of St Martin's new school is a priority for Government.

440

The projected number of students expected to be at Early Birds Nursery for each academic year 2017-18 and 2018-19 is as follows: academic year 2017-18, 17 students; academic year 2018-19, 16 students.

The projected number of students expected to be at St Martin's School for each academic year 2017-18 and 2018-19 is as follows: academic year 2017-18, 49; academic year 2018-19, 53.

445

A generous provision has been earmarked specifically for a new bus for St Martin's School. Details will be disclosed during the course of the Budget debate.

450

Hon. L F Llamas: Mr Speaker, I would just like to ask one supplementary: therefore, the portakabin that has been placed in the car park – I take it that is for toilet facilities, or is it for classroom facilities?

Hon. Dr J E Cortes: Mr Speaker, specifically which portakabin is he referring to? There are several on the site.

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Hon. L F Llamas: I believe it is the one where the bus usually did a three-point turn, just as you go in, in the main entrance.

Hon. Dr J E Cortes: The portakabin at that level I believe is a toilet facility.

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Mr Speaker: Mr Clinton.

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

Would the Minister be able to tell the House how many portakabins are currently in use at St Martin's?

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Hon. Dr J E Cortes: No, Mr Speaker. Had I had notice of the question I would certainly have been very happy to provide it, but as I said earlier in my question, these are all interim measures

as St Martin's School is a priority for this Government – unlike the Opposition, who specifically said they would not build a new St Martin's School during the last election campaign.

470 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may, I am picking up on this as a supplementary because I received a question from a constituent about these portakabins, saying that it was chaos when dropping kids off 'especially on rainy days', to quote. Can I know when this interim situation will be alleviated, when the parents will see the difference, please?

475 **Chief Minister (Hon. F R Picardo)** Mr Speaker, I had the same representations made to me some time ago, not just in relation to this portakabin but in respect of the design of St Martin's as it is today, how it has outgrown the purpose for which it was built in the 1970s. At the time that it was built St Martin's was of the standard required in the United Kingdom for special students like the ones we have there, and that is what led the Government to make the decision
480 that we had to build a new St Martin's. And so, Mr Speaker, the hon. Lady will be delighted to hear that during the lifetime of this Parliament those concerns that were raised with me at the end of the lifetime of the last Parliament will have been entirely alleviated.

The reason for rising, Mr Speaker, is that this is an important issue which the Hon. the Minister for Education is dealing with, with the Deputy Chief Minister and with myself, and an announcement will be made which will clarify how we intend to deal with those and other issues
485 as soon as we are able to, but in good time to ensure that the solution is in place in respect of that and other aspects affecting linked educational establishments in the lifetime of this Parliament.

490 **Mr Speaker:** Next question.

Q332/2017
Teachers –
Continuing professional development courses

Clerk: Question 332. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the total number of teachers who have completed continuing professional development courses since December 2011?
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Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
500 Mr Speaker, all our teachers undergo continuing professional development (CPD) from the moment they start their teaching careers. *(Interjection)*

Hon. E J Phillips: Mr Speaker, the Minister has confirmed that all teachers have completed CPD courses ... all teachers in Gibraltar have completed them since 2011. *(Interjection)* All
505 teachers, courses.

Hon. Dr J E Cortes: Mr Speaker, the question was not courses, although many of them do, both in Gibraltar and outside, but continuous professional development – I know this myself: as a chartered biologist I have to continue undergoing this – has different types. There is the formal
510 course element and there is the at-work or in-service course element. Therefore, all teachers have undergone continuing professional development. All of us who are or have been parents or

grandparents know those days off that the children have, which are down to in-service training. That is part of the CPD that teachers undertake and there are also regular courses. People come sometimes from the UK in more specialist areas like special needs and so on; teachers will go to the UK for courses. So I am very happy to say that all our teachers carry out this continuous professional development.

Hon. D A Feetham: I rise as somebody who really does not know anything about CPD specifically for school teachers; I know about CPD for lawyers. I have a practice certificate in England and I do my CPD there; it is not a requirement here in Gibraltar. But listening to the hon. Gentleman it did strike a chord because CPD for lawyers in England is of two types. You can, for example, undertake lectures yourself and that will count for your points in terms of your CPD. But for lawyers, for example, you cannot just simply do all your points in lectures that you yourself do; you have got to go and do courses. So there is a mixture of both or just courses, and I just wonder what the position is in relation to school teachers.

Hon. Dr J E Cortes: Mr Speaker, I am very familiar with that. Again, in my own professional life I have had to do both. I was instrumental in bringing in formal CPD for doctors during my time as Minister for Health. In the case of teachers, they do undergo courses but not all of them are in the UK. In-service training – there is a whole programme of professional work that is done there and these are lectures by different members of the profession, by other professions from other areas, and that is all part of the continued professional development provided for teachers.

Q333/2017
GCSE grading system changes –
Measures to support staff

Clerk: Question 333. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state what specific measures the Department of Education has put in place to ensure all teachers and support staff are able to deal with the significant changes in the GCSE grading system emanating from the United Kingdom?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the changes to the grading system are *not* significant. This year the assessments for GCSE English and mathematics will be reported using numbers from 1-9 as opposed to letters. A level 9 represents a super-A* only accessible to a very small number of pupils, as an example.

Hon. E J Phillips: Mr Speaker, insofar as the statement that they are not significant, I hesitate to disagree, actually, with that analysis.

One of my questions I would like to put to the Minister is that the teachers' unions in the United Kingdom have expressed huge uncertainty given the significant changes that have taken place in relation to the GCSE grading system, and I would have thought – and I would ask the Minister to state the Government's view on this – that it is quite clear that the change to the system, which I understand will be piecemeal from English language now and mathematics to other subjects until 2019 ... that significant problems have been identified in respect of the pressure that would occur in relation to the students. The unions in the United Kingdom have

expressed their deep concerns regarding the grading system. I wonder whether the Government is aware of those concerns and whether the teachers' union has raised them here with him directly, and what measures the Government is intending to put in place to alleviate any issues such as pressure on students.

Hon. Dr J E Cortes: Mr Speaker, I think where we differ is that the main changes and where the changes are more significant is in the content of the GCSE rather than the grading. Essentially they have become harder, both in breadth and depth of study. That is where the main concern has been and that is something where I have spoken to students directly about their concerns. But the team of advisers and senior management in schools are confident that they have been able to deliver. Through the year, UK experts have delivered in-service training to staff, and senior managers have travelled to the UK and attended conferences and then fed back to teachers in order to be able to deal with this.

There is therefore no reason to worry about these changes, but it is true that our results will probably suffer a slight dip in line with what UK results are expected to suffer as a result of these changes, and in fact these changes have been designed specifically to achieve this. So that is, I think, where the problem lies. I think that our teachers and the students have dealt with this magnificently this year. I have, in fact, attended exam days in both Westside and Bayside and seen it for myself. But it is likely, as in the whole of the UK, that there will be a slight dip in the grades. That will not be a reflection on the teachers or the students; it will be a reflection on the changes to the content of the GCSE.

Hon. E J Phillips: I think we should, of course, congratulate the teachers for the sterling work they are doing (**A Member:** Hear, hear.) (*Banging on desks*) to deal with the issue of the grading system changes in the United Kingdom, but what I would say in respect of – (*Interjection*) Have you quite finished? What I would say in relation to this point is that English is being taught as a language now, as English language as opposed to English, and a substantial amount of material is now going to be put to these students. One of the questions I had stemming from this question was to what extent have our teachers received further training or gone on courses in relation to that particular point on English language, because the material is now going to be much more extensive, the exams will be a lot harder and, as the Minister has indicated, there will be a dip in the results, which is to be expected in the circumstances.

Hon. Dr J E Cortes: Mr Speaker, I am confident that the training I mentioned earlier will be sufficient and that the results will probably be much better even than we think they will be.

If I may just comment that having attended Bayside and Westside during a maths GCSE exam and an English GCSE exam, I asked afterwards to be sent copies of the papers because I wondered whether 40 or more years later – 45 years later – I would still pass. I must say that, having a look at both papers, I thought I might struggle with the English one but I would pass the maths one – the fact that the Speaker was my maths teacher may in fact be related to that! (*Laughter*) So thank you, Mr Speaker, for those days in the old Grammar School.

Mr Speaker: The only thing is that all those ones that we got in those days today are no good; the nines are much better.

Hon. E J Reyes: I declare a vested interest, Mr Speaker: you were also my teacher and, you may recall, had we in our day achieved a grade 9 I do not think we would be on speaking terms now, because the numbers seem to have been reversed: a grade 1 was something to celebrate and a grade 9 was something to avoid Mr Canepa, if you saw him down Main Street!

Q334/2017

**Post-Graduate Certificate in Education –
Local need; consultation**

Clerk: Question 334. The Hon. E J Phillips.

610 **Hon. E J Phillips:** Mr Speaker, can the Government state what local needs there are for a
bespoke Post-Graduate Certificate in Education and confirm the nature of the consultation that
was conducted with the teachers and educators as part of the collaborative working between
the University of Gibraltar and the Department of Education?

615 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and
Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, firstly the Department of Education works closely with the University of Gibraltar on
a range of subjects which are of mutual interest, this being one of them.

620 Further, the Department, under the social partnership arrangement with the Gibraltar
Teachers' Association, keeps teachers informed of developments in education throughout and
also endeavours to always consult teachers by engaging them in debate and affording
opportunities for active discussions.

625 Through supporting the University, we essentially want to become the gatekeepers into
education by providing a single pathway into teaching and guaranteeing the quality of the
product. Furthermore, we want to give mature students, who perhaps have worked in different
industries, the opportunity to become teachers and enrich the lives of students through their
experience elsewhere. We passionately believe this can only be good for Gibraltar.

Q335/2017

**UK Student Loan Company –
Department of Education debt**

Clerk: Question 335. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: What is the Government's position with regard to the
Department of Education debt with the UK Student Loan Company since I uncovered this debt
several months ago?

635 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and
Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, the Department of Education has no debts with the Student Loan Company (SLC).
640 The Department pays the company on behalf of the students for loans made to the students
themselves.

645 Government's position remains unchanged: it is fully committed to repaying all student loans
awarded by the SLC in respect of university tuition fees prior to 2010-11. In fact, Government's
position is clearer than ever, given that during the past financial year significant inroads have
been made to establish student payment thresholds and guide students through the yearly
overseas assessment process to prevent accumulation of arrears.

The hon. Member should note that this student debt was created by the previous administration and not the present Government; therefore, she did not uncover the debt, given the arrangement was entered into by the party of which she was once a member.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I am well aware of this story because I uncovered it to the point that no one on the opposite side knew about it until I said it, and I was actually told it was not there – until a few days later I was told I was in fact right and there was a debt. And even though perhaps technically the debt belongs to the student, I think we all know that this was, yes, a mechanism perhaps from the previous administration, but that effectively falls on the Department of Education's lap.

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So I think the hon. Gentleman knows where I am coming from and what I am trying to get to, and the basic answer I want is to know that there is a backlog and when will it be paid, because there are students who are still receiving demands to be paid and I believe that it is the Department of Education that has to settle this debt.

660

If I may just say, to give comfort at least to the students: when will these letters stop and when will this matter be resolved?

Hon. Dr J E Cortes: No, Mr Speaker, it is just not like that at all. The loans are given to the students. If a student is in any difficulty whatsoever, all they have to do is contact the Department of Education.

665

I can say that funds are awarded on a yearly basis to the level of around £600,000 in order to pay these debts. In fact, the outstanding amount at the moment is just over £400,000 less than it was six months ago, so this is regularly being paid. The Education Department has been paying monthly instalments of £50 per student blindly, in the sense that unless a student comes to the Department and says, 'This is the repayment that I have,' then the Department has no idea of how much it is.

670

The problem has been that the Student Loans Company was not prepared to give the Department of Education information on individual debts to individual students – one can understand that. So what has happened over the past year or so is that we have obtained consent to share status from the students, and the Department has painstakingly made sure that they have contacted all the students and finally we have been able to achieve that. So we are now able to ask the Student Loans Company for that information. There is an added difficulty in that the information now is paperless and so the student has to personally log on to the account; it is not a question of sending a bill through.

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But I can say, Mr Speaker, that we are making the progress that is expected. There is nobody who is in any difficulty whatsoever. The number of students today who still owe money is about 40 or so less than six months ago, so we are regularly doing this and we offer all sorts of facilities, Mr Speaker. Students, for example, who remain in the UK are tracked and identified and placed on deduction of earnings from their salary, and then if those students send us their payslips we will reimburse them directly because those are deducted in the UK directly to the Student Loans Company. Moreover, students who have settled in the UK and have difficulties with their credit rating in applying for mortgages and so on, if they apply to the Department of Education with the information the Department will pay off all the loan.

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So there is no difficulty, but certainly if there is some exchange between the loan company and the student that the Department is not aware of, then a payment cannot be made. But doors are open and there is no difficulty, and I can say absolutely that no student and no parent, no families, should at all be concerned. If they have any difficulty whatsoever they can get in touch with the Department or myself personally and we will sort it out.

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Hon. E J Phillips: Mr Speaker, just one supplementary question in relation to this point. I have been in a room when one of these students in particular – it was just three weeks ago – was contacted by the Student Loans Company and this was the fifth call that they had received in as

700 many weeks relating to the student loan debt. This person got quite distressed by the fact that
this company had been calling them on a regular basis to ask them about the debt and the fact
that they had to pay it and that they had had no luck with the Government of Gibraltar in
securing payment of that debt. I have been in the room when this has happened, this telephone
call from the Student Loans Company, so I am telling you from what I have heard myself.
(Interjection by Hon. Dr J E Cortes) No, I am not saying that. It is just that the difficulty that we
705 have got ... We have got to realise the difficulties being faced by students who are in full-time
employment and are being chased by this company, and although I understand that there is this
consent to share, which is a useful mechanism in order for the Government to contact directly
and discuss individual debts with the Student Loans Company, what I am seeing on the ground
and the reports I am receiving and the first-hand knowledge that I have from hearing this
710 discussion with the Student Loans Company with this particular former student – and this is a
2009-10 student – is that it is becoming quite distressing, and the challenge that is being
presented there. I understand that this individual has contacted the Department of Education
but there has been no luck in respect of that particular debt. I only offer that as information to
the Minister so that active steps can be taken.

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Hon. Dr J E Cortes: Mr Speaker, I can categorically say that no student need be worried and if
they have that kind of call they should contact us. It is very possible that a desk officer in the
Student Loans Company generates this information out of their computer and they make a
phone call. This has happened before in other scenarios. It happened, I remember, to doctors,
720 who were getting calls from the General Medical Council about an issue that we, at a high level,
had resolved but the desk officers were not aware. We will take this up and if that student wants
to get in touch we will take their case directly.

There is a more recent option now to enter into a power of attorney, which would allow
greater flexibility, and if students want to enter into this arrangement, again those doors are
725 open. But nobody should be worried, absolutely nobody, and if anybody is, they know where my
office is and I will be very happy to accommodate all of them.

Hon. R M Clinton: Mr Speaker, if I may ask the Minister whether he is aware – he may be
aware – of a press release issued by the UK Department of Education, HM Treasury, Student
730 Loans, on 6th February this year, talking about the process of selling part of the English student
loan book, which will affect the Student Loans Company. This may explain the sudden ... or
appear to be the sudden perseverance of the Student Loans Company in chasing these loans.
Looking at the notes to editors – and I can give him the page link if he is not aware of this:

Unlike these previous sales the income contingent loans included in this sale will continue to be collected by
HMRC and SLC

– the Student Loan Company. And it says:

This sale involves securitising the remaining future repayments on the loans and selling securities representing the
rights to these to a range of purchasers. The sale process is expected to take several months.

735 So it may be that the Government needs to review its position and perhaps consider the
financial implications of settling all these loans at once, because it is evident that the UK
Government itself is in the process of repackaging these loans and selling them off to third
parties.

740 **Hon. Dr J E Cortes:** Mr Speaker, the Government is exploring that possibility.

Q336/2017
New schools –
Sale of land for funding

Clerk: Question 336. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Regarding the new schools that Government has promised to build in this electoral term, can the Minister for Education confirm that no public land is being sold off to fund them?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, arrangements for the funding of the new schools will be detailed when the relevant projects are announced.

Hon. Ms M D Hassan Nahon: Can I ask the Minister how long that will take, considering there are two years left to build these five schools?

Hon. Dr J E Cortes: A couple of weeks perhaps, Mr Speaker – there might even be surprises next week.

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q385-387/2017
Supported Employment Company; Project Search –
Applications outcomes; employees in public and private sectors

Clerk: We now move to Question 385. These are covered in the supplemental notice of questions which was circulated this afternoon.

We will start with Question 385. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, since January 2012, in each calendar year how many applications to become employed by the Supported Employment Company have been (a) accepted, (b) declined, or (c) remain pending a decision?

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

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question together with Questions 386 and 387.

Clerk: Question 386. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government state how many employees of the Supported Employment Company are currently working within the public sector or Government-owned companies and how many are working in the private sector?

Clerk: Question 387, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, what inroads have been made in relation to Project Search or any other supported internship model?

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

Hon. J J Bossano: Mr Speaker, there are no applications in the Supported Employment Company made, accepted, declined or remaining pending a decision since January 2012 for any calendar year, as I have previously explained in Parliament.

790 As at the end of September the Supported Employment Company had 32 employees placed in the public sector and 36 employees placed in the private sector.

I refer the hon. Member to my previous answer on Project Search. I am not sure what he means by 'inroads' in relation to Project Search, but to date, to my knowledge, there has been no further development of Project Search or other supported internship model. As initially introduced, this entails affording young people with special needs career pathways such that they feel supported and empowered to do well and progress with their lives and careers. At the moment there is a Learning Support Assistant (LSA) seconded to the Education Department. The current role is simply to identify potential school leavers with special educational needs and afford them guidance and support as they make the transition from school to full-time employment. Students are given the opportunity to participate in short-term work placements. These consist of either one full or half-day period over six weeks. The student still remains at school for the remainder of the time.

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Hon. L F Llamas: Mr Speaker, could I then just clarify, because I have heard of people who have tried to approach the Government with a view to getting employment for their children and there does not seem to be an actual official mechanism whereby you can actually put ... You do not fill out an actual application, you leave your details, but it does not seem that people are getting answers whether they can be accepted into the company as an employee or not. So it seems to me at least ... I know of two people who are wishing to seek if there is a possibility of becoming employed by SEC but are not getting anywhere, so I cannot deduce from the answer that the Hon. Minister has given me whether there are any pending decisions to be made, given that it does not seem to be a very formal process in order to get into SEC.

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Hon. J J Bossano: Mr Speaker, I know the hon. Member was not here when we started on this. The position was that initially, on the 1st February 2012, within the number of people that were on the VTS scheme some 40 were identified as persons who had learning disability problems and therefore, it was considered by the people who had been running the scheme under the previous Government, would be people who would have great difficulty in finding work in the private sector or in the public sector on a competitive basis. They were initially transferred to the Employment Training Company together with the other 200, or however many there were at that point in time, and once people started moving out of the Employment Training Company into normal jobs in the private sector, those that had been identified for us were in fact transferred to the newly created company, the Supported Employment Company, where they have got indefinite contracts, as I explained to him in my answer the last time round. To those we have added people in the last four or five years, four and a half years, on the basis that the people we monitor to send to normal employers. If we find that really there is no way that we can actually get them into the normal market, then the decision is taken that they will come in and they are given a 20-hour slot within Supported Employment and a contract. But that only happens not because they make an application and not because applications are refused, but because we actually process almost everyone that goes into the employment market unless they come in basically passing through. There are a number of people who come in to the employment service register and get out on the same day because they come with a

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contract of employment in one hand and the registration in the other. But anybody else that is there for more than 24 hours gets referred to the training programme to see if we can, either
835 through assisting the wages or in some other form, persuade somebody in the private sector to take the candidate of the ETB in preference to a candidate from outside.

Anybody with disabilities is treated the same as anybody without disabilities in that system, and only when we come to the conclusion that it is not going to be possible to do what we think is a preferred option – that they would enjoy a normal job with a normal employer – do we then
840 give them the offer of coming into SEC. So anybody who has not had that offer, it is because we are still trying to get them another job.

Mr Speaker: Next question.

Q388-390/2017
Government-owned companies –
Inter-company transactions

Clerk: Question 388. The Hon. R M Clinton.
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Hon. R M Clinton: Mr Speaker, further to Question 299/2017, can the Government confirm whether it or any of its owned companies has entered into a contractual agreement with Gibraltar Capital Assets Limited to pay to it a housing allowance; and if so, which Government-owned company is liable for this payment?
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Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):
855 Mr Speaker, I will answer the question together with Questions 389 and 390.

Clerk: Question 389. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise why Gibraltar Land (Holdings) Limited sold the Eastside Reclamation site to GAR Ltd, another Government-owned company, on 22nd May 2014 for £75,469,680 and how much stamp duty was paid to the Government on this transaction?
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Clerk: Question 390. The Hon. R M Clinton.
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Hon. R M Clinton: Mr Speaker, can the Government advise if GAR Limited has been granted any loans by Gibraltar Investment (Holdings) Ltd; and if so, what amount was outstanding at 31st December 2016?

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.
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Hon. J J Bossano: Mr Speaker, the amount of stamp duty paid on the transaction regarding the Eastside was £2,640,082 and the transaction took place because the government decided that it should in the context of the negotiations for the developments that were then taking place.
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880 Further to the answer to Question 299/2017, the position has not changed. The hon. Member has been told many times, and those of his colleagues who were here before him even more times, that the company cash balances are collectively pooled and managed by the Treasury following the model created by the GSD administration when they were in government.

885 As regards the extension of an agreement, my understanding is that the relevant company is the Residential Property Company, but this has to be understood in the context of what I have just explained to him again regarding the common pool of cash balances.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister, as ever.

890 To go back to Question 299 – and I have read *Hansard* from last time we discussed this in March; he said he would go away, come back and let me know, if he could – am I correct in saying that the company that has an agreement with Gibraltar Capital Assets Limited is Gibraltar Residential Property Company Limited (GRP)?

Hon. J J Bossano: That is my understanding, yes.

895 **Hon. R M Clinton:** Does the Minister have any detail as to the nature of this agreement and the term of the agreement?

Hon. J J Bossano: No, I do not have the details, but I advise the hon. Member that he need not bother to ask me, because if I had them I would not provide them.

900 **Hon. R M Clinton:** Mr Speaker, I thank the Minister, at least we have the name of a company, which is more than we had before.

905 If I may turn to Question 390, I believe he has given the usual stock answer of the cash pool of the companies but he has not actually answered the question whether GAR Limited has been granted any loans. Could he elaborate on that?

Hon. J J Bossano: Yes, Mr Speaker, the cash pool is accessible to everybody in the companies and therefore they either put money in the pool or take money out of the pool as and when required. He has got a written answer on loans to companies and he will see in that written answer what the explanation is.

910 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer and I look forward to that schedule.

915 In terms of the sale of Eastside Reclamation to GAR Limited, could he explain what the economic rationale for that transaction was, other than it should be done?

920 **Hon. J J Bossano:** Mr Speaker, we have had a debate on this point on countless occasions. The Government takes policy decisions, which is the job that the Government has to do in dealing with situations with investors or with anybody else. Those decisions might not be the ones that the hon. Member might take if he was faced with the responsibility of taking it, but the Government takes the decision that it thinks is necessary. If the Government had to satisfy the hon. Member or justify itself to the hon. Member for every decision, in effect he would be replacing the Queen as the Head of State.

925 **Hon. R M Clinton:** Mr Speaker, I am flattered by that remark but I would never dream of substituting Her Majesty.

Surely the Minister must recognise that in incurring a stamp duty liability of £2.6 million there must be a very real economic reason for doing this – and I know there must be because I know he, as a very longstanding economist, would not accept any transaction that did not provide

930 some economic value. Is there anything he can share with this House as to why this put the
Government in a better negotiating position?

Hon. J J Bossano: Mr Speaker, the position, as he well knows, is that it is not that the
company is paying money that belongs to the state to a different party; it is a state-owned
company paying to the state. The money that is paid is not in the account of the company but it
935 is in the account of the Government. The stamp duty is being paid by a Government-owned
company to the Government. There is no economic cost involved because the Government
originally owned a company with £2 million and did not have in the Consolidated Fund the £2
million, and now the Government has got £2 million in the Consolidated Fund and the company
does not have it in its account. So the economic effect is zero.

940 The reality of it is that at one stage the Government decided to make property transactions
of the Government liable to stamp duty and a number of other things when they were running
out of borrowing capacity. I have explained this in connection with some of the other changes
that took place in the accounting systems where we have got a number of duplications of things
that come in and out. For example, the fact that we have a situation where contributions from
945 the Social Insurance, which never used to go through the Consolidated Fund, now go through
the Consolidated Fund and come out of the Consolidated Fund was because before the
Government altered the threshold for loans they were reaching the loan ceiling on the 80%, and
instead of tackling the 80% like we have done and accepting that the 80% is in fact a limitation
on the borrowing ability of the Government, which is a stranglehold because the growth of the
950 GDP by definition will always be faster than the growth of the Government revenue ... So 80% of
Government revenue will always produce a lower debt than 40% of GDP. So, for example, a
number of things were done, like paying rent on property to itself, paying stamp duty on
property to itself, which in effect ... doing what I have just told the hon. Member with the
authorities and the agencies which previously used to get income coming in directly and now
955 they get money coming into the Consolidated Fund. With the book that he has he will see that
the book shows money coming in into an agency which was collected by the Government on
behalf of the agency. The collection of the Government on behalf of the agency meant they
recovered revenue higher. If the money had been collected by the agency without passing
through the Government, the recovery of revenue would have been lower. Every pound that
960 went through that system made possible another 80p worth of debt.

So that is how the system came about, which appears to him, looking at this particular
transaction, as being a situation where an economic decision has been taken when in fact the
decision was taken originally to make some things payable that would otherwise have been
impossible to exempt from payment simply because ... and we have left the system as it was
965 because, frankly, it is more hassle to try and change the book than to leave it as it is because the
effect really is that in economic terms it is a paper exercise. It is money that goes in and goes
out, but ultimately the collective wealth of the Government is in the assets in the company and
the assets in the Government.

In terms of the cash pool, the cash pool which was really invented when the Government
970 decided to have many trading companies, which did not exist in 1996; they had no employees
and only had assets ... when they started trading, in effect what the Government did was to
some extent create for the companies the equivalent of what has existed since time immemorial
in that there is an ability to have deposits and advances in public sector entities. Therefore, all
those deposits and advances only get cleared when you close the accounts on 31st March, but in
975 between 1st April and 31st March the money can go in one direction or the other and it is used
as part of the mechanism that the Treasury has for the flexibility of medium-term liabilities in
one corner of the empire when there are moneys available sitting in another corner. That is
really the best way that I can paint the picture, parts of which will be things perhaps that the
hon. Member is not familiar with and I happen to be, just because I have been seeing the
980 changes happening over a long period of time.

Hon. R M Clinton: Mr Speaker, I am extremely grateful for the Minister's explanation. Maybe he can correct me if I am wrong with his statement: effectively, in terms of stamp duty it is a zero sum gain in that, as he says, it is coming from the left pocket and going to the right pocket, but the stamp duty will be showing as revenue in the Consolidated Fund and a liability would technically remain with the company. Would he accept that as correct?

Hon. J J Bossano: I said that technically it is a paper exercise, that is correct; but the owner of the company is the owner of the pocket where the money is.

Q391-394/2017

Training –

Gibdock NVQ courses and certificates; Future Job Strategy cost and success rate

Clerk: Question 391. The Hon. E J Phillips.

Hon. E J Phillips: Can the Minister for Training provide details of how many trainees have completed their NVQ course with the training scheme run in partnership with Gibdock and when that training was completed?

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

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question together with Questions 392 to 394.

Clerk: Question 392. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government explain why the Gibdock partnership trainees have still not received their accredited certificates?

Clerk: Question 393. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state the total costs to the taxpayer of the Future Job Strategy since inception?

Clerk: Question 394. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state: (i) the total number of people who started on the Future Job Strategy; and of those people (ii) how many are currently in full-time employment?

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

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, the number of trainees who have completed their NVQ courses with the training scheme run in partnership with Gibdock by year of completion is as follows: 1999, 15; 2000, 16, 2001, 11; 2002, 10; 2003, 12; 2004, 7; 2005, 14; 2006, 13; 2007, 13; 2008, 11; 2009, 14; 2010, 15; 2011, 15; 2012, 16; 2013, 7; 2014, 6; 2015, 29; 2016, 12.

1025 Any apprentices who have not yet received their certificates have not done so because all the necessary procedures have not yet been completed.

The Government rejects the hon. Member's philosophy that providing training for employment is a cost to the taxpayer. The Government considers it an investment in creating a pool of skills which benefits the individual and potentially assists economic growth. The amount invested in providing training and related infrastructure is already known to the hon. Member opposite and was identified by the Leader of the Opposition in the 2011 election campaign as £11 million a year. Provision for an amount of this order has been made in every budget and approved by Parliament.

1035 The expenditure in support of training for employment under the Future Job Strategy continues at this annual level and the concerns of Members opposite in the past that it would have to be increased over the years has not materialised. It is currently at the same level and is expected to continue at under £1 million a month to the financial year 2019-20.

1040 The number of persons who have benefited from starting on Future Job Strategy training programs to April 2017 has been 2,802 and of these 1,859 obtained employment at the end of the training period.

Hon. E J Phillips: Insofar as the Future Job Strategy is concerned, I am not going to recite our views in relation to that; they are well known and I disagree with the hon. Gentleman in respect of his analysis of what we say the costs were. But it is quite clear from the figures that the Hon. Minister has deployed as of up to April 2017 – 2,802 people have engaged on the Future Job Strategy, and of those he says that 1,859 have secured full-time employment – that there is a significant number just under shy of a thousand people who have not been guaranteed a placement pursuant to the Government's commitment to guarantee everyone a job.

1050 **Hon. J J Bossano:** Mr Speaker, the people who completed the training got employment; not everybody completes the scheme. Some people give up when they do NVQ Level 1, even before they finish the NVQ Level 1.

Let me remind the hon. Member that the Leader of the Opposition asked me in December of 2012 what was the percentage of the number of people who had completed and got a job, and it was 28%. He then told me that what we were doing was clearly no better than what was there before, under the GSD, because the GSD had a 28% success rate. I pointed out to the Leader of the Opposition then – and the hon. Member was not here – that the 28% in the first year was in fact because it was the first year and those people we were taking on in the training companies initially included all the people who were in the VTS, and for those people we did not have a job guarantee before they entered. Those people had to be recycled because they were placed with employers who told us at the time ... I explained it in 2012 when we took over that there were people who were saying, 'Well, look, I didn't really need somebody in my business and I haven't got a business that is big enough to take on another employee, but as far as I was concerned I was willing to take somebody into the business as long as it didn't cost me anything in order to give that person an opportunity maybe to learn some skills and go back to the unemployment list and get a job, because that was all that the Government was asking of me – but if you are telling me that if I keep him I have to then give him a job, then take him back, I do not want him.' That meant that we had to move people out. Initially we moved them into the public sector, in many areas, simply because we did not have enough places in the private, but they were all eventually found places in the private sector and when that happened, since there is a thing called a contract between the placement provider and the Training Company on the basis that after the first month of probation any further training that goes into the job is on the basis that the person has got one month, the employer has got one month, to decide whether he thinks the candidate is going to be suitable or not, then if they carry on with the trainee for five or six or seven or eight months and then they turn round at the end of the nine months and say, 'Well,

I don't want to keep him,' they have to refund the nine months. That is how the scheme has been working.

1080 Once that scheme started taking people fresh from the unemployment list and not having to deal with the people we had in the beginning, the success rate was beginning to go up. In fact, I think at the rate that is there it is something like 62% or 63% - or something like that, I am not really sure. I have not worked out the percentage, but I know that it has been consistently over the years in between 65% and 70%, depending ... Sometimes we have got better months in terms of retaining trainees. Sometimes the trainees decide themselves to resign. There is nothing we can do about that. Sometimes people are training to do something ... For example, I
1085 can tell the hon. Member we have got some apprentices who in the middle of their apprenticeship have seen vacancies coming out in the public sector and decided to abandon the apprenticeship and go to the public sector if they can get the job, even though the job in the public sector might be one that is less skilled than the one they would get, because the scheme from the beginning has only guaranteed employment in the private sector with the person with
1090 whom we are in partnership. The partnership agreement requires the commitment that the person would be employed. In the training that I explained to him not long ago of the coach drivers for the tour operators, the agreement with the tour operators is that after we finish the training period, which we are subsidising, they take them on.

1095 Obviously we would like to be able to achieve 100%, but I think what we have been able to achieve until now is in the 60s. In fact, when the Leader of the Opposition used to ask me the reasons why people were falling out, it was invariably either people discontinuing themselves or people having to be terminated for disciplinary reasons and it was not the fact that the employer was at fault. There have been very few employers who have defaulted, and they have had to pay and in fact they have not come back for more trainees.

1100 **Hon. E J Phillips:** Does the Minister agree with me that now is the time to revisit the viability and the sustainability of the Future Job Strategy, given what can be estimated at £66 million of spending in respect of a success rate that gravitates between 60% and 65%? Would the Minister agree that now is the time to revisit the viability of that moving forward?

1105 **Hon. J J Bossano:** I think that the position is that we have got declining numbers of potential candidates because the levels of unemployment are much lower. The hon. Member does not have the employment survey – it has not been tabled yet, I do not think – but he will see that the employment levels are higher, so if there are more people working and fewer people
1110 unemployed ... The throughput of people is lower now than it was at the beginning and we are in fact open to look at anything that is worth supporting in terms of the commitment that we have got.

1115 We decided in the election of 2011 that that was the amount of money we were going to commit to doing this. That commitment has been maintained. It is the only part of the budget really that has not grown, simply because of the fact that the amount that we pay the trainees has gone up but has been compensated by the fact that there are fewer people available to become trainees. So there are fewer people in the system and even though each person gets paid more now than they were getting five years ago, the total cost is still manageable within that budget, which pays for a number of other things more than just the wages.

1120 Certainly we are prepared to revisit the scheme in the context of anything that anybody can put to us which will result not simply in people becoming more skilled and remaining unemployed, but more skilled with a clear opportunity to take up a job because a job exists and because we know the job exists – because that is the commitment of the scheme from day one: we train for employment, we do not train to have very skilled unemployed people.

1125 **Hon. E J Reyes:** Mr Speaker, may I bring the Hon. Minister back to the reply he gave in respect of Question 392. The Minister says that the trainees have still not received their

accredited certificates because the process was ongoing or something. Does he have any information to expand that further, and what is actually missing?

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Hon. J J Bossano: I think there were a small number of people who, having finished the preparation of the portfolio, the assessor who was employed left the centre and frankly had not done some of the work that required doing, and there was a period when that work was not being done until we, some time later, were able to recruit somebody who was a retired craftsman who we have been able to get trained and qualified to be an assessor and accepted by the awarding body in the UK and then has then come in and done a catch-up exercise on some of those.

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There are people, for example, in those circumstances who are already craftsmen and are already working as craftsmen but have still not had their certificates, but I do not think anything else is required of them. It is a matter for the people in the Training Centre to make sure that the paperwork is being done. We have just had somebody from City and Guilds this last week looking at the procedures that we are following and the infrastructure we have got and we have got a good report from him, and I think somebody from EAL is coming next week to do a similar exercise.

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I think the difficulty has been a lapse on the work that needed to be done in order to submit the reports to the awarding body in order to get the awarding body to send us the certificates.

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Hon. E J Reyes: It does offer some explanation, Mr Speaker, yes, because we have spoken in the past about an assessor no longer being in the Training Centre, but I thought there was a safety margin because the assessors are subject to what is called an internal verifier, of which we have continuation of that.

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The only thing that worries me, Mr Speaker, but I think I read properly into what the Minister was answering is that a fair amount of time seems to have lapsed since the trainee completed the portfolio and therefore ceased to be a trainee there. Are we in any risk of too much period of time having elapsed and then the awarding body, when it sends its ultimate ... the external verifier who comes like an overall auditor, to put it in [*inaudible*] terms ... Do we run the risk of that? If that is the case, then I urge the Minister can he please expedite the matter because it would be a pity for the individual to have had so much work put in, so much time and so much Government money thrown into a project for it all to be lost at the last minute.

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Hon. J J Bossano: I think that the risk that the hon. Member is explaining existed, from what I have been told ... I do not understand the system as well as he does, but from what I have been told action was taken in conjunction with the people in the UK and I am told that everything is in place to their satisfaction and that the people involved expect that before the end of this year anybody who is without a certificate will get one. That is what I am told.

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ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House do now adjourn until tomorrow at 3 p.m.

The House adjourned at 4.43 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.07 p.m. – 5.19 p.m.

Gibraltar, Thursday, 22nd June 2017

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<i>The House adjourned at 5.19 p.m.</i>	34

The Gibraltar Parliament

The Parliament met at 3 p.m.

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

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

SUSPENSION OF STANDING ORDERS

Standing Order 7(1) suspended to proceed with laying of reports

Clerk: Suspension of Standing Orders. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with the laying of a report on the table.

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

PAPERS TO BE LAID

Clerk: Papers to be laid. The Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

- 5 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. Gilbert Licudi):** Mr Speaker, I have the honour to lay on the table the Tourist Survey Report 2016, the Hotel Occupancy Survey 2016, the Air Traffic Survey 2016 and the Employment Survey Report 2016.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

CHIEF MINISTER

Q395/2017

**Expressions of interest and tender for services required –
Difference in definition**

- 10 **Clerk:** We now move back to answers to Oral Questions and we commence with Question 395. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government explain what is the difference between expressions of interest and tender for services required?

15

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, 'seeking expressions of interest' is an open request made to potential suppliers to submit a proposal for a proposed project or scheme to the Government. It is, in effect, a method of obtaining commercial information from the supply market on the viability of a proposed site, project or scheme.

20

A 'tender for services required' is an invitation to service providers to submit a fixed-price offer to the contracting authority under sealed bid to provide the detailed service sought.

25

Hon. L F Llamas: Mr Speaker, could the Government clarify whether there is a criteria, in terms of, a bracket for example, when services might exceed a certain amount of figure, whether they will go into expressions of interest or a tender?

30

Hon. Chief Minister: Mr Speaker, I think I have answered that question in the last few months and very likely in the past six months. I do not know when it was that the hon. Gentleman or one of his colleagues asked us for the threshold which required that matters go out to tender. That is a document which the Chief Secretary circulates to all Departments and he will see in *Hansard* exactly what it provides for when a tender is required under the procurement rules.

Q396/2017

Members of Parliament, public servants and families – Management of conflict of interest in awarding of contracts etc

35

Clerk: Question 396. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, what is the Government's policy as regards the management of potential conflicts of interest in the awarding of contracts or purchasing of services as regards the business interests of Ministers, public servants and their families?

40

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the policy of the Government in relation to these matters is set out in the Ministerial Code that was published on 8th September 2015. The Code has to be discussed by the Select Committee on Parliamentary Reform and approved by this House. The Chief Secretary is leading on the production of a separate code for public servants.

45

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer.

50

I believe that press release was dated 8th September 2015 but I cannot actually find a copy of the draft code either on the parliamentary website or the Government website and I would be grateful if he could make it available, although, as he says, it still has to go before the Select Committee.

55

If I may ask the Chief Minister, then: given that this code effectively is still in draft, what other measures are in place at the moment?

Hon. Chief Minister: Mr Speaker, as far as I am concerned, I think there is a copy behind him and there has been since the day he was elected to the House. I do not know whether it is there or not, but that was what we agreed at the time it was published, the Code of Conduct for the Members of the Gibraltar Parliament and the Code of Conduct for Ministers. I do not know why the hon. Gentleman felt he had to ask me, but it is here, it is available and he can have a copy if he wishes.

I think all that there is in place at the moment and detailed research at the time disclosed was a note of a *Hansard* of something that had been said some time ago – I think perhaps when Mr Speaker was a Member of the House himself. It may be in the Book of Rulings, which is available in the House, which I think Speaker Alcantara compiled, which sets out the provision of what is the rule as to conflict.

Hon. R M Clinton: Mr Speaker, with your permission, we are just checking the bundle here ... No, Mr Speaker, on this side we have the Parliament Act, the Constitution, Standing Orders and Rules and a notice on the use of microphones and the rules in relation to red beacon lights. Certainly – I am happy to be corrected by Members on this side of the House – we have never been issued, either informally or formally, with copies of that code that would apply to us, let alone the ones that apply to them. But if I may ask the Chief Minister: is it in his mind that this code is actually in effect at the moment?

Hon. Chief Minister: Mr Speaker, the only thing that is in effect at the moment is the existing rule, but as far as I am concerned we have all conducted ourselves in keeping with what we think the rule should be.

Hon. R M Clinton: And, Mr Speaker, I believe he referred to some extract from *Hansard* – I would be grateful if he could make it available to us on this side of the House, or at least the reference to it, the specific reference.

Hon. Chief Minister: No, Mr Speaker. I have told him where it is; he can go and find it for himself. And as far as making available the Ministerial Code, it is available in the Parliament, it is available here, it is available on this side, it is available in there, so he can have as many copies of it as he might care to persuade the staff of the House to make available to him and he can get the copy of the rulings of Mr Speaker, which are available to all Members of the House, and search for himself the bit that deals with conflicts. I know that he is retired, but he needs to behave as somebody who is active at work and not get me to do everything for him.

Hon. R M Clinton: Well, Mr Speaker, would he at least confirm to the House that, as far as he is aware, this information is not available to the public, in that it is not available on any Government website and certainly not on the Parliament's website, and perhaps would he agree with me that it should be on Parliament's website and on the Government's website?

Hon. Chief Minister: I do not agree with him, Mr Speaker, that it is not available on the website of the Parliament. I think if he were to search carefully he might be able to find some references in *Hansard* where this has been read out, certainly in the time that I have been available. But it should be very readily available on the Government website and on the Parliament website, so that people can see what the rules are that apply to public servants, to Members of the House, all of them, and to Ministers. If people think that those are difficult to find, we must fix that as soon as possible so that people can see that they have a Government that behaves entirely in keeping with the higher standards of propriety, as everybody would expect. Those rules are not hidden away. Anybody can come here to the Parliament and seek copies of them, which is what people would have done before websites. But now that websites

are available – and I agree with the hon. Member that once something is available on a website these days it is certainly public – we should put them on the website as soon as possible.

110

Mr Speaker: Next question.

Q397-399 and Q411/2017

Lands Agreement 2015 –

**Fortress Headquarters; HM Naval Base warehousing; HMS Rooke site;
dockyard land allocated to Bassadone Motors**

Clerk: Question 397. The Hon. R M Clinton.

115

Hon. R M Clinton: Mr Speaker, can the Government advise if Fortress Headquarters in Rosia Bay has now been released to the Government by the MoD under the Lands Agreement 2015?

Clerk: Answer, the Hon. the Chief Minister.

120

Chief Minister (Hon. F R Picardo) Mr Speaker, I will answer this question with Questions 398, 399 and 411.

Clerk: Question 398. The Hon. R M Clinton.

125

Hon. R M Clinton: Mr Speaker, can the Government advise if the block of warehousing within HM Naval Base released by the MoD under the Lands Agreement 2015 signed on 13th January 2016 has been sold by the Government; and if so, when, for what consideration, for what term of lease and to whom?

Clerk: Question 399. The Hon. R M Clinton.

130

Hon. R M Clinton: Mr Speaker, why and when is the Government proposing to demolish all the buildings on the site of HMS Rooke and what is the anticipated cost of doing so?

Clerk: Question 411. The Hon. M D Hassan Nahon.

135

Hon. Ms M D Hassan Nahon: Has the land at the dockyard allocated to Bassadone Motors been leased or sold?

Clerk: Answer, the Hon. the Chief Minister.

140

Chief Minister (Hon. F R Picardo) Mr Speaker, the Rosia Bay alternative headquarters facility will be transferred once both MoD and HMGoG agree that Lands Agreements 2004, 2007 and 2011 have been implemented in full.

145

The block of warehousing at Mid Harbour Road in part released under the 2015 land deal with the MoD has been sold to Waterloo Holdings Ltd, a subsidiary or related entity of Bassadone Motors, in the sum of £3.6 million on 30th November 2016 on the basis of a 150-year lease.

150

The Government is demolishing all the buildings on the Rooke site in preparation for the redevelopment of that site. The demolition will enable the Government to provide the land to the developer free of existing buildings and as a brownfield site. The estimated cost of the demolition is £1 million and this would be recovered from the premium to be paid.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his response.

In respect of the warehousing in HM Naval Base, did the Government invite any expressions of interest for the sale of the land?

155

Hon. Chief Minister: No, Mr Speaker.

Hon. R M Clinton: Mr Speaker, given that it is usually generally accepted that it is good practice to advertise for the highest possible price for the taxpayer on this land, would the Chief Minister care to advise the House why there was no invitation for expressions of interest?

160

Hon. Chief Minister: Yes, Mr Speaker, I would be delighted to advise the House of why there was no invitation for expressions of interest. You see, Mr Speaker, as no doubt the hon. Members opposite know, on 12th August 2005 the Government of the GSD entered into an agreement with Toyota Gibraltar Stockholdings Limited in respect of the reclamation in the area of Western Beach. They entered into an agreement in effect to produce a 150-year lease of the area that was going to be reclaimed for £3.6 million. The area that was going to be reclaimed, approximately 62,000 square meters, was going to in effect require the Government to spend approximately £20 million reclaiming, although cleverly the GSD Government had done a deal to lease it for £3.6 million.

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170

Mr Speaker, in the circumstances and given that it was not possible to proceed with the Western Beach reclamation because it was no longer financially viable, given that it had been presold for less than it would cost to create, we found ourselves in a position of having to find a location for Bassadone Motors, one of the top companies in Gibraltar that employs over 300 people. In the circumstances, Mr Speaker, what we were doing was transferring the obligations of the Government entered into by the GSD administration for this new site, which we were able to sell for the amount that had been agreed between the GSD Government and Basedone Motors in 2015.

175

Hon. R M Clinton: Mr Speaker, I do not suppose the Chief Minister would be amenable to giving us a copy of that agreement with Toyota Gibraltar Stockholdings LTD in respect of the Western Beach reclamation?

180

Hon. Chief Minister: Mr Speaker, this is not a registered document, it is therefore not a public document, but I have absolutely no difficulty in letting them have it. I do not think they can publish it, but I can let them have it. I do not think it is necessarily a publishable document.

185

But look, it is an agreement that their Government did, that the GSD Government did in 2005, Mr Speaker. It really is quite something to see that they appear not to be aware of the things that the Government that they defend the record of did things like this, which made it really quite difficult to see how there may be any financial viability in the reclamation at Western Beach whilst it was encumbered with this obligation.

190

Hon. R M Clinton: I am grateful to the Chief Minister for allowing us to have a copy of the documents and we do undertake to keep it confidential.

195

If I may move on to the *Rooke* site, I notice that it is going to cost us £1 million to demolish and hopefully that will be recovered from the premium. Do I take it then that the developer will still be London and Regional?

Hon. Chief Minister: That is the developer we are in discussions with.

200

Hon. R M Clinton: And as part of my question I did ask as to a date as to when you might propose to demolish on the site.

Hon. Chief Minister: Demolition has begun, Mr Speaker.

Q400/2017
Gibraltar Capital Assets Ltd loan –
Fees to Hassans and TSN

205 **Clerk:** Question 400. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, further to Question 695/2016, asked on 28th October 2016, and given that the full list of fees paid to all advisers was not provided at the technical meeting held on 6th February 2017, can the Government advise how much in the way of fees Hassans and TSN has been or is due to be paid in respect of work undertaken in respect of the
210 £300 million loan raised by Gibraltar Capital Assets Limited?

Clerk: Answer, the Hon. the Chief Minister.

215 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the total amount of fees paid to the firm of which the Leader of the Opposition is a partner was £428,145.65 for dealing with the whole transaction from inception, including structuring, prospectus, key documents including agreements etc; and Triay Stagnetto Neish, £125,300 for dealing with the land aspects exclusively.

220

Hon. D A Feetham: Mr Speaker, for the record, the Chief Minister continues to be a partner of that firm and so does Minister Licudi.

225 **Hon. Chief Minister:** Mr Speaker, I am on a sabbatical as a proud partner – (*Interjection by Hon. D A Feetham*) Mr Speaker, I think the jack-in-the-box is getting nervous. I am a proud partner of Hassans on sabbatical, Mr Speaker.

Hon. D A Feetham: He continues, Mr Speaker, to be a partner, whether on sabbatical or not, of Hassans.

230

Mr Speaker: No more exchanges, please, because a question is not being asked, statements are being made, and that is not the purpose of Question Time.
We go on to the next question.

Q401/2017
Property developments –
Import duty waiver

235 **Clerk:** Question 401. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, further to Question 311/2017, can the Government advise for which private property developments it has waived import duty in respect of the construction, fitting out of and equipping of said properties in the period from 11th December 2011 to 31st March 2017?

240

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has waived import duty in respect of construction, fitting out and equipping of one project from 11th December 2011 to
245 31st March 2017, namely Imperial Ocean Plaza.

Hon. R M Clinton: Mr Speaker, given this is applied only to one specific project in six years, could the Chief Minister advise why this particular project was given that particular special treatment in respect of import duty?

250 **Hon. Chief Minister:** Because that was the culmination of the negotiations between the Government and the developer of this project, which the hon. Gentleman may know is delivering much-needed public parking in the area of Glacis and all of the roads towards Ocean Village etc. – incidentally, land which was acquired from the Government by the developer.

255 **Hon. R M Clinton:** Mr Speaker, would I be correct, or could the Chief Minister correct me if I am wrong, in that this would be an exceptional case and he would not envisage it arising again?

Hon. Chief Minister: No, Mr Speaker, there are a number of instances before the past six years where there have been many other instances of full import duty waivers given. We try to resist that, but in commercial circumstances it may be that we decide to do it again in the future if we think it is in the economic interests of Gibraltar.

260

Q402 and Q410/2017
Arrears of revenue; tax rebates –
Amounts

Clerk: Question 402. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how much has been collected in respect of arrears of revenue in the financial year 2016-17, broken down by head of revenue?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer together with Question 410.

270

Clerk: Question 410. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many individuals or entities were at 31st March 2017 entitled to tax rebates, and what is the overall value of rebates due?

275

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I expect to report to the House in respect of collection of arrears of revenue in the financial year 2016-17 and tax rebates due to individuals and corporations during the course of the debate on the Second Reading of the Appropriation Bill on Monday.

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Hon. R M Clinton: Mr Speaker, as the Chief Minister knows full well, those details, that level of detail in respect of arrears is not in the Estimates Book, but I will take his word that he will give us the exact information I have asked for in respect of collection of arrears revenue broken down by head of revenue in his Budget speech. I would be most grateful if he could confirm that.

285

Hon. Chief Minister: I have not given my word to do that, Mr Speaker. I have said that I will be reporting on these matters during the course of my speech. I will give them in the way that I consider is appropriate.

290

Hon. D A Feetham: Well, Mr Speaker, I certainly was not prepared to take his word for it, I have to say, but nonetheless I was right not to have done so, given the answer the hon. Gentleman has just provided.

295 Mr Speaker, this was a subject of public exchanges several weeks ago, and indeed it was the
subject of exchanges across the floor of this House when I asked the question in March: how
much there were currently due in relation to tax rebates. The hon. Gentleman then refused to
answer, not because he said, 'I am going to give you the information,' or 'because I am going to
report on these matters during the Budget'; he said, 'You have not been specific with a date and
therefore I am not going to give you the information – had you been specific and had you said,
300 as you have said in the past, by a particular date, I would have provided you with the
information.' And, Mr Speaker, low and behold, we come back today, I ask the question with
reference to 31st March and he refuses to provide an answer to the question. Now can he
explain that inconsistency in the statements that he has made to this House?

305 **Hon. Chief Minister:** There is absolutely no inconsistency, Mr Speaker. It is very simple. The
year for which he is now asking is the year which I am about to report on. It is the current ... well,
the just completed financial year, and in this House we debate the just completed financial year
in the Appropriation debate and I will be giving the information to the House in the way that I
consider is appropriate in the context of that debate, Mr Speaker – it is very, very simple.

310 He can or cannot take my word for it. My word, Mr Speaker, is not what Mr Clinton was
trying to get my word to be; it is what I have said in the answer which is before the House and
which I have read already. I expect to report to the House in respect of collection of arrears of
revenue in the financial year 2016-17 and tax rebates due to individuals and corporations during
the course of the debate on the Second Reading of the Appropriation Bill on Monday.

315 Mr Speaker, bring it on – I am very much looking forward to it.

Q403-404/2017

Public finances in Overseas Territories – CPA and UK National Audit Office

Clerk: Question 403. The Hon. R M Clinton.

320 **Hon. R M Clinton:** Mr Speaker, can the Government advise its position as regards
participation in the CPA UK three-year project entitled 'UK Overseas Territories Project:
Supporting the Role of Public Accounts Committees & Audit Institutions in Oversight of Public
Funds'?

Clerk: Answer, the Hon. the Chief Minister.

325 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 404.

Clerk: Question 404. The Hon. R M Clinton.

330 **Hon. R M Clinton:** Mr Speaker, has the Government received a copy of the UK National Audit
Office guide entitled 'Good Practices in Effective Oversight of Public Finances in the UK Overseas
Territories'; and if so, does the Government intend to implement any of its recommendations as
to best practice?

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

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the letter from the CPA, which encloses a draft partnership agreement about this project, is addressed to Mr Speaker and seeks your thoughts. Mr Speaker is aware of the Government's view in respect of Public Accounts Committees in the context of Gibraltar.

340 The Government has not received a copy of the guide referred to by the hon Gentleman. However, the Government understands that a draft was supplied to the Principal Auditor in his capacity as our external auditor when he attended a forum in Miami in March.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his response.

345 Mr Speaker, invariably I am going to have to tangentially make reference to correspondence that you have kindly supplied me with. The Chief Minister will be aware of a letter dated 2nd June in respect of copying you with the correspondence on the CPA programme, which I presume the Chief Minister has received and has now read.

350 **Hon. Chief Minister:** No, Mr Speaker.

Hon. R M Clinton: Mr Speaker, is the Chief Minister saying no, he did not receive any communication from Mr Speaker; or no, he has not read them?

355 **Hon. Chief Minister:** Mr Speaker, I have not got a letter of 2nd June; I have got a letter of 1st June.

Hon. R M Clinton: Mr Speaker, I apologise – obviously I have got the wrong letter in front of me. The letter of 1st June then, Mr Speaker, he acknowledges having received, although ... Right I see. I have not had sight of your letter, of course, to the Chief Minister; I have had sight of your letter to the CPA.

360 Given that we have established the date of the letter the Chief Minister did receive as 1st June, I take it that he will have had time now to digest it and the attachments, so does he have any view on participating in the programme? Is that a yes or a no?

365 **Hon. Chief Minister:** Mr Speaker, if he means the programme that is attached to the letter of 15th May, not anything to do with the letters of June, what I see is that our Auditor has already been involved in a lot of the things that are being set out there. So, as far as the Government is concerned, we will consider with the Audit Office what other things it is that they want to participate in. We have never stood in the way of them participating in anything they have considered is helpful to the way that they externally audit the Government.

375 **Hon. R M Clinton:** Mr Speaker, as the Chief Minister will be aware, the CPA programme is targeted also at Parliament itself and not just the involvement of the auditors in a jurisdiction. I take it then from the Chief Minister's response that there is no interest on his side of this House in participating in any parliamentary exchanges with Westminster within this programme.

380 **Hon. Chief Minister:** Mr Speaker, I have been involved in parliamentary exchanges with Westminster since I became involved in politics and Joseph Garcia and I started lobbying the Westminster Parliament and started trying to understand the mechanisms there and the mechanisms here, and I commend that to hon. Members opposite.

385 I see one of the things here is the training of Opposition Members in order of how to ask questions. The Government has no intention of becoming the Opposition and therefore does not intend to be trained in how to ask questions. The Government intends to continue being the Government. If hon. Members think that they need training in the way that they ask questions in this House – which I genuinely believe they do, because I do not think they do a very good job, and I am talking of course about the principal Opposition, which is the one questioning me now

– they should by all means engage in that training as soon as possible because they need to start doing a damned better job than they are doing now.

390

Hon. R M Clinton: Well, Mr Speaker, I will obviously try harder, since I obviously have not made any impact on the Government, according to the Chief Minister’s measure.

I take it then he has no interest whatsoever in any of the other proposals suggested by the CPA, and certainly I have seen his reaction to Lord Foulkes in respect of the Public Accounts Committee. I take it he has no objection to any other Members of this Parliament participating in that programme and there is no impediment, I take it, from anyone in this House from participating or corresponding with the CPA accordingly. Would I be correct?

Hon. Chief Minister: Mr Speaker, has he read the document? (**Hon. R M Clinton:** I have.) He has. He tells me from a sedentary position that he has read the document. There is, Mr Speaker, as far as I can detect, only one aspect of this code which I think will require that hon. Members do anything, which is a visit to the UK Parliament from Members of the Gibraltar Parliament. That visit would be a delegation from Gibraltar visiting Westminster, a programme for MPs from Gibraltar in Westminster to serve as a familiarisation for Members, and the Clerk, as to the key areas of scrutiny that constitute their role. It will allow for the Chair, Members and Clerk to explore specific areas in practice and procedure with their counterparts and officials in the UK. The rest, Mr Speaker, is really for the Gibraltar Audit Office.

So, if what Mr Clinton is saying to this House is that he wants us to fund a trip for him to London to go to Westminster on a fact-finding visit to learn how to ask me questions ... Well, Mr Speaker, there is funding for CPA events. If there is budget for it, it is up to him to persuade the Leader of the CPA delegation for Gibraltar – I think it is the hon. Lady – that that is a good way of spending our money. Frankly, Mr Speaker, I think he does need to sharpen up his act. I do not think they are doing a very good job of opposition, but maybe something as easily accessible as BBC Parliament, which recently has featured a number of excellent speeches in respect of Gibraltar both at the Chamber of Commerce Annual Dinner at the United Nations, is a good place to start. Prime Minister’s Question Time at 12.15 on Wednesday, department Question Time – all of that is what they are going to see, Mr Speaker.

By all means, if they think that they need training in order to subject the Government to scrutiny, how could I stand in their way? I think that a trip to London is exactly what the doctor ordered, Mr Speaker.

Hon. R M Clinton: Mr Speaker, I am grateful for the Chief Minister’s comments, as usual.

I take it, then, he has also read ... Oh, no, he said he had not seen the Good Practice Guide for Overseas Territories. Would he like me to leave a copy behind the Speaker’s Chair for him to peruse at his leisure?

Hon. Chief Minister: Mr Speaker, if he is referring to the 2007 document, I have got it. If it is another document, I do not have it.

Hon. R M Clinton: Mr Speaker, I will gladly provide it to him. It is dated February 2017 and is specifically in respect of Public Finance Governance in the Overseas Territories, which he may find illuminating.

Hon. Chief Minister: Mr Speaker, I do not want a copy, thank you. I am very grateful that he has offered it, but frankly there was a Chief Minister before me and one before him and one before him and one before him, all of whom felt that we were not going to be told how to do business in this House from outside of this House.

He will find, Mr Speaker, there is a lot of literature on NAO documents of that type, and indeed Foreign Office documents of that type about what it is that they intended to achieve.

440 They are not intended to achieve, I would advise him, the sort of objective that he might be wishing to achieve; they are intending to achieve a slightly deeper objective, which is not necessarily in the best interests of each of the Overseas Territories in question.

He might also like to know, Mr Speaker, that the forerunner of that document, the 2007 document, actually led to the suspension of a constitution in one instance and the calling of a general election in another Overseas Territory. All of those, Mr Speaker, in our view, were not exercises which assisted each of those Overseas Territories in having their people progress in the post-colonial nature of the way that we would want to see our Parliament progressing.

450 At the end of the day hon. Members can decide that they now think – because they did not before the 9th December 2011 – that everything that is done in Westminster must now be done in Gibraltar. I will give him the plethora of quotes from their former leader, the man they say is the greatest Gibraltarian of all time, that suggests that that is not the way for Gibraltar to be progressing.

Our position, Mr Speaker, on the public finances of Gibraltar, on the possibility of a Public Accounts Committee in Gibraltar, is well known, and I will just remind the hon. Gentleman, in case he has not understood it, that we think that a Public Accounts Committee is bad for Gibraltar, that the Commission that we set up, which was independent and included a number of people who had sat with the GSD or the AACR on the benches in this House, thought it was a bad thing for Gibraltar and that we have been consistent in that approach in Government and in Opposition. And should they, Mr Speaker, win an election, there will still not be a Public Accounts Committee in Gibraltar, because if we are the Opposition we will not agree to form part of it.

That is our position, it is our policy position, because we think that is in the best interests of Gibraltar, because we think that is how we best defend Gibraltar's public finances and how we ensure that Gibraltar's public finances are robust at the same time as they are transparent and at the same time as we are accountable. Just because it is done in one way in one Parliament does not mean it is the right way to do it here.

470 But we can have this argument, Mr Speaker, for the next two and a half years: they are not going to change our mind. They are not going to persuade us simply because they come up with a document that suggests that it is done that way somewhere else. We are aware of that. We have factored that into the equation. We have had a debate about that in the context of a motion that he brought in this House. Our position, I think, could not be clearer.

Hon. D A Feetham: Mr Speaker, can I start by thanking the Hon. the Chief Minister. I do not often thank him but I want to thank him. I want to thank him because the fact that he says that the Opposition is doing a bad job is a huge confidence boost to this side of the House, because I know that when he says that we are doing a bad job we must be doing a very good job indeed.

Mr Speaker, when the hon. Gentleman refers – as he has on many occasions, for support for his argument that there should not be a Public Accounts Committee – to the report of the committee that the Hon. Mr Speaker, in a different capacity of course, chaired on parliamentary reform, does he not accept that in fact there have been significant factors post that report that make a Public Accounts Committee all the more necessary? I am referring in particular to the fact that the Government, since 2013, has been using and indeed borrowing through Government-owned companies and using for the purpose of Government expenditure nearly £800 million, of which it does not account to this House, and therefore, in the light of that, a Public Accounts Committee becomes all the more necessary because it is the only way that this side of the House can in fact examine how that money in those Government-owned companies is being spent – because the Hon. the Chief Minister certainly does not answer questions on this issue from across the floor of the House.

490 **Hon. Chief Minister:** Mr Speaker, it is not me that says they are not doing a good job. *(Interjection by Hon. D A Feetham)* I think they are doing an excellent job, Mr Speaker. I want

495 them to continue to do the job that led them to a historic defeat in a two-horse race at the last
General Election. I do not want them to change, I do not want him to go – I do not want them to
change him, Mr Speaker. It is the CPA that thinks that they need training and I have said that if
they think that they need training ... because I do not think they are doing a good job at
Question Time, but as an Opposition they are superb. I could not have invented them myself –
apart from the hon. Lady. I am talking about the official Opposition, Mr Speaker.

500 They have an offer from the UK Parliament to go and spend a couple of days in London: I
would take it – London is the most marvellous city in the world, as far as I am concerned. But do
I think that any of the things that he has referred to should lead us to a Public Accounts
Committee? Mr Speaker, this demonstrates to me that the hon. Gentleman, the Leader of the
Opposition, gets up to talk because he wants to hear his own voice, even though he does not
have a clue what he is talking about.

505 First of all, I do not accept any of the amounts that he has bandied about, £800 million etc.
But to get up and say, 'Because you have got £800 million in companies I must have a Public
Accounts Committee and that therefore is essential' is to belie the reason why a Public Accounts
Committee exists. A Public Accounts Committee exists for the House, Opposition and
Government, to quiz civil servants about public expenditure, i.e. the expenditure going through
the book, i.e. not the expenditure going through companies. So he has just demonstrated his
510 complete debased understanding of what a Public Accounts Committee is by saying 'I need it to
find out what is going through the Government companies.' He has just utterly and completely
demonstrated to anybody who on a hot Thursday afternoon may be watching us that at every
point that they have been requesting a Public Accounts Committee they do not know what they
are asking for. They are saying to the public we must, in order to hold the Government to
515 account, move from a system of pure political parliamentary scrutiny to a system of
parliamentary scrutiny of the administration. That is what the PAC does. What Daniel Feetham
and Roy Clinton want to do is cross examine civil servants. They want to bring heads, controlling
officers, heads of department and the Financial Secretary to this House and ask them questions
as if they were in court, with Ministers sitting alongside them also able to ask them questions as
520 if they were in court, to try and grill them, to interrogate civil servants. That is what Mr Feetham
and Mr Clinton want to do. That is the system that they want to bring into Gibraltar, and what
we have been consistent in saying as one of the arguments that we deploy against the PAC is
that we are answerable in this House and that they have to ask the questions of *us*. They may
not like the answers, Mr Speaker, they are not very good at confecting the answers in most
525 instances, but we will not accept that they should have the opportunity to grill civil servants, to
cross examine them and to interrogate them as if they were in a court of law.

530 The politicians in this community have to stand up and put up to defend the spending that
they do, as we do, Mr Speaker, as we will and, as they will have to realise, is the only way that
we will accept is the right way to do politics in this community when it comes to assessing the
public finances of Gibraltar.

Mr Speaker: Let me make my position clear. Hon. Members are now beginning to debate the
whole question of the Public Accounts Committee. They did that last October and you can do it
again next week or the week after, if you want to. But this afternoon there is not going to be any
535 debate on the question of a Public Accounts Committee.

After that lengthy intervention from the Chief Minister I will allow another intervention
either from the Hon. Roy Clinton or the Hon. the Leader of the Opposition and then we are
moving on.

540 **Hon. D A Feetham:** Mr Speaker, I have a political question; my hon. Friend Mr Clinton has a
technical question.

Mr Speaker: I will allow one from each of you.

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

545 I have to say that one has to admire the very clever foot shuffle, because that is what came to mind when I was hearing the hon. Gentleman give his reply to my question to the Hon. Chief Minister. He moves from 'Mr Feetham does not understand what he is talking about' to trying to turn, in one answer, the public service against the Opposition.

Mr Speaker, of course we want senior public servants to come before this House as part of a Public Accounts Committee to ask them questions within their realms of responsibility – or doesn't the hon. Gentleman realise that that nearly £800 million in Government-owned companies, which no one knows how they are spending, is actually being run by the directors of those companies, who are public servants? And does he not realise as well that if he, as he has answered in this House on numerous occasions in the past, says to me, 'I am not answerable for the expenditure of Government-owned companies because they have got their own directors, they are public servants,' the only way that we are going to be able to get to the bottom of how that £800 million of *the people's money* is being spent is by asking questions of the very same people that he himself has drawn our attention to: those public servants?

555 There is absolutely nothing, and does he not accept that there is absolutely nothing wrong with that, because that is the essence and indeed happens all the time in other parliamentary democracies, including the United Kingdom, Mr Speaker?

Mr Speaker: The Hon. Roy Clinton.

565 **Hon. Chief Minister:** No, Mr Speaker, I...

Mr Speaker: Together, and then that is it.

Hon. Mr R M Clinton: Mr Speaker, I will keep my intervention brief. Would the Chief Minister accept that Public Accounts Committees, certainly in the UK, have for many years now also included in their remit Government-owned and controlled companies, and so therefore it was incorrect for him to say that we on this side of the House do not know what we are talking about?

575 **Hon. Chief Minister:** Let me start at the end, Mr Speaker: no.

Mr Speaker, I have, I think, a political question and a technical question. Well, one of them did not sound very political and the other one did not sound very technical, Mr Speaker.

For 16 years, when hon. Members had a Government of the hue that they defend, there was no Public Accounts Committee in Gibraltar, Mr Speaker. (*Interjection* by the **Hon. D A Feetham:** Because the Hon. Joe Bossano did not want it.) For 16 years there was no Public Accounts Committee in Gibraltar, when they were in Government.

585 Now, let's be very clear: he can admire me more or he can admire me less, he can be jealous of my achievements or deprecating of my achievements – and I know he is deprecating, certainly at least when the cameras are rolling he is deprecating. Sometimes through gritted teeth there might be some reluctant recognition of achievement, but it does not matter, Mr Speaker. I do not live my life for his admiration, for his recognition or for his jealousy. I live my life to make this place better for my children.

So I do not accept the figure of £800 million. I think that he just conjects these figures and then wants us to accept them. The figure that he gives is the figure that he gives. He says that nobody knows what we are spending this money on, Mr Speaker, but then he goes on to say that it is all being managed by public servants, so obviously public servants know what we are spending that money on. And of course the projects in many instances which are involved with the companies are announced and the accounts of the companies are put online by the Government – in respect of Credit Finance, there will be accounts of companies which will be filed, so the attempt to create a veneer of secrecy about something that is public is just useless.

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600 But of course, that does not mean that those are the public accounts of Gibraltar in the sense that they are not the Estimates before the House. Neither does it mean – to deal with this alleged technical point, as if the hon. Member were a mechanic of finance – that Public Accounts Committees in the UK deal with Government companies and therefore I was wrong in the point I was making. Well, if there were a Public Accounts Committee in Gibraltar it could only deal with the things that the House already deals with, which means that Government companies would not be within it; so the hon. Gentleman is wrong, because he is assuming that if we were to create one we would create it in the way that *he* wants, and we would not. But we will not create one anyway.

605 Frankly, Mr Speaker, what they do not understand on the other side is that Gibraltar is not a nation of 60 million people, and I know why they do not understand it. They do not understand it because even when they were in Government one of their number said in answer to a question, ‘Oh, I’m not dealing with that, that is being dealt with by central Government’, as if we had a huge Government with local authorities etc. which had to be brought together by a Public
610 Accounts Committee. That is not the reality. This is a small administration and we are answerable for the spending. They might not like the answers that they get, they might not like that Gibraltar is doing so well, they might not like the fact that we are successful, they might not like that people agree with us, but that is the reality and we are not going to interpose for ourselves as a shield between us and them, civil servants. Civil servants today, as controlling
615 officers, spend in keeping with the Estimates Book that we are going to defend next week, and when that spending is done we come to this House to defend it. We stand up to their questioning, we provide the information, and if they do not like it they have the chance to ask many, many supplementaries. That is the way that they can drill down. And that is what they will be told, if they happen to go for the weekend off in London, that is what they will be told that
620 they have to do: that they have to ask searching questions to which they will get detailed answers, to which they will pretend they have not had an answer to go and create the veneer of a lack of accountability and a lack of transparency which is not there because this is the most transparent and accountable Government Gibraltar has had in its history – so transparent and so
625 accountable that we put most of the information in the public domain and they do not even bother to check it, but the public can and they know that their spending and their public finances are safe in the hands of a prudent, responsible, accountable and transparent Government of GSLP Liberal hue.

Q405/2017

**Financial Services Commission –
Licences issued since Brexit referendum**

Clerk: Question 405. The Hon. R M Clinton.

630 **Hon. R M Clinton:** Mr Speaker, can the Government please provide a breakdown by type of licence of the 21 licences issued by the FSC since the date of the Brexit referendum to the date of the Chamber of Commerce Dinner on 26th April 2017?

Clerk: Answer, the Hon. the Chief Minister.

635 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as I told those gathered at the Annual Dinner of the Society of Accountants last night – I was surprised not to see him there – I have an apology to make for having misled some of you who might have attended the recent Chamber of Commerce Annual Dinner, from which I understand this question derives. I told the Chamber
640 then that the FSC had issued 21 new licences since 24th June last year, the date of the result of

645 the referendum, but when I tried to stand that figure up, I confess it was an error. In fact, 26
new financial services licences have been issued since the result of the Brexit referendum was
announced. I stand delighted and corrected, Mr Speaker. Two are category 3 MIFID licences, four
are for new corporates licences as company managers, six are for individuals licensed as company
managers, three are AIFIM licences, two are EIF director licences, one is for an EIF fund, one is for
a new insurance company, another is for a new insurance intermediary company, one is for an
occupational pension, two more are for MIFID branches, one is for a prospectus and two are for
statutory auditors. That is the total of 26. In addition, Mr Speaker, you might also like to know
that there have been two licence extensions in the insurance sector also.

650 I am sorry, Mr Speaker, to have provided such an extensive list, but I understand that there
are some doubting Thomases out there. I have, I hope, nonetheless given the House a feel for
some of the more important areas of business that are being licensed and the areas of business
we are working on developing further.

Q406-408/2017

**Counter-terrorism and terrorism financing –
Number of trained police officers receiving**

655 **Clerk:** Question 406. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state how many of our current active
police officers have received training in counter-terrorism?

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

Chief Minister (Hon. F R Picardo): I will answer with Question 407 and 408.

Clerk: Question 407. The Hon. E J Phillips.

665 **Hon. E J Phillips:** Mr Speaker, can the Government state how many of those active police
officers who have received counter-terrorism training have also undertaken specific training in
terrorism financing?

670 **Clerk:** Question 408. The Hon. E J Phillips.

Hon. E J Phillips: Can the Government state whether or not there is a specific branch of the
Royal Gibraltar Police which is focused on counter-terrorism?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, these questions seek information about the
capabilities of our law enforcement agencies in dealing with terrorism. It is not in our
community's common interest for us to be publicly debating these capabilities. This is a matter
on which I am happy, nonetheless, to brief the hon. Members privately, if they wish.

680 Indeed, in the opinion of the Government, Mr Speaker, it is equally foolish to advertise
potential security issues such as breaches at the frontier fence. Luckily, however, when the
Member opposite issued his press statement this week in respect of a breach at the frontier
fence, that breach had been repaired some three weeks before.

685 When there are security issues which concern Members opposite it goes without saying that
the prudent thing for them to do is to call the office of the Chief Minister and seek to speak to

me or their relevant opposite number, in this case the Minister for Justice. Perhaps if they get no joy they might then want to take further action, but to issue a statement with a photograph of a breach of the frontier fence is a nonsensical approach to an alleged security issue. It is to offer an illustration of an alleged vulnerability, an advertisement of a potential danger.

690 The Government is dealing daily with such breaches. In fact, when we were first elected in December 2011 the frontier fence to the east of the commercial gate up to Eastern Beach was a single chain-link fence. A second Heras fence line running parallel to the original frontier fence was erected six months later in June 2012 and the space between the fences was filled with razor wire coils. The project cost for that second layer of protection for Gibraltar was £110,000.
695 Mr Speaker, it was this side of the House that invested in that double filter to make accessing Gibraltar harder. So perhaps, Mr Speaker, less cheap and immature point scoring and more responsible and mature thinking from the Hon. Member opposite might better serve Gibraltar.

I note, Mr Speaker, that the Hon. Ms Hassan Nahon expressed similar sentiments in an exchange of emails to which I was copied, in which she herself picked up the irresponsibility of these questions from the Hon. Members opposite.
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Hon. E J Phillips: Mr Speaker, dealing with a number of points raised by the Chief Minister, I have a number of questions.

The first relates to the reasons why the Chief Minister says that he cannot provide answers to those questions, albeit he is prepared to give the answers behind the Speaker's Chair. Does the
705 Chief Minister not agree with me that in countries in Europe, and particularly in the United Kingdom, where there are specific departments that deal with counter-terrorism, the information is readily available to Members of Parliament of those particular jurisdictions, and particularly in the United Kingdom, where counter-terrorism agencies provide information to,
710 for example, the Home Office by way of committee, questions are asked of Ministers as to resources? Has he not forgotten that in London of late there have been significant questions asked to Ministers in that jurisdiction regarding the resources and capability of the Metropolitan Police Force and the security services in the United Kingdom? Don't you think it is right, Chief Minister, that we should be allowed to ask questions –

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Mr Speaker: No, you are addressing the Chair: 'Don't you think it is right, Mr Speaker ...'

Hon. E J Phillips: Don't you think it is right, Mr Speaker, that I can ask questions about the capability of our force here, so that members of the public can be reassured as to the capability,
720 capacity or otherwise of our security services in this jurisdiction? It happens everywhere else. We do not know why it cannot happen here.

Hon. Chief Minister: It is not that we cannot provide the information, Mr Speaker; it is that I have told him I am prepared to offer it to him but not across the floor of this House. Maybe he
725 had forgotten that that is what I said when I started giving the answer.

It is not that Members of Parliament in the United Kingdom have been engaged in debate as to capabilities, Mr Speaker; they have been engaged in debate as to numbers of police officers. Mr Speaker, the numbers of police officers are in the Estimates Book – he can see what the numbers are.

730 Nobody is saying that we should not debate the numbers of police officers, but drilling down to ask specific questions about capability in a place the size of Gibraltar does start to create issues. Let's be very clear. If you are talking about a place the size of the United Kingdom and you talk about the capability there – even a place the size of London, Mr Speaker – it is impossible for somebody who is observing that area to say the capability is here or there. When
735 you are talking about a place the size of Gibraltar and we start talking about specific capabilities, it is very easy to start to assess vulnerabilities. Is he saying to me that he does not consider it is

possible that debating those capabilities publicly could not expose potential vulnerabilities, and is he prepared to take the risk that he might be wrong?

740 **Hon. E J Phillips:** I believe he is asking me a question and I am not prepared to answer that question. I have asked a question not about capability; I have asked the Chief Minister, Mr Speaker, very specifically about numbers, about personnel. I have not asked about capability. He is trying to corner this debate and argument in capability. It is not the question I put to him. Will the Chief Minister answer that question? The question I put to him is about numbers, not
745 about capability, and in light of that is he prepared to answer it?

Hon. Chief Minister: Oh, it is very illustrative, Mr Speaker, that he was not prepared to answer the rhetorical question, isn't it? The minute that responsibility passes for the consequences of potential risk, the hon. Member steps back: 'It's not going to be my fault if
750 something goes wrong, let it be yours.'

Mr Speaker, he *has* asked about capability. He has asked about the numbers of police officers trained in a particular area. That is asking about capability. The debate in the United Kingdom has been about numbers of police officers; this is about numbers of police officers trained in specific skills.

755 Again, I am not saying no to him; I am saying to him 'not across the floor of this House'. If he is genuinely concerned, Mr Speaker, why hasn't he said, 'Fair enough, let me have the information not across the floor of this House'? If he is genuinely concerned, why doesn't he want to have the information? If he is genuinely concerned, why does he just want to have a tennis match about the information, a political tennis match across the floor of this House?
760 Answer, Mr Speaker: because he is not genuinely concerned.

Hon. E J Phillips: Mr Speaker, I have a number of questions in relation to these points. I am not after a tennis match with the Chief Minister on this issue. I accept his invitation to go behind the Speaker's Chair and for him to give me that information so that I can have that reassurance,
765 so that if anyone asks me in town, up and down town, about that question I can say to them the Chief Minister has reassured me these questions are nothing to worry about. I am quite happy to accept that open invitation.

I was asking very pertinent questions, innocuous questions about numbers. I have the answer from him and I am satisfied with that, and we will take the subject up behind the Speaker's
770 Chair.

One of the points that was made, obviously, by the Chief Minister was in relation to the hole in the fence, Mr Speaker, and I think the Chief Minister forgets completely what he did in 2013. He accuses me and Members on this side of the House that we have somehow neglected Gibraltar and shown the world that there is a hole in the fence to climb through – shown
775 terrorists that there is a hole to climb through the fence, Mr Speaker. Well, in 2013 he highlighted the significant danger to security. He does not even read his own press releases, Mr Speaker. How does the Chief Minister reconcile his statement in December 2013 – and I am happy to quote it to him – with what he is suggesting the Opposition is doing now?

780 **Hon. Chief Minister:** I really wish Peter Caruana was back in this House, Mr Speaker, so we had some real in-depth intellectual logic at least coming to us from the other side of the House.

I do not know whether the hon. Gentleman has detected that what I am saying he did, which was irresponsible, was publish the photograph of what he obviously thought – unless he was saying something in his press release which was known to him not to be true – was then a
785 current hole in the fence. That is what he said, Mr Speaker, and that is the photograph that he published. In other words, he said, 'Hole in fence: come into Gibraltar here.' Luckily, three weeks before, we had covered that hole in the fence. I am telling him that there is a security issue at the fence. I am not saying that talking about a security issue at the fence is against the interests

790 of Gibraltar. It is obvious there is a security issue at the fence. We have talked about it, we have said we are dealing with it, we have added a second layer of fence and barbed wire. What we have not done is told people where there is a hole in the fence so they can go and come in to Gibraltar through there. That is what creates the security issue for Gibraltar.

I am quite happy to have a detailed debate about this with him, but can we please have it on things that are pertinent and can we please make this a little bit more intellectually rigorous.

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Hon. D A Feetham: Mr Speaker, there we go with the feet shuffling again, I have to say.

Does he not accept that there are inherent inconsistencies in the statement that the Chief Minister is making to this House and also publicly – as many inconsistencies as there are holes in the fence? He comes to this House and he says, ‘Well, the real problem was that you published a photograph of a hole in the fence, and that is a security risk for Gibraltar,’ – the same hole, it has to be said, that he says was covered three weeks ago. But does he not accept that actually there is more than one hole in the fence and that indeed only yesterday 34 people with sticks and with stones came in, not flying but through the holes in the fence, and in fact were only deterred because the RGP and our law enforcement officers had to deploy in riot gear with dogs? Does he not accept that there is a fundamental inconsistency in the statements that he is making to this House and publicly?

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Hon. Chief Minister: I genuinely miss Sir Peter – genuinely, Mr Speaker.

The hon. Gentleman can try and do the Harlem shuffle and try and play the shuffle joke as many times as he likes, but this is too serious for joking. It is too serious even to see him dancing on a pin head as he is trying to do now.

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There are no holes in the fence, Mr Speaker. There will be holes in the fence probably tonight. They will be covered again tomorrow. Every day there is an ongoing exercise of covering holes in the fence, not because we have fencing that can be cut – because we are seeking to implement fencing that cannot be cut, what is known as category 4 fencing – but because there is not a secure area on the Spanish side. That means that people drive their 4x4 vehicles up to the fence, attach them to the fence and pull it away, and that can happen in a moment. But on the same day that these 34 that the hon. Gentleman talks about were stopped and searched by the Police, by the way – he does know that they were not arrested but stopped and searched by the Police and the law enforcement agencies of Gibraltar, including Customs and the GDP, who do a magnificent job there and elsewhere in keeping Gibraltar safe – he does know that somebody swam in. So the holes in the fence, which today they are making the central cause célèbre that they bring to this Parliament, were not how a gentleman swam into Gibraltar to hand himself in to the Royal Gibraltar Police because he was wanted in the United Kingdom. Or are they not aware of that? Or is it that they do not go to the local beaches and see people on jet-skis go from one part of the European geography to another, something which is entirely common, proper and appropriate?

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Mr Speaker, the Government deals with the issue of holes in the frontier fence every single day. Every morning we deal with the issues. Some mornings there are more, some mornings there are less, Mr Speaker. Maybe the next thing that will happen is that he will get up and he will say, ‘I will build a wall and I will get Spain to pay for it!’ It is politics which has proved dramatically successful somewhere else. He might want to take a leaf out of that book. I know that he tweets that people who do not appear to be doing well in polls then do remarkably better than people expect, but let it be that he decides that his policy after he leaves here today is to build a wall and get Spain to pay for it.

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We have a serious security issue which we deal with every single day. We never deal with it by publishing photographs of the hole in the fence, because if the Hon. Mr Phillips published the photograph thinking, as his press release discloses, that it was still there and it needed to be dealt with and the next thing he knew, 34 people had come in through a hole in the fence, was he at least thinking, ‘Oh, my goodness, did they gain access to Gibraltar through Phillips’ gap or

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Phillips' gate? Was it that they found where I had said the hole was and that was the warren that they used to get into Gibraltar?' He should at least have had that concern, given that he had published a photograph thinking there was a current hole in the fence.

845 We can have this political debate until the cows come home, Mr Speaker, but Gibraltar has a security issue there that the Government deals with every day, and getting up and accusing me of dancing, of doing the waltz or doing the shuffle, does not help, and publishing photographs of holes in the fence which they say make Gibraltar vulnerable, thinking the holes are still there, is just damned right *irresponsible*. The most irresponsible action that a politician could take is to think he has identified a vulnerability and to publish it so that it might be exploited. That is
850 absolutely disgraceful, Mr Speaker. It is one thing to recognise that there is a security issue and it is quite another to publish where it is and to invite illegal access to Gibraltar through that particular advertised hole that he thought was there. Disgraceful, Mr Speaker!

Mr Speaker: Before I allow another supplementary, I want to make it clear that we have here
855 three questions on the Order Paper, all dealing with the question of counter-terrorism, which is loosely connected, I suppose, with holes in the fence –

Hon. D A Feetham: No, he raised the hole in the fence.

860 **Mr Speaker:** But it is now. The Chief Minister chose to widen the whole aspect of the matter by dealing with the question of the holes in the fence, and therefore I have been patient and liberal in allowing a number of exchanges on that matter. But that is not the subject of the three questions, and the three questions the Chief Minister has given an indication that he is prepared to give the information necessary. There is not much room behind my Chair, but I suppose it will
865 be in No. 6, or somewhere else. But that is it. I do not think that the hon. Member should continue to flog any further the issue of the holes. I heard today on GBC a very detailed report and news item on the matter, and now the hon. Members are transposing it from GBC here to Parliament.

870 Since the Chief Minister has been the last Member to rise, I am prepared to allow one other intervention from hon. Members of the Opposition. If it is a question I will allow an answer from the Government and that is it – we leave the holes behind and hope that somebody takes care of them.

Hon. E J Phillips: Mr Speaker, there is one question relating to certain allegations that the
875 Hon. the Chief Minister has thrown across the floor in relation to how disgraceful the conduct of the Opposition is in identifying a hole and somehow creating a danger for those that wish to harm this community, but it is completely inaccurate.

The Chief Minister, with the greatest of respect to him, in 2013 told the world that there was a danger in the frontier fence, which had holes in it. I will read it to him:

We are continuing to extend the powers available to HM Customs and Royal Gibraltar Police officers in dealing with illicit tobacco activity and investing in repairing those parts of the frontier fence which have been damaged by those involved in this trade. Last year Government spent £129,513.96 on repairs to the frontier fence and erecting new fencing which is harder to damage. The work we commissioned had not been done for years, but now requires further action to protect not just against this illicit trade in tobacco and the danger to our hard working law enforcement officials arising from it, but also the security danger posed by potential unauthorised access to Gibraltar through holes in the frontier.

880 It is the Chief Minister who puts to the wide world the security danger of the fence, not this side of the House, Mr Speaker. And what has he done in three years to deal with the question of the frontier fence: spent £130,000 and the fence is falling apart. Does my hon. Friend agree with me?

885 **Hon. D A Feetham:** Hear, hear. (*Banging on desks*)

Hon. Chief Minister: Mr Speaker, I really do not know how to start.

The hon. Gentleman, I am very grateful, has read a press release of 2013 where it illustrates a danger that I have confirmed is the case. I have gone into detail about that danger, Mr Speaker. 890 Doesn't he understand that what he did was not talk about the danger – he issued a press release with a photograph of where he thought there was a current actual hole in the fence. There are no holes in the fence today. Every morning they are dealt with. There are holes in the fence at night, which are made by people who seek to access Gibraltar illegally. The Royal Gibraltar Police and the Customs and GDP sometimes also deploy to stop people getting access 895 to Gibraltar illegally. The operation is not just there; it is in different areas to prevent the access to Gibraltar of people who come in not through the recognised entry points.

There is a danger, however, Mr Speaker, that with a fence we are not able to do much. If we built the best fence in the world ... I have just told him, Mr Speaker, if you attach the best fence in the world to the bumper of a 4x4, because there is not a secure area on the Spanish side, you 900 can pull the fence down. That is the challenge we are dealing with. Am I disclosing something, Mr Speaker? Well, those who attach the 4x4s to the fence and pull it off already know. But those who did not know that that hole existed in the fence had its existence, as he thought that it was, advertised to them by him. So he thought, 'Ha, ha! I'm going to embarrass the Government. I have a photograph of a hole in the fence – I'm going to publish the hole in the fence so that the 905 Government is embarrassed.' Embarrassed was he when he was told that three weeks before that hole in the fence had been fixed; but he published it thinking it was there, advertising it to anyone who that day felt that they should come into Gibraltar and did not have the cutters available. That is what he did, Mr Speaker. That is what I am saying is disgraceful. He created, thinking it was there, a manual for the illegal access into Gibraltar for anyone who cared to read 910 GSD press releases. Luckily, I do not think many people do.

Hon. Ms M D Hassan Nahon: Mr Speaker, can I, please? The Hon. the Chief Minister was just reflecting that I did raise my concerns about these questions to be raised, and I obviously wholeheartedly agree that it is a security risk to discuss these sensitive matters in Parliament. I 915 have to say that I am absolutely flabbergasted that two long-established lawyers here – (**Hon. D A Feetham:** Is there a question there?) Yes, there is a question if you wait, thank you very much. (**Chief Minister:** We always have to wait for you.)

Hon. Ms M D Hassan Nahon: We always have to wait about half an hour to listen to the 920 question mark.

Mr Speaker: Order! Order!

Hon. Ms M D Hassan Nahon: Mr Speaker, I am flabbergasted that two lawyers from Gibraltar 925 here do not understand the danger of discussing security details in a Parliament in a community of 30,000 people in today's world, the way things are. I, as a mother, am worried sick every single day and that is why I was worried sick when I saw the questions, because releasing our vulnerabilities in a small community like Gibraltar cannot be anything but dangerous.

So what I want to ask is, for those of us who genuinely care and want to discuss security in a 930 prudent manner, is the Chief Minister willing to provide us with a forum where we can properly and privately discuss these matters and get an update on risks and threats moving forward, please?

Hon. Chief Minister: Mr Speaker, the hon. Lady is reflecting the thing I said when I started, 935 that I was happy to meet behind the Speaker's Chair, which, as the Speaker has rightly said, would be in my office. But I think that she is wrong not also to reflect that very often she has

raised things with me directly and had the opportunity to have my thinking and the thinking of others with responsibility in this area in relation to any particular issue that has concerned her. And I think that is absolutely the right way to proceed.

940 I have on a number of occasions proposed something like the Privy Council, called the Gibraltar Consultative Council, that would be progressing in the United Kingdom where leaders of the opposition and members of the opposition are brought into Privy Council national security briefings on the basis of swearing an oath of non-disclosure. We have had the debate about oaths of non-disclosure in this House already. There are some people in this House apparently
945 who think the Privy Council is just about letters before your name, nonsensically – but never mind.

So, yes, Mr Speaker, I am prepared, as with the hon. Gentleman who I have made the offer to, to extend to her the opportunity to discuss these issues and to brief her in respect of any issues that concern her, not in this House. I commend her, Mr Speaker, for never having raised
950 these issues in public, for never having printed photographs of things that she has considered vulnerabilities that others might be able to exploit and for taking quite the most mature attitude to this debate that I have seen from that side of the House this afternoon.

Mr Speaker: Let us now move on to the next item on the Agenda.

955

Hon. D A Feetham: [inaudible]

Clerk: Question 409. The Hon. D A Feetham.

960 **Hon. Ms M D Hassan Nahon:** You are the most toxic person and you are the common denominator of the whole opposition, rather than one by one.

Q409/2017

Public service employees with criminal convictions – Government policy

Clerk: Question 409. The Hon. D A Feetham.

965 **Hon. D A Feetham:** Mr Speaker, what is the policy in relation to the employment of individuals within the public service, including the GDC, Government-owned companies, authorities and agencies, who have been convicted of criminal offences?

Clerk: Answer, the Hon. the Chief Minister.

970 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman really should pick on me and not on anybody else. I am delighted to take him on.

Mr Speaker: Next question.

975 **Hon. Chief Minister:** Mr Speaker, Her Majesty's Government of Gibraltar has a legal obligation to vet all applicants and to consider any convictions disclosed by the applicant or the relevant vetting scheme in line with the provisions and guidelines under paragraph 25, of the 'Rehabilitation of Offenders', of the Criminal Procedure and Evidence Act 2011.

980 Through these guidelines Her Majesty's Government of Gibraltar makes provisions to protect those applicants who have committed a crime in the past, but who have reformed their ways, from being marked forever with the tag of 'criminal' – something I thought there was a large

measure of agreement on across the floor of this House, Mr Speaker. Therefore, after a period of time, as specified under Schedule 11 of the Act, these convictions will be spent, meaning that they cannot, under normal circumstances, be referred to in the future and there is no need for a person convicted to reveal the conviction when applying for a job or for it to be taken into account when the person has been vetted for employment.

985 However, there are some exceptions to regarding convictions as being spent for some professions, posts and appointments. In these circumstances prospective applicants are obliged to reveal any spent convictions so that HMGoG may be aware of them, and so that they may be taken into account only if relevant.

990 Furthermore, the law recognises the needs of employers to consider the background of individuals in order to ensure that vulnerable groups, such as children or vulnerable adults, are protected. Therefore, in line with Schedule 12 of the Act, a number of offices and employments are exempt from the rehabilitation periods and, due to the sensitive nature of the work entailed, any previous convictions an applicant may have are not considered as spent.

Hon. D A Feetham: Mr Speaker, I thank the Hon. the Chief Minister for the answer.

1000 I had the pleasure of moving the Criminal Procedure and Evidence Act in 2011 that dealt with the provisions that the Hon. the Chief Minister has just referred to in relation to rehabilitation of offenders.

1005 My question is more focused on situations where people have not been rehabilitated. Could the Hon. the Chief Minister provide me with some information in relation to that: where you have somebody who is not rehabilitated, what is the general Government policy in relation to offering employment to that person with that unspent conviction, if there is one?

Hon. Chief Minister: Mr Speaker, there may be some instances where individuals offend whilst they are in the employment of the Government, and the Government, depending on the nature of the offence, may work with the individual to deal with matters – which, for example, might relate to addiction – or may find that it has no alternative but to dismiss the individual if matters relate to dishonesty, for example.

1010 Then there are situations where individuals are in the job market and the Government opens a vacancy in one of the Government companies, the GDC, the authorities or the agencies. That is a competitive process, and in the context of somebody who has a conviction, given the number of applications we tend to get when we go out for vacancies to the public, it would be unusual to see somebody who has a conviction being the successful individual, but depending on the conviction it is not impossible that somebody might be employed given the criteria provided for the employment and what it is that their conviction relates to.

1015 We are talking in such wide parameters, Mr Speaker, it is almost impossible to zero in on an issue.

1020 **Hon. D A Feetham:** So, Mr Speaker, the position really, as I understand it, is that the Government and the public service remain flexible in relation to this issue and will look at all the circumstances of the case, including the gravity of the conviction and also the relevance of any conviction to the employment, before making a decision, and that there is no complete bar on the employment of an individual with a criminal conviction. That is the question.

1025 May I also in this regard thank ... I said to the Hon. Minister Costa that I would thank him across the floor of this House. He is not here to hear my gratitude expressed to him, but the reason why this question arises and the reason for my thanks to Minister Costa – and I posed this question in March of this year, so it is quite a long time ago – is that we had an incident with three nurses who had been recruited, and then three weeks into their employment they found that each one had a criminal conviction and each one was then essentially dismissed. I raised the matter with Minister Costa and Minister Costa looked at each individual case, and I know that at least one of those nurses has now been reinstated and I am extremely grateful to him yet again

1035 for listening to concerns that I have raised with him. But the question was posed so that I could understand and I could then advise – because it is not the first time that this issue has arisen – advise constituents in relation to what is the position of the Government on this.

1040 **Hon. Chief Minister:** Mr Speaker, I am very grateful that he is grateful to Minister Costa. The same three nurses came to see me and I think I dealt with the one who was able to take employment, because you see the one thing that is not set out in the question that the hon. Gentleman has put and the way he has developed it, is what type of offence we are dealing with. If you are dealing with somebody who, as a juvenile, is involved in a harassment or a fight with somebody and is in their early 20s and has not got into trouble again, although the thing might not have been spent in keeping with the rules, then frankly the reason for a particular agency like the Care Agency or the Health Authority etc. to have a rule on convictions which really relates to having people in a secure area with drugs, does not engage; whilst if you have got others who have been involved in more serious offences which are more recent, then it does engage. So I will take the thanks on behalf of the Government, Mr Speaker. I do not require him to thank me. It is quite enough that the lady in question was delighted that we had been able to resolve their problems.

1050 Mr Speaker, the question posed is too wide. When you are dealing with one particular type of conviction it may be possible to accept somebody into employment, and when you are dealing with another it might not be. So I think we need to understand that this is a question of degree, that there is a risk assessment done in the context of each particular post of employment, and that issues are not black and white. We would be fighting against a black and white rule that said a conviction completely excludes you from the possibility of having a job. We would think that that is not appropriate. There have to be degrees of understanding. There has to be something more nuanced than just black or white. I have got convictions for parking my car in the wrong place, Mr Speaker, and I have put my hands up to them on occasions and paid the £25 fine – although these days I tend not to drive myself to most places. But one is a conviction as much as the conviction of murder, so that is why these things are not black and white or set in stone.

1065 **Hon. D A Feetham:** Yes, Mr Speaker, I agree that they are not black and white, but there is a need for a little bit of clarity and guidance, I think, to the individuals within the public service that are making these decisions. In the example that I have given, and I am not going to go into specifics of the convictions that we are concerned with, but one of the people that was not reinstated had a more minor – and, Mr Speaker, I hope the House takes my word for that, bearing in mind that I am a lawyer, but anyway, it is my view ... a more minor conviction than the person who was reinstated. I know that Minister Costa is in fact dealing with this, but the fact that we are in a situation where one has been reinstated, two have not, one of them, in my view a lesser conviction, still has not, I think does show that perhaps it is something that the Government ought to look at in the provision of some guidance in relation to this.

1075 **Hon. Chief Minister:** Mr Speaker, I think I have set out very clearly what the position of the Government is. What the position of the public sector will be when dealing with these issues, whether an offence is serious or less serious, whether the conviction is for the commission of an offence at the top of the scale or at the bottom of the scale, is a matter of degree. A black and white rule would be unfair both in respect of those who have committed offences that are deemed to be more minor and in respect of those who might have been criminals who are convicted of a very serious level of crime in respect of what might otherwise be seen as a minor offence.

1080 So I think it is right that this should no longer be simply an issue that is black and white. That is where all of the thinking has been; that is what the rehabilitation of offenders provision is all about. And, Mr Speaker, given that the hon. Gentleman spends most of his time telling us to

employ fewer people in the public sector, I am surprised he is trying to pursue this line of questioning at this time, but hope springs eternal.

1090

Questions for Written Answer

Clerk: Answers to Written Questions. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W40/2017 to W115/2017 inclusive.

1095

Mr Speaker: Ordered to lie.

Order of the Day

SUSPENSION OF STANDING ORDERS

Standing Order 19 suspended to proceed with Government motions

Clerk: Order of the Day, Government Motions. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

I beg to move under Standing Order 59 to proceed with the suspension of Standing Order 19 in order to proceed with Government Motions.

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

GOVERNMENT MOTIONS

Freedom of the City of Gibraltar – Mr Christian Hook

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

THIS HOUSE:

RECOGNISES the outstanding achievements by Christian Hook in the world of the arts, where his skill and dedication have made him a recognized master in his profession and he can count

on his works being in the most important private collections and notable museums and galleries;

CONGRATULATES Christian Hook most notably for the extraordinary accolade of having work displayed in the permanent collections of the Scottish National Gallery, the Museum of Liverpool and the Bolton Museum, and for being the first ever Gibraltarian to have his work exhibited in the National Portrait Gallery in London, thereby making him a major international artistic presence particularly in the UK;

NOTES his work has been selected to appear in the book 100 Masterpieces from the National Galleries of Scotland;

RECALLS him winning the Sky Arts Portrait Artist of the Year, the extraordinary successes that have followed and that his longstanding popularity in Gibraltar has been extended beyond our borders and that his work is in great demand internationally;

TAKES NOTE that at every opportunity he refers to himself as a Gibraltarian artist and by his heritage always being at the forefront thereby promotes Gibraltar;

COMMENDS him for, in addition to his artistic achievements, dedicating his time to charitable and community acts despite his overwhelmingly busy schedule;

CONSIDERS that Gibraltar should rightly be proud of these remarkable achievements; and

HEREBY DECLARES that the Freedom of the City of Gibraltar be conferred on Christian Hook in view of his magnificent accomplishments and successes in the arts.

1100 Mr Speaker, I am delighted to bring this motion. There is no doubt that Christian Hook is a great Gibraltarian talent and a talent that has become internationally recognised in a short period of time.

1105 He is, of course, someone who needs no introduction. As Gibraltarians we have all known of Christian's talents for many years. I certainly have, Mr Speaker, having been at school with Christian when his skill was already apparent to us who sat next to him at art at an early age. His accomplishments and level of acclaim have reached new heights in the last few years and these are indeed remarkable.

1110 Having known Christian since childhood, I am therefore, of course, a follower of his work. His style is original, his paintings are rooted in tradition and yet have freshness and vitality – and aren't I pleased that I bought one of them before he won Sky Arts Artist of the Year, Mr Speaker! He describes his style as constructing paintings and deconstructing them and he has a fascination with the broken image. His originality is in the way that he captures motion and light in his paintings and he certainly has a very unique way of painting. You cannot but help admire his work.

1115 The most notable of his achievements must be that of his works displayed in the permanent collections of not one but three important museums in the United Kingdom: a portrait of actress Sue Johnson is displayed at the Museum of Liverpool and forms part of its collection; his portrait of Amir Khan is at the Bolton Museum; and the portrait of actor Alan Cumming is displayed at the Scottish National Portrait Gallery. This tremendous accomplishment clearly makes him a
1120 major artistic presence and his portrait of Alan Cumming has in fact been deemed to be one of the 100 greatest masterpieces in Scotland's National Galleries. The decision was made by the Director General of Scotland's National Galleries in his book, in which 100,000 works were considered and Christian's managed to make it into the last 100, featured alongside artists such as Vincent van Gogh, Pablo Picasso and Diego Velázquez.

1125 Christian has been extremely dedicated to his work throughout his career. He studied illustration at Middlesex University, London, before initially establishing a career as an illustrator at the Royal College of Art, and he has undertaken many notable works in the UK before returning to Gibraltar to work as a teacher. That changed in around 2014 when he was named Sky Arts Portrait Artist of the Year and the rest of the UK came to know what we all in Gibraltar
1130 already knew, that his talent is remarkable and unique.

1135 Since the Sky Arts programme, Christian has truly been catapulted internationally. Not many people can say that they can count on their works being in the most important private collections, museums and galleries. His work is even included in the collection of His Royal Highness, Prince Edward. He has had several exhibitions at the Clarendon Gallery in London, painting many high-profile figures including the Duchess of York, Sarah Ferguson, and he has had a documentary programme for Sky. He published two books last year and also painted the Maharaja of Jodhpur. Recently he featured in the *Financial Times* Smart Arts Supplement – in fact, Mr Speaker, on the front page.

1140 This weekend his original works will be displayed for a limited period on board the *Queen Victoria* cruise ship when it leaves from the Port of Gibraltar on Sunday. As an artist he is clearly in very high demand, but notwithstanding his status and extremely busy schedule Christian never forgets Gibraltar and that he is from the Rock. That is one of the things that makes Christian different from so many and a true Gibraltarian. Early last year Christian was involved in assisting the service users at St Bernadette’s Resource Centre by preparing art work for an exhibition that would take place locally and in Milan. Later in the year he spoke at our Gibunco Gibraltar Literary Festival, and earlier this year he spoke at the University of Gibraltar’s Beacon series of lectures. Not only does he dedicate his time to supporting Gibraltar events and is associated with local causes, but at every opportunity he always declares himself a proud Gibraltarian.

1150 Mr Speaker, it is only right and proper that we recognise Christian’s efforts, his professional attainment and achievements. It is important that accomplished Gibraltarians are recognised and it is right and proper that someone who has reached this level of professional attainment and international acclaim and who so faithfully represents Gibraltar at all times be acknowledged in this most unique and honoured manner. I therefore, Mr Speaker, commend the motion to the House. (*Banging on desks*)

1155 **Mr Speaker:** I now put the question in the terms of the motion moved by the Hon. Chief Minister.

1160 The Hon. Edwin Reyes.

Hon. E J Reyes: Thank you, Mr Speaker.

1165 Can I start off by thanking the Leader of the Opposition for giving me this opportunity to reply. It is a motion presented by the Chief Minister and the unwritten rule would normally have seen the Leader of the Opposition reply, but given that I am, from this side of the House, the one who has known Christian for the longest, I volunteered to come up with some words and express a bit more intimacy with this extraordinary Gibraltarian, as the Chief Minister has very kindly tried to explain his relatively short life so far in such a comprehensive but yet succinct manner.

1170 I remember Christian as a very, very young lad. He grew up in Varyl Begg Estate, their family of course being relatively close neighbours of mine, and we had this [inaudible] and I concur with the Chief Minister, who recalls him from his school days: from an extremely young age he had that special talent, that gift that us non-artistic persons can only feel but envious about, and I am really glad to see that Christian put that to use to make a career out of it, because after his study at Middlesex University in London – I think the Chief Minister highlighted that – he actually started, like everyone does in life, doing things that at first seem a bit menial and so on. But certainly not for Christian, because he was an illustrator for Disney – that is not known by many people – and for *Reader’s Digest*, certainly a booklet that has become very popular for many families. And of course he got involved with English Heritage and the National Trust, among many other publishers, so he has always been there waiting for that big break to come. And before that big break came, he threw his hand at lecturing and illustration in the Royal College of Art, and luckily for Gibraltar he returned and our students had the benefit of having him as an art teacher. So the ladies were really lucky at Westside School, in that they were taught by

1185 someone who will go down not only in local history but in the international history books as being an artist very worthy of his works, to be compared with the likes of people like those who were, according to Christian, influences in his development of art. Cézanne gave him a great interest because Christian was always following a motto that said we are always on the move, if not physically at least mentally. And therefore Christian spent time studying others. Lucien Freud, for example, came to be someone who influenced him and he has developed that specific style that luckily some in Gibraltar ...

1190 I am glad to be on the same wavelength as the Chief Minister. He and I are both lucky enough to own a personal painting done by Christian before he got that fame, the prices of which I do not think either the Chief Minister or I nowadays could afford because they are certainly going into six-figure sums. Someone who can exhibit and within hours have his works of art sold in Mayfair is certainly worthy of at least ... I am always willing to take my hat off to him. But I am really grateful, Christian, that you came to that deal with my wife many years ago somehow or other. It was all above board, but she liked what you were drafting and I hope that my granddaughter so far ... If we have any further grandchildren we will have to cut it in pieces, this lovely portrait that my wife commissioned Christian to do of me. I am really proud and will now put a little sticker below it saying, 'Honorary Freeman of the City of Gibraltar'.

1200 Christian will follow in the footsteps of Gustavo Bacarisas, our first recipient of the Freedom of the City of Gibraltar. I am going to drop a hint that the Mayor may wish to take up in future. If we go to the City Hall today, in the Mayor's Parlour there is this lovely Gibraltar scene done by Gustavo Bacarisas, so maybe one day – since Christian will also join that roll of Freemen of the City of Gibraltar – we can have something by Christian Hook alongside it. I know Gustavo's painting was done on the occasion of the visit by Her Majesty the Queen, but I do not think anyone on either side of this House would have any objections if the Queen decides to come along and then we will get Christian to do yet another painting that can also be exhibited there at the City Hall and enhance that beautiful Mayor's Parlour.

1210 Yes, it is true that – the Chief Minister already pointed out – Christian has had successes. His Royal Highness Prince Edward already owns paintings done by Christian, and of course the subject of Alan Cumming was what gave him that extra break that perhaps he needed by winning the Sky Arts Competition. But certainly a worthwhile investment, for those who like the world of books, is getting Sir John Leighton's book with a hundred masterpieces, in which a hundred were selected from, I am told, well over 100,000 pieces of work. So that is quite an achievement and we, as Gibraltarians, feel extremely proud that Christian has made it into it, that Christian at no time shies away from being a son of Gibraltar, that Christian will continue for many years to come, hopefully, putting Gibraltar onto the map and will attract a new interest in the arts by all the youngsters we have.

1220 I have always been a supporter, whether I hold a portfolio or just a shadow portfolio in the arts, but certainly Steven Linares and I have shared many interesting times watching the potential of our youngsters – and perhaps, Steven, within our own lifetime will have a second Christian Hook coming up and producing good work.

1225 So, with those thoughts, Mr Speaker, we on this side of the House – and I hope the hon. Lady would also join us – we are more than grateful for the motion put forward and extremely happy to support granting the Freedom of the City to Christian and wishing him all the best for the future. *(Banging on desks)*

Mr Speaker: The Hon. Marlene Hassan Nahon.

1230 **Hon. Ms M D Hassan Nahon:** Mr Speaker, it is with great pride that I rise to endorse such a prestigious accolade like the Freedom of the City for the modern master in our midst, Christian Hook.

As someone with a degree in the history of art, I feel qualified to validate this gifted artist in this distinguished Chamber by saying a few words about his art. We are all now aware and

1235 familiar with Christian's achievement as a Gibraltarian, but I would also like to offer an insight into his credentials as an artist.

For those of us who have appreciated or looked into Hook's work, we will note his diverse talent in his compositions. On a technical level Hook's focus is on defragmentation and it is very intense, especially when you appreciate how he manages to, at the same time, retain the likeness and empathy with the object or the sitter while keeping, at the same time, his work relevant and modern and always seeking to capture time and movement. This balance, Mr Speaker, can only be achieved by a true virtuoso.

1240 So in retrospect, Mr Speaker, it is of no surprise that in 2014 Christian Hook rose to fame in the Sky Arts *Portrait Artist of the Year* programme. This young and promising Westside School art teacher, who had taken some time off to focus on his craft and suddenly wowed the international art world and media, saw his life change in a flash as Gibraltarians beamed with pride at yet another gifted member of our community punching above his weight, painting A-list celebrities like Sarah Ferguson, Amir Khan and Alan Cumming, the latter portrait now sitting in the Scottish National Gallery and only a couple of weeks ago defined as one of the 100 great masterpieces of Scotland.

1250 Sitting alongside the greats of Gibraltar, like Gustavo Bacarisas and Jacobo Azagury, Hook is not just with these great men but is also today compared to Picasso and other world-celebrated artists, and therefore there is no doubt or question as to the merit of Christian Hook's Freedom of the City Award. So for my part, Mr Speaker, I commend this motion to the House and congratulate Christian Hook and his family on this wonderful accolade. (*Banging on desks*)

Mr Speaker: The Hon. Samantha Sacramento.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, it gives me great pleasure to support this motion as a friend of Christian Hook and for longer as a fan of his work. I do not, unfortunately, own a work of his – (*Interjections*) Not yet, Mr Speaker.

1260 But I want to speak from the point of view of having been a fan of Christian for so long and seeing how his style has developed into such a unique style. I remember, when I was about 12 or 13 years old, walking into a picture gallery and being struck by a portrait that was there for framing, looking at it and just being absolutely astounded, looking at the outstanding quality of the likeness of the person who was sitting. I thought, 'Goodness, who has painted that?' and the person in the gallery said it was Christian Hook. We are talking about almost 30 years ago, Mr Speaker, so even then Christian Hook's talent stood out from so many.

1270 I think, just like every other Gibraltarian, we have been following Christian's progress, and back in December 2014 I remember watching the final of the Sky Arts *Portrait Artist of the Year* and thinking, 'Well, wouldn't it be great if Christian Hook won,' and we all know how that ended. I am so grateful that it did end like that, because that was pretty much his platform internationally. As the Chief Minister said, we have all known about Christian Hook's outstanding talent, but really it has been in great measure due to the Sky Arts Portrait Artist programme that he has been able to promote himself. The hon. Members here have all listed the celebrities and high-profile people he has already painted, and I am sure that he has quite a waiting list of people who have commissioned portraits from him.

1280 But, Mr Speaker, quite apart from the obvious talent and the quality of the work that he does, he is such a lovely and humble gentleman. He very kindly invited me to the opening of his exhibition at the Clarendon last October. I felt so overwhelmingly proud, as a Gibraltarian, to be walking into the gallery at this exhibition by a Gibraltarian. It was absolutely buzzing and full of people and it was so wonderful to see him, his family and his friends there among the clients of the gallery.

1285 He was extremely busy that week and a couple of months earlier I had asked him if he would be so kind as to speak at our Literary Festival, and he did so, Mr Speaker, and that was a few days after the exhibition. The venue that we chose was the biggest venue that we had for the

1290 Literary Festival and it was completely sold out. He told us about his professional journey in the arts and it was so fascinating to learn that throughout his university life his professors, who demanded such a high standard from him, continuously told him that the way that he was working was wrong. He tried different styles and he was told that they were wrong, but he persevered and he continued to persevere – in the wrong way, he was told. I think, Mr Speaker, that is a lesson to us all: that we cannot fit in other people's boxes and it is important that we have our own styles and develop our own flare, because if the way that Mr Hook does things is wrong, then I think we really need to take a leaf out of his book.

1295 Not only that, I would also like to commend and thank him for other things that he has done in the community. Last year, when I had the responsibility for Social Services, we were invited for some service users from St Bernadette's Resource Centre to paint some paintings to be exhibited at a gallery in Milan. I asked him if he would collaborate with our service users to give them that additional level of importance, and this gentleman who is extremely busy – busy with his work, busy travelling all over the world, busy painting portraits of celebrities – took time out of his incredibly busy schedule to spend time with people from St Bernadette's, learning how they were and what they like and what styles they like in art, and helping us produce a collaborative piece which we then exhibited here and in Milan.

1300 I think everybody has been following Christian Hook and everybody is familiar with his unique and outstanding style, but I wanted to make the point of how Christian also goes out of his way to help community groups and to help local groups. Not many people who make it outside of Gibraltar remember their roots and even acknowledge that they are from Gibraltar, but Christian Hook does both and I think that really speaks volumes, Mr Speaker, and on the basis of all those extraordinary accomplishments, of course I support this motion. *(Banging on desks)*

1310

Mr Speaker: The Hon. Albert Isola.

Minister for Commerce (Hon. A J Isola): Mr Speaker, unlike many of the speakers this afternoon, especially the last speaker, I do not know Christian Hook particularly well; I have the misfortune of knowing his brother better than I do Christian.

1315 What is striking about Christian is that the stage of the success that he has achieved at such a young age is really quite remarkable, because artists with the fame and the notoriety that he enjoys today is not common to people so young as he. Nor is it, I must say, common to have people that young being awarded the highest accolade this Parliament can give to someone in being granted the Freedom of the City. And so I think it is absolutely right that even at his young age we are this afternoon deliberating the Granting of the Freedom on Christian because of his exceptional ability, his exceptional talent, and yes, as other speakers have referred to already, his complete commitment to Gibraltar and its people, because he has never forgotten us and he continues to help and support us in every single way that he possibly can, and I think that that too is absolutely remarkable.

1320 I think the whole of Gibraltar has enjoyed and shared in his success. We watch him closely, we take great pleasure and delight in the work that he produces, and because it is so different and it is so unique I think perhaps we enjoy it more than we normally should.

1325 I think the whole of Gibraltar has enjoyed and shared in his success. We watch him closely, we take great pleasure and delight in the work that he produces, and because it is so different and it is so unique I think perhaps we enjoy it more than we normally should.

1330 Mr Speaker, it is with huge pleasure and support that I join my colleagues and, I imagine, the whole of the House in congratulating Christian on what he has done, not just for himself but for the whole of Gibraltar and the pride he has brought to so many of us. Mr Speaker, I commend the motion to the House. *(Banging on desks)*

Mr Speaker: The Hon. Steven Linares.

1335

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, as the Minister for Culture it is a great honour and privilege to be the Minister and to have this motion coming to this House.

1340 One of the things about Christian – which the young people and ... as the hon. Member said about his youth – is that he is a role model and he is a person that every single young Gibraltarian should follow, because he gives a lot of motivation to young people that we, as Gibraltarians, can reach the heights that Christian has actually attained.

1345 One of the things that strikes me most is that we have had many exhibitions and, like the hon. Member Mr Reyes said before, from a very young age Christian has been competing in many of our exhibitions – our youth art exhibitions, our international exhibitions – and many people used to say, ‘Why is it that Christian wins so many?’ Well, he won so many because he is so good, he is so talented, and therefore I am glad to say that, on the back of him winning many exhibitions, the Ministry of Culture have quite a number of Hooks, which means that soon we can probably organise an exhibition of the assets, that we have at the Ministry, of Christian Hook. So it is with that that I say that it is an honour and privilege to be the Minister of Culture and to support this motion. *(Banging on desks)*

Mr Speaker: The Hon. Roy Clinton.

1355 **Hon. R M Clinton:** Mr Speaker, I must confess a deep jealousy of the Chief Minister and my hon. colleague in having been able to acquire a Christian Hook. Alas, I sadly do not have that good luck.

1360 I, over the years, have developed a deep appreciation and respect for our local artists. Although never having been trained as an artist and having no particular talent in that department, I do appreciate the effort and work that goes into a good work of art.

1365 We have in the past perhaps in Gibraltar focused too much on as it were, our local dead artists, the ones that perhaps should have had more recognition in their time, the likes of Bacarisa, Leni Mifsud and Azagury to name but a few, and in fact Manier as well. But we have an opportunity today to recognise a living artist. We can all go to his studio, which I would recommend if anybody has an opportunity, and see him actually at work. I think it is a unique opportunity for this House and Gibraltar as a whole to recognise Christian’s talent as a living artist. Of course, we also have the artists who have come before him and also are in our community at the moment and are still working. Obviously we must not forget Mario Finlayson, who probably inspired a lot of these young artists today, and although I do have one or two of Mario’s paintings, unfortunately I did not manage to grab Christian in time – and the Chief Minister will be delighted to know that beige is not my favourite colour – but there you have it.

1370 Mr Speaker, what is more important and I think what is coming out of the commentaries that we are getting this afternoon is that Christian has not forgotten his roots. He has not gone and opened his workshop in Mayfair. He is quite locally based in Horse Barrack Court and is there to be seen at work and his work is still being done here in Gibraltar, and I think for that he is to be commended, but especially so in that he is still approachable, he is still an individual. As the hon. Lady on the Government benches said, he still does work for Gibraltar.

1380 What struck me most was that this is an individual who must be extremely busy but he still took time to engage with students at sixth-form level who are undertaking their Young Enterprise projects, and – Minister Cortes will recognise this – that he contributed his own experiences in the book that was published at the Young Enterprise programme. I think, Mr Speaker, perhaps in his own words is probably the best way of summing up his experience. He said in his contribution:

I believe that my journey from being an illustrator to a teacher and suddenly turning my luck around and achieving this success in life should show others that if I can do it, anyone and everyone can do it too. There are no rules on how to better yourself as there is no formula for success. Personally, I feel that the only person who can stop you from achieving your goals is you, by thinking that it is not possible when it is possible.

1385 I think, Mr Speaker, I cannot possibly add to those words and I fully endorse this motion. *(Banging on desks)*

Mr Speaker: The Hon. Dr John Cortes.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):

1390 Mr Speaker, I think I must share an anecdote with this House. Many years ago – 12, perhaps 15 –
when in another life I was working in the Botanic Gardens, we were producing a booklet on the
wildlife of the Upper Rock. We had a number of photographs of plants and birds but we had
1395 none of butterflies. We really wanted to illustrate the butterflies of the Upper Rock and
someone suggested that we should talk to this young teacher in Westside School and get
Christian Hook to do it for us. Christian, always willing to help everybody in the community, very
willingly designed and drew this beautiful picture of a number of Gibraltar's butterflies, which
subsequently got published as the centrepiece of the book. As I was taking the original with me
in the back of my car with other papers, inadvertently it slipped out as I was getting out of the
car and I lost it. And Gibraltar being what Gibraltar is, a couple of days later I got a phone call
1400 saying, 'Mr Cortes from the Alameda Gardens, I found a picture of butterflies – it must belong to
you.' That's Gibraltar! I was very pleased because actually we wanted it in order to be able to
publish it, so I got it back. So I must be the first person ever to have lost a Christian Hook original
and then found it again. I had to share that on this occasion.

Obviously I have since got to know Christian better. I heard his Beacon lecture, absolutely
fascinating. As I think we have said, *muy buena gente*, and obviously we must all support this
1405 motion. (*Banging on desks*)

Mr Speaker: The Hon. the Leader of the Opposition.

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

1410 I associate myself with the comments that everybody has made during the course of this
motion – in particular, it has to be said, the hon. Lady, Samantha, Minister Sacramento. I
thought her description of Kevin Hook was particularly germane and particularly on the button,
if I may say so. (**Hon. Miss S J Sacramento:** Christian.) Christian, I beg your pardon. He is always
and has always been a person who has made himself available. He is a person who is *extremely*
1415 approachable and, as the hon. Lady has also said, is somebody who is always available in order
to do his bit for Gibraltar. The Hon. the Chief Minister also said that he is a proud Gibraltarian
and I think that is absolutely true. Not always is there a direct correlation between somebody
who is successful and also being proud of his roots and where he comes from and Gibraltar, and
that is certainly true of Christian Hook.

1420 Mr Speaker, Mr Isola said that we all share that sense of pride in his achievements and I think
that that is also a particularly germane comment. Every single time that I see or read an article
referring to Christian Hook about his achievements internationally I feel a sense of pride in the
fact that this gentleman comes from my home town. There is almost a sense of ownership of
part of Christian Hook that makes me feel proud of his achievements.

1425 I also, on a personal level, want to congratulate his parents, Denis and Elvira. They, together
with Christian and Kevin, lived for many years in Varyl Begg. They grew up in Varyl Begg, where I
also grew up. They had the Beehive Store. I do not know whether people are familiar with Varyl
Begg in this Chamber, but they had the Beehive Store for many years and I have to say that this
accolade of Freedom of the City could not have happened to nicer people than the Hook family.

1430 For all those reasons, Mr Speaker, and for all the reasons that have been expressed around
this Chamber, I have absolutely no hesitation in supporting this motion. (*Banging on desks*)

Mr Speaker: I call on the mover to reply. The Hon. the Chief Minister.

1435 **Hon. Chief Minister:** Mr Speaker, I want to thank all hon. Members who supported the
motion.

1440 I think that listening to the hon. Lady made me think of the moment that I saw Christian win the Sky Arts programme. I confess I knew before it was aired but, despite that, I still felt just like I felt when I actually saw it, just like I felt when Kaiane won Miss World. It really was one of those moments when you saw extraordinary world-beating Gibraltarian achievement actually happen. I think Gibraltarians will remember where they were when Kaiane was Miss World and where they were when Christian Hook won Sky Artist of the Year.

1445 I certainly will always remember where I was when Christian Hook photographed me for the portrait, because it was downstairs in front of the words 'Gibraltar Parliament' and that I bought it, Mr Speaker, because it took 10 kilos off what I looked like at the time, which was much needed, and it was a reflection of a better me, I thought. I think Christian manages to capture a better subject than even the one that he is seeing.

1450 If I may say so, Mr Speaker, he has done an excellent job in particular of the portrait of Her Majesty the Queen, which won a competition organised by Momy Levy and which now hangs in No. 6 Convent Place. I asked Momy whether he would agree that the gift he had made to Governor Adrian Johns of that portrait could actually be transferred to No. 6, and we now therefore have a very prominent Christian Hook portrait of Her Majesty the Queen which gives the subject of the portrait great life and I think is one of the best depictions of Her Majesty that I have seen.

1455 I am very happy, therefore, Mr Speaker, that when he came to see me – I forget the year ... He came to see me and said, 'Look, I've got this competition but I'm going to have to leave school for a few months and it is an extended period of time, therefore the Department says political clearance is required. I really want to go for this: would you agree?' and I said, 'Of course I will – this is a Gibraltarian ready to take on the world: why not?' He took it on, he won, 1460 and I think the best description I have heard this afternoon is the one used by the hon. Lady across the way: he is now recognised as a modern master. (*Banging on desks*)

1465 **Mr Speaker:** Before I put the question, may I say that as someone who in the art room in the grammar school was known to have painted the sea purple and tree trunks blood red, I do not feel competent to comment on Christian's work, (*Laughter*) but I am delighted that I have had the opportunity to sign this certificate conferring the Gibraltar Medallion of Honour, which also goes with the Freedom of the City, and I congratulate him and his family for that tremendous achievement.

1470 I now put the question in the terms of the motion moved by the Chief Minister. All in favour? (**Members:** Aye.) All against. By acclamation, I would say, the motion is carried.

ADJOURNMENT

1475 **Chief Minister (Hon. F R Picardo):** Mr Speaker, now that Christian Hook can safely walk up Main Street with his goat, if he wishes to in exercise of the Freedom of the City and Garrison of Gibraltar, I move that the House do now adjourn to Monday, 26th June at 11 a.m. when the House will consider the debate on the Appropriation Bill 2017 as its first order of business.

Mr Speaker: The House will now adjourn until Monday, 26th June at 11 in the morning.

The House adjourned at 5.19 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.01 a.m. – 2.34 p.m.

Gibraltar, Monday, 26th June 2017

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The Gibraltar Parliament

The Parliament met at 11.00 a.m.

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

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

Order of the Day

GOVERNMENT BILLS

FIRST AND SECOND READING

Appropriation Bill 2017 – First Reading approved

Clerk: Meeting of Parliament, Monday, 26th June 2017.

Bills, First and Second Readings. A Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2018. The Hon. the Chief Minister.

5

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to appropriate sums of money for the service of the year ending on 31st March 2018 be read a first time.

10

Mr Speaker: I now put the question, which is that a Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2018 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Appropriation Act 2017.

Appropriation Bill 2017 – For Second Reading – Debate commenced

15

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

20

This is my sixth Budget address as Chief Minister. It is in fact my second Budget address since our re-election to Government in November 2015 with a huge vote of confidence from our people, and I now have the honour to present the Government's revenue and expenditure estimates for the financial year ended 31st March 2018. During the course of this address I will also report to the House on the Government's revenue and expenditure outturn for the financial

year ended 31st March 2017, which was the fifth full year of a Socialist Liberal administration since we took office on a warm autumn day in December 2011.

25 Mr Speaker, as has been traditional now for almost 30 years since the first GSLP Chief Minister delivered the first GSLP Budget in 1988, my address will of course not just be my report to the House on the public finances of our nation and the state of the economy generally, but also a parliamentary State of the Nation review of the economic and political future facing Gibraltar.

30 There could be no better way for the GSLP to celebrate its 40th anniversary than with the honour of a second GSLP Chief Minister delivering a socialist Budget for Gibraltar. It is indeed noteworthy, Mr Speaker, in partisan terms, that the AACR and the GSLP are the only parties in Gibraltar's political history to date that are able to boast two different Chief Ministers in their ranks. Moreover, the GSLP, if I may say so, is the only party to date to have two different leaders become Chief Ministers after leading the party to win general elections.

35 Today I will, of course, also outline the budget measures that the Government will introduce this year in pursuance of our manifesto commitments and in order to continue to address the social and business needs of our community in the developing context of the decision of the United Kingdom to leave the European Union.

40 Mr Speaker, before I start the substance of my economic analysis today I want to extend the thanks of my party on this side of the House and of the Liberal Party to the Clerk of the House and his staff. They do a huge amount of work unseen during the year in order to ensure that our democracy works. Since the last Appropriation Debate in this House there has been no election or referendum – thank goodness, I hear the Clerk say – but there has been a Gibraltar meeting of the Commonwealth Parliamentary Association. Members of the CPA who visited Gibraltar were, as ever, impressed by the magnificent locations they visited and of course by the organisation of the events they were engaged in. I know that took a lot of hard work from the Clerk and all members of the staff of the House. I am sure there was a helpful guiding hand from you, Mr Speaker. I therefore want to extend the sincere gratitude of the Government, and I am sure all Members of the House, for the work you do and have done throughout the year to assist us all, from the eldest Member to the newest Member, as we all rely on you in equal measure for this, for cribs, for questions and answers to be provided and when we have to get up to ask or answer questions. As Leader of the House, Mr Speaker, my sincere thanks – no doubt on behalf of the whole House – to Daniel, to Frances, to Kevin, to Paul and of course also to you, Mr Speaker. *(Banging on desks)*

55 Mr Speaker, as has been the case with all my Government's previous budgets, this Budget is designed with prudence in mind to support our working families, young people, the elderly and the disabled. We will aim today to continue to put in place measures to make Gibraltar the most attractive place in Europe and in the Mediterranean to do business and we will do so whilst continuing to invest in our youth because they are the future and we must never stop investing in the future. And we will do so whilst continuing to support senior citizens in our community, because they built this nation and we must never forget their contribution to the prosperity that we enjoy today. And we will do so without forgetting those worse off in our community who cannot help themselves.

65 But this is not a Budget, Mr Speaker, for those who will not help themselves though they could, this will not be a Budget for those who will not work when they could, because above all else today this Chamber will receive a Budget designed to encourage business, to continue to improve our public services and to deliver sustainable growth in our economy. This Budget reflects my Government's ongoing commitment to improve the quality of life and standard of living of all our citizens. That has been the hallmark to date of all the budgets that I have delivered and we will not change that direction of travel.

70 Mr Speaker, last year I rose to address this House less than 10 days after the result of the Brexit referendum. It is true to say that the United Kingdom had shocked us all as much as I think it had shocked itself with the result of that poll. Prime Minister Cameron had just resigned and

75 we awaited the outcome of a leadership contest in the Conservative Party before the direction of travel for the United Kingdom might become clear.

Well, one year on, Mr Speaker, can we say that things have changed or developed much? The recent inconclusive result of the unexpected general election in the United Kingdom has left even the most seasoned political commentators scratching their heads as to what form of Brexit Britain is likely to achieve. In recent days there is even comment that questions the result of the referendum and whether leaving the European Union is an objective that the United Kingdom can fulfil without considerable economic loss such that it may not be a deliverable goal that the public will accept. Will the UK end up with an EFTA deal, like Norway? Will Gibraltar's stalwart friend, Philip Hammond, be Prime Minister? Will the United Kingdom stare into the Brexit abyss in 2019 and decide that it is not viable after all? All of that is in the informed broadsheet comment just in the past 48 hours from the best commentators and the most respected news sources.

But Her Majesty's Government of Gibraltar cannot deal in either speculation or in hope. We must deal in facts and plan for eventualities beyond those appearing at first blush. The facts as they are before us are clear. Article 50 of the Treaty of Lisbon has been triggered by the United Kingdom. The UK will not be a member of the European Union by midnight on 29th March 2019.

If, as appears to be the case, the United Kingdom is leaving the European Union, then we are leaving the European Union with the United Kingdom. No one in Gibraltar has any interest in accepting an offer of joint Spanish sovereignty or otherwise diluted British sovereignty in exchange for continued membership of the EU. It is now finally accepted by all parties that Gibraltar is a part of the exit negotiations. There is an attempt by Spain to exclude the application to Gibraltar of any new relevant trade arrangements between the UK and the EU. The United Kingdom's Secretary of State for Exiting the European Union, David Davis, has been clear and unequivocal in his conversations with me in saying that the United Kingdom will not do a future trade deal with the EU that excludes Gibraltar. In addition, the United Kingdom, through its Secretary of State for International Trade, Liam Fox, and its Minister for Exiting the European Union, Robin Walker, have been clear in stating that when it comes to financial services there are strong mechanisms already underpinning Gibraltar's access to the UK market which are enshrined in UK law and that the UK government will maintain that access. We have also agreed that together we will examine ways to broaden our economic co-operation and increase market access and will take into account the priorities of Gibraltar as the UK looks to establish new trade and investment agreements with the wider world.

Access to the United Kingdom market is essential in respect of financial services. Maintaining that position, as it is agreed today with the United Kingdom, is just now a question of finessing mechanisms. That is something tied in with the Great Repeal Bill to an extent, as the measures which today allow access to the UK market are single EU market passporting rules. We are already engaged in detail in this respect with the UK. The Attorney General, Michael Llamas, is ably leading a team on these issues with Paul Peralta of the Government's Legal Office drafting team. Similarly, access to the new trade deals the United Kingdom will do and its double taxation network is an important part of the future for Gibraltar. We are working closely with the Department of International Trade on these matters.

We genuinely believe that Gibraltar will be able to carve out an important niche as a gateway to the UK for business already in the EU. Those who might have been rubbing their hands with glee to take our EU-facing business may in fact now find all their UK-facing business come to us. We shall see, Mr Speaker.

The decision of the European Council to accept a proposal by Spain, however, to seek to exclude Gibraltar from any future UK-EU trade agreement – which was advanced, we understand, by the Spanish Prime Minister at the partisan European People's Party congress held in Malta – disappointed many Gibraltarians. Make no mistake about it, Mr Speaker, we expected nothing better from Spain, but the attitude of the EU Council disappointed every Gibraltarian who had voted to remain in the European Union. The inclusion of that clause felt

like a slap in the face to the smallest jurisdiction in the EU by the most powerful of its institutions. Indeed, I doubt the European Union will ever enjoy emotional support in Gibraltar again, even if we all would still see the benefits of remaining in the Union and even if in the end the United Kingdom were to decide to remain in the EU.

130 The effect of clause 24, however, will have to be seen. All that clause is at the moment is just one of many guidelines given to the EU negotiators. The position of the Gibraltar and the United Kingdom governments in respect of that clause is well known. In this respect I would counsel our people to allow the Spanish media their time to gloat and to await the outcome of the negotiations. I would put it this way: I have never seen a Spanish media outlet forecast a loss by
135 one of their teams or competitors in any sporting event, regardless of how disastrous the final result may end up looking. The Government of Gibraltar will work to defeat any attempt to exclude Gibraltar from any measures which might be advantageous for Gibraltar, and of that everyone in this community can of course be sure.

In that respect, Mr Speaker, I am able to announce today that the Gibraltar Consultative
140 Council, which was created by this Parliament by statute, is expected to meet for the first time on Monday, 24th July. I will welcome the opportunity to share candidly with the members of the Council the Government's ideas and concerns. Those who are not officeholder members of the Council will shortly be notified of the invitation to be a part of it.

Mr Speaker, the Governor of the Bank of England, Mark Carney, has warned last week that
145 Brexit is unlikely to be 'a gentle stroll along a smooth path to a land of cake and consumption'. Mark Carney warned that Brexit is likely to lead to 'weaker real income growth' as new trading arrangements with the EU come into force. In a keynote speech last week at the Mansion House he said that 'since the prospect of Brexit emerged, financial markets, notably sterling, have marked down the UK's economic prospects'.

Mr Speaker, I think it is important to reflect that the two UK Cabinets we have seen in place
150 since this speech last year contain past and new friends of Gibraltar who are responsible for those prospects that the Governor of the Bank of England was referring to. Apart from Philip Hammond, we have seen a champion of Gibraltar's cause like David Lidington now elevated to the prestigious post of Lord Chancellor. We have seen long-time friend of Gibraltar Liam Fox
155 appointed to the crucially important post of Secretary of State with responsibility for International Trade. And we have seen Sir Alan Duncan, a former resident of Gibraltar as a boy, appointed once again as Minister of State for Europe. And a former Governors ADC, the valiant Tobias Ellwood, who displayed heroic qualities on the day of the attack on Westminster Bridge, is now a Minister in the Ministry of Defence.

But undoubtedly the most revealing appointment has been the appointment of Robin Walker
160 as Minister of State in DeExEU. Minister Walker has been able to assimilate and understand the issues which affect Gibraltar. He has been able both to empathise and analyse in equal measure the concerns we have put to the United Kingdom. Last year in this debate I told the House that after meeting the Minister for Europe, then David Lidington, I had received the British
165 Government's assurances in writing that we would be 'fully involved' in the process that was then getting underway in the UK to give shape to Brexit. Since then, after the two UK Cabinet reshuffles, both Robin Walker and Mr Lidington's successor, Sir Alan Duncan, have been extraordinarily helpful advocates for Gibraltar into the wider UK administration as a consequence of the detailed exchanges we have had pursuant to the operation of the Joint
170 Ministerial Council specifically created for Gibraltar in the context of that full involvement in the UK's exit from the EU.

In the year since then I have given evidence to the Brexit Select Committees of the House of
175 Lords and of the House of Commons. Both have issued reports referring to Gibraltar. The Deputy Chief Minister and I, as well as the Minister for Financial Services, have featured on innumerable international television and radio interviews as well as hundreds of thousands of references in print and online media reports on Gibraltar.

180 The exposure for Gibraltar has been remarkable, Mr Speaker, and indeed has helped to garner publicity that has turned to new business as opportunities start to become palpable, even in the context of an as yet undefined final post-Brexit solution. But the certainty we have played over and over again has been access to the UK market, and that has been the centrepiece of all our interventions.

185 I will say little more now about the detail of Brexit. Much has already been ventilated in our press statements, much cannot really be aired publicly and much will be said during the course of the intervention to come from the Hon. the Deputy Chief Minister and Minister for Europe and for Exiting the European Union. What I want to stress to the whole nation, Mr Speaker, is that, just like last year, the final shape of what will be our membership or association with the European Union after 2019 is not yet clear; the future relationship between the UK and the EU is, one year on, not yet discernible in any analytically reliable way; and just like last year, we need to keep both united and very alert to all possible permutations facing us. That is the key to being more than just taken along in the process. That is the way the post-colonial people of Gibraltar must be ready to plan and act, to be fully involved in shaping the post-Brexit arrangements that will apply to us and not just accepting that we might simply be told by others what they think is good for us.

195 Mr Speaker, in relation to this, the Hon. the Deputy Chief Minister has been, as throughout the past 27 years, a rock for me, as usual, in the work I have had to do in respect of this community in relation to Brexit. The team made up of him, the Attorney General Michael Llamas, the Financial Secretary Albert Mena, and our representative in London Dominique Searle, are the core of the Gibraltar Brexit team.

200 Mr Speaker, what we have been at pains to say also at every stage is that we are not part of the anti-immigration chorus that has appeared in the United Kingdom. I have emphasised over and over again, as I told the House last year, that Gibraltar remains a cosmopolitan Mediterranean business hub. We remain proudly and happily multi-faceted, multi-cultural and multi-ethnic, and that will not change. Neither will our attitude change to the many people who cross the Frontier every day to work in Gibraltar, of whatever nationality they may be.

205 At this point, Mr Speaker, I want to set out the position of Her Majesty's Government of Gibraltar in respect of EU nationals in Gibraltar after the date that the United Kingdom leaves the EU.

210 From the first moment after the result of the referendum was known, I made clear that all those EU workers amongst us who were welcome before 23rd June last year would remain welcome in Gibraltar. We recognise their huge contribution to our success, which is tremendously valued by all in our community. Mr Speaker, 12,000 people cross the Frontier every day to work in Gibraltar – 7,000 are Spanish, so Brexit affects British Gibraltarians, other British citizens, Spanish citizens and other EEA citizens as much as it does third country citizens.

215 The House is aware of the details of the independent report of the Chamber of Commerce about the effect of Gibraltar's economic activity on the neighbouring region. A quarter of all jobs in the Campo and a quarter of the GDP of the Campo are linked to Gibraltar. Brexit does not change that. In fact, it accentuates that, Mr Speaker. That is why I have continued my contacts since last year with the Mayor of La Línea, Juan Franco, and with Spanish unions, Comisiones Obreras and UGT, directly. I have continued to make clear to them that the Government of Gibraltar will not create any obstacles to the free movement of workers coming across the Frontier. I have continued contact and support for the excellent Cross-Frontier Group established by unions and employers' representative organisations from both sides of the Frontier.

225 Today I can confirm that we will join the United Kingdom in respecting the acquired rights of all EU nationals established or working in Gibraltar before the final cut-off date that might be agreed between the UK and the EU. Neither will we have an issue with any dispute in respect of this class of EU citizens being determined by the European Court of Justice. Mr Speaker, our position in this respect has been clear from the moment that the referendum result was

announced. We have not wanted any EU national to have any uncertainty in their lives in respect
230 of this matter. The Government of Gibraltar has full constitutional competence in respect of
matters of immigration. The position of EU nationals in Gibraltar after Brexit is therefore one for
this Parliament to determine in immigration legislation, whether in respect of those already
established here and working here or those who come in the future. And in respect of those who
235 might come in the future, it is of course right that as a matter of legal logic and international
comity the potential effect of clause 24 of the EU negotiating guidelines should be clear. If the
UK and the EU enter into new post-Brexit trade arrangements in future which extend to EU
nationals rights like British citizens when they arrive in the UK to establish themselves or to work
there *after* the UK has left the EU, those arrangements will *not* apply in Gibraltar if the effect of
240 the application of clause 24 has been to exclude Gibraltar from any such new trade
arrangements. In effect, therefore, any new Spanish or EEA nationals entering the job market in
Gibraltar after 29th March 2019, or such other date as may be agreed, will, as things currently
appear to stand, enjoy only the generous rights already enjoyed here by those who are today
third country nationals, not those more extensive rights enjoyed today by British and EU
nationals. That position is, Mr Speaker, the position that Spain apparently seeks for its nationals
245 and other EEA nationals arriving in Gibraltar in the future after March 2019.

We will see how all that plays out, but one thing is for sure: that the Government of Gibraltar
– and I am sure I speak for the whole House in this respect, Mr Speaker – will not allow Gibraltar
to be discriminated against and yet extend generous rights to the nationals of those who are
discriminating against us, for it should be clear that the people of Gibraltar are not going to be
250 pressured to surrender sovereignty in exchange for EU rights or access to the single market, or
anything at all. The mind boggles, Mr Speaker, that there are still some in Spain who think that
we might. If there is one thing that has marked our past five years in Government it is our
resolute commitment *never* to compromise on the sovereignty of our nation. Indeed,
Mr Speaker, that is the only ring of steel which I would recognise: the one around the
255 sovereignty of Gibraltar. In that respect we are alive to the reality that the right to self-
determination is the preserve of those who are self-sufficient economically.

In the past five years the administration that I lead has delivered continued prosperity to all
sectors of our community. During our first term in office the GSLP Liberal administration
delivered economic growth of over 10% per annum against a backdrop of record levels of annual
260 recurrent budget surpluses peaking at €61.1 million in financial year 2013-14.

Revenue has increased from £350 million in the GSD's last full financial year in office to
£615 million now. That represents a growth in government revenue in the time that we have
been in office of 75%, Mr Speaker – pounds, shillings and pence in the till. Expenditure in the
same period has risen by 60% - 15% less – from £372 million to £597 million, which is what we
265 are debating in this House today. Our income has increased more and faster than our
expenditure. That is exactly what the prudent and cautious way to grow is.

There has also been significant increase in our employment levels. In our first term
employment levels went from 22,247 in the October Employment Survey for 2011, to 26,144 in
October 2015. Mr Speaker, that is a growth of 17.5% in the numbers of people employed in our
270 economy in our first term in office alone. And the Government has delivered an overall
reduction in the cost of doing business in Gibraltar at the same time.

The Government has also provided support for our working families with income tax levels
already being abolished for those with incomes below £11,050.

Mr Speaker, the first GSLP Government, led by Joe Bossano, introduced the minimum wage.
275 The second GSLP Government, in partnership with the Liberal Party, went even further,
increasing the minimum wage by 16.3% since our first budget in June 2012, despite criticism
from some that we had increased it too much. Inflation in the same period has been 5.65%. So,
Mr Speaker, the minimum wage has increased in our time in office by just under three times
inflation since we were first elected. In addition, we have exempted the lowest paid in our
280 economy from the tax net altogether. That is our record so far. At every stage, therefore, we

have the lowest paid in our community in mind when setting policy and when determining how to budget the finances of this nation.

285 There have also been significant reductions in income taxes for all taxpayers and working families in Gibraltar; so much so, Mr Speaker, that I am proud to be able to stand here and say that the Government that I lead is giving back more money to taxpayers each year by way of rebates than any other Government in the history of Gibraltar. (*Banging on desks*) I will say a little more about that later on in my speech, Mr Speaker, but it is a proud boast indeed for a socialist Chief Minister to be able to say that our Government is calculating assessments more quickly than ever before and is rebating moneys more quickly than ever before.

290 We are also, ironically, Mr Speaker, the Government that is owed the highest amount in taxes by increasing allowances. Additionally, we are also owed more in respect of taxes by taxpayers. So if anyone were foolish enough to have come to this debate thinking that they might run an argument about the surplus being significantly reduced or extinguished by the amounts owed by the Government in tax rebates, they had better think again and quickly scribble out that bit of their speech and scrap it, Mr Speaker. But we will come to that and all the mathematics behind it.

300 Mr Speaker, despite repeated criticisms in this House, the Government has also ensured that our partners in the delivery of this administration's policies, aims and goals, our magnificent public servants, have also generously benefited from the economic success they have worked to assist in delivering. Public sector pay in Gibraltar has therefore increased since the GSLP-Liberal Government was elected by 14.3%, well over inflation at 5.65% for the same period but nonetheless a lower percentage than the increase in the minimum wage of 16.3% to which I referred to earlier. And that is despite public sector salaries in the United Kingdom, with whom our public sector used to enjoy parity, being frozen or subject to increases of just 1%. Indeed, 305 our public servants have also benefited with public sector pay increasing annually by an average of over 2.8% over the five years when inflation in the same period has averaged 1.13% over the period. Mr Speaker, I am proud indeed of that investment in the greatest asset that we have in Gibraltar aside from our precious land – our people, and in particular the people in our public sector.

310 Mr Speaker, the elderly in our community have also been net winners in the past five years as we have also continually invested in their well-being, their care and their income levels. The Gibraltar that we have today we owe to the generations that came before us. I spoke two years ago, on the 75th anniversary of the evacuation, of that evacuation generation. This year, as we celebrate half a century since the referendum when our people first made a free choice to remain British, our community needs to reflect on the generation that made that choice. In 315 those distant days of the Cold War and a different world, the threat they faced from across the Frontier was as clear and unequivocal as it was belligerent. Facing restrictions at the Frontier and other obvious coming discomforts, those of voting age on 10th September 1967 went to the polling stations and deposited ballots which were not designed to appease – they were designed to express a free choice uninhibited by the fear of bullying. That, Mr Speaker, is the referendum generation that we must honour and celebrate this year. Announcements will be made by the Deputy Chief Minister of special events being organised in September to commemorate the referendum of 1967.

325 All of those who voted in the referendum are now senior citizens, although, as I am repeatedly told these days, 60 is the new 40, 70 is the new 50, and apparently 78 is the new 30, Mr Speaker – at least so it would appear from seeing the work rate and sharp brain of Joe Bossano! Anyway, that is why our senior citizens have shared in our nation's economic success with annual increases in old age pensions amounting to 10.5% since 2011. It is worth remembering inflation for the same period has been just over 5.65%. That illustrates that the 330 GSLP-Liberal Government has delivered pensions increases at almost double the rate of inflation for the period.

For public sector pensioners, Mr Speaker, we have reintroduced WOPS. I will be opening the WOPS window again for a short period this year on the terms I will set out later in my speech. Additionally, I will be making a change to the qualification criteria for WOPS towards the end of my address.

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Perhaps most significantly, Mr Speaker, we have maintained a Savings Bank 10-year product offering 5% interest per annum for our pensioners so that they have also been able to continue to enjoy above market interest rates on their savings with the continued availability of high-interest monthly income guaranteed debentures – and this despite the spread with the Bank of England rate having got larger as the interest rates have gone down.

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Community Care, Mr Speaker, has received a considerable part of the surpluses of each year, ensuring that the trustees of that charity have considerable assets available to them to ensure their ability to continue paying the Household Cost Allowance for years to come.

Yet all is not money, Mr Speaker, and our elderly citizens have also seen us benefit them by the establishment of better services which they are likely to need. The two most relevant are, of course, the Dementia Residential Facility at Hillside and the Dementia Day Centre at Bella Vista. These are two absolutely state-of-the-art facilities in which we have invested capital and in which we will now incur recurrent expenditure, but we do so to provide an important and first-class public service from which senior citizens and their relatives will benefit.

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In past years I have also been able to point to the significant increases we have delivered in reducing the burden of taxation for our disabled on the allowance-based system. We have also introduced import duty reductions on goods used by disabled members of our community. Led by Samantha Sacramento and Joe Bossano, that policy initiative has been particularly positive in ensuring that our assistance to those in our community who are disabled has not been passed on as gifts, grants or charity, but on the basis of dignity, respect and encouragement. That is why we have grown previously frozen in-work benefit allowances for the disabled and those they depend on.

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Mr Speaker, on this side of the House we do not believe in discrimination. In particular, we do not believe in age discrimination, one way or the other.

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Hon. J J Bossano: I should think not! *(Laughter)*

Hon. Chief Minister: I should think not! I don't think I'd get away, if I tried, with any age discrimination!

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For that reason, in the same way as we have supported the elderly in our community and those of working age, in these past five years we have also acted to support young people. We have funded the creation of new opportunities and we have increased the funding available for studies abroad. I am particularly pleased by the internships at the Washington Centre in the United States, which exposes our young people to US entrepreneurship as well as to the political system of that great nation.

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I am also very pleased to see that in the past five years student maintenance grants have risen by 16.1% or by three times inflation. Mr Speaker, it was the GSLP Government that introduced the compulsory student grant in 1988 to cover tuition fees as well as maintenance. We were against the requirement of the GSD when in office that Gibraltar students should have to take loans from the Student Loans Company to fund their tuition fees. If that had not stopped before the election, we would have stopped it. Now again in Government, Mr Speaker, we have not just increased the maintenance grants, we have also increased the scope of scholarships: we have extended the right to a scholarship to cover postgraduate studies also. As result, investment in our students has increased from £5.2 million in the financial year 2011-12, the last budget for which Hon. Members were responsible, to £16.6 million this year. We have increased the investment in tertiary education of our students therefore by £10 million a year over the past five years. Mr Speaker, there are those who argue for less spending who would not

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make these investments. We are proud to do so. We have increased spending on scholarships for our students by 214%. Of that we are extraordinarily proud.

385 But the investment has not just been in scholarships for our university students travelling abroad. We have also built and developed our own university, and not content with that we have also already, in five short years, built two new schools for our infant and middle school pupils at St Bernard's school and we have increased the number of teachers in our schools.

390 We will go further, Mr Speaker. As previously explained to this House, a working party composed of teachers, parents and the Teachers' Association was set up by the Government to study the desirability or otherwise of converting our two comprehensive schools into mixed-gender schools. The Working Group on Co-Education has now reported back and presented its recommendations, which have been accepted by the Government.

395 The Minister for Education will be providing more extensive details in his Budget speech, but I am pleased to announce that the process to introduce full co-education in Gibraltar in the two comprehensive schools will now commence.

To coincide with this, there will also be a realignment of the key stages in the education curriculum, to follow the practice in England and Wales, with children entering the comprehensive schools one year earlier at the beginning of year 7, and schooling will be provided for all children at pre-school level.

400 These changes will coincide with a programme to provide new schools to St Martin's – our first priority – Notre Dame, St Anne's, Governor's Meadow, Bishop Fitzgerald, Westside and Bayside School. Exciting plans are also being developed for both St Mary's Middle School, St Paul's School and St Joseph's School. That is the delivery of our manifesto-plus, Mr Speaker, with the intention of these new educational facilities opening in September 2019.

405 At this time, the first stages of transition to mixed-gender comprehensives will be made and the manifesto promise of providing hot schools meals will be fully realised. (*Banging on desks*) I see the parents who make up the lunch boxes (*Laughter*) banging the table harder than others, Mr Speaker! The community will want to listen carefully to the statement from the Hon. John Cortes, who will provide greater details in his contribution to this debate.

410 We will also carefully consider the introduction in Gibraltar of a new 'T-level' A-level system, as has been announced in the United Kingdom, which overhauls how technical education is taught and administered and aims to put the courses on an equal footing with academic work. The UK's plans were announced in the budget by Chancellor Philip Hammond and will increase the number of hours students train by 50% and will replace the current 13,000 qualifications available with 15. The Chancellor alluded to the fact that there is still a lingering doubt about the parity of esteem attaching to technical education. We agree, Mr Speaker, because as the Budget document discloses, while the academic route through education from GCSEs to A-levels and on is well regarded, more needs to be done for technical education. We will seek to bring about implementation of these new courses by 2019, as is the expectation in the United Kingdom.

420 This new approach to technical education in schools and new-style apprenticeships will be in addition to the excellent work done already as a result of the Future Job Strategy – that highly successful mechanism that has taken so many out of unemployment and given them worthwhile, meaningful jobs. The reality of that can best be seen by looking at the reality of employment in our economy.

425 The number of jobs in our economy reached a record high of 27,073 in October 2016, representing an increase of 3.6% compared to the previous year. Mr Speaker, I am proud to say that this represents an increase of 21.7% since October 2011 and it is this increase which gives the ring of truth to all of the data that we are presenting. That is to say the GSLP-Liberal Government has presided over an increase of one fifth of the job market in Gibraltar – one fifth, Mr Speaker. That is huge growth by any measure and it leads to the increases in the tax take and the other economically beneficial data that we are seeing take hold.

430 The number of Gibraltarians in employment also reached a record high this year, Mr Speaker, of 11,065 in October 2016. That is a huge increase in five years of 8.2% from October 2011,

435 barely a month before we were elected into office. That is a particularly positive figure for this
 GSLP-Liberal administration to be proud of, given that in 16 years in office – in *16 years* – the
 party of Members opposite increased Gibraltarians in employment by the same figure, 8%: 8% in
 16 years; 8% in five years, Mr Speaker. In fact, their exact figure was an average of 0.5% a year.
 Our figure, as an average annually, is three times that: 1.65% a year. Our dedication to getting
 440 Gibraltarians into employment is therefore demonstrated and is paying off.

The strongest job gains came from the private sector, Mr Speaker, where jobs grew from
 20,070 to 20,977 – that is up by 907 jobs in the private sector, or 4.5% over the period. The
 greatest increase in the private sector was registered in the services, hotels and restaurants and
 real estate and business activities industries, where jobs grew by 430, 199 and 164 respectively
 445 over the period. The largest industry job gain within the services industry was recorded in the
 gambling and betting activities sub-industries, where jobs grew to 3,494 – that is to say 9% or
 289 jobs to October 2016 from October 2015. That is spectacular job growth in the gaming
 industry after the referendum result, Mr Speaker. And in all this time, record low unemployment
 like never seen before. The numbers have been below 200 consistently on a month-by-month
 450 basis and I expect therefore that the quarterly average will be below 200 too.

That is the work of a dedicated Minister like Gilbert Licudi and a dedicated staff at the
 Employment and Training Board. I congratulate all of them. Employment up, unemployment
 down – that is the result not of chance or coincidence but of hard work by the Minister and the
 ETB and they deserve the fulsome recognition of this whole House, Mr Speaker.

455 Interestingly, for the past year public sector jobs have increased by 23, or only 0.4% over the
 period. Mr Speaker, in the period from October 2010 to October 2011, that is to say the last year
 that the Hon. the Leader of the Opposition was a Minister, increases of jobs in the public sector,
 that which he appears to occasionally consider so anathema, went up by 2.6% from 4,460 to
 4,574 – that is to say 114 in one year. Shocking, Mr Speaker!

460 Anyway, on to more pleasant things. Mr Speaker, the larger the job market, the greater the
 opportunity for abuse. For that reason, the Government will now start work with Unite the
 Union and the Chamber of Commerce and the Federation of Small Businesses to establish
 principles for trade union recognition in the private sector. A working group will be established
 in the coming weeks.

465 Mr Speaker, it is also true that apart from ensuring the well-being of our elderly and our
 young, we have also transformed much of the physical aspect of Gibraltar in the time that we
 have been in Government. Whether it is Commonwealth Park or the new bathing pavilion by
 Harbour Views, we have invested in the living environment of our people. We have built over a
 thousand new affordable homes and homes for the elderly, and more to come. We have
 470 invested in the estates our people live in and the areas that suffered many years of neglect. We
 are in the process of completing magnificent refurbishments of Glacis and Moorish Castle
 Estates as well as Laguna Estate. These have taken a little longer than expected because we have
 encountered technical difficulties that were not anticipated, but we are on track to complete
 refurbishments in the next 18 months.

475 But, Mr Speaker, for this Government, as for everyone else of course, Grenfell changes
 everything, and if we have to undertake further works as a result of the inquiry into that fire, on
 the refurbished or any other estates, we will of course do so; and if we have to change the law in
 relation to building standards applicable also to the private sector, we will do so, because I have
 no doubt I speak for all Members of the House when I say I am sure we were all equally shocked
 480 when we saw the images of the burning Grenfell Tower. No sooner were reports emerging of
 the potential relevance of the cladding used in that refurbishment, the relevant Government
 agencies, from Housing Works Agency to the Gibraltar Fire and Rescue Services alongside GJBS,
 were working to identify if similar issues might affect the cladding used in our refurbishments,
 and I want to recognise the work led by Minister Sacramento in this respect in the Ministry of
 485 Housing. Having carried out all the necessary checks, we are satisfied that the cladding used in
 our refurbishments is completely different to that used in Grenfell Tower. The Grenfell Tower

cladding system consisted of aluminium composite panels, whereas the system used in the Government of Gibraltar estates is an insulated render system. The system of installation was different, Mr Speaker. The producer of the insulation was different, Mr Speaker. The technical advice to HM Government of Gibraltar as regards the behaviour of the materials used when a fire breaks out is that the external surface of the system we have is classified as class zero or low risk as defined in the documents supporting the national building regulations, and at the time of installation all of these matters were considered, discussed and certified by the Gibraltar Fire and Rescue Services. But the most telling thing is that since the estates were refurbished we have had three fires on the estates and the cladding has not caught or propagated the fire. Additionally, we have no gas pipes in our buildings and our tower blocks have two fire escapes and staircases, not one. But that is not a reason for complacency. As a result, additional checks are being carried out and we will await the detailed inquiry into the Grenfell Tower events.

But, Mr Speaker, the Government does not discard, and is considering already the possibility of installing sprinkler systems in our high-rise buildings, if necessary. We will also consider making it a requirement that such systems should be installed in all high-rise buildings throughout Gibraltar. Should additional work be required, we will make the money available to carry it out and ensure our people are kept safe at all times, even if this requires supplementary provision to be made available this year.

That may be a useful moment to thank the directors and staff of GJBS for the magnificent work that they do throughout the year as a company in public ownership with a commercial ethos. When we have to check the works done by them as a contractor for Government, they are never found wanting.

In addition to the ongoing works, Mr Speaker, we will complete the refurbishments also of Alameda Estate during the lifetime of this Parliament. Additionally, we will commence the refurbishment of other areas of Government housing in a well-designed programme that will address the need to invest in all our estates in a timely and affordable manner for the community. The Minister for Housing will say more about these important developments for Government tenants, but I will say that I am already talking in detail with Unite about how we will work together on how the Housing Works Agency will play an important part in the future in the management of the housing stock. And I will soon be meeting the residents of a number of Government co-ownership estates who are talking to us about remedial works which need to be completed. That also includes purchases of ex-MoD properties. I have been unable to see them earlier due to the additional burden of work that Brexit has produced. I very much look forward to seeing them in order to continue our work in partnership in respect of the works outstanding.

And all of this, Mr Speaker, in the context of a Government that is looking out for those who pay their dues, their rents and their taxes by chasing those who do not or who just do not bother. We have been delighted to announce last week that the excellent work led by Samantha Sacramento at Housing has reached the next milestone in its strategy in the recovery of arrears of housing rent. The balance of arrears now owing is just below £5 million. That means over £1 million have been recovered since the arrears collection strategy commenced just under a year ago. The balance of arrears as at today's date is £4,995,427. It must be recalled that at its highest, before the implementation of the arrears collection strategy, the balance of arrears was well over £6 million. Not only is it significant that over £1 million has been recovered in just 18 months, but perhaps more importantly it demonstrates that the problem is now clearly under control.

Mr Speaker, the investment in our community that we have made in the past five years and which has been hugely criticised by some who argue for austerity instead of investment, is paying off. Not only is Gibraltar a more attractive place to do business due to the measures we are implementing, it is also a more attractive place to live.

And the investment produces income also. I told the House last year that the superyacht berth along the outside of the Small Boats Marina in the centre of our city was already attracting

new business to Gibraltar. Additionally, I will be telling the House of a new project alongside this facility which will commence in the coming months.

540 I am happy to report that bunker supplies are up 1.7% from last year and they appear to continue to grow.

Activity at the Port increased by 2.4% in 2016 compared to 2015. The gross tonnage increased by 0.2% over the year. The number of ships calling at Gibraltar for bunkers increased by 2.7% in 2016 compared to 2015.

545 Also commencing and already at the DPC approval stage are the projects that are going to revolutionise sports in Gibraltar. Steven Linares is leading on those incredible and transformational projects which are made possible by the GFA's commitment to pay £10 million into the Improvement and Development Fund this year and £6.5 million the next. That will really make for an Island Games in 2019 which will be memorable and which will create a legacy for
550 Gibraltar's sports men and women. Details have already been provided of that in press statements and in this House, and Steven Linares will say more, Mr Speaker.

What is not yet public is the fact that the Government is working very hard indeed to ensure that accommodation requirements are also dealt with in a way that also creates a legacy rather than an irrecoverable loss. In particular, we are accelerating delivery of the relocations agreed
555 by the former administration with the MoD so we can both house athletes in the housing to be released by the MoD *and* then be in a position to hand over possession of those MoD properties to their new owners. The Government is already working closely with the MoD in this respect and we expect to be able to show properties and plans for sale of *very* attractive MoD properties before the end of this calendar year for completion and handing over in the period immediately
560 after the end of the Island Games.

Mr Speaker, we must therefore see the Island Games 2019 not just as an opportunity to grow our sporting facilities, but also to see the transfer to Gibraltarian families of some very desirable family homes. The Deputy Chief Minister, who ably leads the Government's work on land allocations, and the Minister for Housing, who is ably working on all aspects of housing,
565 including aspects relating to ownership and co-ownership, not just Government tenancies, will be developing this exciting aspect of Government policy in coming months.

Mr Speaker, the Island Games will undoubtedly bring many people to Gibraltar in 2019. Many are already coming, however, as the tourism, hotel and air passenger surveys tabled last week show. Visitor arrivals by air increased by 22% last year, the highest on record. Visitors staying in
570 Gibraltar grew to a record high in 2016, up by 17%. Arrivals by sea increased overall by 17.5% and this was largely as a result of a 17.8% growth in the number of cruise liners compared to 2015. The number of arrivals on yachts also increased by almost 13% over the year, with the number of yachts growing by almost 10%. Tourist expenditure for 2016 has been estimated at £211.91 million, an increase from the almost £200 million in 2015, or 6%. Air arrivals in the first
575 quarter of 2017 continued to increase by 14% with arrivals staying in Gibraltar increasing by 20% and arrivals in transit from Spain also growing by 9% compared with the same period in 2016. The number of arrivals into our hotels reached a record high in 2016, an increase in fact of 18.9%. The largest gains came from tourist arrivals that grew by 25.6%. Other arrivals also increased by 13.5%, and that includes visitors on business, sporting or cultural events. Room
580 nights sold grew by 9.0%. Guest nights sold grew by 13.3%.

Mr Speaker, we were very clearly right when we took the decision to bring the *Sunborn* Yacht Hotel to Gibraltar. It has upped the game of all other operators. It has added conference and banqueting facilities such as we did not have available before. From the moment we announced it was coming the project was, however, subject to unwarranted criticisms from Members
585 opposite and even to major scaremongering. We were right though, Mr Speaker, to have seen the potential, and today it is almost impossible to get a room in that hotel or indeed any other hotel in Gibraltar. Indeed, the *Sunborn*, like all our hotels but in its own unique way also, has been an important part of our success, in particular in relation to the gaming industry and the financial services industry.

590 As I told the Society of Accountants Annual Dinner last week, Mr Speaker, the FSC has issued
26 new licences since 24th June last year, since the result of the Brexit Referendum was
announced. I gave the House a breakdown at Question Time of the areas of business involved,
which is already on the record of *Hansard* and which I will therefore not repeat, but in addition I
told the House that there have been two licence extensions in the insurance sector also.
595 Remarkably, that area of business is now growing faster than it has for some time and that
despite the result of the Brexit referendum.

In the online gaming sector what we have seen in the past year has been a truly remarkable
vote of confidence in Gibraltar. We already have two new firms licensed and we have four, not
three as I told the Chamber, in the pipeline – one has been added since my address to them two
600 months ago. Of course we will hear of firms restructuring, but this is normal and to be expected
as firms upgrade and grapple with the typical cyclical nature of their businesses and the looming
Brexit changes, but what we are seeing is a real growth in the industry, not a retrocession,
Mr Speaker. The jobs in the industry show that numbers employed grew to 3,494 by October
2016. As I told the House earlier, that is an increase of 289 jobs or 9% in the year from October
605 2015. But we are seeing that greater growth is to come. In the period since October 2016, that is
to say in the seven or eight months since then, an additional further 59 jobs have been added in
that industry. That brings the total of people employed in our gaming industry to date to 3,353.
Mr Speaker, reality is showing remarkable growth and confidence in Gibraltar online gaming
services because we remain the premier jurisdiction in the world for the best regulated online
610 gaming services available to customers.

Our success in financial services and online gaming services is in no small measure down to
the work of Albert Isola and his team led by Jimmy Tipping in Financial Services. It is also down
to the reputation of our regulator, Phil Brear, who has done a sterling job in online gaming and is
widely respected around the world as the best in the business. I extend to all of them my sincere
615 gratitude on behalf of the Government.

Mr Speaker, despite the result of the referendum last year, Gibraltar continues to be an
attractive prospect for private developers. We continue working with a number of international
developers and contractors on new projects. Additionally, established developers are delivering
projects and looking for new opportunities.

620 As I told the House last year, a new reclamation project in the area of Coaling Island is shortly
to be launched. Government companies will have a fully secured financial interest in that
project. More details will be made public on the launch of the project, but this is a project that
will see an investment from and produce a return on the £300 million institutional investment
secured for Gibraltar last year.

625 Negotiations continue on the Bluewater development, although Brexit has made some of the
matters in issue between the Government and the developers harder to resolve as quickly as we
would have wished. We are also advancing our discussions in respect of Rooke and the potential
development of that area and Victory Place. But most importantly, Mr Speaker, projects like the
World Trade Centre have now become a reality. The World Trade Centre is already full and we
630 are in discussions for more office developments. The MidTown Project is already well underway.
The new Kings Wharf has already broken ground. Eurocity has already gone for full planning
permission. All of that after the referendum, Mr Speaker. Gardens of Beauty, Waterside Villas
and two more of the Ocean Village towers are about to get underway, demonstrating a huge
amount of confidence in Gibraltar and its future.

635 Mr Speaker, this represents hundreds of millions of pounds of investment in Gibraltar by the
private sector. Not a few million, not tens of millions – *hundreds* of millions of pounds of
investment by the private sector. It is because there is great confidence in the Gibraltar market
that there is therefore great investment into Gibraltar. That is why Members opposite would be
foolish to talk down the economy or public finances of Gibraltar, which are demonstrably strong.
640 They would be wrong to raise the spectre of our public finances being anything other than
entirely robust, because this debate should be a little bit more sophisticated than them coming

here to say that things are not going well, when they demonstrably are. Our economic data shows robust growth and there is nothing for Gibraltar to gain by them pretending otherwise.

645 Mr Speaker, the Governor of the Bank of England, Mark Carney, has also warned about weaker real income growth in the United Kingdom and how the UK has emerged from the referendum, as I said before. We must be alive to the words of the Governor of the Bank of England but the data that I will now disclose for the economic performance of Gibraltar in the last year will not reflect a similar downturn for the Gibraltar economy nor that of our public finances.

650 Mr Speaker, Gibraltar's economic performance has been outstanding in this first financial year since the Brexit referendum. There is no uncertainty reflected in the brilliant numbers for the past year that I report to the House today. A strong economic performance is, of course, a part of what makes us attractive for the continued established here of international businesses, but what is interesting is that revenues are not just up in one category, they are up across the board. Income tax is up from £148 million to £154 million, illustrating the value of growing employment. Company tax is up from £109 million to £135 million, signifying good results from those performing here. Import duties are up across all heads of duty from £160 million to £189 million, signifying that the falling value of the pound sterling makes our exports more attractive. Stamp duties are up to almost £20 million. Gaming fees and charges are also up to 660 over £15 million, demonstrating this sector is vibrant and performing. Rates and rents are up, showing more effective collection, an aspect of revenue growth for which all credit must go to Minister Sacramento. Airport taxes are up, recognising the increase in air traffic to Gibraltar. Tourist site receipts are up on our projections. Savings Bank deposits are up, as well as reserves. Port Authority fees are up because bunker dues and cruise passenger numbers are up. We are 665 well on target to achieve the commitment, therefore, set out in our manifesto of achieving GDP growth of at least 7.5% a year, Mr Speaker. So, to paraphrase the Leader of the Opposition in a way that I am sure he never intended, our decisions are coming home to roost but in a very positive way indeed.

I am therefore delighted to now undertake a substantive analysis for the past year of the performance of our economy and the state of our public finances for the financial year ending 670 on 31st March 2017. In this respect, Mr Speaker, we must equally be conscious of the fact that the process of Brexit has just begun, as we must be alive to the fact that the economic data available for Gibraltar's performance last year is worth celebrating.

Prudence and caution in our planning for the future cannot and should not ameliorate our ability or indeed our obligation to celebrate the excellent performance that our workers and 675 entrepreneurs have delivered in the 12 months of the past year financial year. In particular, we must reflect that nine of the months on which I am reporting occurred after the result of the referendum was known and Brexit became a reality. Let us therefore see how we performed when our detractors were writing us off. Let us see how we reacted to the gloating of our 680 neighbours and our competitors.

Mr Speaker, near zero inflation in the UK and euro area during 2016 was the result of the continuing low price of fuel, food and other imported goods. These had a knock-on effect on Gibraltar's rate of inflation that also averaged near zero until July 2016. Thereafter, what are clearly Brexit-linked increases in import costs and the rising global price of fuel started to feed 685 through to consumer prices, where inflation picked up to 1.5% in October 2016. Inflation has continued to rise in 2017, where the IRP stood at 2.7% in April 2017, up from 2.5% in January. The largest contribution to the rate of inflation in April 2017 came from transportation and vehicles. These were partially offset by downward contributions from food, other goods and services.

690 Gibraltar's rate of inflation has averaged 2.6% to date in 2017, higher than the same period in 2016 that averaged at 0.25%. The growth in inflation is largely the result of rising import prices from the fall in sterling since the EU referendum together with the higher global price of fuel

that will continue to filter through to consumer prices with inflation projected to remain above the 2% target in 2016.

695 So now, Mr Speaker, I will turn to an analysis of the gross domestic product and of average national incomes. The final GDP estimate for 2014-15 is estimated at £1.61 billion, representing a growth of 9.1% by £134.64 million. The GDP preliminary estimate for 2015-16 is £1.75 billion, increasing by 8.5% or £137.53 million. Mr Speaker, for this year, the GDP forecast for 2016-17 is £1.91 billion, increasing by 8.9%, or almost 9%, or by £156.25 million compared to 2015-16: an excellent result for the whole community to be proud of.

700 Government continues to work towards a target that would see increases in GDP reach at least 2.4% by the end of March 2020, exactly as predicted in our manifesto. We are on track to deliver that growth. This represents a continued average annual growth over the period of at least 7.5% and is exactly the basis of the manifesto presented to the people in November 2015 and on which were returned to office.

705 GDP per capita of an economy is often used as an indicator of the average standard of living of individuals in that country, and economic growth is therefore often seen as indicating an increase in the average standard of living. It is not a strictly scientific measure, but it has been referred to every year since before we took over as the Government. As I have told the House, the latest forecast for 2016-17 estimates a nominal GDP per capita growth of 8.9% from the previous year.

On the IMF GDP per capita rankings the UK continues to feature in 28th position with a GDP per capita of \$42,481 and Spain in 37th position with GDP per capita of \$36,416. Gibraltar's GDP per capita for 2016-17 is forecast at \$92,843, placing Gibraltar in fourth position, closely behind Macao Special Administrative Region and with a GDP per capita which they have of \$95,150. We are ahead of Singapore, Switzerland, Hong Kong, the UK and Spain, Mr Speaker. As I have said before, my own view is that these measures are not entirely scientific because of the differing methodologies and fluctuating exchange rates on which they are based. Nonetheless, they are the measures that the rest of the world relies on.

720 As if to demonstrate how fluctuating and thereby potentially meaningless a calculation this is, the figures would of course have varied wildly depending on what day of the last two weeks one might have carried out the calculation, because of the continuing steep fluctuations in the value of sterling against the dollar and the euro. The important aspect of this exercise, however, is really only one to appreciate that the Gibraltar economy is estimated to have grown in real terms by 7.5% in 2015-16 with average earnings going up by almost 8%. This growth places us ahead of other small countries including Malta, Luxembourg, Singapore and Hong Kong.

725 Mr Speaker, the level of aggregate public debt as at 31st March 2017 was marginally lower than last year at £443 million. The level of cash reserves ended the financial year at around £123 million. This reflects net public debt in cash terms of £320 million. Mr Speaker, that is a net debt that has been reduced, in effect, to 16.75% of GDP.

730 Mr Speaker, as is normal, liquid reserves held by the Government ended the year marginally higher than the cash reserves. As is the established practice, a full breakdown of these liquid reserves and details of where these reserves are invested will be provided as part of the Annual Accounts of the Government, once these have audited by the Principal Auditor.

735 Mr Speaker, our public debt continues to fall and to be low in relation to the size of our economy. As a percentage of GDP, our net public debt is currently among the lowest of the countries in the European Union.

740 Our overall borrowing is relatively low, even if we were to include the borrowing of Government-owned companies, which, as Hon. Members know, is not and never has been deemed to be part of the public debt when their party was in office and when they therefore thought it was perfectly proper for the calculation to do be done in that way. This is so because borrowing by Government-owned companies is serviced directly from the income accruing to those companies and is secured against income-generating assets held by these companies and not against the Consolidated Fund or the general revenues of the Government.

745 Mr Speaker, the Government is nevertheless committed to continually reducing its debt-servicing costs and is fully engaged in restructuring its borrowing in order to take advantage of the historically low levels of market interest rates. In this respect and as part of the ongoing management of the public debt, opportunities to extend the maturity profile of the public debt are still being actively looked at by the Financial Secretary and we will continue to pursue those.

750 The Gibraltar public debt/GDP ratio has fallen in aggregate terms, Mr Speaker, from a high of 44.4% in 2010 to a 10-year low of 23.2% in 2016-17 in keeping with the GDP forecast of £1.9 billion. In net terms, public debt now represents 16.75% of GDP in 2016-17, a decrease of 2.7 percentage points compared to 2015-16 when it stood at 19.5%. The highest point of net debt to GDP was actually reached, Mr Speaker – surprise, surprise – under the former
755 administration, when net debt to GDP rose to 25.3%. We have reduced net debt since then by 8.5%. These ratios continue at a lower rate than that of the UK and most other European countries. As we committed ourselves to do at election time, Mr Speaker, we will achieve the debt targets set out in our manifesto so that net debt will be £300 million by 2019-20, which will then be in the region of 12.5% of our GDP, which we expect to be in excess of £2.4 billion.

760 Mr Speaker, I am delighted to announce to the House that during the last financial year 2016 we have once again achieved a recurrent budget surplus. Just achieving a surplus is something which not all governments manage.

In 2003-04, the year of the General Election, the then GSD administration delivered a deficit of £7.8 million. That is to say the GSD fell short by almost £8 million pounds. They spent more
765 than they collected. Indeed, Mr Speaker, I seem to recall that that was the financial year in which the Hon. the current the Leader of the Opposition joined the GSD. I guess it was their budgetary prudence, leading us into a deficit, which convinced him to join them.

Most nations work on the basis of projecting for a not too big deficit. Well, Mr Speaker, in post-Brexit Gibraltar we are going to declare a surplus which will rank as the highest on record to date. *(Banging on desks)* The surplus of revenue over expenditure for the financial year 2016-
770 17 was estimated at £75.8 million at the time that the Estimates Book went to press. That is more than three and a half times the originally estimated surplus for the year. This marks the hard work of everybody in our economy and the prudent stewardship of this economy for which we are responsible. Additionally, this shows that we continue to build on the strong foundations
775 of our first term in office. In the past financial year we have not just paid our way; we have paid our way and done so with £75.8 million left over. But, in fact, Mr Speaker, I am advised by the Financial Secretary that as the forecast outturn crystallises it is actually likely that the surplus is going to be closer to £78 million. *(Banging on desks)*

Government revenue during the last financial year exceeded the original budget by around
780 £63 million. As a reflection of the continuing growth in our economy, income tax receipts were up by around £5 million and company receipts were up by around £31 million. Departmental expenditure during the year, on the other hand, has been contained by the Government and this year ended slightly over budget at £6.6 million or 1.4% over budget.

Mr Speaker, hon. Members will see that the estimated surplus for this financial year is once
785 again set just at £18 million, as it was last year. That estimate is, of course, a very conservative estimate of what we believe is achievable. In addition, it is worth noting that the surplus of £75.8 million, or £78 million as it now looks to be, is declared *after* the deduction of £25 million to fund the Government companies, something which was not done by the previous administration, which preferred to accumulate losses in the companies. As I remind the House
790 every year, we moved away from that approach in our first financial year in office and have consistently deducted £25 million to fund company losses in each year since our first election *and* declared record surpluses nonetheless. In this instance, for the sake of comparison, I should clarify that if we were declaring the surplus in the same manner as the former administration which Members of the party opposite represent, we would be declaring a surplus of
795 £103 million. We continue, however, to believe it is more prudent and appropriate to make the deduction in order to fund company losses, as I have stated.

Mr Speaker, I want to once again congratulate controlling officers for their financial management in respect of these returns, although some Departments where cost is demand led have exceeded their budgets for that reason.

800 Mr Speaker, as in previous budgets and in line with our manifesto commitment to help Gibraltar Community Care Trust build up its reserves so that it can become totally independent of Government grants, I am delighted to inform the House that a further sum of £20 million has been earmarked by the Government this year as a contribution to the charity. This contribution will be paid out from the Government's recurrent surplus for the year and goes towards a rainy
805 day fund most in our community are very fond of. By the donation of this amount, Community Care will remain on track to have reserves of £230 million by 2019-20, as we are committed to do. That is the largest rainy day fund our community has ever have had in its history, Mr Speaker.

I now move on to the Revenue and Expenditure Budget for the current financial year.
810 Estimated recurrent revenue for the year is budgeted at £615 million. For the first time, we expect to break the £600 million barrier in respect of revenue in the estimates. This represents an increase in revenue of over £24 million or 4.1% over the previous year's estimate. This is nonetheless a conservative budget going forward, particularly when compared with the forecast outturn. The overall recurrent expenditure budget for the year is £597 million, which reflects a
815 modest increase of around 4.5% over the 2016-17 estimate. Mr Speaker, the Government is therefore once again conservatively projecting a recurrent budget surplus, as I have told the House, of £18 million. That is to say all of the spending in the book is achievable with £18 million left over, even on the basis of conservatively estimated revenue.

Mr Speaker, during the last financial year 2016-17, the Government invested around
820 £48 million on capital projects funded from the Improvement and Development Fund. Around £16 million was invested on works and equipment and a further £32 million was invested in specific capital projects. That includes £1.8 million of funding for the University of Gibraltar and £7.3 million on the access road to the Frontier, including the resumption of works on the tunnel. That project, Mr Speaker, was remobilised last year in August and the progress is already quite
825 incredible. I very much look forward to the completion of that tunnel, given the positive effect it will have on traffic on our roads and access to the Airport.

Mr Speaker, there were also further capital projects funded through the Government-owned companies. These include a number of projects that have now been enjoyed by the community as part of their daily life as if they had been there for years, such as the Midtown car park, Charles Bruzon House and Sea Master Lodge, which has recently been handed to tenants.
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The expenditure budget of the Improvement and Development Fund for the current financial year 2017-18 is around £65 million. The capital investment in works and equipment is estimated at around £20 million and the provision for investments in other Government projects amounts to £45 million. This includes further funding of £1.4 million for the University of Gibraltar, an
835 investment of £11.8 million in our roads and parking projects, with the ongoing cost of the tunnel across the runway being a key feature; nearly £15 million for the relocation of part of the MoD estate in order to enable the continued release by the MoD of further land and properties for our use by the community – and the demolition of Rooke, as we see, will be useful, Mr Speaker, as usual for the annual fair; almost £1 million for infrastructure works required for the
840 new power station, another huge essential infrastructure development; £1.7 million for infrastructure works for new development and housing projects; £5 million for our ambitious programme of facilities to be ready for the Island Games, but one that will leave a legacy for many years to come; and further provision to complete other ongoing capital projects.

All of these are important projects, Mr Speaker, that are an important part of our delivering
845 our growth as a nation. Nonetheless, as I told the House last year, the Government will keep a close watch on expenditure and on continuing political developments should it become necessary to make the decision to rein in expenditure and not incur costs on new projects, if the circumstances so require.

850 Mr Speaker, I am delighted to report to the House that the reserves of the Gibraltar Savings Bank have continued to grow and that these reserves stood at £32 million at the close of the last financial year. The reserves of the bank are therefore estimated to grow further to reach over £40 million by the end of the current financial year. It is important that I should remind the House that we inherited the reserves of the Savings Bank at zero from the GSD, which Hon. Members opposite represent. There was literally £1,000 in the kitty.

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Minister for Economic Development, Telecommunications and the G (Hon. J J Bossano): One thousand, four hundred and forty two, actually.

860 **Hon. Chief Minister:** One thousand, four hundred and forty two pounds were left in the kitty. I think the figure was so painful it is indelibly etched on Mr Bossano's heart!

865 To have seen that grow to £32 million in just five years is a testament to the hard work and dedication of Joe Bossano and the Financial Secretary, and it will be a fund that grows to £40 million by the end of this financial year. The community must take its hat off to Joe and to Albert for these magnificent results. Well done indeed, Mr Speaker. And what a great rainy day fund they have accumulated for us – and this in addition to a cash reserve in the books this year of £123 million. The Savings Bank Fund remains very much on track, therefore, to reach approximately £70 million by 2019-20.

870 Together with Community Care, the community will have a total of £300 million saved up in these rainy day funds by 2019-20. And let's be clear, all the funds were at zero when we were elected in 2011 and we started the process of rebuilding the rainy day funds the minute after we were re-elected. It was absolutely right that we should have done so. We are being proved right in having done so. Anyone who was in Government in the administration we took over from would really have a very hard face to pretend that they could preach to anyone about rainy day funds. They were the ones who left Community Care at zero and the Savings Bank Fund at zero –

875 or £1,442 – so we will not take any lessons on rainy day funds from anyone sitting in this House under the GSD banner, Mr Speaker.

880 The current political circumstances entirely vindicate the view we have taken since we were elected that we should build up these reserves. Already with a total of almost £177 million in four years, Gibraltar now has the largest rainy day fund in its history. Add to that the £123 million in cash and we are already at £300 million, which is the amount of the investment in Gibraltar we have seen via Gibraltar Capital Assets in anticipation of the possible Brexit decision.

885 Given the circumstances in which we find ourselves and given the baseless criticisms we often hear of the Government from Members opposite, I am sure, Mr Speaker, that the House and all the community will be very happy indeed that our repeated prudence and our consistent caution in how we have calibrated our spending has produced this magnificent rainy day or sovereign wealth fund in the sum of over £175 million and well on target to reach the £300 million envisaged in our Programme for Government, as well as an additional £123 million in cash reserve this year. Mr Speaker, for the GDP I congratulate the community. For the rainy day funds I congratulate Joe Bossano, Albert Mena and the Government as a whole.

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895 The Savings Bank will continue to provide an excellent range of products for our community, as indeed it has done since it was established over 130 years ago. The deposit base of the bank has now grown to over £1.3 billion and it will continue to provide savings products to serve our community and continue to offer special rates of interest to our pensioners. The bank is also continuing its work on improving the services offered to savers by making use of the latest available developments in banking technology. This complements the services that are now being provided to the community by the now well-established Gibraltar International Bank, which include a full range of retail banking services, including mortgage finance to prospective homeowners and commercial lending to our local businesses. The Minister for Financial Services

900 will report on the development of that bank.

Mr Speaker, I will commence now with the process of dealing with the different Departments I have the honour of continuing to have responsibility for.

As announced in last year's address, the Public Sector HR Business Support Unit continues to assist all Government agencies, authorities and Government-owned companies. The unit has introduced a commercial approach to non-Civil Service Human Resources by aligning business objectives with employees and management in designated areas. The unit is championing change and is assessing and anticipates HR-related needs by using industry best practice. It is working in tandem with Minister Bossano as we explore efficiencies and new working methods to improve delivery of service.

Standardising documentation and procedures and streamlining working practices has been at the forefront of the unit. It has delivered tangible results in the approach to the disciplinary process, focusing on preventative measures, mediation and informal resolutions. The core of all industrial relations continues to be channelled through this department, which works directly to me in respect of my responsibility for industrial relations. Our experienced team are now coaching and mentoring junior staff to ensure the long-term sustainability of the service.

The unit currently offers these now centralised services to 14 separate organisations which previously all had their own HR departments or did not have any HR facility. These include the Borders and Coastguard Agency, the Gibraltar Development Corporation, the Port Authority and the London Office to name a few.

Work is currently ongoing on the integration of three additional organisations – the Gibraltar Health Authority, Elderly Residential Services and the Care Agency – which will see the unit's customer base increase to 2,300 employees. This work is scheduled to be completed by the autumn and will coincide with the move into new office accommodation, releasing considerable other office space and allowing us to bring all of these HR practitioners together. This will mean that the HR practitioner to employee ratio will be at an industry standard of 1:100 and all of this will all be achieved within existing resources.

Mr Speaker, in 2015 we introduced a new departmental structure to bring the Customs Department, to which I now turn, in line with modern operational needs. This was always going to be work in progress and in the last 12 months the Collector, in consultation with Government, identified a need to upgrade and restructure using the existing complement, parts of the investigation branch following the introduction of the Proceeds of Crime Act and in advance of an evaluation against the Financial Action Task Force's 40 Recommendations on Anti-Money Laundering and Combating of the Financing of Terrorism. This restructure was fully supported by the GGCA and the staff.

In close consultation with the Collector of Customs, we have relocated the Entry Processing Unit in British Lines Road to a part of the Airport building overlooking the Commercial Gate and the vehicle holding area. In parallel, we have upgraded the ASYCUDA system and the Customs IT equipment so that at present over 76% of all commercial customs declarations are inputted electronically. In parallel, the Collector is working with officials at the Gibraltar Law Offices to streamline all Customs-related legislation to make them easier to follow and consolidated into fewer regulations. Payment of import duties will be via electronic means or in Customs outstations, where they will be credited to traders' prepayment accounts. Mr Speaker, the Collector has involved both the Chamber of Commerce and the Federation of Small Businesses, who welcome this initiative. By 1st August this work will be completed and customs import/export documentation will be 100% paperless.

The Controls section at British Lines responsible for the physical checking of commercial bonds and transit sheds will be relocated to enclosed purpose-built facilities in this financial year. Likewise, Customs House, the Training Wing and Clubhouse in Waterport, the Marine section and the Detector Unit will be relocated and the Collector is working on these exciting projects with the Chief Technical Officer to ensure the best possible location and equipment for all.

The Government continues to be proactive in the fight against drugs and tobacco. The Collector has introduced further conditions to the licences of tobacco wholesalers and retailers. A number of revocations have also taken place for those who have breached conditions of
955 licences. Drugs detections, particularly for class-A drugs, are up and are a credit to the departmental staff in all sections and testament to their close collaboration with the RGP and GDP.

Over the last 12 months, officers from HM Customs and other agencies both on land and at sea have faced many challenges when dealing with drugs and tobacco smugglers. Both His
960 Excellency the Governor and I have personally visited them at their places of work to thank them and recognise the dangerous work they undertake to keep drugs and illicit activity off our land and out of our seas. I once again commit the Government to provide all officers with the necessary equipment which they may require given the increased threatening behaviour of smugglers. We have already worked hard to resource the Department with adequate equipment
965 and vessels. The Collector has already procured some defensive equipment, which has already been issued, especially to officers of the Marine Unit, and others are in the pipeline for the immediate future and for the next 12 months. And the Collector has already been briefed on the areas which the Government wishes to address for the future.

I also wish to thank the families of all officers for the continued support they give those
970 officers, and I add my thanks also to all officers of the Royal Gibraltar Police and their families for the work that they do in their areas of responsibility, which include not just the work against traffickers and criminals but also in relation to security matters.

In that respect, Mr Speaker, not only have we spent large amounts on resources like new marine assets and new weapons for our law enforcement agencies, as well as additional
975 training, we have added complement also. As a comparison of our investment in security and in our investment in Police and Customs, the two heads combined attracted £15 million of resources in the last financial year Members of the GSD were in Government; this year the budget is at £26 million.

I now report on my responsibilities as Chairman of the Board of the Borders and Coastguard
980 Agency, yet another of this Government's agencies that continues to strive to ensure it provides the best service possible to the public.

Our border may well be small but it is very busy with over 12 million people crossing it last year via the land Frontier, the Airport, our Port and marinas. Mr Speaker, our borders are open
985 for business, open for tourism, open for legitimate travellers and we welcome them, but we are closed to terrorists, closed to drug smugglers and closed to anyone else who seeks to break our laws. It is the BCA, together with its law enforcement partners, that ensure that we keep out those who we would rather not see in Gibraltar. It may be of interest to this House to learn – and given events elsewhere, somewhat reassuring – that over the past year the Agency has refused entry to some 40,000 people, many because they arrive at our borders improperly
990 documented and some because we would rather not see them in Gibraltar.

Mr Speaker, it is unfortunate but indeed a fact that we live in a world where the threat of terrorism is all too real. The very recent attacks in London and Manchester have highlighted that it is indeed a great concern, and as such there is a real need for a robust security posture. The Agency's approach to security is measured and flexible; and, taking its direction from the
995 Gibraltar Contingency Council and working closely with the RGP, it is kept under close and constant review.

The Agency's work at our borders has over the last year led to a number of successful RGP and Customs arrests and prosecutions. Mr Speaker, you may well remember that only recently
1000 the Agency was involved with the foiling of a child abduction case when a foreign national tried to transit through Gibraltar to Morocco with a child.

In the current climate of heightened security on the one hand and of politics in general but of Brexit in particular on the other, the spotlight on our borders, and by default on the BCA, is intense and the work they do is challenging, having to balance the very real need for security

1005 against the equally important need for a smooth-flowing border. They perform their duties professionally and diligently and pride themselves in trying very hard to have a measured and balanced approach to their operation.

1010 Mr Speaker, the redrafting of the Immigration, Asylum and Refugee Act 1962 is progressing well and the Government will be in a position to bring the final version to the House very soon. The new Act recognises the professional development and maturity of the Agency and places additional responsibility on the BCA, making it the focal point and leading Gibraltar authority for a more centralised immigration service in Gibraltar.

1015 Only recently, the responsibility for authorising and issuing visas and visa waivers has been transferred from the Civil Status and Registration Office to the BCA, as we believe that by the nature of their deployment at our entry points it affords them the capability to deal with issues swiftly and thus facilitate a faster and more efficient process and service to our public.

The Tourist Visa Waiver initiative continues to be a great success and I repeat, as I have said every year since we introduced it, that the Government continues to be very proud of how very successful this initiative has been, which has seen over 14,100 visitors who would otherwise not have been able to visit Gibraltar to do so last year alone.

1020 Mr Speaker, this Government continues to recognise that it is only by investing in our employees and working closely with the unions that we can guarantee the service we seek to deliver to our public. Together with the Agency's management, the Government has continued to work very closely with both Unite the Union and the GGCA to ensure the maintenance of good working practices and conditions. We have recently revised and improved the existing
1025 Collective Agreement, addressing outstanding issues raised by both unions and management alike, and I am very confident we will be in a position to sign these changes very soon. In addition, and having listened to proposals from the staff, the Agency is in the process of introducing a new uniform which will prove more practical and versatile.

1030 Mr Speaker, this Government has a track record of recognising the benefits of investing in all of our employees and indeed in training and we will continue to do so in the Borders and Coastguard Agency because the Agency continues to be subjected to thorough and exhaustive inspections by the Civil Aviation Authority at the Airport and by the UK Department of Transport at the Port. These inspections ensure compliance with Her Majesty's Government and EU
1035 legislation and the successful outcome of these inspections provides Gibraltar with the necessary credentials to successfully market our Airport and Port internationally.

Finally, Mr Speaker, this Government has been pleased to announce the increase in the number of flights this year, which has exceeded all records. This corresponding increase in passenger numbers requiring processing will provide additional challenges for the men and women of the BCA who continue to work tirelessly to keep Gibraltar open for business.

1040 From this House to the men and women of the Borders and Coastguard Agency: thank you for your work and well done.

1045 Mr Speaker, in relation to the Civil Service and in line with our manifesto commitments, a dedicated Training and Development Unit was established in February 2016 under the direct supervision of the Human Resources Manager and from the existing complement of the Human Resources Department. The Training and Development Unit ensures that all officers have the necessary skill, knowledge and experience to enable and empower them to contribute to the best of their abilities to the public service and its customers throughout their service and career from recruitment to retirement.

1050 Since the unit's launch, over a thousand training opportunities in fields such as policies and procedures have been designed and delivered internally by civil servants who have qualified in trainer training, and in a wide range of management skills by external recognised professional providers. It is envisaged that a further 1,100 training opportunities will be offered during this financial year.

1055 Over the last couple of years the Human Resources Department has also moved towards professionalising their officers, with most of the Department's team having qualified up to

Level 3 in Human Resources Practitioner training with the Chartered Institute of Personnel and Development.

1060 In addition to its customary participation in the biennial Careers Fair, the Department held its first Retirement Fair during this last financial year. The successful outcome has led to it now becoming an annual event aimed at informing civil servants of all aspects of the retirement process. Officers attending are offered concrete guidance on all the administrative steps in the process together with specialist advice not only on the all-important financial implications of retirement but also on matters relating to personal well-being. This process is also designed to ensure that there is better succession planning in the service and less need in future to re-engage retired civil servants, a practice that we have considerably reduced since taking office.

1065 Additionally, huge progress has been made in relation to the new Civil Service Code in order to replace General Orders, which the Government expects will be in place by the end of the financial year.

1070 In respect of the Civil Status and Registration Office, Mr Speaker, I am happy to report that they continue to provide all services relating to citizenship, registration of births, deaths and marriages, and to deal with related civil status issues. I am happy to report that a new Head of the CSRO has now been appointed and he has been charged with reviewing and evaluating current practices and procedures with the aim of identifying and addressing potential bottlenecks and delays in the system. The new Head of the Department and his staff are also in the process of drafting a series of informative booklets, providing appropriate guidance and information covering all the services currently provided by the Department.

1075 Mr Speaker, I am proud to be able to report that the granting of British Overseas Territories citizenship, or British citizenship, to long-term non-EEA nationals continues, as established when the GLSP-Liberal Alliance came into office in November 2011. As I said in my last budget address to this House, this policy aims to do justice to people who have been part of and have been actively contributing to our community for the better part of their lives. The Citizenship Ceremonies held virtually every month now will attest to my government's commitment to this.

1080 In December 2016, Mr Speaker, this House saw the passing of landmark legislation legalising civil marriage between same-sex partners. The amendment to the Marriage Act means that same-sex couples are afforded exactly the same rights as any other couple already married at the Registry Office. Mr Speaker, as a matter of interest, there have already been a total of 32 same-sex marriages since that law was passed.

1090 Mr Speaker, during the financial year 2016-17 the Income Tax Office has continued its programme aimed at improving the assessment and collection of taxes in Gibraltar. Streamlined efficiencies have led the ITO to remain on track. They proactively manage its refunds programme, implementing measures aimed at reducing delays and the level of refunds due. This is being achieved through the payment of £11.1 million in refunds during the last financial year, which is in excess of the £10 million provided and future budget provision.

1095 The corporate tax yield in the financial year 2016-17 was £135.7 million, representing an increase of 24% over the Government's corporate tax yield in the previous year, an increase of almost a quarter.

1100 Modernisation of systems this year sees the implementation of two major developments which will contribute significantly to the improved administrative efficiency of the Department. The first development, already in progress, is the scanning and digitising of all taxpayers' files and records. All relevant documents and returns are being packaged in appropriate bundles for the scanning phase of this project, leading to a paperless environment and quick electronic access to all the required information.

1105 The second development sees the implementation of a number of filing options that will shortly be made available to corporate taxpayers, including the introduction of machine-readable tax returns using optical character recognition technology, online submission through the use of a dedicated platform, as well as a bulk filing facility for tax practitioners wishing to streamline their filing obligations.

1110 These are the initial stages of a wider and more ambitious plan which envisages the transition of the Income Tax Office to a totally digitised Department through which these facilities can be extended to all taxpayers. In a digital age it is right that we develop a digital tax system, as the Chancellor said in the United Kingdom in the course of their budget recently.

Given the increased focus internationally in tax transparency initiatives and exchange of information, the Income Tax Office is expanding its approach in discharging its duties and functions in compliance with its ever-increasing obligations internationally.

1115 The good news, Mr Speaker, is that as at 31st March 2017 tax and social insurance arrears were 20% lower than on 31st March 2016. This has been as a result of the effective strategy and co-ordination between the Central Arrears Unit and the Income Tax Office. Twenty per cent down – one fifth down, Mr Speaker. Both these departments have been working together and continue to work closely with the aim of ensuring that all taxpayers comply with their obligations and pay their taxes on time. I congratulate them on their diligence in this respect. 1120 Payment of taxes and social insurance contributions is not a choice and it is right that everyone should pay, or else those who do are in effect being unfairly treated if the system does not chase and enforce against those who do not.

1125 As part of the recovery strategy the Commissioner has published a name and shame list in the *Gibraltar Gazette* setting out the names of defaulting employers. The name and shame published details of self-employed individuals and companies is a consequence of the provisions introduced into the Income Tax Act 2010 empowering the Commissioner to do so. Mr Speaker, new and additional provisions are also being introduced to extend these legislative measures to social insurance and also to allow the Commissioner to publish the list in any newspaper 1130 circulating Gibraltar. Advertising of important tax reminders in the local press has also assisted in ensuring greater compliance across the entire spectrum of taxpayers.

1135 Mr Speaker, the issue of mounting tax rebates dates back many years to 2007 when two events took place, caused by a change of policy by the GSD that started to see an accumulation of the amounts due to tax payers. The first was a change in the charging to tax of pensions. What happened is that this income was exempted but pensioners took some time to change their arrangements, meaning that the amount due to them increased. Around the same time, the GIBs tax system was introduced with its policy of always favouring the taxpayer, irrespective of the system they chose. The additional work understandably delayed computations and the inadequacy of the provisions started stacking up an arrears issue under the GSD, which we 1140 inherited. Indeed, the rebate arrears issue, far from leading to any undermining of our declared surpluses, could actually turn into questions about the surpluses declared by the GSD.

1145 But faced with the accumulation of rebates, Sir Peter Caruana, the man that the Leader of the Opposition has repeatedly said he considers to be the greatest Gibraltarian of all time, took the opportunity to increase his administration's estimate for tax refunds from £20,000 a year to £5 million in 2011. Some might think that was a debateable decision in an election year. A 250-fold increase by the GSD in moneys to be paid to taxpayers in an election year might actually be something that the Commonwealth Parliamentary Association might want to say something about. Indeed, the increase was not initially disclosed during Sir Peter's budget address that year. In fact, it was only revealed as a result of Joe Bossano's right of reply and as a direct 1150 request for clarification by him. The increase was not because the tax refunds in the previous year were down to only £20,000. No. It was because previous income tax receipts had been shown net of these refunds. That is an important point for the Leader of the Opposition to listen to, Mr Speaker: previous income tax receipts had been show net of refunds. That is to say Sir Peter did not show these figures for many years, allowing the GSD to hide the amount of rebates 1155 due – the very lack of transparency I am now being accused of by the GSD itself. You could not make this up. The previous receipts had included the estimated tax revenue less the estimated amount of tax refunds to be made from the revenue. This mechanism allowed Sir Peter to stop making repayments if the figures became too large and affected his revenue instead.

Really, that the Opposition has the audacity to now raise this shows how little homework and research they have done when coming to these debates in preparation. They accuse us of lack of transparency when over 15 of his 16 years Sir Peter masked the amounts due in the rebates. Go figure. And let's be clear: he only grossed things up not out of some Damascene conversion to transparency or because someone pointed out that it made sense, no, he did so because he did not want to come to Parliament yet again to have to change his brilliant debt ceiling formula, which as Hon. Members will know, he had already had to change twice because he was hitting the ceiling of debt. He was looking for anything that would provide some extra headroom for additional borrowing. This change in approach did exactly that, Mr Speaker. In other words, tax receipts that would otherwise have been netted were grossed, this meaning that income was recorded as higher and Gibraltar could borrow more. That is what they were up to, Mr Speaker. So before April 2011 the books would show a total estimated tax revenue that would have been reduced by anticipated tax refunds. After the GSD reforms of April 2011, the total estimated tax revenue, without any deductions for tax refunds, and the total estimated tax refunds for that revenue would be stated separately. It is clear that it was this transition to the Gross Income Based System that catapulted tax rebates from an average of £3 million a year to between £6 million and £7 million per annum, most of which of course walks across the Frontier, Mr Speaker.

So, knowing this in 2007, how come the greatest Gibraltarian of all time only provided £5m for refunds in 2011? Perish the thought, Mr Speaker, that the GSD was keeping taxpayers' money, as they now liberally accuse us of doing. I suppose, like everything, it is okay when the GSD do it but a crime punishable with flogging when anybody else does it.

So I will let taxpayers be the judge who is prudent and who plays fast and loose with their money. If you know you are storing up a problem at the rate of between £6 million and £7 million per annum, who is more prudent: the administration that provides £5 million to repay or the one that provides £10 million to repay? In fact, we paid £11.1 million this year, Mr Speaker.

Given that Mr Clinton is allegedly quick with numbers, perhaps he can tell us what he thinks during the course of his speech, given that he is the one who shadows me on public finances, a responsibility that the Hon. Mr Feetham has been the first Leader of the Opposition in the history of the Parliament to forsake.

In essence, my administration inherited a tax refund policy of the GSD's making that, for the first time ever, set a yearly tax rebate budget of £5 million. Let's be clear, Mr Speaker: they capped it themselves for the first time. They introduced the cap.

Since taking office, we have progressively increased the cap to £10 million that it is today, although last year we budgeted £10 million and we paid £11.1 million. We are in effect providing double for refunds than they did: double the amount provided by the Government of which Mr Feetham was a member – and he still tries to criticise us. It was the Government of which he was a member that introduced the cap on rebates to taxpayers. I hope he is understanding the point before he gets up and makes a fool of himself. I think you referred to a similar attitude in another context during question time as *caradura*, Mr Speaker: *caradura* indeed.

Since taking office we have reported solid, steady and reliable economic growth producing more jobs. More jobs means more taxpayers. The taxpayer base is now 37,000 people from 31,335. Higher wages have become the norm across the board. So, whilst benefiting from greater tax revenue, we have cautiously planned for a proportionate increase in tax rebates, and what's more, we have kept to the same ratio against income which the GSD had.

You see, Mr Speaker, what we have been able to work out in respect of the gross tax yield in 2011, at £122.5 million, when the new tax rebate policy was introduced, is that if we compare this against the cumulative refunds that would have been due as at 2011, a figure of £22.7 million – we appreciate that this is a calculation that could not have been done at the time because of the delay of making assessments, but it is one that we have been able to do now – we get a figure of rebates to gross tax yield of 19%.

Mr Speaker, they did not do that exercise and the problem is that the GSD started to operate what is clearly an ostrich policy. They reckoned that just because they did not work something out it was not owed. Hence they did not alight on the extent of the problems of their own making with arrears, which they were quick to chastise us for.

1215 Today, our gross tax yield stands at £154.8 million and our cumulative refunds due at £29.1 million, taking into account the amounts we calculate are due now, including up to the most recent tax year, by bringing assessments up to date and doing a little extra work to estimate the most recent years also. We, Mr Speaker are not ostriches. It is not prudent or cautious to be an ostrich.

1220 So, Mr Speaker, I can report to the House today that the proportion of tax rebates that are outstanding today, as measured against our tax revenue, is exactly the same ratio, 19%, that had been established by the GSD Government of which Mr Feetham was, as he likes to say sometimes, de facto Deputy Chief Minister, based at No. 6 Convent Place, working directly to Sir Peter Caruana.

1225 That is not to say, Mr Speaker, that that is right – I want to ensure that we catch up both with what people owe the Government and with what we owe people – but it should put paid to the incessant criticism that things were somehow better in their day. Things were exactly the same in their day.

1230 Also, at £10 million a year we should start making inroads into the problem quicker than at £5 million a year, which is what they provided for when they introduced the cap into rebates.

But our policy on tax refunds will go further than that, Mr Speaker. We accept that tax refunds are dynamic in their nature. Our policy, as I announce it here today, is to eliminate tax refunds cautiously and fairly. We are committed to increasing the £10 million budget next year, and if there need to be any further increases beyond next year to close the gap, then we will do so – we might even require supplementary appropriation for the purpose, Mr Speaker – because we have stuck to our economic plan and we can therefore deliver.

1240 Mr Speaker, Members opposite have had the audacity to accuse me of playing fast and loose with transparency and accountability by withholding tax refunds. The reality could not be further from the truth. They have been fast and foolish to criticise a policy that was actually established by them and is a direct result of one of the flagship legislative amendments introduced by their former, recently beloved, party leader. Any attempt, therefore, to discredit our surplus is therefore simple nonsense as by comparison such an approach would undermine their own historic position. It also fails to account for the £28 million that is owed to the Income Tax Office by taxpayers in unpaid income tax and social insurance which would net off against the amount owed to the Government, leaving only £1 million to account for.

1250 So, Mr Speaker, on the tax rebate argument any attempt to discredit Government policy produces a slam-dunk own goal against the GSD. Judged not against their words but against their actions and their record, Members opposite have not one leg to stand on. But I do appreciate, Mr Speaker, that the hon. Gentleman opposite has come with a written speech and he has been working on this fatally flawed rebate argument for months now, so I do not expect that he will abandon it, although as he reads it he will, no doubt, feel the legitimacy of it flowing away from it as a result of the information I have provided in the House today. I do feel for him, but I will encourage him and Mr Clinton to read their no doubt carefully crafted tax rebate versus surplus section, despite the fact that it is now logically discredited.

1255 Mr Speaker, I now turn to the specific Budget measures for 2017.

For the differing purposes I will refer to as I explain each one, the following changes in import duty will be introduced with immediate effect.

In order to standardise with other high street products, import duty on handbags is reduced from 6% to 3%.

1260 Import duty on jewellery and imitation jewellery is reduced from 4.5% to 3%.

Mr Speaker, for reasons entirely unrelated to the good news in my own family, but to keep our own traders competitive, import duty on children's prams is reduced to zero.

1265 In line with the Government's commitment to the promotion of healthier lifestyles and making involvement in sport more accessible ahead of the 2019 Island Games, wearable battery operated devices, commonly known as sports trackers or watches, have their duty reduced from 12% to 3%, which brings the duty into line with that paid for wristwatches.

Duty is reduced to zero on sports or dance apparel imported by or for a sporting or dance association, including, for example, rhythmic gymnastics or Members opposite when they try and do the shuffle during the course of this debate!

1270 Indoor sporting equipment such as that used for billiards, pool, darts and chess is also reduced to zero.

In support of this Government's continuing efforts to address the health problems arising from tobacco and smoking generally, a number of tobacco-related import duty increases will take effect from midnight last night.

1275 First, the import duty on waterpipe tobacco increases from the current £3 per kilo by £12 per kilo to £15 per kilo. This represents a fivefold increase in import duty on this line commodity and reflects a huge increase observed by the Collector of Customs in respect of the importation of this particular commodity. Last year I imposed a threefold increase in the duty payable on this commodity from 12% ad-valorem duty to £3 per kilo. In effect, therefore, in the space of 1280 12 months we have raised the duty 15-fold on this type of tobacco. Given the scale of the duty increase imposed today, if the Collector of Customs is satisfied that merchandise can be demonstrated to have been ordered before this announcement and the delivery stage is engaged, it will be accepted on payment of a duty of £3 per kilo for that particular consignment only.

1285 Mr Speaker, many tobacco manufacturers are working on alternatives to burning tobacco. Some products I have been presented with recently by our tobacco importers and the representatives of the tobacco majors involve heating tobacco instead of burning it. The new smokeless heated tobacco products in the market will use electrical heat to create a vapour but without reaching the temperature required to cause combustion. The producers of these 1290 products claim that they are less harmful than cigarettes because they generate no combustion and no smoke. According to the producers' laboratory tests, their aerosols allegedly contain significantly lower levels of harmful and potentially harmful constituents and is much less toxic than cigarette smoke. Indeed, according to the producers' air-quality tests, the aerosol emitted does not negatively impact indoor air quality. These are new products and therefore none of this 1295 is yet tested or clear. It is true, however, that some data published so far suggests that these products are likely to offer reduced toxic exposures of at least 90% relative to smoking. The World Health Organisation estimates that there will be over a billion smokers by 2025. With so many choosing to smoke it makes sense that we should promote less harmful alternatives to smoking. Mr Speaker, import duty on refills for tobacco products designed to be heated and not 1300 burnt is therefore set at £45 per kilo of tobacco content. I emphasise, however, that these are new products and that we will assess how duty should develop in respect of taxing them as their take-up develops.

Mr Speaker, recent data shows diesel fuel, even in modern vehicles, can emit more toxic pollution than was previously thought. The reporting of the manner in which well-known motor 1305 vehicle marques have published misleading information about the efficiency of diesel engines has once again brought this issue into sharp focus. In line, therefore, with our policies on the promotion of the protection of the environment and the promotion of better air quality, the Government must act to promote less use of diesel automotive fuels by increasing the duty on such fuels. Accordingly, in respect of importations occurring as from midnight last night, the duty 1310 on ordinary diesel automotive fuel will be increased by 3p litre and the duty on premium diesel automotive fuel will be increased by 1p per litre. Mr Speaker, I drive a diesel vehicle and I confess I have not filled the tank for a month.

Mr Speaker, the purchase of electric forklift trucks already attracts zero duty but it attracts no additional benefits. As from today, any electric forklift will attract the same cashback as for any

1315 electric road vehicle, and the cashback for full electric vehicles that have no element of propulsion by a combustion engine is increased by a further £750. This will not apply to hybrids, in respect of which the position remains unchanged.

Additionally, Mr Speaker, all amounts spent on the Governments Redibikes scheme will be tax deductible.

1320 The duty on plastic bags is doubled, from 5p to 10p.

As a further environmental protection measure, the deductions which apply to residential premises in respect of the installation of solar power will also apply to commercial premises.

1325 Mr Speaker, Gibraltar needs to be flexible over the coming years and look at new forms of investment. We are seen by many as a place to hold assets securely with the benefit of dispute resolution subject to the common law and no capital gains tax.

1330 We are already seeing interest with storing valuables here, with the wine storage project being developed and the number of data centres that exist in Gibraltar. It is for that reason that the Government reduced the duty on works of art to zero two years ago and introduced a ceiling for vehicle duty of £50,000. In order to further promote the use of Gibraltar as a jurisdiction for the ownership and secure storage of high-value items, as from midnight tonight the duty on classic vehicles is reduced to zero. For the purposes of this measure a classic car will be interpreted as defined by EU Directive 2014/45/EU as a vehicle of historical interest that is no longer in production and is over 30 years old.

1335 Additionally, gold bullion is presently a restricted item which requires an import licence from the Collector of Customs. It is presently taxed at 6%. As currencies and stock markets have fluctuated, there has been a move to gold in many jurisdictions. With an import duty of 6%, Gibraltar has priced itself out of that market. Again, as we seek to develop a business in our tunnels for storage of high-value goods that are as safe as the Rock of Gibraltar, we must ensure that the importation of such items into Gibraltar is not made unattractive. Consequently, the import duty on gold bullion will now be decreased by 5% to 1%.

1340 Additionally, the Government has been approached by traders to create a mechanism to allow for the importation into bond of very high value retail items sent to retailers on consignment – that is to say, items which the trader will only pay for if he sells the product in question. Many of these items are of a very high value and are unique. Traders would find it difficult to import such items to show if they had to pay duty on them before they are sold. As a result, in consultation with the Collector of Customs, the Government will design a scheme for importations of very high value items – that is to say, items to retail over £25,000 – where import duty will not be payable on importation but upon the sale of the item. In effect, traders will be able to hold a select number of items on show in retail premises on bond terms. This trade will be limited to Main Street, to premises approved by the Collector of Customs and each item so imported will require a specific permission from the Collector. The trader will have to demonstrate that the item is displayed for sale and will be required to communicate the actual sale to the Collector of Customs within two hours of the sale and the relevant duty paid within 48 hours. Items imported by a trader, or any trading entity in the same or a related group, in this way will have to be re-exported or the duty paid within six months of their first importation, and an item exported if it is not sold will not be able to benefit from the application of this scheme again for another 24 months.

1350 Mr Speaker, the Government has reduced import duty on motor vessels to assist the many in our community who were purchasing small boats for the magnificent new Small Boats Marina in the Mid Harbour basin. Recent news has highlighted the risk jet-skis pose in the hands of inexperienced users. During Question Time last week the Minister for the Port, the Hon. Gilbert Licudi, explained to the hon. Lady opposite that we had already introduced competency and insurance requirements for jet-skis and that following a recommendation from the Small Vessels Advisory Board he would be introducing an insurance requirement for all motorised vessels. 1355 Additionally, from the Ministry of Finance measures will also now be taken by the introduction of an import duty on jet-skis, which will increase from zero to 20%.

1370 Mr Speaker, in order to assist with the cost of doing business in Gibraltar, electricity and
water charges will again not be increased this year, despite the cost to the Government of
providing these public utilities. It is important that business, and in particular business
representative organisations, value this important concession. Given that inflation since January
1375 2012, the month after we were elected at the beginning of this financial year, to 1st April has
amounted to 6.3%, that is the discount in real terms that businesses have already had since our
election against the amounts at which water and electricity are charged. The taxpayer is in effect
subsidising the cost of doing business in Gibraltar to a great extent, but we do so in order to
keep Gibraltar an attractive place to do business. This does not lessen the burden on the
taxpayer though, and it is important that it be fully understood by those who are taking the
benefit of the subsidy. The subsidy applies as much to residential users as to business users, and
it is important that everyone understands that they are already paying only about one third of
the cost of generation of water and electricity.

1380 General rates payable by businesses will also remain unchanged and discounts for the early
payment of rates will continue to apply, unchanged by the Government. As from the next
quarter, rates will not be charged on offices from the date of certificate of fitness but from date
of first occupation when they have just been completed.

1385 Mr Speaker, in pursuance of the Government's continued commitment to reduce the level of
personal taxation, especially for the lower paid members of our community, with effect from
1st July 2017 the exemption from the tax system will increase. Accordingly, taxpayers with
assessable income of £11,150 or less will be brought out of the taxation system altogether and
will pay no income tax at all. That is an increase in that exemption of £100, Mr Speaker. This
applies to taxpayers in both the Allowance Based System and the Gross Income Based System.

1390 In accordance with our manifesto commitment, taxpayers under the Allowance Based System
will benefit from an increase in their personal allowances in line with inflation. With effect from
1st July 2017, therefore, the following allowances will increase as follows: the Personal
Allowance will go from £3,215 to £3,300; the Spouse or Civil Partners Allowance will go from
£3,215 to £3,300; the One Parent Family Allowance from £5,290 to £5,435; the Nursery
1395 Allowance from £5,025 to £5,160; the Child Allowance from £1,105 to £1,135; the Child Studying
Abroad Allowance from £1,255 to £1,290; the Dependant Relatives Allowance where the relative
is resident in Gibraltar from £305 to £315, and where the relative is not resident in Gibraltar
from £205 to £210; the Disabled Individual Allowance from £9,040 to £9,285; the Blind Person's
Allowance from £5,020 to £5,155; the Medical Insurance Allowance from £5,020 to £5,155.

1400 Mr Speaker, as stated by the Government in March, when social insurance was increased for
the first time in seven years, the Government is committed to reform of the social insurance
system. The Government continues to tread a cautious path on this reform, bearing in mind that
the options available to Government will also be greater once the UK and Gibraltar have left the
EU, although I caveat that with the things I said earlier in my speech, Mr Speaker.

1405 Government continues to engage with the Chamber of Commerce and Federation of Small
Businesses to appraise them of these matters and welcomes their understanding of the need for
the increase in social insurance and support for the introduction of e-services across
Government and has also informed the unions of the steps being taken. There will not be a
further increase in social insurance in the current calendar or financial year.

1410 Mr Speaker, nonetheless, under Gibraltar law the provisions provide that young employees
under the age of 20, whilst still paying social insurance contributions do not have these counted
towards their pensions. These start accruing only once they have reached the age of 20. This
provision will be eliminated, given it is explicitly based on age discrimination, Mr Speaker. In line
with the position in the United Kingdom, social insurance contributions will accrue for the
1415 benefit of the contributor starting at the age of 15. I thank Unite the Union for bringing that
discrimination to my attention.

Additionally, working with Unite the Union, we will implement sick leave discount principles for all public sector workers with cancer-related illnesses and in respect of bereavements as well as the annual leave aspects of some employees.

1420 Also after consultation with Unite, the rule in the Pensions Act that saw non-industrial workers able to retire at the age of 55, whereas industrial workers would have to retire at the age of 60, will be removed to allow those who could only retire at 60 to retire at 55 if they agree to take a commutation of the pension entitlement.

1425 Mr Speaker, old age pensions will increase this year in line with the rate of inflation of 2.7%, so that the single rate for old age pension would increase from £440.54 by £11.90 to £452.44 and the couple rate would increase from £660.85 by £17.85 to £678.70. The dependant rate will grow from £220.31 by £5.95 to £226.26 and the same cash differentials will be maintained with the Minimum Income Guarantee, as in previous years.

1430 In line with our manifesto commitment and the three-year pay deal agreed, the general level of public sector pay will rise by 2.75% with effect from 1st August this year.

1435 And, Mr Speaker, in line with this Government's commitment to keep the national minimum wage under constant review and to increase this by at least the rate of inflation over our term in office, the statutory minimum wage will increase from £6.28 to £6.45 per hour with effect from 1st August 2017. This represents an increase of 17 pence an hour or around 2.7%, which is the rate of inflation. Additionally, the Government will provide the resources necessary to investigate any breaches of the minimum wage and the registration requirements for workers in our laws. With the benefit of that increase on the minimum wage those who are lowest paid in our community will have seen the GSLP-Liberal Government increase their salaries just shy of 20% in the five and a half years we have been in office, or up by £1.05 an hour. We are justly proud of our record in the increase in the minimum wage.

1440 Mr Speaker, we have commenced the process of consultation with Unite the Union, the Federation of Small Businesses and the Chamber of Commerce in respect of the potential introduction in Gibraltar of pensions in the private sector. Last year I announced that, given the result of the Brexit referendum, we would not be progressing that process in the immediate past financial year whilst we observed the effects on the economy of the result of the vote of the British people. This year, Mr Speaker, as we can see that Gibraltar continues to grow, it is right we should unpause that process and continue the consultation with a view to implementing the introduction of pensions for private sector employees. The consultation will continue to include the unions, the Chamber and the Federation.

1450 Mr Speaker, additionally, I have agreed with the Chairman of the Trustees of Community Care to meet with the directors in coming weeks to hear from them what they propose to do and announce in respect of the provision of additional minimum income guarantees for some private sector pensioners and divorced women pensioners. I look forward to meeting with him to understand what the independent trustees of Community Care propose.

1455 Pensioners from the joint venture utility companies are in discussions with Government on ensuring that they have not lost out on pension entitlement as a result of having left the Civil Service in the late 1980s and early 1990s. The Financial Secretary is doing a very detailed analytical exercise to share with them to ensure we see the reality of their situation and compensate any quantifiable actual loss. I expect we will be in a position to finalise that work in this financial year, Mr Speaker.

1460 Also in relation to pensioners, the Government has been approached by a number of those entitled to re-enter the Widows and Orphans Pension Scheme who were not married to their current partners at the time that they retired. The law states that any marriage of the pensioner whose rights would be assigned to a widow or orphan who was not married by the time he retired would not be eligible to entitlement. This is grossly unfair and is based on an old law which has not kept pace with modern life. It is, in any event, an issue that affects only a handful of those who would re-enter the old WOPS scheme. The law will therefore be changed to allow

for marriages after the retirement of the contributor if he opts back into the scheme to count also.

1470 The widow to re-enter WOPS ... Sorry, the window to re-enter the WOPS scheme (*Laughter*) – yes, I hope people understood that slip, Mr Speaker – will be open again, from midnight tonight until 30th September 2017, to allow those who have previously been denied membership on the basis of the application of this aspect of the law to apply.

1475 Mr Speaker, in the context of everything I have said already about pensioners and students, it is important that we should reflect as a community that Gibraltar pensioners are amongst the best well off in Europe and probably the world. It is important that we recognise how well off we are in the context of the uncertainties that Brexit may bring.

1480 Mr Speaker it is my responsibility, as Minister of Finance and Chief Minister, to deliver a full address that deals in detail with all areas of revenue and expenditure. It is for that reason that this speech is a long one and the Estimates Book is a full set of information in respect of every area of Government revenue and expenditure. I nonetheless want to ensure that our Budget is more accessible and that more of our fellow citizens understand what we receive in revenue and what we spend on. This is a point that the hon. Lady has sometimes made also. For that reason, Mr Speaker, and in line with my Government's commitment to transparency, we have prepared a shorter presentation of the Budget to assist viewers to follow these debates and discussions.

1485 The presentation will be available online at:

https://www.gibraltar.gov.gi/new/sites/default/files/HMGoG_Documents/Budget%202017-18%20WEB.PDF .

1490 It will be tweeted and it will be made available on social media. The presentation is not a substitute for reviewing the Estimates Book but rather an attempt to connect the viewer with where the money this Government raises is coming from and where it is being spent.

Preparing for this debate, Mr Speaker, is challenging for all Members of the House. We all want to do our best in this important Second Reading, which allows us to set out our policies and views in respect of our respective areas of political responsibility.

1495 I want to thank all the staff of No. 6 Convent Place for their assistance in the preparation for this debate and throughout the year. They are the ones who keep a smile on my face at work every day of the year, whatever the headlines in the international press may say. The Hon. the Leader of the Opposition does a good job of keeping a smile on my face with the national headlines, Mr Speaker.

1500 All of the public servants of Gibraltar have worked hard in their respective areas of responsibility to deliver these results. I thank all of them: the civil servants, the employees of the Development Corporation, the Government agencies and authorities and the employees of the Government companies. A sincere thank you on behalf of the Government.

1505 And I want to thank all the Ministers in the Government for their endeavour in the challenging past 12 months. This Government is a team that only works because we work together. Thank you to all of you. We started this process as a group of excited friends with a common set of objectives and we continue in that way.

1510 This weekend I have broken my preparation for this debate to celebrate the end of Ramadan with our magnificent Muslim community. I wish a great Eid al-Fitr to all our Muslims today, the last day of Ramadan. I enjoyed greatly the events at the Ibrahim-al-Ibrahim Mosque with our Imams and with Ali Douissi of the Moroccan Community Association. We were joined by the Hon. Mr Reyes on the opposite benches and I think we all enjoyed a magnificent meal on Saturday night, Mr Speaker. What I enjoyed most was the presence at the mosque of Hindus, Jews and Christians alongside the Muslim members of our community for the breaking of the fast. That moment will be indelibly etched in my mind as an image of the Gibraltar that we all love; the Gibraltar that Momy Levy used to rave and evangelize about; the Gibraltar that we know and love and for which we work so hard on this side of the House.

1515

It is true that we have a jewel of a nation on our hands, a rare jewel that we must treasure and nurture, and so today's debate is not about values or about religion. Former Vice-President

1520 Joe Biden is reputed to have said, 'Don't tell me what you value, show me your budget, and I'll
tell you what you value,' because a budget is not just a collection of numbers, but an expression
of our underlying values and our current and long-term aspirations as a people. This Budget is
therefore calibrated not to discriminate. It is calibrated to help the aged and the disabled and
1525 the young as well as the capitalist businessman and the worker he employs, for we must nurture
our businesses in order to nurture our workers and in that way enjoy the social peace that we
are basking in today.

This weekend we have also seen Team Gibraltar prosper and succeed in the Island Games in
Gotland. The Minister for Sport has been with the team this weekend and is back in the House
today for the debate. He will return to Gotland at the end of the proceedings of the House this
1530 week. The next Games will be in Gibraltar and we will be ready for them, Mr Speaker. From the
whole Parliament the very best of luck to all of Team Gibraltar in Gotland this week and
congratulations to all those of our athletes who are already medal winners: Harry and Tom, who
took gold in clay pigeon shooting; Wayne, Stephanie and Mairead, the latter of whom is just 14,
who took bronze in the team air rifle; and our triathlon team, who also took bronze in their
1535 event.

Mr Speaker, the Gibraltarians are a strong, resilient and robust people. Look at the
magnificent efforts some of our people make for worthy causes that they hold dear. What
makes a man swim across a busy strait like the Strait of Gibraltar; and then, when he reaches
Tangier on the other side, on the distant shore, what makes him swim straight back? What
1540 makes a man walk to Jerusalem, like Mark Randall did? What makes a man and a woman swim
in the sea every single day, come rain or shine, warm or cold, like Stuart Felice and Debbie Ruiz
are doing every day? What makes a team of men get on their bikes in London and not get off
until they have cycled 2,400 kilometres to Gibraltar? It is what makes us Gibraltarians, Mr
Speaker. The pursuit of a just cause. Courage. Grit. Determination. Rock Scorpions every single
1545 one of them. Heroes raising funds for those worse off than themselves. Champions, Mr Speaker.
The Government will match the amounts each of the ones I have mentioned have raised at the
end of their challenges for the causes they have sponsored.

Mr Speaker, prudence, caution, optimism and investment – those are the watchwords with
which this Budget has been laced. We must be prudent, but the results of the year just past to
1550 date give us good reason for optimism. That is why with caution we must continue to invest in
our community. If we have the income, as we do, we cannot fail to build much needed new
schools because Britain is leaving the European Union – because what is the meaning of
prudence and caution in relation to budgetary discipline?

Prudence is not an entreaty to stop all spending. That is suicide in economic terms that would
1555 lead to a slowdown and a recession.

Prudence is not austerity, as we hear others in this House advocate – that is cutting spending
and cutting public services.

Prudence is also not a balanced budget, where you spend exactly what your income is.
Prudence is paying for existing public services and seeking to improve them in quantity, in
1560 quality and in efficiency, but doing so within our means – and that is what we are doing.

Prudence is paying for new capital projects in a way that ensures that they are not a drag on
the exchequer but that they provide those new or improved services we want to offer in a way
that does not create new additional costs – and that is what we are doing.

Prudence means putting cash away in rainy day funds for a rainy day – and that is what we
1565 are doing, although we had to start from zero.

Prudence means funding the cost of the companies that the former administration created
and not allowing them to build up deficits, Mr Speaker. That is what we are doing and will not be
deterred from doing, despite having to reconstruct the accounts of the companies because the
government of Members opposite did not maintain them.

1570 That is how this Budget is designed and why spending under each head has been carefully
calculated in keeping with Government policy, so that it is reduced to the level it can be and so

1575 that reducing it any further would logically simply lead to a necessary increase elsewhere. Because prudence means doing all of that *and* having money left over. That is to say, Mr Speaker, prudence is a surplus after pay increases, after new schools, after new sporting facilities and after great musical and cultural events. And that is what we have done and achieved for the past six years and what we will do and achieve for the next three – and that is what this Budget ensures.

1580 You see, Mr Speaker, a Minister for Finance has to see through the prism not just of austerity and saving, not just of protecting our heritage. A Minister for Finance has to balance the wealth of the nation with the health of the nation; the promotion and growth of the nation with saving for the future; the surplus and the reserves and the cost of things versus the value of things. And once that balance is done in the context of these numbers, Mr Speaker, Gibraltar does not need austerity – it needs caution and prudence alongside investment and optimism.

1585 The old St Bernard’s School did not need more austerity applied to it. The pupils of that school needed investment to create the new schools they are being taught in today.

The old KGV did not need more austerity applied to it. The patients of that facility required the investment to create Ocean Views.

1590 Laguna and Glacis did not need more austerity. They had had plenty of that, Mr Speaker, under the GSD. What they needed was investment in the environment people are living in – investment in our public services and in our economy which is cautious and carefully calibrated. That is what this Budget delivers.

1595 And so, Mr Speaker, I say to those outside this House: if you own a business, this is a Budget for you; if you employ people, this is a Budget for you; if you work in the public or private sectors, this is a Budget for you; and if you are elderly, a student or a school child, this is a Budget for you. But if you want to cut services to the public, if you want to slash Government investment in Gibraltar and if you want to sow panic for another year, this is not a Budget for you and we are not a Government for you. And if you do not want to work but you can, or if you do not want to pay your fair share though you can, then this is also not a Budget for you either and neither are we a Government for you. For we are a Government for workers and not for skivers. We are a Government for those who invest, not for those who want to suck up without contributing. We are there for those who need our help, not for those who will not get up and help themselves. And we are ready to do our bit and lead this nation.

1600 Mr Speaker, whatever they think about me, Her Majesty’s Treasury does not lie and the numbers do not lie. Like everything this Government does, we reflect reality; and as such, the only ring that our people will associate with this Budget is the ring of truth, and Members opposite know that. They know that this is the economy they would like to be reporting on. They should be pleased for Gibraltar and they should be honest and say so. They know that these are the public finances that they would be proud to be presiding over, and they should be honest and say so. They should not talk Gibraltar down when the numbers show that our performance is up. A decade after the financial crisis, one year after the Brexit referendum, we are financially stronger than ever.

1615 That is why this is a Budget that reflects economic performance to celebrate unprecedented investment in sport, unprecedented investment in our schools and education, unprecedented investment in our healthcare and elderly services – the unprecedented investment in public services our nation deserves, all funded from the rising revenue that arises from unprecedented levels of investment in Gibraltar: the prudent management of public finances our nation deserves, Mr Speaker.

1620 This is a historic time in our affairs. It is not a time for political novices, for political apprenticeships or political ambition. It is a time for political leadership. Mr Speaker, the economy is performing well, the public finances are stronger than ever, the nation is on a sound course to continued success. Steady as she goes, Mr Speaker. I commend the Bill to the House. *(Banging on desks)*

Mr Speaker: The Hon. the Leader of the Opposition.

1625

Hon. D A Feetham: Mr Speaker, I am not sure that I am going to bring a smile to the hon. Gentleman's face with my first contribution during the course of this debate, because it is both unfortunate but very necessary that I bring to the attention of this House that the hon. Gentleman and the Government have turned these annual debates into a farce, and it is a dangerous farce at that.

This book and the annual debate on the numbers it contains can no longer be taken as an authoritative indication of the economic health of this community, and for that reason, for the very first time in six years, the Opposition will be voting against it. (**Hon. Chief Minister:** Excellent.)

1630

Over the last six years we have seen a systematic destruction of parliamentary governance in Gibraltar and in particular the deliberate disablement of the ability of this Parliament, through this debate and elsewhere, to properly scrutinise our public finances in any meaningful way. The Chief Minister has the dubious distinction of leading a Government that, through the opacity in the way it has chosen to structure the public finances of this community, has made a mockery of these annual debates.

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It is not only about the quality of our democracy and about basic accountability and transparency, it is not just about the questions that the hon. Gentleman refuses to answer about the *Sunborn* loan or the information that we are provided in this House, which turns out to be half-truths or inaccurate. It is much more than that. It is about the ability of this Parliament, and therefore this community, to identify potential financial problems before they arise. And it is self-evident that never has there been a need for that scrutiny like there is today, where we are heading out of Europe and that, whether we like it or not, will involve considerable readjustment to businesses and also social attitude.

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This book, Mr Speaker – these estimates of revenue and expenditure – is only half of the picture of what the Government has directly or indirectly spent, at what cost, and how much it has directly or indirectly borrowed to pay for it all. The very simple reason for that is that the Government has borrowed some £772 million – let me repeat that: £772 million – that we know of, through Government-owned or controlled companies which it has used and continues to use to fund its expenditure, and none of that is reflected in this book that we are debating here today.

1645

How can anyone – the Chamber of Commerce, the Gibraltar Small Business Federation, the media, the press or anyone else who in a democracy would be expected to comment on the state of our public finances – be able to share that very optimistic picture that the Hon. The Chief Minister paints, when other than the gross debt figure for those Government-owned companies ... We do not know, for example, how much has been spent by those companies, on what that money has been spent, what cash those companies have left at their disposal and therefore what the net debt position of those companies is. How can anyone say they are happy with these figures when the Government is operating a separate set of accounts it is not disclosing and there is no clarity – indeed there is opacity, Mr Speaker – in the way the Government is spending or has spent £772 million, a pot of money in Government-owned companies?

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This is an issue of huge concern for the Opposition, which has become even more concerning post the Brexit referendum, a referendum that we all described in this House as posing an existential threat to our economic model, and today we are asked to believe the statements made by the Hon. the Chief Minister that things could not be better, when we do not know what he is doing or what he has done with £772 million in those Government-owned companies.

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I repeat: this is not just about transparency and accountability. It is about being able to spot emerging or existing economic problems so that they can be dealt with, and that becomes more necessary now there are some very significant curves up ahead for the jurisdiction.

1670 Let me say, Mr Speaker, that I am *proud* of the job that the Opposition has done in being a beacon of democracy in holding the Government to account on these issues, and history will judge. (*Interjections*) History will judge, and our speeches are there as a matter of public record. Whether the same can be said of others, which in a democracy have their own duties to the people of Gibraltar...

1675 Everything that I say today, Mr Speaker, is subject to this overriding and overarching point that I have just made, because they have really turned this debate into a dangerous farce.

I start with an analysis of the public debt position and the role of the Gibraltar Savings Bank. In December 2011 when they won the election there were £27.6 million of debentures and bonds in the Gibraltar Savings Bank. In other words, money borrowed by the Gibraltar Savings Bank from members of the public owed to members of the public was £27.6 million. The total of debentures and bonds issued by the Gibraltar Savings Bank as at 31st March 2017 was
1680 £834.5 million. That represents an increase, Mr Speaker, of 3,023% in six years. How on earth the hon. Gentleman can stand there today pokerfaced and say that this is a rainy day fund, a sovereign fund, when ... Anyone who knows about these things can tell the hon. Gentleman that
1685 a sovereign fund is a pot of money belonging to the state, when debentures in the sum of £834.5 million is money that the Gibraltar Savings Bank owes members of the public. It is not a rainy day fund; it is a debt owed by the Gibraltar Savings Bank to members of the public.

The reason for that huge increase is that the Government embarked on a process, when they got elected, of shifting debentures issued by the Government directly, which legally counts as public debt, to the GSB, where it does not count as debt of the Government because it is a debt of the Gibraltar Savings Bank.
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The Gibraltar Savings Bank, Mr Speaker, is a creature of statute. In simple terms, it is a state-owned savings bank, much like the National Savings and Investments is in the United Kingdom. It is under the management and control of a director, who traditionally has been the Accountant General or the Financial Secretary, the top civil servant heading the Treasury.
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This explosion of Gibraltar Savings Bank debentures was, of course, a premeditated plan to allow the Government to use savers' money for Government expenses without the need to increase public debt, particularly as they fought the 2011 election saying that the GSD had been addicted to debt. It was also a way in which the Government, as we will see, could circumvent the legal borrowing limits that were there to prevent a Government from borrowing in a manner that became unaffordable to this community.
1700

The device used by the Government to do that was Credit Finance Company Limited, a company incorporated in 2012, run by public servants and which over a period of time since 2013 has had £400 million of savers' money transferred into it. Credit Finance then proceeded to use the money in order to pay the commuted pensions of civil servants, provide loans to third parties under the direction of the Government, including the *Sunborn* Floating Hotel, and the remainder, some £330 million, was loaned to a Government-owned company called Gibraltar Investment Holdings Limited.
1705

Gibraltar Investment Holdings is, of course, the company that has historically been used by successive governments to fund the capital and cash needs of nearly all Government-owned companies from the Consolidated Fund – in other words, from this book, Mr Speaker. The Government has traditionally injected capital into Gibraltar Holdings Limited and from there it then trickles down into other Government-owned companies – and Minister Bossano has rightly accepted, even when this was denied by the Chief Minister in his New Year's Message in 2014, that the money loaned to Gibraltar Investment Holdings by Credit Finance Company Limited, some £330 million, was being used in order to fund the cashflow requirements of other Government-owned companies and any projects they may have been undertaking on behalf of the Government. That was disputed on countless occasions by the Chief Minister, but in his inimitable style, which I pay tribute to today, the Father of the House came clean and opted to defend the policy instead.
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I also have to admire the Hon. Gentleman the Chief Minister, the way he stands up and pokerfaced says to this House that the Government has made a surplus of £75.8 million this year. But of course if the debt in Government-owned companies to the tune of £772 million – that pot of money – is being used to pay for expenditure that is properly the Government’s expenditure, and that expenditure is not reflected in these accounts, it is not possible to say that the Government is running the public finances of Gibraltar at a surplus of revenue over expenditure. That is why he does not want a Public Accounts Committee, because he knows that that would give us the ability to ask questions of those public servants running those companies which have within them – or had within them, because we do not know how much has been spent – £772 million.

And it is not an answer, Mr Speaker, to say that the debts of Government-owned companies are not debts of the Government. That may or may not be so from a purely technical legal standpoint, but it is still a debt owed by Gibraltar plc. Are we seriously suggesting that if Gibraltar Investment Holdings Limited, a Government-owned company, ever defaulted, for example, on its debt of £330 million to Credit Finance Company Limited, that the Government would refuse to step in? If those listening to this debate think that I am right and that it is inconceivable that a Government would not step in, should we not be scrutinising how the Government is spending that money, which ultimately is an exposure to the taxpayer of Gibraltar?

The absurdity of the Government’s position can be easily tested. The money in the Gibraltar Savings Bank is guaranteed under the Gibraltar Savings Bank Act by the Government, and therefore the taxpayer. So, even if the Government refused to step in to repay any debt that Gibraltar Investment Holdings owes Credit Finance Company Limited because it relied on the principle that Gibraltar Investment Holdings Limited is a separate entity to the Government of Gibraltar, it would have to do so at source because Credit Finance Company Limited would default in its own obligations to the Gibraltar Savings Bank and the Government are guarantors in law of all the moneys in the Gibraltar Savings Bank.

The additional absurdity and artificiality of this convoluted structure, which the Government has set up solely to massage the figures on public debt and expenditure, is that the money loaned by Credit Finance Company Limited to Gibraltar Investment Holdings Ltd is held centrally by the Treasury, i.e. by the Government, with no attempt to segregate it from money owned by the Government directly. Government-owned money and the money held for Government-owned or controlled companies is pooled centrally and, as Minister Bossano explained only last week, is being used whenever it is needed within what he described as ‘the empire’, by which of course he means the Government and Government-owned companies. So all the money that the Government has and is pooled centrally at Treasury is being used wherever it is needed within the structure of Government, including Government-owned companies.

While the Hon. the Chief Minister latches on to technicalities to support his statement that public debt stands at £442.7 million gross and £319.8 million net, the Opposition continues to remind this Parliament that, post Greece and post the collapse of the financial markets in 2008, countries in Europe are moving towards greater transparency and accountability on the issues of public debt.

In the UK, debentures from the UK National Savings and Investments, the equivalent of the Gibraltar Savings Bank, and the debts of Government-owned companies form part of the UK national debt and it is plainly wrong that we should not do so here in Gibraltar.

The gross debt of this community is an eye-watering £1.2 billion – that we know of, Mr Speaker, and I repeat: that we know of. It is over twice, in gross terms, what the hon. Gentleman has told the House that gross public debt stands at today.

I just ask people to judge me not on my arguments, not on the arguments that I am developing during the course of this debate; I ask them to judge me by the Chief Minister’s own statements as Leader of the Opposition in 2011 when, straight after the 2011 budget debate, he went to GSLP headquarters and in a podcast he said this, and I quote:

Hello.

He does the 'hello' well, I have to say. I have to give him credit for that! (*Interjection by Hon. Chief Minister*) (*Laughter*)

Hello, I have just come out of Parliament, where we have been debating the estimates of expenditure; the Budget, in other words. Mr Caruana is pretending that the economy of Gibraltar has never been better, but in fact if you look underneath the surface, if you look beyond the 1% or 2% tax cuts, there is an issue with the economy that I want you to understand.

1775 Pausing there, Mr Speaker, in 2011 he was telling people there was an issue with the economy, and there I was thinking that I was the only treacherous individual in the jurisdiction worthy of capital punishment for my statements on the Budget each year.

But carrying on:

Gross debt – in other words, the amount owed by the Government of Gibraltar – is now up to £480 million. The ceiling is £500 million ... Despite that, Mr Caruana tells us that everything is okay. Well, with a gross debt of £480 million we are talking about every man, woman and child in Gibraltar owing £16,000 to the banks.

1780 Pausing there again, Mr Speaker, I thought that I was the only one as well who would engage in scaremongering the community on the question of the figures, but of course I appear to be in very good company, i.e. the Chief Minister.

Carrying on:

That's an incredibly high level of debt per capita ... Well, the gross debt borrowing limit is £500 million. If you add to the £480 million that we have already borrowed in respect of gross debt the £20 million that Mr Caruana has borrowed from banks using Government buildings which he has put in a company, then you have reached a total of £500 million. That second £20 million, for technical reasons, doesn't count as Government borrowing, but the Government now owes more than the law allows it to owe. The Government now owes £500.2 million.

1785 Mr Speaker, I have to say I have always admired him for it, but only he – nobody else can do it, only he – can stand up in this Parliament and maintain a poker face when he says what he says and what he has said today about public debt.

1790 When he was the Leader of the Opposition and claimed we had just £20 million – not £772 million, £20 million – of debt in Government-owned companies ... And I do not agree that was the true position but I am prepared, for the purposes of this debate, to take his word at its highest, but when he was saying there was £20 million of debt in Government-owned companies he was claiming that the total amount of debt owed by the Government should include the debts of Government-owned companies, and if you took that amount into account it exceeded the legal borrowing limits.

Well let's test the position even further, shall we, in accordance with the numbers that he has given today and the numbers that we know about.

1795 If you take, as he advocated in December 2011, the combined debts of Government and Government-owned companies, each man, woman and child, as he put it then, would not owe £16,000 to the banks, as he claimed then; they would owe £40,000 to the banks, Mr Speaker. It follows that if £16,000 per person was 'an incredibly high level of debt per capita' in 2011, I suppose £40,000 could be described as a staggering amount today.

1800 It must also follow that if he felt – let me get the quote correctly – 'there is an issue with the economy' on those numbers in 2011, there must be a very serious issue with the economy on the numbers today, which are far worse.

1805 He also said that if you took the £20 million debt in Government-owned companies at the time, the GSD Government had breached the legal borrowing limit by £0.2 million. Well, Mr Speaker, the Hon. the Father of the House will know, if the Chief Minister does not already, that at the time our legal borrowing limits were measured within net debt parameters and indeed he is taking the £20 million figure, which is a gross figure. Well, Mr Speaker, I am going to

1810 return to the net debt limits in a moment, but the debt limits were changed last year to 40% of
GDP. That is net debt 40% of GDP. On the GDP numbers that he has given to this House today,
our combined gross debt is running at 62.5% of GDP. In real numbers – because that is what he
was talking about in 2011 – it is not £0.2 million above the legal debt limit; on a gross basis it is
£436 million above the figures that he has given in relation to the economy and public debt. We
have calculated the net debt limit: it is £436 million.

1815 Mr Speaker, I cannot tell the hon. Gentleman, because he is not transparent enough with this
House, what the net debt position of Gibraltar plc is, taking into account the cash position in
Government-owned companies, but if I take into account and I give him credit for the
£300 million that he has borrowed – and that, let's assume, he has not spent, mortgaged, on the
estates – and the £129 million in terms of the cash reserves that the Government has at its
1820 disposal, we are still talking about a legal debt limit that has been breached taking those
numbers. But as I say, I am speculating because of course I do not know; there is no ability for
me to look through into what is the cash position of those companies in order to tell this House
whether in net debt terms we are running over the 40% of GDP ratio that the legal borrowing
limits allow us.

1825 Of course, this year we have the £300 million that the Government, through Gibraltar Capital
Assets Limited, has borrowed, mortgaged, on the housing estates of Government tenants – a
loan that is going to cost us, over 31 years, some £314 million in interest alone. In the first
15 years Gibraltar Capital Assets Limited will have to find £23.3 million per annum to meet
capital and interest repayments, assuming a straight-line accrual of sinking fund, and I am still
not clear whether that is coming out of this book – in other words, that £23.3 million of
1830 repayments from this book – or from the money hidden away in Government-owned
companies, because they refused to tell us in our meeting at No. 6 Convent Place when we met
in order to talk about the £300 million loan.

1835 If a GSD Government had done that, Members opposite led by the Father of this House it has
to be said would be calling for our collective heads. They would be incandescent. I can just see
the headlines and I can just see the statements emanating from that side, or this side if they had
been on this side: 'Poor working-class tenants having their homes mortgaged, or hocked, by a
wicked right-wing Government'. Instead, we have a socialist Government – a socialist
Government, Mr Speaker – borrowing yet more money on the security of people's homes and to
boot saying to the people of Gibraltar, 'We, as a Government, do not owe that money because
1840 it's owed by a Government-owned company.' Of course, none of this was put to the people of
Gibraltar during the election because they never mentioned it. They did it behind the backs of
people and announced it seven months after the 2015 general election.

1845 Before I move on to a different point, it is worth pointing out and it is relevant to the rainy
day arguments advanced by the Chief Minister during the course of the debate today, that as at
31st March 2017, 68% – nearly 70% – of all assets in the Gibraltar Savings Bank is being invested
directly or indirectly in Government debt composed of a loan directly to the Government of
£251.4 million and to Government-owned or controlled companies of £556.1 million. There is
not a bank in the world that has so many of its eggs in one basket, and if the answer is that the
Government is solvent and guarantees the money anyway, what on earth are we doing,
1850 Mr Speaker, excluding the sums the Gibraltar Savings Bank has invested in Government-owned
companies from any calculation of public debt or expenditure?

1855 I now turn to the cash reserves, debt limits and the surplus. We do not know what the real
cash position of Gibraltar plc is because we do not know how much of that £772 million in
Government-owned companies has been spent or remains available to spend. The hon.
Gentleman says that the proceeds from the £300 million mortgage loan will be spent on
investments that will generate further economic activity. All we have is his word for it, because
there is no way of scrutinising whether that is so.

The cash Government has in the bank has been consistently dropping since 2011. It stood at
£273.8 million in March 2011. By March 2015 it had dropped to £73.2 million. This year the

1860 forecast outturn is £122.9 million. Mr Speaker, I apologise to the House because earlier on in my
discourse I said that the cash reserve was £129 million – it is £122.9 million. Every year cash
reserves drops from year to year and then increases nearer to the date of this debate as
Government tightens its belt prior to 31st March. Even if we take £122.9 million, it represents a
1865 downturn, without knowing what the Government is spending in Government-owned
companies, of 55% since March 2011.

Mr Speaker, for most of this time, indeed until the Government changed the legal borrowing
limits in March of last year, there was a direct correlation between the legal borrowing limits
and cash reserves. That is because the legal borrowing limits were calculated at a net debt of
80% of recurrent revenue and net debt is calculated gross debt minus the money that you have
1870 in the bank. In other words, cash reserves. That formula for the legal borrowing limit was
changed in March of last year to 40% of GDP without an electoral mandate and indeed without
mentioning it to the people of Gibraltar in the election held three months earlier. It is a similar
formula, Mr Speaker, in fact, that led Bermuda to borrow more over a number of years than it
could afford, and now that jurisdiction is scrambling to rein in public debt and there are
1875 significant calls to change its legal borrowing limits to the formula the Government ditched in
March of last year. But the important point for our purposes today is that for much of the period
between March 2012 and March 2016 when the legal borrowing limits were changed, cash
reserves were very low and therefore net debt was running very close to the legal borrowing
limits – at one point as close as less than £30 million.

1880 The Government just could not afford to pay for the £750 million it spent over a period of
four years on capital projects or the rest of the goodies that they like to crow about that they
delivered on. They could not do it without the money borrowed from Government-owned
companies. It just was not legally possible for them to do it.

Today the Government comes to this House and says it has made a surplus of £75.7 million.
1885 It is a complete nonsense when it is not accounting for the expenditure in Government-owned
companies. A simple example – and by no means the only one, Mr Speaker – is that through
Government-owned companies the Government is paying the commuted pensions of civil
servants. That is traditional Government expenditure and that expenditure no longer appears in
this book because it is being paid through Government-owned or controlled companies.

1890

Minister for Economic Development, Telecommunications and the G (Hon. J J Bossano):
Which is a jolly good idea.

1895 **Hon. D A Feetham:** I hear the Hon. the Father of the House saying it is a jolly good idea. Well,
Mr Speaker, that may or may not be so, but what I am saying to this House today and my
message to the people of Gibraltar is that if it is such a good idea come clean, be open, be
transparent about it. Tell us what the Government has spent in those Government-owned
companies. Allow us to scrutinise the money that is held in Government-owned companies and
then let's see whether in fact the Government is making a surplus or whether Government
1900 expenditure and what Government expenditure is being channelled and funnelled through
Government-owned companies.

In 2012, contributions to the Improvement and Development Fund from the Consolidated
Fund were £181 million. In other words, in 2012 the Government was directly, from its own
pocket and reflected in this book, making provision for capital projects and development to the
1905 tune of £181 million. That was pre Credit Finance Company Limited. At that stage they were not
taking money from the Gibraltar Savings Bank. Post Credit Finance Company Limited, in 2013,
that number – in other words, the contribution from the Consolidated Fund into the
Improvement and Development Fund – falls spectacularly in the following years and there is a nil
contribution to the Improvement and Development Fund in 2016, a forecast outturn for this
1910 year of £25 million and an estimate next year of £5 million. That is why, if you look at what the
Government actually spent overall – in other words, itself directly – in the year ending 31st

March 2012, which was £602 million, it is more or less the same than what the Government estimates it will spend next year up to 31st March 2018, which is £601.6 million.

1915 There are additional reasons why the analysis on the surplus by the Government, we believe, is grossly exaggerated, if not fictional.

1920 Firstly, I repeat the point that I have been making for the last two years about contributions to Community Care. Prior to the financial year ending March 2014, contributions to the charity Community Care were treated as a recurrent expense through a contribution to the Social Security Fund. Since 2014 these amounts have been included in the surplus and then, from there, there has been a payment to community care. The effect in accounting terms is to lower expenditure and to increase the surplus by a corresponding amount. It has never been explained why the change in accounting practice. If the GSD Government had done this, we would have been accused of smoke and mirrors. This year, that would have meant an increase in recurrent expenditure of £20 million and a corresponding decrease in the surplus by the same amount.

1925 Secondly, the Government owes – that we know of, Mr Speaker – at least £19 million or £20 million in tax rebates going back years. He tries to portray almost a Mystic Meg mode in trying to diffuse the point that I am about to make about tax rebates by pointing out to practices – that he says were practices, Mr Speaker – of the former GSD Government. But he is the New Dawn Chief Minister, Mr Speaker. He is the incumbent four, five, six years ... This is his sixth
1930 Budget speech, he has told this House today, and I would have thought that in six years, even if he is right on the points that he has made, he would have been able to do the right thing by those very many people who are owed money by the state. Some people are being paid their tax rebates for the year ending 2008. If the Government has made money, it should pay it back to the people, not just retain it so that the hon. Member can stand in this House today and say,
1935 ‘Look at what a wonderful Government we are: we have made a £75.8 million surplus.’ That is not a comfort to those people, Mr Speaker. Nor is it a comfort for the hon. Gentleman to say, ‘Well, it’s just a practice of the GSD that we are taking moving forwards.’

1940 Thirdly, Mr Speaker – and my hon. Friend Mr Clinton will be examining this in more detail later on in this debate – the £300 million loan and the mortgage on the estates has generated £14 million of stamp duty, which is a transaction by the Government with itself, a Government-owned company ... I think it is two Government-owned companies. It is artificial income. Indeed, if you take into account transactions between the Government and Government-owned companies or between Government-owned companies, stamp duty generated exceeds £20 million, as my hon. Friend Mr Clinton will be demonstrating beyond peradventure in due
1945 course. Just on those three items it would reduce the surplus by £54 million – and I am just taking £14 million for the time being in terms of stamp duty. But I would not want listeners to think that our position is that there is a surplus of £21.7 million. Our position is that if you take all this, and in particular the expenditure through loans provided to Government-owned companies, there probably is not a surplus at all – but we cannot say for sure because there is no
1950 visibility and ability by the Opposition to scrutinise how much is being spent in Government-owned companies.

1955 Mr Speaker, I now turn to analysis of Government revenue and expenditure. For the reasons that I have already explained, any debate on Government expenditure based purely on these estimates without taking into account the expenditure of Government-owned companies is a nonsense. In simple terms, if I told listeners that I had £500 in my right pocket and I told listeners that I have £800 in my left pocket and I then told listeners, ‘Here is a complete account, detailed to the last penny, of how I have spent the money in my right pocket, that £500,’ and I then said to listeners, ‘I have provided you with a full account of how I have spent all the money in my possession in my control,’ the obvious answer from those listening to this debate would be, ‘Oh,
1960 but, Mr Feetham, what about the £800 in your left pocket?’ and if I said to them, ‘Well, no, I can’t disclose that, because that’s my left pocket, it’s not my right pocket and I’ve only got an obligation in law to disclose to you how I’m spending the £500 in my right pocket,’ they would say, ‘You’re absolutely mad – you’re stupid!’ (A Member: Yes.) The reality is that, unfortunately,

1965 they have reduced this debate to a complete and utter nonsense precisely because they fail to account for that £772 million that they are spending in Government-owned companies.

It has to be said, however, Government expenditure, even without taking into account the hidden expenditure of Government-owned companies, has risen over recent years like a runaway train. It has provoked comments from the Father of the House about consultants hypnotising Government Ministers into overspends, and no doubt a lot of sleepless nights on the part of the Father of the House, as indeed it has caused one or two sleepless nights on my part too. He has that in common with me.

It has led a Government – that fought an election saying we, the GSD, were the party of austerity – to introduce austerity measures under the guise of public efficiency, which is what we are seeing across the public service.

1975 Mr Speaker, on 31st March 2012 the overall recurrent departmental expenditure, i.e. the cost of Government, stood at £333 million. If you compare like with like and treat the £20 million contribution to Community Care as a recurrent expense, as was always the case prior to 2014 before the Government started to indulge in some creative accounting, recurrent departmental expenditure stands at £494.7 million and has therefore risen by 48.5% since 2012. For a
1980 Government that is hiding away so much of its expenditure in Government-owned companies that is a very significant amount.

Recurrent revenue in March 2012 stood at £454 million. The forecast outturn for this year stands at £653.7 million. That is an increase of 44.5% since 2012. Again as I have pointed out in previous years, recurrent expenditure, even without taking into account the money hidden away
1985 in Government-owned companies, continues to increase at a faster rate than recurrent revenue.

This House will also note that over 25.4% of recurrent income relates to import duty, which of course means, in the main, tobacco revenue. Before he accuses me of high treason – which is of course his practice – for making the point, the hon. Gentleman may want to refer to the statements he made to this House on this same debate when he was on these same benches,
1990 where he said, on a slightly lower percentage, that we needed to move away from overdependence on that sector.

Again, Mr Speaker, the Hon. Mr Clinton will be examining a series of one-off increases in income and artificial generation of income that will further highlight concerns with the ratio of recurrent income to recurrent departmental expenditure. I have to repeat, however, that
1995 without taking the entire picture of Government expenditure into account by examining the picture as regards Government-owned companies, it is not possible to have a comprehensive analysis of Government expenditure nor compare it usefully to Government revenue.

Mr Speaker, I now turn to economic growth. Today the Chief Minister has said that economic growth for the year ending 31st March 2016 came in at £1.75 billion and that GDP was forecast
2000 to rise to £1.91 billion next year. Everyone welcomes the rise in GDP, but there is absolutely no doubt that economic growth is being driven by direct or indirect Government borrowing, at least to a large extent. This is not rocket science. If you inject hundreds of millions of pounds in Government company borrowings into the economy it is bound to produce a significant increase in economic growth. It does not, however, guarantee economic health, as he himself was telling
2005 the people of Gibraltar in his podcast in 2011.

At a time when Bermuda's economy grew substantially, fuelled by debt, there were a minority of voices in that jurisdiction that warned that debt had to be repaid and that the jurisdiction was mortgaging its future economic security. This has been precisely the warning of the GSD Opposition for the last four years, and the failure of the Government to put forward a
2010 coherent plan for debt repayment continues to be a very significant weakness in the Government's economic plan, which could bring economic consequences in the future.

Mr Speaker, I now turn to specific Budget measures and my concluding remarks. I said last year that in the light of an impending Brexit and the very significant spending funded by the borrowing we had seen over the last four years, this was a time for reflection and a time for the
2015 Government to rethink its spending plans over the next few years, that it was a time for

consolidation and long-term planning, including debt repayment planning. The immediate response from the Chief Minister was that the Government would meet all of its manifesto commitments. No doubt that is why he has hocked Government estates to the tune of £300 million. This is a matter entirely for the Government.

2020 We have made our position clear. What we have advocated is for the Government to prioritise spending on education and training, which is a matter that my hon. and learned Friend Mr Phillips has tenaciously raised on numerous occasions. In addition, Bayside school is not fit for purpose and I am sorry to say that to have prioritised spending on his own offices over and above a new school for Bayside students will, and continues to be a huge black spot on his record as Chief Minister. We cannot see how their electoral plans on Bayside School are sound and how they are going to build a new school at Bayside while students work on a building site. I hope that the announcement that the Hon. the Minister for Education makes during the course of this debate this week is that he will ditch their manifesto plans for a school at Bayside, because it was completely and utterly ill-conceived and I hope it goes in exactly the same way as his plans for a Europa Point stadium and a stadium at Lathbury Barracks went – confined to the dustbin of history. But we will see what the Minister for Education has to say.

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2030 We, for our part, continue to believe that the Rooke site is a much better site for a boys' comprehensive school – even if he does not want to follow our plans, which they have said that they will not – and would allow works with no disruption to children. Well thought-out targeted spending is where we need to plan over the next two years, Mr Speaker, and that is what we will be looking for from the Government not only now but moving forwards.

2035 Mr Speaker, the Budget is a prudent Budget and I accept that in terms of the measures that the hon. Gentleman has announced today those measures are prudent. We welcome the measures that he has announced today in relation to increases in import duty in respect of tobacco and diesel and also the measures that he has announced in respect of plastic bags.

2040 The measures that he has announced today affecting working-class people are modest. We live in uncertain times and I certainly am not going to criticise the Hon. the Chief Minister in respect of the measures that he has announced before this House today, particularly when I have been calling upon him to be prudent in the measures that he announces.

2045 But I still want to say this: that if we are really a truly wealthy society, we have to make sure that that wealth trickles down to those who need it the most, and we need to make sure, through training and employment opportunities, that those who find it most difficult in a difficult economy to find jobs are helped in order to find those jobs. I still get many people in my surgeries complaining that they cannot find employment or are not earning enough in order to raise a mortgage to buy a property. Today he has said that employment levels are at record highs. Yes, that is true, but when one looks for examples in terms of a breakdown of nationality where the increases in employment have been, Gibraltarians have increased – and this is up to the end of 2016, which is the latest figures that we have – from 11,010 to 11,065. That is an increase of 55 Gibraltarians in jobs. Spaniards in employment has increased from 6,413 to 6,867. That is 454, an increase of 7.1%, when the increase in new Gibraltarians occupying jobs was 0.5%. The increase in other EU has been from 2,599 to 2,776, an increase of 177 or 6.8%. My heart breaks every time I see someone break down in front of me, as indeed they do, because they simply cannot find employment – *any* employment *anywhere* in *any* building site in Gibraltar.

2050 Since the hon. Gentleman Minister Costa has moved from employment it has proved very difficult for me to engage with the Government as I did with him, where I used to draw to his attention the most difficult cases that came to see me. It is all very well for me to now be told when I refer difficult cases that that is what the ETB is there for, but these people come to see me because they go to the ETB every week and because they are desperate. They do not come to see me otherwise; they come to see me because they are desperate. It is then galling for these people to see top civil servants retiring on fat pensions to be re-recruited by the Government on fat salaries as consultants, or the Government handing out a 28% pay rise to the

Chief Secretary and the Principal Auditor just before their retirement on a final salary pension. Was there really no one who could have done the job as Ombudsman? Did it have to be the retired Financial Secretary, whatever the undoubted merits of that gentleman may be?

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I also believe that unemployment figures are skewed by the fact that there are people with employment contracts with recruitment agencies who are either on zero-hour contracts or are not working a sufficient number of hours to make ends meet. These people are not classed as unemployed, because they have a contract with a recruitment company, despite the fact that they may be working four, five, six hours a week or may be in possession of a zero-hour contract.

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At the other end of the spectrum we have seen the Government and Government authorities make increasing use of recruitment consultants to the extent that we are creating a parallel public service on significantly poorer terms than their permanent cousins. It is all very well to say that such labour is necessary to cover for maternity leave or sickness. The reality is that many of these people are occupying posts for some years. These workers have no holiday or sickness leave entitlement. Many are on the minimum wage whilst the recruitment agencies earn a significant slice by way of premium.

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I would ask the Government to be honest with people, tell them what they intend to do and in the meantime make sure people who have been covering on a long-term basis have proper holiday and sick leave. I would go as far as to say that there is a case for cutting out the middle man altogether and for the Government or agencies to do the recruiting directly, so that more of their labour goes into the pockets of the worker and not into the pockets of recruitment agencies, even if that employment is on a temporary and not a permanent basis.

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I just want to draw the attention of this House to some of the figures on subcontracted labour. As at February of this year, 45% of all employees at the Dr Giraldi Home were subcontracted workers; 30% of all nurses in the Care Agency and Mount Alvernia were also subcontracted through recruitment agencies. These are very significant figures, and in some areas there are more workers recruited through agencies than directly by the Government. There were a staggering 196 subcontracted workers providing care services for the Care Agency alone, excluding Mount Alvernia, compared with 159 employed directly.

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And again, Mr Speaker, as in other areas of Government business, the Government simply refuses to disclose accurate information every time we issue a press release criticising their performance in the area concerned. And there I thought that part of the democratic process was the Opposition holding the Government to account and criticising the Government on areas of Government performance where it is justified. One day the Government gives us the figures on vacancies within the public service, including the GHA and the Care Agency, but when we make any kind of public comment on the numbers, the Government closes the shutters on democracy the next time that we ask. And he calls himself a transparent and accountable Chief Minister simply because we have more meetings of the House, of Parliament, than we did under the GSD Government!

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What is appalling, in my view, however, is that rather than opt for the approach of Minister Bossano, who will simply say, 'I am not going to give you the answer,' and will take any criticism coming his way on the chin, we are told there are no vacancies in the Care Agency or the GHA when that is clearly not the case and the Government was in discussions with Unite the Union on the issue – and we know that because Unite the Union issued a contemporaneous circular to its members stating precisely that it had spoken to the Government about vacancies within the GHA.

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Mr Speaker, there is no doubt that there are huge morale issues in the GHA and indeed the Care Agency, and labour issues lie at the heart of that discontent. The hon. Gentleman Minister Costa knows I have the highest regard for him personally, but he has a massive job on his hands in relation to Health. There is a very significant discontent by both hardworking staff and by patients. It is unprecedented for doctors to have felt the need to conduct a morale survey at the hospital. It is unprecedented to see so many doctors leave the hospital because of morale issues. It is unprecedented, Mr Speaker, to see doctors who have felt the need to conduct a morale

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2120 survey at the hospital – absolutely unprecedented. That all in the context of unprecedented expenditure in Health, which has gone up from £75 million in 2011 to £120 million last year. That is nearly *£10 million a month*, Mr Speaker! For that amount of money we just simply should not be having the kind of issues that people and staff are experiencing within the Health Service.

Such were the number of complaints we were receiving that I took over this portfolio myself. 2125 It is the reason why I am dealing with this during the course of my own contribution before this House. I began to raise the burning issues as I saw them that were coming to me: bed shortages, Accident and Emergency, the Primary Care Centre and doctor morale issues amongst others. Since March I have attempted to give the hon. Gentleman the space to deal with these because I genuinely want him to succeed, but it is something that I intend to return to and he knows that I 2130 will compare his performance by the same yardstick that he used as Shadow Minister for Health when we were in Government. Nothing is more important than health and we ignore the concerns of professionals and patients at our peril. But again, Mr Speaker, I wish the Hon. the Minister for Health, Mr Costa, well in his endeavours.

Mr Speaker, these are uncertain times. I foresee difficult moments ahead. It is important that 2135 in the same way as we create wealth, that wealth is spread evenly when it is created. Where the Government is looking for efficiencies it should not be allowed to affect the quality of services, the disadvantaged, or create unfairness in the workplace. Other than that, our spending has to be carefully targeted: no more pharaonic projects, no more suspension bridges, no more building palaces at No. 6 Convent Place, less traveling around with hordes of officials and 2140 politicians. Let's invest in what really matters: training, education and the creation of jobs for our people.

Mr Speaker, thank you very much. *(Banging on desks)*

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, this is going to be an easier week than I 2145 thought, and in the circumstances I now seek that the House recess until 5 p.m. this afternoon, when the Deputy Chief Minister will continue with the proceedings.

Mr Speaker: The House will recess to five this afternoon.

The House recessed at 2.34 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 5.03 p.m. – 8.39 p.m.

Gibraltar, Monday, 26th June 2017

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The Gibraltar Parliament

The Parliament met at 5.03 p.m.

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

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

Appropriation Bill 2017 – For Second Reading – Debate continued

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, it is a pleasure to rise once more in this House in order to review progress in a number of areas of Government policy since the last Budget a year ago. This is my 19th Budget address to this House; it is my sixth as a member of the Government. I apologise in advance to the House for my emphasis on Europe and on Brexit, but I am sure that hon. Members will understand.

Just over an hour ago, Mr Speaker, the United Kingdom government published a paper entitled 'The United Kingdom's exit from the European Union – Safeguarding the position of EU citizens living in the UK and UK nationals living in the EU'. The document contains one direct reference to Gibraltar, in paragraph 8. This says:

The reciprocal agreement on citizens' rights will apply to the entire United Kingdom, covering Scotland, Wales, Northern Ireland and all parts of England, and Gibraltar. Decisions that are currently made by the devolved administrations and the Government of Gibraltar will continue to be made by them.

Mr Speaker, this is in line with the comments made this morning by my hon. Friend, the Chief Minister.

The cut-off point for the mutual recognition of rights is given as anywhere between 20th March 2017 and 20th March 2019. The paper spells out a series of benefits, pensions, healthcare, economic and other rights, in the expectation that these will be reciprocated by EU member states.

Mr Speaker, having commenced with the latest, I will now rewind and for the sake of good order, start my review at the beginning.

Last June, the United Kingdom as a whole voted to leave the European Union. Gibraltar voted to remain, as did two of the three devolved administrations.

I assumed responsibility for work related to the UK and Gibraltar's departure from the EU after the reshuffle last year. The Government acted immediately and responsibly in order to meet the challenges posed by the referendum decision.

Two immediate action points were put in motion. The first was to produce a detailed Government impact study into the potential effects of leaving the European Union. The second was to look at all the options open to Gibraltar going forward. I should add, for the avoidance of doubt, that shared sovereignty was not one of those options.

Mr Speaker, during July and August of last year, detailed information on the impact of leaving the EU was requested from all Government departments, agencies and authorities. This data was compiled and produced through the Attorney General, Michael Llamas, and co-ordinated with my office.

35 The study looked at the impact of different variations of Brexit. The possibilities ranged from what is known as a hard Brexit, where the UK departs with no agreement, to what is known as a soft Brexit, whereby the effect of any changes would be less dramatic. So there is black and there is white and there are shades of grey in between. Nobody knows the final shade of Brexit at this stage, given that formal negotiations have only just begun. However, the people of Gibraltar can rest assured that their Government has already analysed the impact locally of different types of Brexit. This is what a responsible Government does and what our people are entitled to expect from us.

40 Mr Speaker, the Government has indicated that a number of salient points emerged from that analysis.

The first was the importance of frontier fluidity. That has never been a secret. There are around 12,000 frontier workers officially employed in Gibraltar. This constitutes over 40% of the labour force. That number includes over 7,000 Spanish frontier workers.

45 Indeed, the figures show that practically every nationality of the European Union is represented in the daily flow of workers into and out of Gibraltar. This entire area has become a microcosm of what Europe should be – that is, thousands of nationals of different member states who have chosen to live in one part of the EU and to cross an internal border to work in another. It is a reality that Europe should be proud of; a reality that should be protected and maintained.

The role of frontier workers impacts across the economy. They constitute a considerable proportion of employees in certain areas of economic activity: 80% of land-based gaming; 60% of online gaming; 72% of hotels and restaurants; 66% of the construction industry. Even in areas like health and social care, 26% of those employed are frontier workers.

55 This is a reflection of the positive impact of Gibraltar on the economy of the neighbouring region of Spain. Members will have seen the studies which indicate that Gibraltar accounts for 25% of the GDP of the Campo area and that Gibraltar plc is the second largest employer for the whole region of Andalucía. This fact is recognised by the Mayors of the neighbouring towns, the President of the *Mancomunidad*, the provincial government in Cádiz and the regional government in Seville.

60 A Brexit formula which involves a difficult border is clearly not in our interest, but it is not in Spain's interest either. This is the message that has to be understood by the Spanish central government in Madrid. It is a message of continuity that they themselves have delivered in the past. Indeed, the Spanish Foreign Minister, Mr Dastis, himself is on record as having said that one of Spain's objectives was to ensure that 'the links that have been created between the Campo and Gibraltar are maintained and that shared prosperity continues'. This is an attainable objective.

65 The second objective for Madrid is shared sovereignty over Gibraltar. This is unrealistic, unacceptable and unattainable. The truth is that Brexit and sovereignty are not connected. It is Spain that has chosen to link the two through the resurrection of the proposal for shared sovereignty. We have rejected shared sovereignty in the past and we continue to reject it. It is nonsensical to expect the people of Gibraltar to exchange one colonial master, as it were, for two.

75 Mr Speaker, Spain has to come to terms with the simple fact that they lost Gibraltar 300 years ago and they are never going to get it back. It would be wrong and irresponsible for Spain to complicate Brexit further still by bringing their obsession with Gibraltar to the fore. There are small micro-states all over Europe, Mr Speaker. No other nation state behaves towards these small territories in the bullying and aggressive manner that Spain behaves towards our country. We do not see France blockade the Channel Islands or Monaco. We do not see Italy obsessed with San Marino or the Vatican City. We do not see Switzerland or Austria plot to take over the sovereignty of Liechtenstein. Indeed, closer to home, we do not see an obsessive approach from Portugal towards Spain because of Olivença.

In this context, it is only Spain that is obsessed with redrawing the frontiers of Europe at a time when Europe needs certainty and stability. Madrid is the odd one out. Their approach to Gibraltar is out of step and out of tune with the times in which we live.

Mr Speaker, history is littered with examples all over the planet where countries have come to terms with particular situations and learnt to live with them. Spain must come to terms with that reality also.

Back to the Brexit report. Mr Speaker, the second major finding of our Brexit discussions with the private sector was that the bulk of our financial services business is with the United Kingdom and not with the European Union. This simple fact means that the possible impact of losing access to the single market in the future is already mitigated against considerably.

The UK has already assured us that there will be continued access to the UK market. We have also received assurances from the Secretary of State for International Trade, Liam Fox, in respect of the inclusion of Gibraltar in future trade deals that the UK may negotiate for itself.

I think that there is broad agreement in this House that this is the way forward: first, the border; second, access to the UK market; third, access to UK trade deals; fourth, whatever access to the EU single market the UK may negotiate for itself. It is not helpful that we should promote a climate of disagreement amongst ourselves where perhaps no such disagreement actually exists.

Mr Speaker, the Government is confident that as one door closes other doors will open. New opportunities will come our way. The engagement with the Commonwealth has already started. I am pleased to report that there is considerable interest in Gibraltar from large Commonwealth countries. We will explore trade and commercial opportunities with them. They too are looking at the new economic openings that Brexit may bring. This interest to talk to Gibraltar is very encouraging and extremely welcome.

Members will recall that at a regional level this subject formed part of the discussions here last month during the conference of the Commonwealth Parliamentary Association. The aim, where we can, will be to raise the profile of the Commonwealth in Gibraltar and of Gibraltar in the Commonwealth. This year, with the co-operation of my colleague the Minister for Education, Dr John Cortes, an essay competition on a Commonwealth theme was organised for our young people. The Government will continue to broaden and to deepen our relationship with the Commonwealth as a matter of policy.

Mr Speaker, EU funding will cease once Gibraltar has left the European Union. This is obvious. These funds are managed locally through the Ministry for Economic Development. Gibraltar has benefited from over €60 million of funding ever since the first allocation was made. These funding programmes were secured under the European Regional Development Fund – €32 million; the European Social Fund – €18 million; and the Inter Regional Transnational Programmes (INTERREG) – €9 million. The UK government has effectively underwritten the completion of the existing programmes which commenced in 2014 and which are due to end after our EU exit in 2020.

Mr Speaker, the Government's Brexit impact report was submitted to the new UK Department for Exiting the European Union in September. This has formed the basis of our formal and informal discussions with the UK ever since. The House is agreed that frontier fluidity is important and the hon. Members know that the Government has spent considerable time and effort looking at different ways forward in this area.

Gibraltar is outside the Common Customs Union and therefore outside the ambit of free movement of goods. Whereas the mechanics to provide for the future exportation of goods to the EU is a major issue for the United Kingdom, it is not an issue here in Gibraltar – first, because we have no manufacturing industry as such; and second, because we are outside the EU regime for goods already and indeed have never belonged to it.

The general view is that the system that already operates at the land frontier and other entry points in relation to goods will simply continue as it has been going forward. The examination of

135 the manner in which the border will operate in the future is therefore primarily about the movement of persons and not about the movement of goods.

We have mentioned in the past the possibility of Gibraltar joining Schengen even if the United Kingdom were no longer in the EU. The irony is that in 2013, with no Brexit on the horizon, we were encouraged to look at this option seriously as a way of eliminating the delays generated by Spanish controls on persons. We have therefore moved from a position where we were looking at more Europe to a position where we could end up with less Europe, or indeed with no Europe at all.

140 I have to say that Andorra, Monaco and San Marino are not in the European Union, nor are they part of the Schengen area, although all three are in the Customs Union. It was important to the Government to analyse the way in which the EU's small neighbours operate their borders. This is in line with the pledge we made to examine all the options open to Gibraltar going forward. These small territories have no hostile Spain next door, that is true; nonetheless, we are dealing in an area where precedent is often a valuable ally to deploy.

145 Mr Speaker, it is also well known that the Government has been looking into the possibilities provided by the framework of the Local Frontier Traffic Regulation No 1931/2006. This provides a mechanism which allows EU member states to conclude bilateral agreements with their neighbouring non-EU countries in order to facilitate the crossing of external borders. Two particular advantages of this scheme are that the Commission retains oversight of the mechanics and that it is already enshrined in EU law.

150 It is relevant to note that the crossing arrangements at the land borders of Ceuta and Melilla do not stem from this Regulation. They are the result of special border arrangements which were applied earlier. However, in practice it means that the residents of the neighbouring Moroccan provinces are allowed to cross in and out of Ceuta and Melilla on the basis of a unique regime suited to their own particular circumstances.

155 Mr Speaker, I wish to say a few words at this stage about the amendments to the Schengen Border Code which came into force just before Easter. The Government in general and our Office in Brussels in particular worked very hard behind the scenes with other interested parties on this matter.

160 The Code provides for systematic checks against databases for every person crossing any external Schengen border in either direction, whether they happen to be EU nationals or not. There were disproportionate delays in both directions at the Frontier immediately before the amended Code came into force.

165 Mr Speaker, it should be noted that the Code provides for an evaluation mechanism to regulate the manner in which it is being applied. There is also provision for a reversion to targeted checks in cases where systematic controls generate lengthy delays and for border guards to wave through persons they recognise with simple cursory checks.

170 It is relevant to point out that the Commission has already intervened in relation to the application of the Code between Slovenia, which is part of the Schengen area, and Croatia which is not. Brussels has already agreed to allow targeted checks to be introduced at that land frontier when waiting times are longer than 15 minutes. This sets a useful precedent. A number of MEPs and other interested parties have already approached the Government in order to find out more about the effects of the application of the amended Code at the border between Gibraltar and Spain. We will continue to look at this closely and share any relevant information.

175 Mr Speaker, it is obvious that in relation to Brexit the border alone is a voluminous subject in its own right. The House knows that Brexit is a multi-faceted negotiation and therefore the land borders for which the United Kingdom is responsible is only one of many areas for discussion in the months and years ahead.

180 Another area that the Government continues to follow closely is civil aviation. The Government welcomes the continued support of the United Kingdom to date in relation to the inclusion of Gibraltar Airport in EU civil aviation measures. The Government has conducted

185 vigorous lobbying in the European Union to support our position and has enjoyed the full backing of the United Kingdom government throughout this process.

Mr Speaker, hon. Members know how this story goes. Spain continues to object to the inclusion of Gibraltar Airport in EU civil aviation legislation. They take this position despite having pledged to put an end to that very objection in an agreement signed at Córdoba in 2006.

190 This means that a number of aviation dossiers are held up for the whole of the European Union by Spain. They are the Single European Sky 2+, the legislation on slots, that on air passenger rights and the aviation agreement between the European Union and Ukraine. Other aviation agreements with third countries are now joining the queue. The pressure is building up. It was there before 23rd June 2016 but is has now intensified, given the decision taken in the
195 United Kingdom to leave the European Union.

Mr Speaker, the second question on the horizon is the application to Gibraltar Airport of the new aviation agreement between the UK and the EU. The latest position, as I understand it, is that the UK will not remain in the EU common aviation area, because this will involve recognising the jurisdiction of the European Court. The logical consequence of that position
200 would be a new aviation agreement. A third additional scope of the discussion are the new aviation agreements that the UK will need to negotiate with third countries outside the European Union. I am pleased to inform the House that the Government has already been consulted on the outline preliminaries of such new agreements.

Mr Speaker, I should say that similar to other Departments, the Director of Civil Aviation and
205 the Air Terminal Director have undertaken a review of the implications of Brexit in their respective areas.

Gibraltar Air Terminal Ltd and Commercial Aviation are the responsibility of my colleague, Gilbert Licudi. I will therefore only provide a very brief outline in order to put into context what I have said already.

210 The Airport is a member of the Airport Operators Association in the UK and its European equivalent, Airports Council International Europe. The two organisations have been briefed on Gibraltar's concerns and, I am told, have been supportive in representing our position.

Even with the uncertainty brought about by Brexit and by Spain blocking the application of certain EU aviation laws to Gibraltar, the number of flights this summer remains at historically
215 high numbers. This is positive news.

Mr Speaker, the measures taken by the Government in early 2016 to employ 20 additional Border and Coastguard Agency officers and four additional operational support officers at the terminal has paid dividends. Despite a much higher throughput of passengers, queuing times at the central search area for security screening have been reduced compared to previous years.

220 Amendments have been made during the year to the Civil Aviation (Air Navigation) Regulations 2009 in order to bring into effect European Regulation (EU) No 2015/320 of the European Parliament and of the Council. This Regulation sets out the technical requirements and administrative procedures relating to the issue of air traffic controllers' licences and certificates. In addition, the Civil Aviation (Air Navigation) Regulations 2009 have been amended to regulate
225 the minimum heights at which UK military aircraft can fly in the vicinity of Gibraltar.

In last year's Budget, I announced that the MoD Airfield Authorities and the Director of Civil Aviation have introduced revised aviation safeguarding procedures in Gibraltar, which regulate the maximum height of developments close to the Airport. To support the new procedures, in the course of this year the Director of Civil Aviation and ITLD have introduced an easy-to-use
230 layer on the Government GIS portal. This new layer enables developers and architects to investigate the maximum build height for any new development in any part of Gibraltar.

Mr Speaker, the precise shape of the UK's departure from the European Union, and indeed our very own, are both far from clear at present. There are a wide variety of possible outcomes. The way it broadly looks – and this may change – is that a number of different agreements will
235 have to be negotiated.

The first is the withdrawal agreement, also known as the exit treaty. There are two years in which this can be concluded. The outcome is open to approval by Qualified Majority Voting, which means that no single country has a veto if it is concluded within that timescale. It requires unanimity to extend the deadline if the exit deal is not concluded within two years.

240 Article 50 of the Treaty of Lisbon provides for the withdrawal agreement to take account of the framework for the future relationship between the withdrawing state and the rest of the European Union.

245 This phrase has been interpreted differently by the UK and the EU. The UK took it to mean that both would be negotiated simultaneously, and the EU that the two would be negotiated consecutively. We now know that the second agreement will be negotiated once the shape of the first becomes clearer.

In addition to this, there is a general view that transitional provisions may need to be agreed to straddle the gap between when the exit treaty has been concluded and the agreements to determine the future relationship come into effect.

250 Mr Speaker, I believe it is relevant to point out the infamous clause article 24 of the Council guidelines in the context of what I have just said. The clause says:

After the United Kingdom leaves the European Union, no agreement between the EU and the United Kingdom may apply to the territory of Gibraltar without the agreement between the Kingdom of Spain and the United Kingdom.

The coming into operation of that clause is limited in time to 'after the United Kingdom leaves the European Union'. The clause therefore cannot apply to the negotiations on the withdrawal treaty, because at that point the UK remains a member of the EU.

255 The logical conclusion is that the Spanish veto clause applies to the future relationship deal between the UK and the EU, which is the only point in the timeline when the UK is firmly out. I repeat the operative words, which are 'after the United Kingdom leaves the European Union'.

260 The EU Council guidelines therefore do not apply to the withdrawal treaty and to anything that may be agreed under its terms. However, all member states have a veto on the agreement that will regulate the future UK-EU relationship. What the guidelines do, in the view of the Government, is that they provide Spain with an additional veto, a second bite at the cherry. This is because Madrid will enjoy the same veto as all the other member states in relation to what may or may not be agreed with the UK, and then also a second veto in relation to the application to Gibraltar of any aspect of that agreement.

265 Mr Speaker, the use of such language by the Council was tactless, insensitive and wrong. It was an affront to the 96% of the voting electorate of Gibraltar who supported remaining in the European Union a year ago.

270 I should add that the European Parliament's own guidelines, which make no direct reference to Gibraltar, are better worded. The Parliament has itself called for the European Union's external borders to be one of the areas to be addressed first as part of the withdrawal negotiations.

275 Mr Speaker, the Chief Minister and I made it clear after the referendum that we would leave no stone unturned when it came to safeguarding the position of Gibraltar going forward. This is precisely what we have done. We have put our views to the top decision-makers in the UK government; we have successfully lobbied all the main opposition parties in the United Kingdom; we have put across Gibraltar's case in the international media; we have spoken to key figures in the devolved administrations, including the First Ministers of Scotland, Wales and Northern Ireland; we have discussed mutual challenges with the Crown Dependencies and the other UK Overseas Territories; we have welcomed politicians from London and Brussels to Gibraltar; we have met key figures in the European Parliament across all the main political groups; we have spoken to the other member states of the European Union; we have raised our concerns with the European Commission; we have taken our message to key decision makers in

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the Government and the Congress of the United States of America. It is simply not humanly possible to have done more.

285 Mr Speaker, parliamentarians from other Commonwealth countries have praised our Brexit work. Last month, I was asked to deliver an address to the regional plenary of the Commonwealth Parliamentary Association on the subject. This was followed by questions. A Member of the House of Lords said that she was impressed with the statesmanlike way in which the Chief Minister had approached Brexit. Another said that the evidence given by the Chief
290 Minister before the House of Lords inspired more confidence and was better than any evidence she had heard on Brexit before that Committee. A Member from Jersey said that he was really impressed with the Chief Minister's performance on the Andrew Marr Show which showed that he was, and I quote, 'a capable and confident leader'. There was more praise from the floor from questioner after questioner after questioner. Mr Speaker, this was the considered view of
295 parliamentarians from abroad after listening to what we had to say.

The Government is very grateful in all this to the Attorney General, Michael Llamas, an expert in European law in his own right, whose sharp legal mind and down to earth advice we have been able to count upon throughout. It is not without irony that Michael Llamas, the Chief Minister and I, who started our adult lives enthused with the European project, are now dealing
300 with our very departure from it. It is a strangely painful position to be in.

Mr Speaker, the vote for work related to the United Kingdom's departure from the European Union is a new subhead which can be found under my office in head 10, subhead 2(9).

Mr Speaker, I now propose to say a few words about Spain's approach towards Gibraltar in more general terms. It is obvious that the aim of the policies of the Spanish government towards
305 Gibraltar has always been to undermine our constitutional order, our prosperity and our way of life. In this general context, the hostile objectives of Spanish policy are probably the single greatest threat to Gibraltar.

Over the past few years, Spain has developed new state structures and procedures to implement its National Security Strategy. These developments represent a qualitative change in Spanish thinking and behaviour, which impacts on Gibraltar's security.
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Mr Speaker, Spain has designed and implemented a comprehensive strategy against Gibraltar. By its nature, this strategy combines the efforts of all of Spain's ministries. Behind Garcia-Margallo's rhetoric, and Mr Dastis's outwardly softer tone, this machinery has continued to work against our interests unabated.

315 This is particularly evident, for example, in the maritime domain where Spain has now developed a National Maritime Security Strategy, with a subordinate operational plan to exercise control of the Straits for the purposes of security and safety.

There are positive and negative reasons for these operations. The constructive reasons centre on the protection of life at sea and the generation of prosperity; for these purposes Spain
320 will always find Gibraltar a willing partner. However, Spain has also shown that its intention is to dispute Gibraltar's sovereignty over our waters by using its military, law enforcement and civilian capabilities. The latter was demonstrated when the former Spanish foreign and interior ministers awarded the Captain of the Port of Algeciras a medal for his 'defence' of Spain's interests against Gibraltar. The captain is a civilian employed in the Ministry for Public Works
325 and Transport.

Beyond the medals, Mr Speaker, it is clear that Spain is serious. In its national security documents, Spain has described our country as an 'anomaly' that poses security problems both for Spain and for Europe. What those actual security problems might be is rarely elaborated upon. And the fact that Gibraltar provides human and economic security to many is conveniently
330 and completely ignored. Instead, a 2003 Defence White Paper makes it clear that Spain genuinely thinks that Gibraltar curtails its sovereignty, perhaps because it allows the UK to launch independent operations in an area that Spain thinks of as vitally important to her own interests.

335 We now fully expect that Spain will, ignoring the NATO and Five-Eyes dimensions, argue that Gibraltar poses a problem for European policies such as the European Security Strategy, European Maritime Security Strategy, Frontex, etc.

340 This House knows that there is considerable work being done in Spain – and I will not go into that, for obvious reasons. However, the Members of the Select Committee on Brexit were given a brief outline of this activity during the Brexit briefing that I gave them recently. We will remain alert to any Spanish arguments and counter them as necessary.

Mr Speaker, I will now move on to some of the assets that we have at our disposal in order to counter that strategy. I will commence with our representation in Brussels and I will provide an outline of their activities over the last financial year.

345 During my Budget speech last year, I said that the view of the Government was that the role played by the Brussels Office assumed an even greater significance in the light of the outcome of the UK referendum on continued membership of the EU.

350 Mr Speaker, their work over the last 12 months, since the referendum, has proved that the Government was not wrong in making that assessment at the time. Since 23rd June 2016, the representation's efforts have been crucial in both informing the Government of movements within EU circles concerning the Brexit process and in advancing and voicing Gibraltar's concerns and desired objectives as the negotiations ensue.

355 New and important contacts have been made and the network continues to grow. I have no doubt that as a result of the Government's work, amplified by our assets in Brussels, Gibraltar is, at this crucial time in our history, better understood amongst EU policymakers than it has ever been.

Since the referendum, the Chief Minister and I have accumulated five visits to Brussels with the representation arranging top-level meetings on each occasion. Much of this work is better done away from the public eye. However, Mr Speaker, rest assured that the representation has been kept exceptionally busy in the last year.

360 I will focus, first, on activity related to the European Parliament, whose role will be important in the context of the Article 50 process. In the 2016 calendar year, Gibraltar Government officials or Ministers formally met 93 different Members of the European Parliament. A total of 37 further private exchanges of views took place between Government officials and separate MEPs from 1st January to date. Meetings with the same MEPs have taken place more than once in the
365 time periods specified.

The Government has targeted the leaders of the more influential political groups and the chairs or political group co-ordinators of relevant European Parliament committees. Discussions have also taken place with rapporteurs of specific reports which are either relevant to Gibraltar or which might touch upon Gibraltar.

370 The work above forms part and parcel of the Office's day-to-day business insofar as the European Parliament is concerned. However, exceptionally, and again focusing only on the Parliament, the Office has also organised the following.

375 On 31st January 2017, the Chief Minister addressed the Constitutional Affairs Committee on issues concerning Gibraltar and the UK withdrawal from the EU. The Committee is one of the most influential parliamentary committees in which some of the leading minds on constitutional affairs and Brexit participate. The exchange of views, in public and before the full committee, was the first in which a Chief Minister of Gibraltar has ever appeared. This helped to focus attention on Gibraltar and the information provided by the Chief Minister was reflected in a report published more recently.

380 In April this year, the representation was commended for influencing 209 MEPs to vote in support of an amendment in a parliamentary resolution on Brexit which recognised the majority referendum vote in Gibraltar. This was not enough to carry the amendment through. However, the efforts of the team in Brussels must be seen in the context of the intense Spanish pressure pulling in the opposite direction and the fact that strict instructions had been issued to MEPs by
385 parliamentary group leaders not to support or introduce any amendments.

Moreover, whilst Gibraltar was not mentioned in the main European Parliament resolution on Brexit, Gibraltar was indeed mentioned in a favourable light elsewhere. There was a positive reference made to the need to protect border fluidity, in separate resolutions put forward by the ECR Group, the GUE/NGL Group and the EFDD Group.

390 Separate visits by a number of MEPs to Gibraltar have also been organised by the Brussels Office in the last year. On each occasion, MEPs were able to see with their own eyes the challenges that Gibraltar faces at European level, not just with Brexit but also with, for example, the Airport and border fluidity.

395 Last month, the Office supported our Finance Centre Director James Tipping, and Frank Carreras, the Government's Specialist Tax and Administration Adviser, during their intervention before the Parliament's Committee of Inquiry into Money Laundering, Tax Avoidance and Tax Evasion. The exchange of views proved to be an excellent opportunity for the Government to publicly dispel allegations made by Spanish representatives in Brussels with regard to our tax practices.

400 Five separate lobbying visits to Strasbourg during the European Parliament plenary sessions were also organised during the last financial year.

Work on influencing the European Parliament will continue, Mr Speaker. I will be leaving for a lightning visit to Brussels tomorrow, where we have this week once again set up a Gibraltar exhibition in one of the main foyers of the parliament building. This is part of the policy of the Government to continue to raise the profile of Gibraltar in the European Union, in particular in the present climate.

405 Since the referendum, the representation has also increased its work with regard to the briefing of individual member states on issues related to Gibraltar and Brexit. The details of these meetings are confidential, for obvious reasons, but today I can confirm that since 23rd June 2016 Government Ministers and officials have held high-level meetings with practically all of the EU-27 countries.

410 In the last financial year, a significant number of meetings with the Commission have also been organised. These meetings have focused on business as usual matters, bearing in mind that it is only recently that the Commission have issued their Brexit negotiating directives and that until the UK withdrawal from the EU happens Gibraltar will be obliged to observe and implement EU law in accordance with its current status inside the European Union.

415 Therefore, meetings have, for example, been organised with Commissioner Moscovici, responsible for taxation, to discuss Gibraltar's excellent record of compliance with EU and international obligations on matters related to tax; and with Commissioner King, responsible for security, to brief him on the current position with respect to the border.

420 Further meetings have also taken place at a technical level to discuss other important issues related to the application of EU civil aviation measures to Gibraltar Airport or the implementation of the modified Schengen Border Code which I referred to earlier.

425 The bulk of the work of the Brussels Office involves the above. However, there is also continued monitoring of EU legislative and non-legislative proposals. Some other activities include: organising three separate visits of MEP assistants to Gibraltar in July and December of 2016 and April 2017; assisting with a tailor-made programme, involving meetings with MEPs, Commission officials and Committee of the Region officials, for the Cross Frontier Group's visit to Brussels in September 2016; securing the Chief Minister's participation as a keynote speaker at an APCO Forum Event on 'Brexit: Beyond the Bubble' and the opportunity for him to speak in a plenary discussion at the annual Friends of Europe flagship event 'The State of Europe' in October 2016; arrangements for the September visit of Gibraltar students to Brussels; and organising a screening of the Gibraltar v Belgium World Cup qualifying game in October 2016 ahead of the 2018 World Cup.

435 All in all, in Brussels, just as in London and elsewhere, Gibraltar will continue to punch above its weight when it comes to voicing its concerns and defending its interests both in the EU and internationally.

Mr Speaker, I want to take the opportunity to thank Sir Graham Watson, Daniel D'Amato and everyone in the Brussels Office for their hard work and dedication over the last financial year.
440 The Brussels Office can be found in the Estimates of Revenue and Expenditure at head 10, subhead (2)(c).

Mr Speaker, I move on now to Gibraltar House in London. The office facilities at Gibraltar House in The Strand have proved instrumental in support of our response to the referendum last year and the challenges that lie ahead as a result.

445 Before June 23rd 2016, regular meetings with UK government officials were held both in Gibraltar House and in Whitehall. We have met Members of Parliament from all the main political parties in Westminster. Additionally, the liaison with Britain Stronger in Europe led to the formation of the associated Gibraltar Stronger In campaign.

After the result, the Government's focus in London homed in to lobby and meet all relevant parties and to explore the response to the outcome with significant affected entities. In many cases, in addition to our initiatives, we were approached directly by others interested in knowing how we might be dealing with the challenge ourselves.

450 There was a moment of change in the London office too. On 30th June 2016, Albert Poggio retired from the role of UK Representative. On 1st July 2016, Dominique Searle, then the Chief Minister's Special Representative, was appointed by the Chief Minister as UK Representative and Director of Gibraltar House.

The team in London was tasked to secure meetings at the highest level, working closely with No 6. The Chief Minister and I met with the Prime Minister, Theresa May, last year on her very first day in office. Shortly after this, as they took up their appointments, we had access to
460 Foreign Secretary Boris Johnson, Trade Secretary Liam Fox, Brexit Secretary David Davis, Brexit Minister Robin Walker, Europe Minister Sir Alan Duncan, and Sadiq Khan, the Mayor of London, among others. These contacts have continued since those first days of the aftermath of the referendum.

In that same period a delegation from the Scottish Executive, headed by First Minister Nicola Sturgeon, was hosted at Gibraltar House. Regular meetings have also been held there with representatives from the Channel Islands, the Isle of Man and the other UK Overseas Territories. The House knows that Gibraltar has also had contact with the First Ministers of Wales and Northern Ireland. Work was undertaken to understand how Brexit would affect the nations of the UK, in particular in areas such as borders.

470 Mr Speaker, the UK Overseas Territories Association (UKOTA) continues to make regular use of the Gibraltar House facilities as a focal point. This allows all the Overseas Territories to work together to defend our common interests and to promote areas of co-operation between ourselves and also with the UK.

Nonetheless, the UK government was prompt to accept our argument that Gibraltar's position in the process of Brexit was substantially and materially different from that of the other territories which, though affected by the departure of UK from the EU in varying degrees, are not themselves departing the EU or so deeply enveloped in its structures. As a result, Gibraltar has had its own Joint Ministerial Committee (JMC), but has also been able to attend the Overseas Territories Joint Ministerial Committee as an observer.

480 The Brexit-related activity in Gibraltar House has come in addition to the regular presence of official and commercial entities holding meetings relating to financial services, policing and commercial matters. The facilities continue to be made available to the Friends of Gibraltar.

Mr Speaker, the UK Representative and the team in London have made a point of creating a close working link to Gibraltar through my office at No 6. The aftermath of Brexit has intensified political activity and considerably increased the need for the Chief Minister and I to attend meetings in London. This is a reflection of continuous contact with the UK government and with Members of both Houses of Parliament.

490 The main administrative area of the London office has therefore been transformed into a facility more able to support the regular ministerial presence there that Brexit has brought about.

The team at Gibraltar House have, over the last year, carried out extensive lobbying in the House of Commons and the House of Lords. This is directed at ministerial level from Gibraltar, where information flows back after the meetings have taken place.

495 On the same basis, the office in London liaises with UK government departments as the impact of Brexit unfolds. It also follows relevant think tanks and events providing analysis and information which informs and supports the Government's response to the challenges on the horizon. Where relevant, both Gibraltar House in London and in Brussels provide support and share information as well.

500 Gibraltar's UK Representative is officially included in the Diplomatic List and Gibraltar has therefore been represented at Palace, Westminster and diplomatic functions, where useful contacts have been made.

Mr Speaker, regardless of the exceptional impact of Brexit upon us, the regular links with politicians, former Governors and friends of Gibraltar continue. The Government has taken the opportunity to work towards a realistic reappraisal of how we should do this. Most significantly, 505 Gibraltar Day in London has been completely refocused. The reality was that both the scale and the cost had become unwieldy. This year, as my colleague the Minister for Commerce, Albert Isola, will no doubt relate, the financial services sector and the online gaming industry covered much of the cost of their events by hosting tables for key players.

510 The Chief Minister hosted his main political event at the Gherkin. This signalled that a modern and progressive Gibraltar is open for business. The event focussed that message on a well-attended gathering of ambassadors, peers, MPs and military figures in the presence of our former Governors. This was an audience of 200 people, in contrast to the 1,000-plus who used to be invited to the Guildhall in previous years.

515 Of course, many of those who attended the Guildhall events continue to be very good friends of Gibraltar. However, the high number of attendees from here was not really justified and the size of the event meant that our message was diluted. Instead, the Sunday mass in Fulham ahead of Gibraltar Day has become the focal point of our acknowledging the support of our many friends in the UK who are not just politicians but often members of the Gibraltar diaspora or who have served in varying capacities on the Rock and taken our cause to their hearts.

520 Mr Speaker, as well as helping to organise the visit by parliamentarians on National Day, Gibraltar House continues to organise the lobbying and the presence at UK party conferences. Last year we attended the conferences of the Conservative, Labour, Liberal Democrat and Scottish National parties. These are important venues for our lobbying effort, setting the tone for much of the year, not only with MPs but also with think tanks and policy makers.

525 The House will find it relevant to learn that following the UK general election, the team in London has been focussing on targeting newly elected MPs and it is important that this process continues. I would add, however, that most MPs tell us we are knocking at an open door and that support for Gibraltar, in both Houses, remains as staunch as ever – if not more so in the wake of Brexit. Therefore, Mr Speaker, the core focus of the work of the London office is 530 political.

The London staff involved in tourism now work closely and directly to my colleague the Minister for Tourism through the Department in Gibraltar. The office continues to oversee the payment of allowances to sponsored patients.

535 IT and communications issues were identified for improvement at an early stage. It became clear that best use of the office could not be made with an 8MB ADSL line which served a building on five storeys. There were some practical issues to overcome, but the office is now served with a 1GB connection that links securely to No 6. videoconferencing via Skype is now in place for Ministers to continue to work between Gibraltar and the UK.

Mr Speaker, I take the opportunity to thank the UK Representative, Dominique Searle, and all the staff. Gibraltar House in London can be found at head 10, subhead 2(2)(a).

Mr Speaker, the Gibraltar Office in Hong Kong has been bundled together with London and Brussels under the Office of the Deputy Chief Minister. I explained last year that the bulk of its activities are commercial in nature. The Hong Kong office, for this reason, works with my colleagues the Minister for Commerce and the Minister for Economic Development.

The Government continues to lobby outside London and Brussels. At the end of March, I travelled to Washington for a series of meetings with Republican and Democratic Members of Congress and with the new administration. This included the Chairmen of the Foreign Affairs Committee, the Homeland Security Committee and the Foreign Affairs Sub-Committee on Terrorism, Non-Proliferation and Trade. I was able to update the leader of the Democrats on the Foreign Affairs Committee on Gibraltar matters.

There was considerable interest in Gibraltar in the context of Brexit and of our relationship with the UK and Spain. Direct briefings were given to the State Department Senior White House Advisor inside the State Department itself and to a meeting of senior staffers on the Foreign Affairs Committee of the Senate.

The visit led to more Congressmen signing on to the resolution supporting the right of the people of Gibraltar to self-determination, including two chairmen. There are now 27 supporters including the main sponsor. This resolution has to be tabled after each election and it was sponsored once more by Congressman George Holding, who is a good friend of the United Kingdom and of Gibraltar. I took the opportunity of the visit to Washington to present the Congressman with the Gibraltar Medallion of Honour, which had earlier been unanimously bestowed upon him by this House.

Mr Speaker, I now move on briefly to other matters.

The House knows that this year is the 50th anniversary of the 1967 Referendum. I had the pleasure of opening an exhibition a few days ago at the John Mackintosh Hall in order to mark this event. The exhibition opened 50 years to the day when the holding of the Referendum was announced in the House of Commons by the then Minister of State for the Commonwealth, Judith Hart. In her statement to the Westminster Parliament, she delivered the pledge that 'decolonisation cannot consist in the transfer of one population, however small, to the rule of another country, without regard to their own opinions and interests'. This was, Mr Speaker, a key moment in the history of Gibraltar and in our development and evolution as a people.

In 1967, British sovereignty came to depend not on force of arms, nor on the clauses of an ancient treaty; it now depended on the living wishes of the people who had settled in Gibraltar after 1704 and who were given the choice 50 years ago of remaining under British sovereignty or transferring that sovereignty to Spain. The result, as the House knows, was an overwhelming endorsement of the continuation of British sovereignty.

The Government has taken the view that this important event is worthy of commemoration as one of the landmarks in our historical evolution as a people. The exhibition will remain open until 7th July. There will be a memorial event and concert in the build up to National Day.

A set of postage stamps will be issued to mark the Referendum. I am grateful to my colleague, the Minister for Commerce, Albert Isola, for his assistance with this. A set of commemorative coins and coins for general circulation will also be minted to mark the anniversary of the Referendum. I am grateful to my colleague, the Minister for Economic Development, Joe Bossano, for his assistance with this.

A commemorative booklet will be published and circulated to schools in Gibraltar. It is important that younger generations are aware of the events that have shaped our distinct identity as a people. The House will recall that a similar booklet was also published in 2015 to mark the 75th anniversary of the wartime evacuation and that this was also distributed to schoolchildren in Gibraltar at the time.

I am told that National Day, the actual anniversary date of the Referendum, will be extra special this year. Referenda in general will be the theme of the annual symposium that will take

place at the Garrison Library in the autumn. There are other events in the pipeline which will be announced in due course.

595 Mr Speaker, I am grateful to the archivist, Anthony Pitaluga, and his staff for their assistance and support in developing this project, and also for the general enthusiasm with which they go about their work.

Mr Speaker, I also welcome the opportunity to update the House on progress with the Northern Defences. As part of the Government's commitment to our unique heritage, the Northern Defences project will continue. The aim is to clear Hanover Battery, the Queen's Lines and the King's Lines which are located in the north face to the east of Laguna estate.

600 Hanover Battery and Hanover Gallery were named in honour of the Hanoverian regiments who helped in the defence of Gibraltar during the Great Siege. I am pleased to report that there has been interest from historical sectors in Germany in pursuing this connection further and that the Government is keen to do so.

605 Works during previous years focused in clearing up tons of debris, vegetation and asbestos within numerous tunnels and buried fortifications. This was a seemingly impossible task. The fruit of such hard work is now visible with the exposing of the Princess Lines, the Queen's Lines and associated galleries. Such an investment has exposed a series of bunkers, battlements and gun placements which range in time from the 18th century to the Second World War.

610 These works have highlighted the importance that the King's and Queen's Lines have had in the defence of Gibraltar. Their value is immeasurable from a historical perspective. The potential as a visitor site is truly remarkable as the site links Casemates Square to our Great Siege Galleries via the WWII Tunnels in the Upper Rock.

615 Mr Speaker, the option to explore Fortress Gibraltar is a vision that will soon become a reality, offering an excursion to visitors and residents which will complement the offers that already exist. Works during the summer months will address Hanover Battery whilst secondary teams will clear the King's and Queen's Lines throughout the year. The Government is very grateful to the Gibraltar Heritage Trust for the tours of the Northern Defences that they have conducted. These are set to resume in September and will provide residents with a first-hand impression of this buried jewel as we continue to uncover it.

620 I also want to take the opportunity to thank the Royal Engineers for their work on the site which continues at regular intervals throughout the year. It is very fitting that the modern-day descendants of the corps that constructed those defences are now assisting in their restoration over 200 years later. The Northern Defences can be found at head 102, Projects, subhead 4(f).

625 Mr Speaker, the ongoing work in relation to Brexit continues to consume a large proportion of the Government's time. The Chief Minister and I are both closely involved in the process. This means that there may be occasions when it may take longer than we would like to get round to a particular issue that matters to someone. The aim of the Government remains to continue to balance the Brexit work and the business as usual work so that everything gets done. In the cases where that may not happen we can only apologise in advance.

630 The hectic pace that we saw in January, February and March will probably take off again now that the general election in the United Kingdom is over. A considerable volume of work happens behind the scenes and is not reported. Nonetheless, our ultimate objective remains the delivery of our manifesto which contains the commitments that we entered into with the electorate.

635 Mr Speaker, I want to take a moment here to congratulate John Collado and Charlie Russo of Land Property Services Ltd (LPS) on their retirement this month. They have been in public service for over 30 years and in 1990 both moved from the Crown Lands Department to what became LPS. I have worked closely with them since December 2011 and wish them a happy retirement. I take the opportunity to thank them and the team at LPS for their support and assistance in that time. I also wish to thank the Lands Office in Convent Place and my personal staff at No. 6, Coral, Caine and Ernest.

640 Finally, Mr Speaker, I close by thanking you and the Clerk and the staff of the House for the assistance and support that I have received throughout the year. Thank you.

645 **Chief Minister (Hon F R Picardo):** Mr Speaker, the Minister for Economic Development is having a heated argument with a heated printer and I therefore move that the House recess for 30 minutes.

Mr Speaker: We will proceed for some refreshments; a short recess.

The House recessed at 5.55 p.m. and resumed its sitting at 6.30 p.m.

650 **Mr Speaker:** The Hon. Joseph Bossano.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Thank you, Mr Speaker. I regret that technical problems almost prevented me from delivering what I need to deliver.

655 Mr Speaker, last year in my contribution I concentrated on how the Ministry for Economic Development assessed the impact of the UK decision to withdraw from the European Union on the global, EU and Gibraltar economies, especially in respect of our ability to achieve the target in the four-year National Economic Plan.

660 I expected to be in a position to update that assessment this year based on the developments that have taken place in the preceding 12 months. However, the goalposts have been moved, if not indeed altogether removed, by the results of the UK general election which without a doubt had both a political and an economic impact on us. I am sure Members are familiar with the saying that a week is a long time in politics. The eight weeks between April's notification and the UK general election result in June have been a millennium in terms of the changes in the context of Brexit. If it was difficult to hazard a guess a year ago, let alone make a prediction, the position
665 now is one of sheer impossibility.

As far as Gibraltar is concerned there is still the same government in the UK and the commitments made before the elections still stand. Moreover, the better performance by Labour candidates has meant that all our staunch supporters are back in Parliament, whereas at
670 the beginning it looked as if many of them were at risk. So the political effect on us from the changed composition of the Commons is not necessarily a negative one since in addition the Democratic Unionist Party, on whose support rests the survival of the Conservative government, are staunch past supporters of Gibraltar's right to remain with the UK. However, the negotiating position of the UK government is considerably weakened given the inevitable consequences of
675 the platform on which the election was called and fought.

In the UK the Prime Minister asked for a strong mandate and argued that unless she got one the UK would not get a good deal from the EU. Since the mandate has not been obtained, the prospects of a good deal are reduced by definition. The good deal would have been the deal that would provide economic benefits and reduce political liabilities, and even though we might be
680 excluded by the disgraceful position of the 26 member states that capitulated to the demands of Spain at our expense, it would still have been better for the UK and for Gibraltar that the UK should have a stronger economy rather than a weaker one. However, in the UK itself following the newly elected Parliament, not everyone agrees on what is best for the UK economy. The official line still is that 'no deal is better than a bad deal'. However, the bargaining chips and the
685 positions have now changed.

The first meeting at the start of the negotiating process has seen the EU rejecting what the UK considers a very generous offer to grant EU citizens already in UK permanent residence if they were already there on the day the Article 50 button to leave was pressed and triggered the process. The EU wants the date to be at the end of the negotiating period, which is a departure
690 date of March 2019. If the UK offer applies to three million EU nationals then a date in two years' time with no limit on movement beforehand means potentially a *much* bigger number;

and this is the first and the immediate hurdle. There are going to be many more to contend with, leaving the UK in the most disadvantaged position that it is possible to imagine with a united 27 EU states with a single policy position and on the other side of the table an internally divided UK with a precarious government in place.

Some observers see this situation as a possible opportunity for a new referendum and a different result. Nothing can of course be ruled out, but I would not put my money on this option materialising.

Already there is a clear move by Germany and France on further integration of the EU in areas which the UK would have objected to before the referendum. The recent early recovery of the EU and Eurozone economies with unexpected signs of growth, although at a very low level, has encouraged EU member states collectively to start thinking that maybe they would be better off without the UK after all. The comparative economic performance of the EU 27 on the one hand and the UK on the other will have a considerable impact on the negotiating process.

For the UK the danger is the difficulty in being a minority government having wanted to take a strong line. At present these issues are being reflected in the weakness of the exchange rate which looks set to continue. This is helping the UK manufacturing sector with record exports being achieved and very high order books, but manufacturing is no longer the dominant sector of the economy. The weak pound has an effect on our own economy as well and may be of benefit in terms of our prices for visitors from countries other than the UK. The strong performance of the private sector in the last financial year, however, may not be repeatable in the current year with so many imponderables that it is impossible to make any kind of sound judgement. In terms of the existing economic model, we need to continue developing the initiatives and the areas of the economy that are showing growth until we are better placed to be able to assess what is the likely outcome in two years' time.

Dealing with training for employment, I would remind Members that the number of persons in employment is one of the indicators of the direction in which our economy is heading, as is the level of earnings. It is also an important factor that reflects the success we are having in filling job vacancies from the available local workforce as a result of the apprenticeships and the other initiatives under the Future Job Strategy.

Last year I made clear that although EU funding will be lost if the predicted 2019 exit takes place, this will not affect the available resources since the Government is committed to ensuring that we continue to provide the financial resources to back up the Training for Employment initiatives. As was clear in answer to a question in the earlier part of this meeting, these initiatives since 2012 have provided an average success rate of over 66% to date based on unemployed persons being taken on by the placement providers following training, skills enhancement or apprenticeships.

The vocational training scheme under the GSD Government claimed a 28% success rate in jobs take-up after leaving the VTS system. In 2012, the Leader of the Opposition argued that the results of the new system were no better than theirs on the basis that 28% of those who had started in February of that year had obtained employment by the end of December, 11 months later. This, however, as I explained at the time and in answer to questions at this meeting, was because the new condition of a commitment to employ could not be required of the private sector employers who prior to January 2012 had no obligation to employ trainees for whom they had provided placements. This meant that in 2012 many of those who had transferred to the new system had no offer of employment and no prospect of such an offer from their placements coming forward from 2011; they therefore had to be redeployed to public sector placements until a new position in the private sector, suitable for them and their skills, was identified, which is what happened in the years that followed.

As I also made clear – repeatedly, in answer to questions – trainees placed in the public sector did not have a priority for vacancies but had to compete with other applicants from outside the public sector when such vacancies were opened. The exception to this rule was, and

continues to be, the apprenticeships that were commenced for carers whose training enabled them to take up employment in the Care Agency.

745 I remind Members, Mr Speaker, of why it was so important to introduce these apprenticeships. Before 2011 the criteria for employment in the Care Agency was a requirement for care-specific qualifications or evidence of having worked in a care environment, for example in an elderly persons' home. Although the GSD Government professed to be committed to prioritising job opportunities for the local unemployed it was impossible for the local
750 unemployed to meet these criteria, but relatively easy for somebody from outside Gibraltar to appear with a letter showing a record of employment in the sector. This led to a situation of increasing dependence on outside labour as local people were replaced on retirement from the only source that met the criteria. By introducing the training programme for carers for people previously unemployed and with no previous experience, we have been able since 2011 to
755 reduce our dependence on frontier workers in an area where it is particularly important in the light of not knowing how the fluidity across the Frontier will operate after 2019. (A Member: Hear, hear.)

This year a similar facility for apprenticeships for nursing assistants was introduced by the training company, and those completing their training are automatically assured of a position as
760 nursing assistant. The present group will in fact be taken on next month, in July. (A Member: Hear, hear.) By 2013-14 the average ratio of persons completing their period of training and then being taken on had risen to around 60% and the latest ratio of those obtaining employment on leaving the training programmes up to April is now 66%. We expect this to improve with the passage of time.

765 I am not sure, Mr Speaker, whether the divide between the two sides of the House in the area of training is real or simply the consequence of the difficulty that Members of the Opposition may have in accepting that they were wrong in predicting in 2011 that we would fail in our Employment Strategy. I am prepared to give them the benefit of the doubt that when they first took that position in 2011 they were genuine. After all, if they had failed to achieve
770 results in their 15 years under the leadership of the greatest living Gibraltarian, why should they believe we would do better? However, later in 2012, in the debates on television in which the Leader of the Opposition participated with me, then as spokesman for employment, he was honest enough to say that although he still believed I would fail to deliver the employment and economic growth targets that I had set myself, he would be happy if I proved him wrong for the
775 good of Gibraltar.

Well, Mr Speaker, I have proved him wrong. So why are they still saying after the General Election of 2015 that the strategy has been a failure? Last year the Hon. Mr Phillips told us: 'It is no secret that we are fundamentally opposed to the Future Job Strategy, it fails to deliver what it says on the tin. It is reactive, inflexible and inspires us with little confidence that the
780 Government is committed to the delivery of skills for a modern workforce'. Another Member said, 'Hear, hear' – but I do not remember which Member it was. (Laughter) It was not on this side.

Well, Mr Speaker, the strategy *does* deliver what it says on the tin, that is what I wrote on the tin, not what they chose to reinterpret to use against us. The first reading of the label on the tin
785 by Members opposite was that I had promised unemployed persons not just a job in a Government-owned company at the national minimum wage whilst training, but a job for life in Government, after which of course, was never true and has not happened.

The next rendering of the tin label was by the greatest living Gibraltarian himself when he asked me to acknowledge in Parliament that when I failed to get the trainees employed in the
790 private sector, as he expected, I would have to keep the trainees in Government permanently because I should know that those were the political realities. Well, we might have faced this dilemma if the private sector had not co-operated by entering into legally binding partnership agreements and if the agreements had not provided for full reimbursement for failure to employ. Of course it is possible that their scepticism was the result of the experience of the GSD

795 in Government when they only managed to get 28% of their trainees into employment and considered this a great achievement and success, anticipating that we would do no better.

The next objection of Mr Phillips was that in their view what we needed was ‘real training’. Well, Mr Speaker, we have been training nurses and carers, mechanics and electricians, welders and maintenance craftsmen skilled in masonry, tiling, plastering, painting, carpentry and plumbing. We trained bus, coach and truck drivers. All unreal. We have a Gib Doc facility and a Construction Training Centre which we created in 1996 and the GSD operated them between 1997 and 2011 and we took over again in 2012. So these entities and these training programmes the Opposition believes provided unreal training up to 1996, switched to real training in 1997, switched back to unreal training in December 2011 and all the professionals employed in the various stages of the training programmes are now impatiently waiting for Mr Phillips and the GSD to get elected into Government so that they can then switch back again to real training. (Laughter) It is difficult to describe something more detached from reality than the above. The Hon. Member also said commentators had called the training ‘Soviet-style’.

Alongside the training provision where my Department is investing in skills creation for the benefit of the private sector and the economy, we have the requirement in the approved contractor list, also operated by the Ministry for Economic Development in support of the Procurement Department. If public funds are being spent in procurement of goods and services, it seems reasonable that we should require the providers of such goods and services to be approved and require them to give priority of employment to the local unemployed, given that this employment in the final analysis is the result of the publicly funded demand for goods and services. It is fair and it makes economic sense.

This is something that has, on one occasion to my knowledge, been described as Soviet-style – and I understand why. The ‘approved contractor’ concept, as I have explained in the past, required the employer to accept candidates selected by the employment service and requires the private company that employs the candidate to seek the permission of the Government to terminate such employment during the life of the contract. I accept that this sounds quite draconian, even though I welcomed it when it was introduced by the GSD, on paper at least, in 2010 when it was done by the greatest living Gibraltarian – who, whatever other characteristics he might have had, could not have been described as an admirer of the Soviet system (Laughter) unless, that is, one thinks that the Soviet system operated in a dictatorial style.

So I am sorry to say that in my assessment the Member opposite just strings a set of slogans together because he thinks they are good soundbites without rhyme or reason. He downgrades our strategy in his thinking by saying that we are determined to pursue a policy of ‘plugging the skills gap’ as if this were a bad thing. In the last election he was saying that the problem was that there was a skills deficit which we needed to meet.

So is that the difference between us? We fill a gap in skills and he wants us to meet a deficit in skills! He says I do not understand the message: he is right, I do not think anybody understands the message, Mr Speaker. (Laughter)

He tells me we need to focus on sowing the seeds of growth, even though the green shoots may not be visible for some time. Is the hon. Member talking about the Gibraltar economy or the Greek one? Green shoots, Mr Speaker, is terminology used about an economy in the recession, expecting to show barely visible signs of recovery. The Gibraltar economy is not barely showing visible green shoots; the Gibraltar economy is showing an expanding rainforest. (Banging on desks) The economic growth in private sector employment in 2016, when he was talking about barely visible green shoots, has been greater than in any one of the 15 years that the GSD was in Government.

Mr Speaker, the Hon Mr Phillips is wrong when he says I am not prepared to engage with him. My failure is not because I have tax-free rose-tinted spectacles as he claimed last year, my spectacles continue to be plain vanilla NHS high street Boots, typical of the working classes. In fact, I do not even know what rose-tinted ones look like.

My failure to engage is much more simple. There is nothing to engage with him on, because he is not able to substantiate what he says and I do not believe him. He said in 2015 that employers were crying out for apprenticeships. Since the General Election he has been incapable of delivering these employers. I said, 'They do not need to be to crying, they just need to contact me'. I am available seven days a week and no employer has asked to see me to take on apprentices and been refused a meeting. He says this is not true, but will not give me one name of one employer. I have said to him to get in touch with them and ask them to contact me – but no result. I invited interested employers in my last Budget speech a year ago to do so – no one has taken the invitation up.

He says there are companies that have approached him, having previously approached me or my Department with nothing less than 'impressive plans for creating opportunities for young people', but that they tell him my Department is not interested. I can assure him that if this had happened – which I do not believe to be true – the person that showed no interest without making me aware of it would have to answer for it. He says these companies care about providing opportunities for young people and getting Gibraltarians into the IT world. Who are they? No one other than Mr Phillips knows. It is the best-kept secret in Gibraltar. I challenge him to ask permission from the companies to let me have copies of their impressive plans, which in any event, he says, they claim I already have but I am not interested in. Why should I not be interested, Mr Speaker? No, there is not one word of truth in any of this. My Director for Economic Development has written to over 800 employers asking them if they are interested in taking on apprentices. These are employers registered with the Employment Service as having more than five employees. They have been selected because they do not include those already working with us and because below a level of five employees it is difficult for an employer to have the resources to take on apprentices.

He says if I follow his advice – which I cannot because it is not specific enough – we can make 'Gibraltar an even better proposition, just as Tel Aviv and Budapest have done'. Well, what is it that they have done in training people for employment, Mr Speaker? I can tell hon. Members that the only thing I have been able to find is an entity that claims to be the biggest training provider in both places. It is the same entity, the Knowledge Academy of Hungary and the Knowledge Academy of Israel. It claims it is the largest training provider in Hungary and its counterpart in Israel claims the same. They claim to provide motivational training. I do not know if this is what the Member thinks is required to 'unlock and harness the opportunities that young people present'. But if he sends me what he says is happening in Tel Aviv and Budapest that we need to imitate here I will certainly have it investigated.

I am not sure whether these initiatives are the ones that will rid the community of the culture of entitlement and expectation that has become so endemic in our society, as he pointed out. Certainly if it has become endemic, it was not endemic in 1996; but I can give him chapter and verse, if he wants, of the more incredibly irresponsible initiatives introduced by the GSD in the last 15 years which helped to cultivate the culture, are extremely difficult to reverse and have created severe existential risks for the future success of our economy.

I do not know where Gibraltar will be in 20 years, Mr Speaker, like he suggested I should. I do not even know where it will be in three years, in 2020; but if the hon. Member thinks he does, again I am happy to assess where the growth of our economy will come from in 20 years if he has the ability to carry out such an exercise.

I would like also to comment on some of the issues raised by the Hon. Mr Clinton last year in relation to accounts and the use of companies. I welcome the fact that on the need for a rainy day fund, he describes himself as my soulmate – I am happy to have him as a soulmate. (*Interjection*) and I also welcome the support of the concept (*Interjection*) from the Leader of the Opposition last year. This acceptance of an initiative that is in the long-term interest and for the protection of our country is essential, and regrettably did not exist under the previous leadership of the GSD, who shortly after coming into office rubbished the idea, said I was hiding money in piggy banks and the leader of the party promptly emptied all the piggy banks, as he

called them, so that he could start spending the money. He then engaged in a continuous use of public funds to deliver things which he thought would get him votes, in spite of the fact that what he was doing was emptying the war chest that had been built up from nothing over a period of eight years.

The rainy day fund was a relatively new idea then, in 1988. The closest parallel was the sovereign wealth funds that a number of countries build up by putting aside a part of their revenue streams either because of their small size or because of the narrowness of their revenue streams. We suffer from both of these limitations and when public revenues are high public expenditure needs to be kept under control so that if a sudden unexpected change affects revenues essential services can be kept going. The classic contrast is what Norway and the UK have done with their supply of hydrocarbons from the North Sea. The first has built one of the strongest sovereign funds in the world and the latter spend the money on meeting recurrent public expenditure and have nothing now to show for it.

The rainy day fund policy does not serve the short-term prospects of the politician of the day who is only interested in vote-catching and the chances of re-election, but it is vital for the long-term survival of the country and therefore I am very glad that the policy should be subscribed now by Members on both sides and that both should support and defend this concept and not allow an incoming government to simply spend in one go what has taken years to build up – unless of course it is used for what it is intended, namely to preserve essential services that are at risk from an unexpected drop in revenue. With Brexit looming in 2019 there is no better time than now to understand the importance of the concept.

I will not go into the differences between the Members on opposite sides as to where the funds should be kept, but I need to remind Members of what happened to the Community Care war chest. The GSD toyed with the idea of taking the accumulated funds from the charity back into the Government in 1996, but then settled for a more surreptitious strategy, revealed publicly in 2010 for the first time, which was running it down by withholding first the recurrent cost payments and later the capital protection payments. Both actions involved breaking electoral promises and breaking commitments given in this Parliament.

If the money had not been in the hands of the charity and had been easier to get at, it would have disappeared at the beginning of the 15 years instead of at the end. So it is a very healthy development for the long-term future of our nation that the competition between the two sides of the House becomes one over who will *save* more instead of over who *spends* more, as it has tended to be when the greatest-spending living Gibraltarian was running the show. *(Laughter)*

When the Leader of the Opposition has been praising my cautious approach to spending and accusing the Chief Minister of not listening to me, he sometimes gives me the impression that he is trying to get us to quarrel. He does not need to do this; he should remember that quarrelling amongst ourselves has always been the way we do things in the GSLP. *(Laughter)* In the Government, as I am the Father of the House, like a good father I always urge my colleagues to be careful with how they spend people's money.

I also want the Leader of the Opposition to understand what is wrong about what in his assessment is happening with the commutation of Civil Service pensions, since this is something which I am responsible for, as I devised the system, and I am glad that last year he said it was a jolly good idea. I am not sure if he is still of that view because he seemed surprised when I said it, and I was in fact quoting him.

I will just give him a figure to take note of, because he says we are replacing the cost to the Government. The cost to the Government in the budget for Civil Service pensions in 2010-11, the last year before Credit Finance came in with the new system, was £27 million. The estimate for the current financial year for the Government is £38 million.

Another issue raised by Mr Clinton has been the use of companies. He said last year:

Normally, all capital expenditure is reflected in the Improvement and Development Fund, and yet low-cost housing never appears in the estimates ...

– he says, because we are doing it with companies. Well, perhaps what he meant to say was, ‘Normally, prior to 1996, approved capital expenditure used to be reflected in the Improvement and Development Fund, but when my party came into government they started using
950 Government companies instead.’ Maybe that is what he meant.

Perhaps he did not know this and did not intend to hide it. But if he did not know it, he could have asked the current leader of the GSD because it was happening in 2010 and in 2011. However, what he must surely know is the even bigger picture, because that has featured in previous debates and in the election campaign. This is that there was a programme of capital
955 works of the order of £1.5 billion which was not going to feature in the Improvement and Development Fund. This was going to be managed by a private company which had a commission on the whole value of all the contracts put together. This was going to be financed by raising money through Government companies, thereby not being recorded as public debt.

All this was being done by the GSD when the present Leader of the Opposition was a Member
960 of the Government, which means that although we knew nothing of the details of this until after December 2011, he must have known it. Presumably the greatest-spending living Gibraltarian trusted him sufficiently, having anointed him as his successor, to have shared the information with him; and if he did not, then maybe the present leader of the GSD may wish to revise his assessment of his predecessor and decide that he was not the greatest living Gibraltarian after
965 all, just the biggest spender of all time. (*Interjection*) If the hon. Member opposite does not know the details of this £1.5 billion package then he should ask the leader of the party because I seem to remember recalling that during the debates on GBC the GSLP leader gave him a copy of the document that we had found in 2011.

In 2009, for example, Government companies were spending £47 million, which did not
970 feature in the Improvement and Development Fund, the bulk of the money being spent on housing projects. In 2010, £31 million was programmed to be spent by the companies and outside the Improvement and Development Fund. In some instances – for example, car parks – this was started in the Improvement and Development Fund, then moved out and put under a company that raised money from a bank, not public debt, on the strength of the expected
975 revenue yield from parking cars. However, at a later stage the banks decided that the revenue yield for the car parks did not meet the criteria for providing the finance, so the project was switched back into the Improvement and Development Fund.

I can tell Members opposite that when this was happening by the Government, we in the
980 Opposition at no stage imputed improper motives to them, accuse them of breaking any constitutional obligations, saying they were hiding money to keep the Opposition uninformed – none of those accusations were made when they were doing it, and they were the first ones to do it.

The hon. Member therefore needs to understand what we inherited from his party in
985 Government in recurrent commitments and in capital commitments, things that we have had to honour and meet vastly inflated costs compared to the original estimates, things that I would have strongly opposed if they had formed part of our manifesto. It is also true that in many instances we have carried on using the same private sector consultants to manage new projects, and they have proved as incapable of containing costs for us as they were for the GSD administration. My additional responsibility for procurement and public sector efficiency will this
990 term, I hope, deliver better results. (**A Member:** Really?)

I welcome also the fact that Mr Clinton agreed with me that debt itself is not evil, last year – I
995 am not sure what is happening this year. My position in the 45 years that I have been here on either side of the House has been the same. We may need to have a debt ratio because that is the norm that exists and it is established for country-to-country comparisons of the level of indebtedness. The EU standard was 60% of GDP and it continues to be the theoretical level that EU members should go back to – they are all way above the 60% now. Ours is 40% of GDP which is considered in today’s world a very low figure to have to keep to, when in practice we are already well below this level, as the Chief Minister demonstrated in his opening statement.

1000 What matters has nothing to do about exposure. This year the UK has a borrowing requirement of £65 billion to cover its deficits. Nearly every country in Europe uses debt to meet recurrent expenditure. We in Gibraltar, since the GSLP Government introduced the concept in 1988, have limited borrowing, irrespective of the level, to the financing of capital projects only, and that is still the case. So therefore, anything that is spent on capital projects cannot be having an effect on recurrent revenue or recurrent expenditure.

1005 I would also like to address the issue raised by the Member in respect of public accounts estimates, etc. His position when we compare his criticisms with the performance of his party in Government is that we must not go back to the past. Other new Members tend to say the same. Can I therefore remind him, and them, that the GSD spent most of their 15 years comparing everything with the past? It claimed to be doing better than the GSLP between 1988 and 1996 on everything they did. The Member's response would be because the GSD did this, it does not mean that we have to do it. He is right of course, but we are not doing it because they did it, and we do not do it as often as they did, but we are certainly not doing it when it is not true.

1010 On the public debt, for example, the GSD claimed that their net debt was at a lower level than what we had left it at in 1996. This, even though we left it when calculated using their methodology at zero, so how could they have it at lower than zero, Mr Speaker? And even that was claimed. We will certainly not wish to make any comparisons as stupid as that one! *(Laughter)* But if in government the GSD spent 15 years running down Community Care and promised in an election campaign to close it down, then it is legitimate to mention this whenever Members criticise what we are doing in relation to the independent charity. The Leader of the Opposition has said that this is no longer the policy of the GSD, but he needs to remember that he was part of the Government when allowing Community Care to continue was described as a ticking time bomb that would blow up our economy.

1015 Let us take the Hon. Member's comments last year that we have to change our public accounts system because he thinks that it should be so. If the Hon. Member questions whether we put enough money into the General Sinking Fund, he needs to remember that we set up the General Sinking Fund before 1996 and that his party got rid of it after 1996. So the GSD in 15 years never had a General Sinking Fund, so never mind how little we put in it – they just did not have it.

1020 We have a manifesto which says to the electorate the things we will do if we are elected into Government. This is how the political system of western democracy works. This is not just what we are entitled to do in Government; this is what we are required to do even if the hon. Members opposite that lose the election do not agree with us. We have not sought a mandate to implement the things that are in the manifesto of the party that loses the election and goes into opposition. Even less do we have a mandate to change the public accounts system that had been there for 45 years, which is a major change in the management of public finances which features in no one's manifesto.

1030 Most countries have cash accounts for government revenue and expenditure and parliaments approve spending on a 12-month cycle. This has nothing to do with a hangover from the colonial days, or the fact that the economy is now more complex and sophisticated than in the 1950s, as the hon. Member suggested last year. The revenue and expenditure of the Government has nothing to do with the sophistication or complexity of the economy, other than that the expenditure could then be an item to deal with areas of the economy that are new and were not there before.

1040 The methodology of the annual budget applies to most other countries irrespective of whether they have had a colonial past, whether they are large or small or whether they have complex or simple economies. If we were covering three years of expenditure as a minimum, as he suggested, then this year would be his last Budget speech and we would now be looking at the expenditure projection for 2019-20 in the middle of Brexit. Does he not realise that it is difficult enough in a small open economy like ours to be able to come up with realistic estimates of revenue, and that we cannot always keep the expenditure under control as we should and

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would want to? Trying to do it for three years or longer is a crystal-ball-gazing exercise, not a matter of sensible accounting practice.

As to why the Government only forecasts the four-year GDP and not anything else, of Government revenue and expenditure, the answer is simple: first of all, it has been me in
1055 Government or in Opposition that had been making the predictions, and in order to be able to do this with any degree of accuracy one needs to develop many, many man hours devoted all the year round in order to identify the correlation of the indicators that provide an indication to the economy's performance. The figures in the estimates are the results on the revenue side of the Treasury's expectations based on recent income flows as to what the revenue is likely to be
1060 over 12 months. And the actual expenditure in the Budget, unlike the GDP, is a matter that is the area of the controlling officers of those budgets who then come up with the expectation that they have of how they will be able to deliver the services that are required with the expenditure that is available. The methodology of the public accounts and the GDP are two totally different things. Only the economic growth impact is where it is more likely that Government revenues
1065 will benefit if there is higher growth, but even in this area there is no guarantee as there are many variables involved.

Mr Speaker, I am responsible for the Gibraltar Savings Bank, and I am happy to report that the Gibraltar Savings Bank – the people's bank – continues to prosper and grow. Mr Clinton says that their attacks on the integrity of the operation of the Savings Bank should not be castigated
1070 by me as if it were an act of treason – that is what he said last year. Well, it is not an act of treason, simply because it is failing to achieve its aim.

During the General Election they came up with propaganda that painted a picture of the Savings Bank operations being raided, as if somebody was making off with the deposits from the public. He has been a banker and he knows exactly what he is doing by suggesting that the
1075 money in the GSB is not safer than in any privately owned bank. I have explained the rationale and I have explained that it is a key element of our economic strategy and a key constituent of our economic growth. I have explained why and how we do not have liquidity problems, all to no avail.

In other areas of debate on the economy, the labour market or the structure of Government
1080 accounts, I might be willing to make allowances for the fact that they deal with issues which the hon. Member was not familiar with before coming here, but on the Savings Bank there is no excuse – he knows full well that his criticism is baseless and that if it were believed it would be very damaging, damaging for the Savings Bank and damaging for all of us. Therefore, as I say, if he had been successful with the scaremongering the public would have been taking their money
1085 out and Gibraltar would have been the poorer for it. However, I am happy to say that nobody has paid attention to it and that we continue to attract increasing investments from existing and new customers.

This year, £220 million-worth of debentures reach their maturity date and we have
1090 £220 million in ready cash to pay our customers if they need or want their money back. Not many banks can say that. All the indications we have are that the vast majority of our customers will reinvest all or nearly all of their cash with the Savings Bank, which is a vote of confidence in the institution for which I, as Minister responsible, want to thank the investing public and to reassure them that they will not find a safer home for their savings, and that it is important for them to know that we are putting their money to work for the betterment of Gibraltar.

The Leader of the Opposition thinks there is something wrong in doing this because the GSD
1095 kept public deposits in cash – and he has repeated that this year. Well, we have a mandate from the people, who elected us in the knowledge that, as we did between 1988 and 1996, we would run the Savings Bank at a profit and leave those profits accruing year after year, to be used only in case of a national emergency – one of the key constituents of the rainy day fund, as was the
1100 case up to 1996, a rainy day fund which incidentally the GSD did not support in 1996 and in 2011 but now does, I think.

1105 Mr Clinton also asked that I should include not just the profit and loss and balance sheet of the Savings Bank in the report I send to all our investors, but also the two pages of individual investments. He says I am not being transparent by not doing this. I do not agree, Mr Speaker. I provide the list of investments every time he asks, which is almost every month, and this information provided in Parliament is in the public domain and available to everyone, not just to the investors in the bank. I know of no bank that produces a list of all their investments every month – or once a year, or at all; they produce their balance sheets and a profit and loss account. He wants not just the investments, but when he gets the investments he wants to know what the entity that we invested in is doing with the money that we invested. There is no end to it.

1115 It is standard to supply customers of deposit-taking institutions with a copy of the profit and loss account and the balance sheet, which is what we do and something they never did in 15 years – at the same time as they ask us to do more. They say they would not run the Savings Bank as we are doing, so presumably the Savings Bank will only survive while we are in Government, because the last time they had the responsibility for it, it finished with £70 million in deposits, although the Leader of the Opposition said it was £27 million, from the public and £1,442 in reserves. Now the public has nearly £1 billion deposited with us and the GSB forecast cash reserves for this year are almost £32 million. Both figures are to be found on page 224 of the Estimates Book.

1120 Mr Speaker, if we now look at the size of the labour market as a whole, the Employment Survey Report for October 2016 shows continued growth for the financial year just ended. Last year I analysed, for the benefit of Members, the statistical information in the report to demonstrate that Opposition Members were wrong in attributing the growth in the economy to the growth in the size of the construction industry labour force. I showed that it was not the case that a publicly funded construction boom had been engineered in order to achieve the growth targets of the Government. I also demonstrated that what the figures indicated was that such an analysis could be applied, but that is to the situation under the previous GSD Government up to 2011 – that is 2010 and 2011.

1130 Mr Speaker, I do not know whether there is any point in repeating those statistics for the benefit of the hon. Member, because clearly everything the Leader of the Opposition has said today was still insisting on that myth. I do not know whether it is that he does not understand the explanation and he genuinely believes it, or that it suits him to ignore the explanation and carry on saying the same thing. But there is no escaping it. I have been able to demonstrate last year and I can demonstrate with this year's Employment Survey that the growth is not in the construction workforce. This year we have had economic growth; this year the workforce in construction has gone down and the non-construction sector has gone up. So how can he tell us this year that it is obvious to him that there is construction going on employing fewer workers and that is responsible for the growth in the economy? And moreover that it is being financed by Credit Finance or the Savings Bank or whatever else he thinks is appropriate.

1135 The figures for this year confirm the trend that I predicted for the construction industry. I said last year the construction industry was likely to shrink and it has happened – it shrank between 2015 and 2016. I estimated that the size of the workforce as a whole would probably remain static, that is that the growth in employment levels in other sectors of the economy would just about make up for the loss produced by a smaller construction sector – that was my prediction last year. I am happy to say that my estimate was too cautious – I was wrong – and that the increase in non-construction jobs has been substantially greater than the number of jobs lost in the construction sector.

1145 The figures are as follows. In 2015 the private sector grew by 1,629 jobs from 18,441 to 20,070. Over a quarter of the growth took place in the construction industry, where the number of jobs went up from 2,586 to 3,106, which was an increase of 520 – that was the previous year. This was a level only slightly higher than October 2011 under the GSD who had engineered the construction boom when it hit 2,922, an increase of 755 jobs in construction in one year

1155 compared to October 2010. So they say they were not having a construction boom in order to
create economic growth, but they actually employed 754 people between 2010 and 2011 in the
non-existent construction boom. We say we do not have a construction boom, but they insist
that we have one but we are employing fewer people in construction.

What can I do to persuade him that he is barking up the wrong tree?

1160 **Chief Minister (Hon. F R Picardo):** He is just barking – up the wrong construction.

Hon. J J Bossano: From October 2015 to October 2016 the construction industry shrunk, as
predicted, by 303 individuals, dropping from 3,106 in October 2015 to 2,803 in October 2016. By
contrast, in the same period the rest of the private sector, excluding the construction group,
1165 went up by no less than 1,210 jobs – a better result than the increase between 2014 and 2015,
which was 1,109 jobs *outside* construction, but still a very respectable rate of growth when
compared to previous years.

The growth in private sector jobs excluding construction from 2011 to 2015 was 2,928, in
four years; and from 2011 to 2016 it has been 4,138. So in the time that we have been here,
1170 since December 2011, the non-construction private sector has employed 4,138 more people. By
comparison, under the GSD, that falsely claimed to be creating an expanding private sector, the
four-year non-construction record of 2007 to 2011 was a mere 698.

So they do not have a construction boom, the private sector is growing but it is not a
construction boom and they only employ 698. We have a construction boom but we employ
1175 2,928. In their five years they produce 1,400 non-construction jobs and in our five years we
produce 4,138, and we are the ones with the construction boom. Maybe clearly this time I have
succeeded.

I have to say that though my estimate on the size of the private sector erred on the side of
caution, as I think estimates should, nonetheless the growth that took place in 2016 is quite
1180 remarkable in the context of the uncertainty created by the Brexit referendum result in the
earlier part of the year. Looking forward it is difficult to assess the probability of the historically
very high rate of growth in private sector non-construction jobs continuing at the same pace in
the current financial year. However, the construction sector will probably start recovering from
the level of last October and is likely to be higher at the time of the next October survey – that is
1185 October 2017.

However, in the longer term it is the non-construction sector that has to provide the main
area of job creation to maintain a growing economy which is sustainable in the context of the
present economic model. This implies that our final GDP for the year just ended will probably be
higher than the level required to meet our target of £2.4 billion in 2019-20. In simple terms, we
1190 are looking at economic growth of around £150 million a year over the four-year term – about
£3 million a week. We believe that the final figures for this year will come in at a higher level
than the £150 million, and without taking account of any new developments that means that we
are likely to finish in 2019-20 with an economy that is bigger than £2.4 billion.

Regarding departmental expenditure, in answer to a question on the role of the efficiency
unit in my Department, I have previously told Parliament that I would expect the results to be
1195 reflected in the levels of spending in the estimates of expenditure. As I have explained
previously, the public sector efficiency policy is not a one-off exercise – it is not a grading of
manning levels. It is a permanent feature as one of the instruments we need to employ to
ensure we are delivering value for money in the provision of public services, and in particular in
1200 the context of the unknown parameters that could be facing our economy post 2019. This
requires that we do not take on recurrent expenditure commitments that are not sustainable
within the existing budget, based on existing revenues that may not be so strong in the future.
That is to say today we should not be taking on, in any Department, initiatives that will increase
recurrent expenditure unless we have identified a source with a compensating reduction in
1205 expenditure or we have a new revenue stream to meet what the new expenditure requires. The

expenditure in the book is a simple cash accounting exercise, as the Hon. Mr Clinton pointed out. It is how it has always been done and how most governments do it.

1210 The bulk of the expenditure is the cost of the payroll and procurement. Procurement is therefore tasked to play an important role in the efficiency policy by ensuring that the prices we pay for goods and services that we buy are the best available. I am not convinced that this is currently the case or that it has been the case in the past, before we were there, in spite of the fact that the Procurement Department follows all the established guidelines and requirements in obtaining quotes and tenders.

1215 Under the GSD administration, the greatest-spending living Gibraltar on more than one occasion excused procurement costs escalating by arguing that contractors always charge the Government more, as if this was normal and nothing could be done about it. This is on public record in the *Hansard* saying that more than once. There is a serious problem in the escalation of prices once contracts are awarded because of variations that take place later. It has been the case since 2011 and it was there before 2011. When challenged on this issue the other thing that
1220 the greatest-spending living Gibraltar used to do was compare himself to the over-budget results in the UK procurement of public contracts, which invariably finished costing vastly more than the original tender price, and argued that Gibraltar's escalation was not as bad as that of the UK.

1225 I do not believe our role in Government should be to justify the excesses over budget by pointing out that the UK has got an even worse record. Our job is to find out how and why it happens and put a stop to it. I believe that the new initiatives on procurement currently being introduced will, if they work as expected, produce results in the current financial year. If that is the case, it may well mean that even though we expect higher inflation we may be able to supply our requirements at little extra cost. But we shall have to wait and see.

1230 At present most of the efforts on efficiency savings are being concentrated on the GHA budget where I am working closely with my colleague, the Minister for Health. Mr Clinton pointed out last year that the biggest elements in the increased recurrent expenditure have been healthcare and education. This was also mentioned by the Leader of the Opposition and the Hon. Mr Phillips. Because these are the two areas, it follows logically that these are the two
1235 we need to concentrate on to make sure that recurrent expenditure is kept at a sustainable level in the light of the present juncture facing our economy, and as a consequence of the potential effect on the reliability in future of present recurrent revenue sources.

Taking the example of the GHA, the Leader of the Opposition said last year that the cost had gone up from £75 million in 2011 to over £100 million in 2015. In fact, in 2011 it was closer to
1240 £80 million. The GHA managed to stay within the approved budget in 2012-13 and therefore there is no reason why it should not be able to do so in the future. Both I and the Minister for Health are determined to make it happen again this year.

1245 In 1996, the Health budget was £20 million, having risen since 1988, under the GSLP, from £8 million, which is what we inherited from the AACR. The GSD then increased it from £20 million to £80 million between 1996 and 2011 – a four-fold increase which was paraded as a very good thing. In fact, the GSD in Government, and especially on the eve of the 2011 election, their last Budget ... the greatest-spending living Gibraltar reeled off a long list of statistics detailing how much he had increased recurrent expenditure in almost every corner of his empire. In those days spending money was a virtue – the more you spent the more you boasted
1250 about it. Now the GSD sees this as a vice from the Opposition – and I welcome their conversion to the real world. They claimed at one stage to be in a position to identify the elimination of waste of the order of £50 million – that is once they were in opposition – but so far they have not been able to put to me any ideas that may indicate where such waste can be avoided and savings made, and I would welcome that they should do that and help me to be able to achieve
1255 it, since we are both interested in keeping public spending under control so that we spend the money that we need to spend and not money that we do not need to.

As Members know, I am having regular meetings with the three principal unions – the GTA, Unite and the GGCA. We are working well together and I believe most public sector workers understand that the objective of efficiency measures is to make sure that we can maintain the services going into the future at a sustainable level – services which public sector workers and their families access and benefit from as consumers. In fact, such is the commitment to work with me on this, the chairperson of the GGCA recently publicly lamented that too much time had elapsed in between meetings. She was right, of course, and we have met since then and I hope to be able to keep meeting them regularly every month without missing one, including July and August since I never take any holidays.

The GHA budget for the next 12 months is being contained at £110 million. This is close to 37.5% higher than the level reached in 2011-12. In previous years we have seen bids reduced only to find that the approved amount has later been exceeded, for example in 2014-15 the expenditure was £105 million and the approved budget £100.9 million. In 2016-17 the budget provided £103 million, which was £7 million below the previous year overspend. We have now forecast an outturn for the year of £118 million, no less than £15.3 million above the budget. Hence the £110 million that is being provided this year, which is £8.3 million less than they spent but £7 million more than they were supposed to spend.

The Education budget has grown in fact much more in percentage terms, although not in cash. In 2011-12 the estimate for the year was £28.4 million and it is now almost £50 million – £49.3 million, a 75% increase. This is of course a reflection of the GSLP's commitment to education, which has been there since we first introduced universal scholarships in 1988. It has been driven also both by very substantial increase in staffing levels – in previous years, not in this year – and by greater numbers of students in tertiary education in the UK. In addition there have been the much higher university fees that have been introduced in the period. However, what is clear is that the rate of increase in expenditure would be difficult to sustain into the future indefinitely. Therefore when we have done what we need, and will be done in the GHA, we will be looking to see what efficiency measures we can produce for the benefit of the Education Department.

As well as being competitive in terms of the fiscal environment, Mr Speaker, I believe we must be competitive in terms of customer service and speed of response. International investors do not have to come here; there are plenty of alternative locations. We have only two resources that we can use to create wealth: our people and the land. The efficient use of both of these resources is the only way we can provide the necessary competitive environment. We cannot grow our economy indefinitely by increasing the size of the workforce with ever-greater numbers in employment. And regrettably we cannot do that either with the land because it gets deeper and more difficult. Under the existing pool of labour and using that more efficiently means working better, not necessarily working harder. It is an important aspect that we have to consider for the future development of our country's sustainability economically at the kind of level we want it to be.

This is the analysis that has been at the heart of the economic policies of the Socialist Party since the first socialist government of 1988. It continues to be my view that it is not one of the options open to us, but in fact the only option. We can only face whatever difficulties may lie ahead if the framework for our policymaking is what I have suggested. The decision is founded on the analysis that I have spelt out above, which will be the guiding framework for the work on efficiency in the use of public sector resources and public sector procurement.

Finally, Mr Speaker, in respect of the three Departments in the Estimates of Expenditure that I am responsible for in the last financial year and this year – which are the Ministry for Economic Development, the Statistics Office and the Procurement Department – I am pleased to inform Parliament that all kept within their respective budgets and are expected to remain so in the current financial year with no increase in manning levels. *(Interjections)*

Thank you, Mr Speaker. *(Banging on desks)*

Mr Speaker: The Hon. Roy Clinton.

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

It is said that the numbers never lie, and indeed they of themselves are quite incapable of doing so. We are here today to debate the Appropriation Bill for 2017-18 in respect of expenditure of the Consolidated Fund for recurrent expenditure and also that for the Improvement and Development for Projects and Equipment. The process as envisaged by our Constitution and the Public Finance (Audit & Control) Act is simple enough: the Government presents its entire estimates of income, expenditure and borrowing and Parliament then decides if that is prudent or not. This of course assumes that Parliament is in possession of all the correct numbers and all the necessary facts to arrive at an informed decision.

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The ideal position is quite simply a breakeven budget or one that delivers a surplus of income over expenditure. Prudence is the overall objective so that we do not overextend ourselves as a nation as regards debt levels and maintain a buffer for the future, which Mr Bossano is so fond of – no more and no less than we would all responsibly do at an individual level and expect that we would all want to do collectively as a community.

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I have said before that the rules in respect of public finance may be either incorrectly implemented, outdated or simply being cheated in their interpretation, and I stand by that assertion. I summarised that view in the *Gibraltar Chronicle* in an opinion piece as follows:

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I have found that the Public Finance (Control and Audit) Act together with the Public Finance (Borrowing Powers) Act are being neatly side stepped by the wholesale use of companies owned by the Government and outside the remit of the Principal Auditor. Our public finances can now be likened to an iceberg whereby what you see above the surface and reported in the Annual Estimates of Revenue and Expenditure is but a fraction of that which is concealed beneath in a multitude of companies and devices.

I have to echo the sentiment expressed by my learned Friend, the Leader of the Opposition, and state now that I cannot and will not support this or indeed any future Appropriation Bill presented by this Government where Parliament does not have all the necessary facts and figures required to arrive at an informed decision. It is disrespectful to this Parliament and disrespectful to the people of Gibraltar not to have all the necessary information required.

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Mr Speaker, I have four areas which I wish to address in respect of public finances, namely: artificial income; direct and indirect debt; scrutiny and management of public finances and Government-owned companies; and advance Budget measures, forecast outturn and the cost of living. I will also touch upon other areas of my portfolio, including the Gibraltar Savings Bank, inwards investment, heritage, small businesses and financial services.

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So, looking at our public finances and artificial income, having now had the benefit of sitting in this House for over a year, I have found methods whereby the Government can flatter its income by the use of transactions with its own companies and other entities it controls, such as the Gibraltar Savings Bank. I have identified the following three types of what we would call related party transactions that generate or save cash for the Government account with no underlying private sector economic activity, and those are in the areas of stamp duty, property sales and the Savings Bank purchase or funding of public assets.

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The Government is today reporting a forecast Consolidated Fund surplus of £17.8 million for the financial year ended 2016-17 and a cash balance of £122.8 million. Let me show how easily that surplus can be undone by reversing some of these types of transactions.

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Take stamp duty as an example. Under the Stamp Duty Act, all conveyances of property in Gibraltar by companies, including Government-owned companies, are subject to the payment of stamp duty at the prescribed rate. Through searches conducted at the Land Registry I have identified various large, or certainly at least four large transactions between Government-owned companies which merely switch direct ownership but nevertheless generate substantial stamp duty revenue.

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1355 The first one, GCP Investments, a Government-owned company, on 1st July 2014 sold 14 Government properties – including No. 6 Convent Place and the Main Street Post Office – to GAR Ltd, another Government company, for a combined value of £40,292,975.59. The total stamp duty paid was £1.4 million. The Government’s explanation for this transaction was given simply as rationalisation.

1360 In the second transaction Gibraltar Land (Holdings) Ltd sold – yes, sold – the Eastside Reclamation again to GAR Ltd, another Government-owned company, on 22nd May 2014 for the grand total sum of £75,469,680 and this generated £2.6 million in stamp duty for the Government.

1365 The third transaction, Mr Speaker, was between Gibraltar Air Terminal Ltd and Gibraltar Land Holdings Ltd and the Crown on 20th May 2013, whereby Gibraltar Air Terminal Ltd surrendered its existing lease to the Crown, and then Gibraltar Land Holdings purchased the Air Terminal for £90 million and then gave a leaseback to Gibraltar Air Terminal Ltd for 20 years at an annual rental of £5.4 million. This then miraculously generated stamp duty of £3.3 million and revenue to the Government on the sale of property, of £90 million.

1370 Mr Speaker, in answer to questions the Government has stated that the amount of stamp duty receipts in respect of such related party transactions for the financial year 2014-15 was £7.1 million.

1375 In the financial year 2016-17 we know that the Government earned an exceptional amount of approximately £14 million from the sale of the six housing estates, which were sold for a consideration of £397 million from Gibraltar Residential Properties Ltd to Gibraltar Capital Assets Ltd. That, Mr Speaker, is usually ungenerously called, in accounting terms, manufactured income, since it arose from the Government’s own financing transaction between two Government-owned companies, i.e. with itself.

1380 So, Mr Speaker, from this we can determine that the Government was, in 2014-15 and 2016-17, able to create artificial stamp duty income of at least £21 million into the Consolidated Fund, and these are purely from transactions originated and directed by itself and not from independent economic activity in the private property sector. Indeed, only last week the Hon. Mr Bossano confirmed that these transactions had no economic effect other than to create revenue in the Governments books while creating an opposite expense in the books of Government companies. These should, of course, cancel each other out, but they do not. It flatters the revenue of the Government and extracts cash from Government companies.

1385 I move on now to the question of property sales. Within the Improvement and Development Fund there is always a head 102 in respect of Government property sales. I, as indeed any ordinary citizen, would reasonably expect that these are to third parties.

1390 I have already identified one transaction in respect of the Airport that moved £90 million from Government-owned companies in 2014 on to the Government’s books. In fact, in answer to questions in this House we have been told by the Government that receipts from property sales to Government-owned companies have been £90 million in 2012-13, £37.1 million in 2013-14, and £26.4 million in 2015-16. That is a total of £153.5 million of related party property sales prior to this financial year. And, in addition, the Principal Auditor revealed in his report for 2014-15 that the mysterious GAR Ltd had purchased the Mount, of all things, from the Government for a consideration of £8.2 million in 2014-15 and the proceeds were paid into the General Sinking Fund, of which I am so fond.

1400 Mr Speaker, unless all this property has been sold on to the private sector by those Government-owned companies, all that has happened is that the Government has extracted cash from its own companies and replaced it with property in the books of those companies while recording a sale in its books.

Let me move on to the other type of transaction: the Savings Bank purchasing or funding of public assets.

1405 This Government is in the habit of making announcements in which it is taking a financial interest only for us later to find out that it is being structured differently so that the Government actually does not bear the direct financial burden.

1410 Take, for example, the announcement in November 2014 that HM Government of Gibraltar was going to buy back Telekom Slovenije's 50% shareholding in GibTelecom for a consideration of €47.7 million, or effectively £37.8 million. Subsequent to the event it was found that the 50% shareholding representing the B shares was in fact bought by the Savings Bank and not the Government. We now know that the remaining 50%, representing the A shares, were also bought, this time from the Government, directly by the Gibraltar Savings Bank prior to the General Election for a further £37.8 million, making a total purchase value by the Savings Bank of £75.6 million, which benefited the Government's financial position. In addition, the Savings Bank, via its subsidiary GSBA Ltd, purchased the North and South District Post Offices as well as the Treasury building in Main Street.

1415 By way of example, in last year's Budget speech the Chief Minister proudly announced, in respect of the LNG plant:

The LNG plant will be operated by Shell whose presence in Gibraltar will be through a 51% subsidiary aptly named Shell LNG Gibraltar Limited. In order to reduce the overall cost of this contract over its 20-year life to the Gibraltar taxpayer, the Government

– 'the Government', note –

will own the remaining 49% of the shares ensuring Government shares in the economic benefit of this arrangement.

The total cost of the facility is circa US\$ 144 million over a period of two years, and at the end of the 20-year contract period the plant will revert to full Government ownership for a nominal payment.

– 'the Government', mark you.

1420 A Companies House search conducted on Shell LNG Gibraltar Ltd revealed that it is not in fact owned 49% by the Government but by Credit Finance Company Ltd instead. So of the £35 million total cost, its share, the £17 million, will not be funded by the Government but de facto the Gibraltar Savings Bank via Credit Finance. And so the Government has thus, from the examples I have listed, benefited by £92.6 million due to the Savings Bank's largesse in purchasing Government assets or taking on its obligations.

1425 Mr Speaker, this, together with the other types of transactions I have identified, brings the running total to £246.1 million, which if reversed would wipe out not just this year's projected surplus of £75.8 million but also the entire combined cash balances of the Consolidated and Improvement and Development Funds of £122.9 million and theoretically leave us in a loss-making position.

1430 Of course the Government could borrow to replace the money it has used. This is where the financial alchemy of turning deficits into surpluses comes into being, by the use of the £400 million in Credit Finance Company Ltd, and now of course we have the £300 million in Gibraltar Capital Assets Ltd. It is here, Mr Speaker, where the Government's interpretation of the rules on public finance and borrowing by Government-owned companies utterly failed the smell test.

1435 Let me move on to discuss the Government's direct and indirect debt. The official gross direct debt of the Government is £447.7 million, or £319.8 million net, which is made up of £247.7 million of debentures – held by the Savings Bank, by the way, with no fixed maturity – and £200 million of bank borrowing. The bank borrowing is provided £50 million by NatWest maturing in March 2020, and £150 million by Barclays maturing in two tranches, one of £100 million in January 2019 and the remaining £50 million in June 2020.

1440 I heard the Chief Minister remark this morning that the Financial Secretary would be looking to extend the maturity dates of direct Government debt and I assume he means the bank debt,

1445 and of course we can only welcome the Financial Secretary's efforts in ensuring these facilities are rolled over.

But, Mr Speaker, of course this was pretty much the gross debt position in December 2011, which stood at £519.8 million gross, or £234 million net, with the exception that debentures in issue were £319 million held by pensioners and the general public. It is well known that the Government asked pensioners to swap their Government debentures for Savings Bank debentures and we have already in this place debated whether the Savings Bank's liabilities are a contingent liability should or should not be accounted for in the Government's books, as occurs in the UK for National Savings and Investments; but for now that is not the point I wish to make.

1455 In the creation of Credit Finance and the Savings Bank then making a £400 million investment into it via preference shares, it effectively created a backdoor funding method for Government companies that could borrow for projects or buy assets from the Government, as described earlier.

1460 Gibraltar Investment Holdings has borrowed at least £330 million from Credit Finance at a cost of 6½ % per annum or £21 million a year. Incidentally, Mr Speaker, I cannot find any recent financial information in respect of Credit Finance on the Government's website. The last information I have seen was updated in July 2016 and certainly there is nothing in respect of 2017.

1465 This is where the catch-all of pooling of the cash of the Government and its companies comes into play. The Government now, via Treasury, effectively acts as banker to its companies, taking deposits and giving loans but none of it considered an official debt of the Government.

We have seen how in the past projects were funded by the Government via the Improvement and Development Fund, and that is the amount that the Consolidated Fund has to give to projects and has dropped dramatically since 2011. Projects, we hear, are now funded directly by the companies using cash from this now famous pool, provided of course in the main by Credit Finance.

1470 Mr Speaker, we can be absolutely sure that without the creation of Credit Finance and the use of this £400 million from the Savings Bank the Government would have had to borrow that amount for itself to fund its many capital projects since 2011.

1475 So, Mr Speaker, we know what the direct debt is – it is in the book – so let's start a tally of what we shall call indirect debt.

We will start with Credit Finance: £400 million effectively borrowed from the Savings Bank. Call it preference shares, call it what you want.

1480 GCP Investments Ltd: £17.1 million borrowed from Barclays Bank, secured on Government property including the City Hall.

ES Ltd: £55 million from Lombard plc secured for the construction of a new power station.

And now, of course, Mr Speaker, Gibraltar Capital Assets Ltd: £300 million loan notes, secured on six public housing estates.

1485 That adds up to £772 million in addition to the official gross debt of £447.7 million, and that would take us to a gross debt level of £1.2 billion or a net debt, if you wish, of at least £1,092 million at 31st March 2017.

Total liquid reserves, which included the cash held by Government companies, fell by £160 million from £294 million as at 31st March 2014 to £134 million as at 31st March 2015. That is an enormous drop in cash in one year.

1490 Mr Speaker, it is now evident to me that prior to the last General Election the Government's available cash position was in fact much worse than we could possibly have imagined. It is no wonder that the Government thought it would be a good idea to change our net debt legal borrowing limit in early 2016 from 80% of recurrent revenue to 40% of GDP. It is also evident that the Government must have known it needed to borrow more money and it was dishonest to suggest in its manifesto that it would actually reduce debt levels.

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We have heard a lot in this House about Gibraltar Capital Assets Ltd. I do not think that anyone can be in any doubt – other than, of course, the Chief Minister himself – that this £300 million borrowed by mortgaging six housing estates is a debt of Gibraltar, all of us, and repayable by Gibraltar, all of us. This is not an investment; it is a borrowing.

1500 We still do not know the terms of the option agreement by which the loan note holders may sell their interest to the Government, and the Government refuses to provide the Opposition with a copy of the private placement memorandum setting out the terms of those loan notes. But we do know that the notes mature in five tranches over 31 years with a composite rate of 3.85%: tranche A of £35 million at a rate of 3.31%, the first 15 years mature in 2031; tranche B, 1505 another £30 million at a rate of 3.67%, a 20-year note matures in 2036; tranche C, £38 million at a rate of 3.81%, a 25-year loan note maturing in 2041; tranche D, £105 million at 3.98%, a 30-year note matures in again 2046; and finally, Mr Speaker, tranche E, £92 million at a rate of 3.98%, a 31-year note matures in 2047.

1510 In that period we will need to pay interest – and this is just the interest – of £341 million, in addition to the repayment of the loan amount. The Chief Minister likes to refer to this money now as his war chest, and yet since the Budget last year we have not heard of a single project that will generate an economic return, despite it costing us, just this year, £11 million in interest payments. We have only heard today of some idea of an involvement in a Coaling Island 1515 reclamation to generate some economic return. The rental income of the housing estates mortgaged will only come, at the most, to £3 million. It does not cover the interest cost. This has had to be made up by the Government by an £8 million housing allowance, which is paid by another Government-owned company which we were told only last week is in fact the company that sold the estates in the first place. If this makes sense to anybody listening, please explain it to me.

1520 So when the Chief Minister claims that the Government's direct debt is falling let's not forget that he has loaded up on indirect debt at almost twice the amount. What worries me is that we do not seem to have any plan as to how we will repay all of this. The General Sinking Fund, which Mr Bossano correctly points out was created in November 2012, only has a balance of 1525 £5 million in it as at 31st March 2017, and from what I gather there is no set formula to set money aside into it to provide for repayment of even the £447 million of direct gross debt, let alone indirect debt. Mr Speaker, we really do need a debt management plan.

Looking at the scrutiny and management of public finance and Government-owned companies, the Chief Minister is only too fond of boasting that his Government is the most transparent and we are now having 10 meetings a year. We in the Opposition can ask as many 1530 questions as we like and there is no need for any further scrutiny of our public finances. Mr Speaker, you will be delighted to hear that I will not attempt to replay the debate on the need for a Public Accounts Committee – other than, of course, to reject the Chief Minister's counterarguments, if you can call them that. In fact, I find his new role as self-proclaimed defender of heads of department somewhat at odds with the ticking-off he gave them on 1535 9th December 2015 as to overspending in the fourth quarter. Mr Speaker, let me demonstrate that although we may have had more meetings of this House, we are simply not getting answers to our questions in the way the public might expect.

Let me start by way of example with this famous Government-owned company called GAR Ltd. GAR Ltd, from the transactions I have identified, has purchased somewhere in the order of 1540 at least £124 million of property from either Government-owned companies or the Government with absolutely no explanation as to where it got the money from or why it is doing this. GAR Ltd has, as far as I can tell, no mortgages charged against it – at least from the last search I conducted – from any leading bank that we know of, and so we can only assume it has borrowed the money from another Government-owned company such as Gibraltar Investment Holdings or 1545 indeed the infamous pool.

In relation to one specific transaction, the £40 million purchase of property, including No. 6 and the Main Street Post Office, and the question as to where the money for this came from, this is the answer the Chief Minister actually gave – and I quote from *Hansard*:

Mr Speaker, I do not have the detail of where GAR obtained the money from. The hon. Gentleman is right in that it is one of the constituent elements of the question but I do not have the detail in the answer of where GAR obtained the money from. I assume it has either been dealt with by way of inter-company loans or it has been dealt with from own funds of GAR.

How is that a useful answer to a direct question?

1550 The audited accounts of Credit Finance are not yet available, despite its creation over five years ago, but even if the accounts were available, audited and filed at Companies House, the Government will not provide the Opposition with full information. This is the answer to a recent written question I tabled, and I quote:

Can the Government please provide a full copy of the accounts and associated notes of Gibraltar Strand Property Company Limited as at 31 March 2014 given that its balance sheet has been filed at Companies House on 23 May 2016?

1555 The answer, Mr Speaker, from the Government:

No, Government only provides the information that the Company is legally required to publish.

1560 So, Mr Speaker, what is the Opposition here to do? The Opposition's ability to scrutinise Government companies is in fact no better than the general public's. How then can we hold the Government to account when so much of its activity is deliberately structured and financed through Government-owned companies? And these are outside the remit even of the Principal Auditor. How can we in fact know the true level of this community's indebtedness or otherwise at all? This is not transparency, it is simply obstruction and it is contrary to the way our Public Finances should be conducted.

Mr Speaker, let me turn now to advance Budget measures, the forecast outturn and the cost of living.

1565 Traditionally, increases in taxation, whether direct or indirect, are announced as part of the Budget session. This Government has seen fit to increase social insurance by 10% outside the Budget and there have been increases in the level of fees across the board from car park rentals to MOT fees and other licences and new fees introduced such as the approved contractor annual fee. These are all borne by all and sundry, effectively a form of taxation and conveniently sidestepped in the Chief Minister's Budget speech: we did not hear of one taxation in terms of the individual consumer, other than import duties.

1575 The Government's larger than expected surplus is entirely due to revenue being £63 million greater than expected. This can be broken down as £35 million more in taxes, especially corporation tax, and £14 million more in duty, namely import duty. In a post-Brexit environment I truly hesitate to suggest that this growth in income is sustainable and note that the estimate of revenue in 2018 is more conservative but still higher than estimated in 2016. I note that the Chief Minister this morning referred to a reduction in tax arrears and having collected one fifth of tax arrears. From the information I can see in the Principal Auditor's report, that should equate to at least £6 million, so that, the corporation tax of £5 million and general taxes, at least £6 million of that is in respect of arrears. But I will not be ungenerous. We again have to congratulate the Financial Secretary for having kept net – and I say 'net' – departmental expenditure within 1% of the 2016 estimate, albeit there was still an overspend of £6.6 million.

1580 In regard to the Estimate Book for 2017-18, I would ask for an explanation as to why the brought-forward Consolidated Fund balance as at 1st April 2016 is £84.7 million versus last year's closing balance of £ 80.9 million at 31st March 2016, a difference of some £3.8 million.

I would also like to know why, for the actual public debt charge in 2015-16, there is no Sinking Fund contribution, whereas as late as last year's outturn we expected a £4.5 million contribution.

1590 Why was it that the interest on Government debentures was so incorrectly estimated in 2015-16 as £7 million when the actual turned out to be £11.6 million? Surely the Government knows how much interest it is charging itself, since it holds them through the Savings Bank.

1595 Mr Speaker, it really would be truly remiss of me not to congratulate the hon. Lady the Minister for Housing for her Department's hard work in recovering £1 million in rent arrears. However, that regretfully only partially offsets the sins of the Minister for Culture, who again overspent on the Music Festival, this time by £1.6 million. In fact, the Minister for Culture's Department, at 40%, had the largest overspend rate of all Government Departments. Let's see if MTV can do better, and I would encourage Mr Bossano to have a look at the Ministry of Culture as well.

1600 In respect of the Improvement and Development Fund I can only see £45 million as being allocated for capital projects in 2017-18 and the bulk of this, being £28.6 million, is in respect of MoD relocation costs and the tunnel project. I do not see the cost for building new schools. I do not see the cost for building the sewage treatment plant. I do not see the cost of building a national theatre. But then I guess there is still life left in this Parliament for the Government still to build these and meet its manifesto commitments. My colleagues will speak more about these projects.

1605 The Budget session for most people is about how it will affect their pocket directly; it is not about GDP or national debt levels or who did what when and how. At the last measure, inflation is running at 2.7%. This was confirmed by the Chief Minister this morning and also, in addition, by the Hon. Mr Bossano. The public sector pay rise this year of 2.75% will deliver a real pay rise of only 0.05% as opposed to last year's real increase of 2.25% with inflation at 0.5%. Workers in Government rental accommodation are also facing a 3% rise in rent and across-the-board increases in fees for licences and other Government services. With the increase in social insurance of 10% already having been implemented, workers will be feeling the pinch very soon, and in the absence of any real tax breaks – we did not hear anything this morning which translated to anything substantial – which they might expect to be entitled to if the Government is reporting such huge surpluses. Trickle-down economics: give the workers their refunds. With such a large surplus, workers are also entitled to expect their tax rebates to be paid on time and not when the Government feels like it. It is only fair. **(Hon. D A Feetham: Hear, hear.)** *(Banging on desk) (Interjections)*

1620 If I may move on, Mr Speaker, to the Gibraltar Savings Bank and the issue of rainy day funds, the Government and the Hon. Mr Bossano boast of the great success of the Gibraltar Savings Bank in attracting deposits and generating profits and accumulating rainy day reserves, but let me dispel part of that as being another piece of financial alchemy.

1625 First of all, let me explain how the Savings Bank has been able to generate surpluses. Close to 70% of all its assets – the things the Savings Bank holds – are either invested in Government debt, companies or other entities. As at 31st March the entire £247 million gross debt of Government debentures is held by the Savings Bank and it pays on average 6%, and Credit Finance's £400 million of preference shares yielded an average of 5.6%. Credit Finance in turn is receiving 6.5% for the money it lent to Gibraltar Investment Holdings. On-call bank accounts, including a £69.5 million deposit at the Gibraltar International Bank, yielded a paltry 0.2% and listed bonds 0.8%. So the majority of the income of the Savings Bank is de facto controlled and determined by the Government.

1630 The Government pays at the most 5% on debentures and recently has dropped the rates on new debenture issues and ordinary accounts, and it pays itself hardly anything on Government moneys held in on-call accounts, and thus it can make as much or as little surplus in the Savings Bank as it wishes. It is not rocket science, or even financial genius worthy of the Nobel Prize in Economics: it is simple accounting and sleight of hand.

1640 What I will not dispute, Mr Speaker, is that as at 31st March 2017 the Savings Bank is expected to report a surplus of £5.9 million for that year, which is lower than the £6.8 million in 2016, and record an accumulated surplus of £32 million, that although a reserve is of course available for use by the Government in future – and that is, in fact, a true rainy day fund.

1645 The Government may boast that the Savings Bank deposit base has grown from £987 million in 2016 to £1.3 billion in 2017, which is – I am surprised they have not used the statistic – a 33% increase, but what the Government has not said is that Government deposits in the Savings Bank in that period grew by £241.6 million from £77.6 million to £319.2 million held in the on-call investment accounts at the Savings Bank – in fact through the famous cash pool. If you strip that out, non-Government deposits have grown from £909 million to £995 million, or 9.5%, which perhaps is not a disrespectful growth in deposits, though certainly not 33%.

1650 Mr Speaker, where did the Government find £241 million in 2016-17, in one year? Could it be that the net proceeds of the £300 million mortgage of the six housing estates, which we understand was concluded in May 2016, has been added to the Treasury cash pool at the Savings Bank? Well, that would be my guess, and so the growth in deposits in the Savings Bank is nothing to boast about, given that the origin of the money is simply more indirect borrowing. *(Interjections)*

1655 I again urge the Government to release the audited accounts of the Savings Bank on a timely basis. The Hon. Mr Bossano has the audited accounts for 2016 and yet inexplicably refuses to publish them in the Gazette. Mr Speaker, I tried to amend the legislation to ensure a more reasonable timetable for publication but the Government, following its policy of transparency, voted against this. And when Mr Bossano sends out his glossy publication – albeit for outdated
1660 accounts – to his account holders, he, as he has admitted today, fails to include the statement of investments showing how their money is used. He tells us in this House that he provides it to me: well, why doesn't he provide it to them too? I do not see what the issue is. This is not transparency in any shape or form. It is the control of information by a Government whose dogma is strict financial secrecy, Mr Speaker. **(Hon. D A Feetham: Hear, hear.)** This is not
1665 transparency. **(A Member: Hear, hear.)** *(Interjection by Hon. Chief Minister)* Has the Chief Minister quite finished?

Chief Minister (Hon. F R Picardo): No. I was saying that here is a couple of fools who are answering an argument that has not been put to them. Shall I say it again?
1670

Hon. R M Clinton: Please, yes, say it for the public to hear.

Mr Speaker: Order! Order!

1675 **Hon. R M Clinton:** Mr Speaker, he is calling us fools.

Mr Speaker: Order!

1680 **Hon. R M Clinton:** Mr Speaker, let me turn to the other favourite rainy day fund of the Hon. Mr Bossano, namely Community Care.

I have in the past disputed whether this can actually be called a rainy day fund as it is not technically in the control of the Government. According to the GSLP/Liberal manifesto at the last election, the reserves of Community Care stood at £100 million at March 2015. In the five years to 2020 they claimed that would reach £230 million, which I think has been repeated today. For
1685 the past two years a total of £40 million has been given by the Consolidated Fund to Community Care and for this coming year another £20 million is projected. From the Estimates Book in prior years the annual cost of Community Care is around £16 million a year – and I am happy to be corrected by the Hon. Mr Bossano – so on a best guess, with a surplus of maybe £4 million a year on this level of contribution, I can only see Community Care achieving a reserve of maybe £120

1690 million to £130 million by 2020. To achieve £230 million, either the Government will have to gift £100 million of the Consolidated Fund's reserves just before the General Election, or perhaps the trustees can turn £100 million into £200 million in five years by judicious investment.

I sincerely hope that this large amount of money is not also being directed to support Government capital projects or companies, because if it is and Gibraltar suddenly needs the money it may not be readily available. I would welcome – I am sure the Chief Minister will respond – the Government's thoughts on the future funding of Community Care and indeed any information on how that money is invested and managed for the people of Gibraltar.

Mr Speaker, inwards investment. We have yet to see any major projects come to fruition.

1700 We were told about the Eastside Bluewater project to much fanfare in June 2015 only for it to have gone very quiet, and no sign of the promised £83 million premium from the developer. I repeat: £83 million, Chief Minister. Nothing happened, Mr Speaker. Nothing happened.

Last year the Chief Minister teased us with an exciting reclamation project at Coaling Island. Mr Speaker, nothing happened.

1705 And now we hear this morning that we, the people of Gibraltar, using the money from mortgaging the housing estates, are in fact going to be partly financing that development: inwards investment from our own money. And of course that famous word we all so love in this House: the Government will make an announcement 'shortly'. I wouldn't hold your breath, Mr Speaker.

1710 We heard at the Finance Centre lunch in London in October 2015 that London and Regional were the preferred bidder to develop the Rooke site, and nothing happened.

In his New Year's address this year the Chief Minister said:

Many other young people will be very happy to hear that you will soon be receiving

– 'soon' I guess is the same as 'shortly' –

letters to start the process of purchasing new affordable homes at Bob Peliza Mews and Hassan Centenary Terraces.

Yes, Mr Speaker, nothing happened – *nothing* happened.

1715 And talking about nothing, I was surprised not to hear of a boast from the Chief Minister in his Budget address about Bob Peliza Mews or Hassan Centenary Terraces – or is it that nothing is going to happen on those either? I truly appreciate that attracting inwards investment is difficult, especially in this post-Brexit environment, and I will of course support all efforts in that regard. However, I would ask that we as politicians, albeit myself a novice in the eyes of that side of the House, refrain from making announcements until the ink is dry on the agreement and the money is in the bank. (**Hon. D A Feetham:** Absolutely right.) In an uncertain age, our people want to hear about certainty and not imaginary projects. We do not want to hear 'shortly'; people want to hear what is going to happen. And so, Mr Speaker, I would encourage the Chief Minister in his response to explain to the people of Gibraltar what is happening with Bob Peliza Mews and Hassan Centenary Terraces.

1725 Turning to small businesses, I have heard the Hon. Dr John Cortes, the Minister for Education, on two recent occasions encourage our students to look to the private sector and not the public sector for future employment. (**A Member:** Hear, hear.) Mr Speaker, the Government is quite rightly identifying the private sector as the true driver of employment and wealth creation and for that I congratulate the Minister. But in this regard, in order to encourage innovation and the entrepreneurs of the future, we need to make starting a business as easy as possible. I know that the Hon. Mr Costa tried his best to reform business licensing but this needs simplification, especially as regards the business premises requirement. I know the Gibraltar Federation of Small Businesses and the Chamber are working closely with the Government on this matter and I hope progress will be made soon. The cost of renting premises and stores I am told is

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1735 understandably a huge business cost for start-ups and again I would welcome any plans by the Government in this regard.

Mr Speaker, turning to financial services, during the year we have seen new legislation brought to this House in respect of foundations, which I welcomed at the time and I still do, but we need to continue to evolve our product offering so as to keep pace with our clients' needs and indeed competitors in other jurisdictions.

1740 I have noted the Government's support for the development of Gibraltar as a Fintech hub and the joint Government and Financial Services Commission consultation paper entitled 'Proposals for a Distributed Ledger Technology (DLT) Regulatory Framework' – a bit of a mouthful and nobody actually understands what it means but it sounds good! This also I am happy to support but with the proviso that the risk is correctly identified and managed so there can be no reputational damage to the jurisdiction, and I am sure the Minister understands that point.

1750 I, along with, I am sure, all the Members of this House, lament the departure of the Newcastle Building Society and indeed other job losses in the banking sector, but speaking from experience I can say that this is in fact a worldwide problem and not a Gibraltar-specific issue as banks continue to retrench and preserve capital after the 2008 financial crisis. But this is not to say that we should resign ourselves to the risk of being unbanked. We need to encourage existing retail banking operators not just to stay but to expand their offering where possible.

1755 The Gibraltar International Bank continues to fill the gap left by the loss of Barclays and I look forward to seeing their full financial statements for 31st March 2016 and not just the highlights picked out by the Minister. This bank needs to be a success, not just for the sake of the business community but for the community as a whole. It has to be a safe place for our savings and a source of financing for mortgages and loans, which are the lifeblood of any thriving economy.

1760 I would ask the Minister, who I know will be speaking shortly, if he could explain why the bank has undergone a recent capital restructuring such that it has converted its ordinary shares into two different classes of shares, namely A shares and B shares with the B shares having no voting rights. It would seem to indicate to me there might be some intention to place the B shares ... I am asking the Minister because the shareholders' resolution was in fact signed by the Chief Secretary on 25th April this year and I would welcome any thoughts from the Minister as to what it is that the Government intends as regards the shareholding of the International Bank, seeing as it is the sole shareholder.

1765 I again thank the board and the staff of the bank for their efforts and I of course wish them well.

1770 As regards the financial services regulation, I still await news as to the rewrite of our financial services legislation, especially in the light of Brexit. It will no doubt be an interesting debate when Gibraltar considers its own Great Repeal Bill and what should be kept and what should be discarded while of course preserving the highest possible standard of regulation and remaining best in class.

1775 Mr Speaker, also pending is the appointment of a Financial Services Ombudsman and I look forward to hearing more on this matter from the Minister.

Financial services is an important pillar of our economy and we need not only to protect it in the post-Brexit environment but also to grow it in a way that encourages new players to set up in Gibraltar, and in this regard the Government has my full support.

1780 Turning now to heritage, Mr Speaker, the achievement of World Heritage Status for Gorham's Cave was a truly remarkable achievement and a credit to all those who promoted the project, not least Prof. Clive Finlayson. We should not underestimate the importance of both our natural and historical heritage for our people and visitors alike.

1785 I have long felt our social history has been somewhat neglected, all too often in favour of military history. I am pleased to see the Deputy Chief Minister's initiative in that the 50th anniversary of the 1967 Referendum is being remembered and celebrated – unfortunately, Mr Speaker, I missed it by five days. It is important that future generations are taught the

importance of that day, and not just once a year but in classrooms as part of their education. To this end I would like to see the Government encouraging more young people to take an interest in our rich heritage, whether in schools or in partnership with the Heritage Trust.

1790 There are still many heritage projects to be completed, such as the Northern Defences, which I know the Deputy Chief Minister has spoken on already, and others to be started, such as the Moorish Castle complex. Thankfully, the importance of these sites is well understood and I am sure will be well protected.

1795 Last but not least, Mr Speaker, I would welcome the long overdue Heritage and Antiquities Act, especially with regard to a revised listing of protected buildings, and I would be grateful if the Minister, in his address, could give an indication as to when he proposed to bring the Bill to this House.

1800 And so, Mr Speaker, in conclusion, as I said in my opening, the numbers never lie, but it is much too easy for this Government to distort and hide the real numbers. I regret that I have grave reservations as to what reliance can be placed on the completeness of the information in the Estimates Book and thus the Appropriation Bill for 2017-18, and for the reasons of lack of transparency as to the financial state, activities and accounting for debt of Government-owned companies, I simply cannot support this Bill.

1805 I again call for the Chief Minister to give up the portfolio of Finance Minister and allocate this to another Minister perhaps to his left. It is not healthy for the CEO to also wear the hat of finance director; there always needs to be a tension between the two to guarantee financial prudence.

1810 We as a community need to be prepared for the unexpected, as much as we can, in this post-Brexit world. I am confident that we as a people will find a way to succeed no matter what the odds, but we must keep a close eye on the public purse and indeed those who control the purse strings.

1815 That being as it may, the watch word – and we have heard this word many times today – the watch word is prudence, not austerity as the Government would have the people believe the Opposition advocate, which we do not: prudence in planning for the future in this uncertain world and prudence and transparency in our public finances at all times.

Thank you, Mr Speaker.

Chief Minister (Hon. F R Picardo): Mr Speaker, if there is anyone left awake, I entreat them to come back tomorrow, at 9.30 in the morning.

1820 **Mr Speaker:** The House will now adjourn to tomorrow morning at 9.30am.

The House adjourned at 8.39 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.33 a.m. – 1.03 p.m.

Gibraltar, Tuesday, 27th June 2017

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The Gibraltar Parliament

The Parliament met at 9.33 a.m.

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

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

Appropriation Bill 2017 – For Second Reading – Debate continued

Clerk: Meeting of Parliament, Tuesday, 27th June.

Mr Speaker: The Hon. Albert Isola.

5

Minister for Commerce (Hon. A J Isola): Thank you, Mr Speaker.

I have the honour to present my fourth Budget speech, dealing with each of the areas that I have the privilege to have responsibility for.

10 Mr Speaker, before I get into the substance of what I would like to discuss and address the Parliament with today, I think it is important to touch on a number of areas which we have been talking about both at this time, the Budget session, but also in the immediate period where I think all Members of the House recognise the really quite challenging time in which we are living. I do not believe Gibraltar in recent years has had to face the challenges that we have had this past 12 months since the voting of the referendum, and consequently it is my view that as politicians we all have an extra responsibility in this particularly challenging time to take what we do more seriously and to look at and consider all the aspects of what each and every one of us does in our political lives – because the challenges are, Mr Speaker, serious.

15 When I consider some of the exchanges we have been having and I have been listening to in the last day and also in the last week – particularly, for example, the incident over the concern of the GSD on our security, and that concern was expressed by posting a photograph on the World Wide Web of a hole in our frontier fence which had been fixed three weeks before, is just not serious, Mr Speaker. Indeed, I do not believe that we are the only ones who were concerned and did not agree with that statement, because on the very Facebook page of the GSD that post, that press release, only had four likes, and when you think that there are six Members of the GSD Opposition, it is clear that not even they agreed with the very statement that Mr Phillips released. (*Banging on desks*)

20 Mr Speaker, we really do need to do serious politics. We really do need to be more mature in the way that we think, in the way that we operate. To express a concern about security and then to predicate on that a photograph on the World Wide Web of a breach of our fence – had it been real; thankfully it was not, because it was already blocked – and not to recognise the need that there is to maintain, especially at this time, security to the best of our ability, was in my view completely irresponsible and completely outrageous, as the Chief Minister himself described.

25 Mr Speaker, if I can move on to the contributions of the two big guns of the GSD who spoke yesterday – and I do not use the term ‘big guns’ because I believe them to be big guns but only because they are much bigger than the others that will follow them –

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Chief Minister (Hon. F R Picardo): Because that's all they have left.

Hon. A J Isola: What it is it that they have told us? Well, in the same way as we have the
40 gimmick of the security fence – something that they think will resonate with people – we now
have the new gimmick, and the new gimmick is really to dramatise. Today's front page of the
Chronicle: 'Feetham denounces dangerous farce that undermines parliamentary governance'.
Another gimmick, Mr Speaker. The Opposition have demonstrated again, in my view, their
irresponsibility and their lack of serious thought and process, because what in fact they are
45 doing by voting against the Budget, because of what they call a farce, is voting against the
funding for our Health Services, our schools, our Police, our Fire Brigade, our ambulances, our
Civil Service – indeed, Mr Speaker, even this House.

Why? What is it we have done in the Budget book that is different to what has ever been
done before? **(Several Members: Hear, hear.)** *(Banging on desks)* You end up asking yourself is
50 this the same GSD that was in government for 16 years. Well, with the exception of the Father of
the Opposition, if I can call him that, it does not look like it. Yes, some have gone, and then some
more have gone, and then even more recently the good lady has gone, but how can a party that
has been in government for almost 16 years, with the trust of the people for that period, lack
the very basic element of consistency in philosophy and political belief? You have to measure a
55 party by its record, you have to measure a party by what it says in this House, and of course you
have to measure what they say as against what they have done, and when you compare the GSD
of today and the GSD of yesterday, let's look at precisely what they are complaining about.

I start with the use of companies. I contested the 1996 by-election with the Father of the
House, where the GSD spent the best part of a year talking about the secret web of companies
60 that the GSLP were managing and using to run this place. Mr Speaker, it was a suggestion of – I
will put it blindly – corruption, it was a suggestion of improper and inappropriate accounting, it
was a suggestion of many things but all relating to the use of private companies by the
Government for the manner in which they ran the administration. And so if you were going to be
consistent, the first thing you would do after you get into Parliament is stop the companies; but
65 of course, as we all know, for 16 years they ran the companies and indeed, if memory serves me
right, they actually expanded the use of the companies. But that is not enough, because when
they now come to this Parliament and talk to us about transparency, lack of accountability, isn't
it odd that in those 16 years in all of the companies that they operated to run the public
administration they never even filed accounts. **(A Member: Hear, hear.)** The accounts of these
70 companies were never filed in 16 years of them being in government – and they come and talk
to us about transparency, about accountability! Mr Speaker, these are just words which the
public will know – we have been there before – are simply not serious.

And the use of off balance sheet accounting, Mr Speaker: have they forgotten, for example,
75 the hospital, which is at least in leaseback so it is not debted to rent? Have they forgotten the
things that in 16 years of GSD were used and done every minute of the day? And that is exactly
what today they are complaining about. It is as if it is all right for them to do it but not for
anybody else to do it. So it is wrong when we do it, but it was absolutely fine when they did it.

And then of course the Minister of Finance should not be the Chief Minister. Well, that
perhaps could be the reason why Mr Clinton's life in the old GSD was short lived. I can imagine
80 him suggesting to Sir Peter Caruana *(Laughter)* that he should not be the Minister of Finance,
that it should be somebody else – it cannot be the CEO or the Chairman and therefore he should
move on. Never in a million years would the current Leader of the Opposition have had the
thought – or courage, better said – to suggest to Sir Peter that he should move on and let him or
another become the Minister for Finance. We know the function of the Minister of Finance and
85 we know that it has always been, certainly since the new Constitution, in the domain of the
Chief Minister and it is absolutely right and proper that it is.

Mr Speaker, all of these things when they qualm them up together lead them to the
conclusion that we should have a Public Accounts Committee. Well, again, when you have been

90 in Government for 16 years *surely* you might have mentioned it in the 16 years. Surely you might
have said, 'Maybe we should consider ...' – not like now when they are in opposition, they
demand that we have a Public Accounts Committee. So, again, what is it that has changed since
2011 to today that makes them believe that we should have a Public Accounts Committee, that
we should have civil servants in here cross examined by Members of Parliament as to why they
95 have taken decisions? Surely politicians are here to take responsibility. We have no fear in taking
responsibility for absolutely everything that we do. And indeed, for those who will remember
political history, this Parliament has had a Public Accounts Committee before and it was
stopped. It was stopped for good cause, and when the review was carried out more recently it
also did not recommend a Public Accounts Committee. So why now? Well, the answer is simple.
100 If they were in government I have absolutely no doubt that we would not have a Public Accounts
Committee. And interestingly, whilst we were in opposition we never suggested to the
Government at the time that they should have a Public Accounts Committee – because we do
not believe it works in a community like ours. Consequently, my plea is let's be consistent, let's
think through the things that we need to be dealing with, let's look at the challenges, but let's
stop the drama – or, I would call more appropriately, the farce that we have heard in the past
105 day as to how this Opposition believes this Government should be running its affairs.

Mr Speaker, moving on swiftly, I would like to start with financial services.

The result of the Brexit referendum in June 2016 was not initially viewed as a positive
development for Gibraltar or indeed its financial services sector, as the loss of our EU
passporting rights was unwelcome. It became clear to us in the months following the
110 referendum that the actual volume of business being conducted throughout the European Union
was actually small, and we were predominantly a jurisdiction which worked strongly with the
United Kingdom, the World's fifth-largest economy.

Mr Speaker, I must pause to mention, applaud and commend the exceptional work of my
friends the Hon. Dr Joseph Garcia our Deputy Chief Minister, and Mr Michael Llamas QC our
115 Attorney General, for their precise, detailed and methodical work in preparing our "Heat Maps"
of our entire economy which enabled us to engage quickly with others with accurate, factual and
compelling data. The many months of very hard work have been invaluable and they should
both be most seriously commended for this work. (*Banging on desks*)

I must also mention my friend the Chief Minister, who has, since the referendum,
120 demonstrated and proven himself to be a remarkable leader. We needed calm action,
intelligence and strategic thinking at a time when we were facing our most uncertain period in
recent history. He led the team with our Deputy Chief Minister and Attorney General which met
with the Prime Minister, the Chancellor of the Exchequer, the Foreign Secretary, Secretaries of
State, Ministers and officials, and secured by last October a commitment from the United
125 Kingdom government for UK access, which has enabled us all to focus on the opportunities that
this will bring. I cannot stress enough the importance of his work this past 12 months, and on
behalf of our entire business community I thank him for his staggering effort and leadership,
which has much strengthened confidence in these difficult times across the entire business
community. (**Two Members:** Hear, hear.) (*Banging on desks*)

130 Mr Speaker, in considering opportunities and the relevance of UK market access, we must
remind ourselves that there are a large number of financial services firms that passport their
services into the UK from continental Europe. Whilst most of the UK press has been about UK
businesses needing to plan their post-Brexit strategies in order to protect their existing markets,
there has not been so much press about passporting services into the UK post Brexit. Gibraltar's
135 unique trading relationship with the UK allows us to position ourselves as a gateway to the UK
and the world's fifth-largest economy both today and post Brexit. This is especially true in the
insurance sector, where we continue to work with firms considering Gibraltar as their base for
business, complying with EU legislation and regulatory standards but with a pro-business
friendly approach and culture.

140 Mr Speaker, the Chief Minister has already mentioned on a number of occasions the 26
licences that the FSC has granted since the Brexit vote and the 20-odd that are in the pipeline. It
is important to reflect as to why this is happening and to obviously welcome and encourage
more to come. Of course there are also a number that are not within those lists which are at
145 what we call the pre-application stage – in other words, in discussions but applications not
formally submitted.

We continue to work with delivering Part VII transfers from the UK, and recent court
decisions will, we believe, facilitate this and in further developing other structures which we are
working on with the Gibraltar Financial Services Commission and the professional sector. In the
last 12 months we have worked with a number of parties about establishing new life insurance
companies in Gibraltar, in particular for pension transactions such as bulk annuity transfers and
longevity swaps. The number of these types of transactions has been gaining momentum in
recent years and the expectation is that this sector will expand considerably over the next five to
10 years. We intend to position Gibraltar as a domicile for this type of insurance activity.

150 Mr Speaker, the new personal pensions regulations were introduced at the end of March
2017 and were drafted to ensure that the Gibraltar Qualifying Recognised Overseas Pension
Scheme (QROPS) continued to meet the requirements of Her Majesty's Revenue and Customs,
which were due to change with effect from 6th April 2017. There have been a number of
profound changes to the QROPS sector over the last 12 months, with HMRC removing a number
of jurisdictions from its recognised QROPS list and introducing, to our surprise, a new 25% levy
155 on pension transfers from the UK, which whilst not affecting all transfers is likely to lead to a
significant reduction in QROPS business for Gibraltar and many other QROPS domiciles. Having
worked with HMRC since December 2015 in this area, the result was deeply disappointing and
we continue to work to explore opportunities in this space. We remain committed to supporting
the pension sector as it seeks to introduce new pension and savings products and to begin to
160 reposition itself following the unexpected introduction of the 25% levy on pension transfers.

Mr Speaker, we are also exploring further improvements to the PCC legislation with the
sector to enable their further use and we expect these to be considered fully with the GFSC very
shortly.

165 The insurance and pensions sectors are very well represented by Mr Michael Ashton, who
has the energy and drive of a teenager but the knowledge and experience of a master. It rings
similar, Mr Speaker, although not comparable to the Father of the House. We are indeed
fortunate to have him – and, of course, the Father of the House.

170 Earlier this year we completed the review and implementation of what has become known as
"STEP legislation". The enactment of the Private Foundations Act completed the delivery of the
STEP Gibraltar wish list submitted to Government some years ago. I am grateful to the private
sector and in particular the STEP association for their support in helping us to complete this
process.

175 Family offices is one of the areas that we have particularly focussed on and continues to
provide successful outcomes, impacting favourably across a number of specialist practice areas
for local professional firms. We have agreed a way forward with the Philanthropy Forum and will
continue the good work they have started in reviewing our legislation and making it fit for
purpose.

180 In May we published for extensive public consultation a document entitled – and I agree with
my friend it is a mouthful – 'Proposals for a DLT Regulatory Framework', the result of a huge
amount of work undertaken by Government, the Cryptocurrency Working Group and the
Gibraltar Financial Services Commission, as well as a number of leading representatives in this
field. The consultation period ended in early June and we are currently considering the feedback
received. The interest generated by this proposed regulatory approach has been significant and
we hope and expect to introduce this framework in January 2018. We believe Gibraltar is well
185 placed to move swiftly in this interesting and fast-moving area. My sincere thanks to the

Cryptocurrency Working Group, the GFSC and Sian Jones, our consultant, for their professional and dedicated work, which of course is ongoing.

190 Mr Speaker, the Fintech space is a fascinating area and although, as the hon. Member mentioned yesterday, there is risk attached, it is an area which is attracting considerable interest. The framework that we have proposed is innovative, it is new and no other jurisdiction has approached regulation of this sector in quite the same way. As a consequence, we have been delighted to receive the interest that we have. The framework will actually seek to regulate people for DLT where they are not already regulated. So, if somebody already has a banking licence or Mifid licence or a funds licence, they will not actually need to obtain a new licence –
195 they will simply need to add on to their existing licence the fact that they will be engaging in DLT. This will mean that it will shortcut and short-circuit the need for many of our financial services professionals today to specifically apply for new licences. And similarly, if we have people exclusively engaged in DLT they will be able to obtain their own licence.

200 Mr Speaker, our Category 2 and HEPSS products continue to provide effective solutions and are attractive to the international client. As the Chief Minister announced recently, we will reconvene the Cat 2 Working Group to further consider their proposals.

We also continue to grow our social media presence as a method of increasing awareness to a wide yet appropriate audience at a very low cost. Our database stands in excess of 5,100 individuals, which we interact with almost on a daily basis. Our electronic bookshelf hosted on
205 ISSUU.com now has 137 publications covering the full range of topics that are of interest to our readers. These include self-generated fact sheets, articles, manuals and guides created by private sector firms. Our audience has read these publications more than 11,150 times.

210 Mr Paul Astengo has driven all these important projects forward – as well, of course, as dealing with the continued business development throughout the United Kingdom and Switzerland. He is a joy to work with and ever dependable in the many areas we have asked him to work in: a true and trusted professional.

In the area of funds, we have worked more closely than ever with the Gibraltar Funds and Investment Association (GFIA), reviewing our legislation, considering improvements and new innovative changes which will serve us well in the future as we face the post-Brexit era. As the
215 Chief Minister announced at the recent Accountants' Dinner, we expect to have the first phase of changes in our legislation in early July. I am most grateful to Mr Adrian Hogg, its president, as well as Jay Gomez, Joey Garcia and James Lasry, all of whom work closely together with the executive to deliver the best for their sector and Gibraltar plc. I must also thank Sarah Hall and Julian Sacarello from the GFSC, who have made this happen.

220 Mr Tim Haynes, working at Gibraltar House in London, continues to support the funds and private client space in London, where his extensive knowledge and contact base in this sector have contributed to the success of events hosted at Gibraltar House, and this will continue as we now start, with GFIA, in hosting monthly seminars in London targeting the professionals in this area.

225 The time dedicated to business development remains strong, with Mr Astengo and Mr Haynes focusing primarily on London and the UK generally, and Mr Ashton focusing in Asia, together with Mr Jason Cruz, whose sterling support continues to open up opportunities across all sectors of our business community in Asia.

I am pleased to update Parliament on the progress of the Gibraltar International Bank. I am
230 delighted to report that the bank continues to deliver above expectation in both its performance and its service levels, and this is especially pleasing as we have witnessed the unfortunate further reduction in the provision of banking facilities in Gibraltar. We were right to have decided to set up the bank in 2013, right to have established an independent board of directors and right to have allowed the executive team to get on with the job of driving Gibraltar
235 International Bank forward. The results speak for themselves: just two years after its doors opened, the bank has over 10,000 accounts opened, £440 million deposited and over £90 million

in loans. I must again thank the board of directors, Lawrence and Derek, and each and every member of the team at the bank for their spectacular work.

240 We have also continued the excellent work on our Legislative Reform Programme, which we expect to complete early in 2018. This will have a significant impact on both the regulator and private firms and I am confident that this will be most welcome by all. The first sector consultation will commence on 12th July and continue for the rest of the year. I am grateful to the Finance Centre Council for agreeing to be actively engaged in this process. They have agreed to set up a dedicated subcommittee to consider and consult with us on all the pre-consultation
245 documents that we will be sending them on a very regular basis for the remainder of this year. Sarah Hall and Ernest Lima have driven this project with us and I am grateful to them also.

The quality of the work of the Financial Services Commission in all of these areas is also worthy of mention. Each of the members of the many teams I have worked with have delivered professional, dependable and expert advice and support to a high quality, from its Chairman
250 Jonathan Spencer and its CEO Samantha Barrass to all the other individual members of the team. My sincere thanks to them all.

Mr Speaker, Government is most appreciative of the work of all private sector firms, associations and individuals who work with us throughout the year. The list is endless but we are grateful to each and every one of them, as we are especially to the members of the Brexit
255 Working Group, who have excelled in their detailed work on the best way forward for our jurisdiction.

Mr Speaker, before turning to gaming, I must thank Mr Jimmy Tipping, the CEO and my right hand man in this area, and his fantastic team at Gibraltar Finance for the superb work they deliver every year and with such calm and ease. Jimmy has inter alia driven our complex
260 discussions on the UBO register, which was launched yesterday, and will perhaps be best remembered for his outstanding performance in defending Gibraltar's corner at the often hostile PANA Committee hearings in Brussels.

Mr Speaker, in turning to gaming, I would say that notwithstanding the tumultuous political year in Europe and especially the UK, some in the popular media wish to find bad news stories
265 about the remote gambling industry rather than the good news it remains. I will take this opportunity to confirm that none of our licensees is currently undertaking a Brexit-based restructure that might see its Gibraltar establishment transplanted to a different jurisdiction. Both my staff and myself are in regular liaison with all of our licensees. And yes, while the shape and features of Brexit create uncertainty and licensees change the nature, size and shape of their operations as markets, products, technology and the political landscape develops, Gibraltar licensees are looking at the mitigating factors that they may need to apply should some of the Brexit risks materialise. That is not planning to leave Gibraltar, but sensible and prudent scenario planning by sensible and prudent companies, the type of company we are keen to license and welcome to Gibraltar.

None of us here can predict what a 2019 Brexit will look like – indeed, whether it will be in
270 2019 or we may only have clarity of what it will look like in 2019 – but what I can assure Members is that as those details do become clear this Government will still be pressing for measures and taking its own measures to ensure that the Gibraltar arrangements remain the most attractive and supportive in Europe, if not the world.

The major players in this industry continue to beat a path to our door to invest here, to
275 operate here and to be associated here as they have done for the last 20 years and more. As in previous years, there remains a constant flow of highly credible and respected names in the remote industry engaging in discussions with our licensing and regulatory teams about Gibraltar licensing.

Such enquiries and developments have been taking place at a time of unprecedented mergers and acquisitions (M&A) in this sector. We are now in the fourth year of escalating M&A
280 that far exceeds the impact of Brexit, and M&A is not going to end soon. M&A has affected over half of all our licensees and 15 of the current crop of 30 licence holders. In four years it has seen

285 nine licensees absorbed into bigger companies and those nine licences expire, and six other
licensees become significant parts of bigger companies. This consolidation means that the total
number of licensees is standing still, despite the new arrivals. In the last 12 months, from April
2016 to March 2017, we have seen five new operators issued with licences, whilst five existing
licence holders have been surrendered, with two of our biggest licensees merging. Where there
were 31 licensees at this time last year, there are now 30, but I anticipate a possible four more
being issued in months to come as licensing plans come to fruition, but likewise consolidation
and the apparent loss of licences will also continue.

290 Correspondingly, employment in the sector has seen continued growth of 101 posts during
the year to a new high of 3,353 as at 31st March 2017, and as the Chief Minister has already
mentioned, an increase of 9% from October 2015 to October 2016. We must not forget that staff
can be hugely unsettled by the wave that industry consolidation may bring. However, this is the
nature of this incredibly dynamic industry and we are happy to work with the industry and their
295 staff to ensure that the Government can play its part in supporting this sector, which continues
to thrive.

Mr Speaker, Government receipts from the industry – charges, taxes, fees – continue to
increase significantly as the industry grows, and will be reported separately. However, the
closure of the GBGA POC tax case does create the opportunity to review and reshape the way in
300 which the gambling industry contributes to the revenues of Government. I plan to discuss with
the industry in months to come how we can both modernise and consolidate the current
charges into a simpler and more consistent model of taxation and fees. It is incumbent on me to
make clear that this is not a proposal to implement a structural increase in those charges, but
look to bring them up to date and better reflect the revenues and costs of the industry some 20
305 years since they were introduced. This work will also allow us to resurrect the review of the
Gambling Act, initiated in 2014 but deferred for 12 months following the Brexit vote.

Perhaps the biggest change this year will be the retirement of our Gambling Commissioner
and Head of Regulation, Mr Phill Brear, at the end of this year. Phill will have served a full
10 years in his posts here in Gibraltar and seen through a transformation of the industry
310 between 2007 and 2017, a transformation that he believes is yet to end. The process for the
appointment of his replacement, indeed likely replacements, is now underway and I am
confident we will have a strong new team identified and in place by the time Phill's tenure
comes

to an end in October. Phill's contribution to this sector cannot be underestimated and it will be
difficult to replace him. He has been an exceptional servant to Gibraltar and I repeat my view
that he is one of the best – if not the best – online gaming regulators in the world (**Hon. Chief
Minister:** Hear, hear.) (*Banging on desks*) and we are most fortunate to have had him here. His
contribution is recognised by the industry, regulators and governments and I am equally
confident we will soon conclude arrangements that ensure both a smooth transition for
the new team as well as, I am delighted to report, his continued involvement in the
development and oversight of the gambling industry in Gibraltar.

Likewise, another stalwart of the Gambling Division has recently moved on. Lorraine Britto
315 has been the driver of the engine room of the Gambling Division for some eight years and is
soon to be replaced. I take this opportunity to thank once again the outstanding efforts of
Lorraine and thank her for her work with us, and indeed the licensing and regulatory teams, in
maintaining Gibraltar's reputation as a first-tier jurisdiction. Their work continues to be
exceptional.

320 Mr Speaker, I will end by emphasising that Government remains committed to a strong and
supportive legislative, regulatory and taxation regime for the gambling industry, remote and
non-remote. I will continue to meet with industry leaders on a regular basis to ensure their
interests and concerns are properly understood and Gibraltar remains the preferred jurisdiction
for their operations.

325 I must also thank the Brexit Working Group for their continued expertise and support as we jointly plot the exciting future for this sector.

Mr Speaker, I turn to the Liaison Department, which was set up in September 2013. Its function has evolved over time from its original concept – to facilitate and support the gaming and finance centre industries with their interaction with all Government Departments. Their work is constantly recognised by these sectors as they continue to provide necessary support to them. The unit also provides invaluable assistance to my Ministry in a number of different areas as we work towards developing a new framework for interaction between citizens, businesses and Government. I am most grateful to Lizanne Ochello and Tania Pereira for their work in all of these areas and more.

335 If I can move to commerce, it has been a pleasure working this year with the Chamber of Commerce and the Federation of Small Businesses in meeting their members' needs. They are always forthright, honest and well-intended and, although we may not always agree, we certainly make progress for the benefit of Gibraltar plc. We have worked on many areas this year and we will, as a result of this close working relationship, shortly be consulting on further improvements to our business environment as a result of that close working relationship.

340 Mr Speaker, if I may turn to the Office of Fair Trading, or the OFT as it is better known, I am happy to report that the OFT has finished its first full year of operations, making substantial advances in the manner in which it delivers its services for the benefit of businesses and consumers alike. During this time the Office has settled well into its new regulatory role and has made noteworthy progress in trying to meet the ambitious objectives and responsibilities set for it by the Fair Trading Act 2015. As with any new project, it has been a steep learning curve for the Office and its staff, particularly with the addition of new responsibilities, and consequently this project remains very much a work in progress.

345 We are working on a review of the Fair Trading Act, together with the Federation of Small Businesses and the Chamber of Commerce, which will make the process of setting up business in Gibraltar even simpler and more efficient while at the same time bolstering the protection afforded to consumers.

As an aside, Mr Speaker, it is interesting to note that the OFT was introduced by my good and learned friend, Minister Costa, really at the request of the Chamber of Commerce and the Federation of Small Businesses. They, in fact, drove the detail of what Government was seeking to achieve and it is right that we review the steps that we have taken with them, and ironically at their request a change in the number of the things that they originally asked us to implement in the legislation. So it is an example of that continuing partnership that we enjoy with both business associations. I have no doubt that once these changes are drafted and announced they will be most welcome by the business community.

350 The OFT has been given the responsibility of regulating high value dealers and real estate agents in Gibraltar from an anti-money laundering and counter-terrorist financing perspective. On 15th September 2016, the OFT was appointed as a supervisory authority under the Proceeds of Crimes Act 2015 with the objective of preventing the laundering of illicit funds using these businesses. This is a substantial new role, working relentlessly to set up new, practical anti-money laundering measures and procedures for the effective regulation of high value dealers and real estate agents. All this is also being done in anticipation of Gibraltar's upcoming Moneyval assessment, which is due to take place at the end of next year.

365 I now turn to the OFT's consumer protection responsibilities. The nature of the work carried out by the team, which was previously the Department of Consumer Affairs, has shifted from a mediatory role to a regulatory one. The ultimate aim of the current protection team is therefore to prevent significant harm to consumers in Gibraltar and not to offer redress.

370 I now turn to business licensing. Since the introduction of the Act which extended the requirement for licensing to service providers, the number of licences issued by the Business Licensing Authority has more than doubled. There are now approximately 2,000 licensed businesses operating in Gibraltar. The Office has been extremely busy dealing with a constant

stream of applications. This surge, while expected, has led to very high workloads as the previously unlicensed businesses have been applying for their new licences – unlicensed not
375 because they were in breach, but because they were not required to. I am happy to say that the team has dealt with this extra work well.

In terms of tackling unlicensed businesses, a strategic programme has been introduced to tackle this issue on a sector by sector basis. The business licensing team has the ability to deploy its consumer protection enforcers to investigate businesses that it suspects or is informed are not in possession of a valid business licence. I must thank Mr Francis Muscat and his team for
380 their superb work in making a success of this new and exciting project. We have lots more to do in streamlining and improving these processes, but this is only possible because of their commitment and ability to respond to these challenges and to embrace further responsibility in the manner that they have. I am grateful to each and every one of them.

Mr Speaker, I now turn to my responsibilities for the Royal Gibraltar Post Office (RGPO). I am
385 looking forward this year to engaging with the management and staff of the RGPO, together with UNITE, to review all aspects of the postal service. There is no question that as technology reduces the use of ordinary mail, and the global economy and in particular online purchasing significantly increases the quantum of postal purchases and parcel deliveries, there is an opportunity to review how we operate and serve the public's needs in the best way possible. I
390 intend to work through all of these areas with the team at the RGPO and Unite and am confident that we will together agree a sensible and fair way forward for all parties concerned. These discussions will start immediately. I must thank the entire team at the RGPO for their continued work and dedication in meeting the needs of our community, and I know they will be willing partners in this process.

Last year the RGPO announced that it was the first postal service to launch the UN Universal Postal Union Customs Declaration Kiosk System, which sends advance electronic information to other countries. As from 1st January 2020 it will be a mandatory requirement for all postal items containing goods to send advance electronic information to all the other authorities around the world.

Mr Speaker, in April this year the RGPO signed the new multilateral agreement in respect of a new tracked packets service and in September the RGPO has planned negotiations with Royal Mail to discuss the introduction of the new International Merchandise Returns Service (IMRS), which is a tracked postage-paid returns service designed to meet the demands of bulk mail operations. Growth in this area may present significant opportunities for the RGPO to grow its business. The Government is looking at ways to adapt its products and services to make bulk mailing operations based in Gibraltar more attractive.

We are also working with British Airways World Cargo on the possibility of introducing radio frequency identification transponders to give 100% visibility of mail bags in the BA cargo shed at
395 London Heathrow to create more visibility of the transport of mail.

Mr Speaker, since 2013 the Post Office has co-ordinated a local letter-writing competition with the Department of Education. Each year the winning letter is forwarded to the UN UPU International Letter Writing Competition. In 2016, Anna Grech from Westside Comprehensive School became the first Gibraltarian to reach the top 13 out of 980,000 applicants, for which I
400 presented her with various prizes donated by the UPU – a remarkable achievement and a real attempt to preserve the magical art of letter writing.

Mr Speaker, my thanks to David Ledger, Sabina Pitaluga, Joe Brosco and all of their teams for their hard work during the course of the year.

I now turn to ITLD. HM Government of Gibraltar aims to be the leader in providing digital
405 electronic services by making the best possible use of information and communication technologies, to bring interactive Government counters to the doorsteps of citizens and businesses, providing services anytime, anyhow and anywhere. But that is easier said than done, especially when you are simultaneously engaged in keeping the entire Government network

410 working and dealing with supporting, designing and caring for every single Government Department – and, to boot, dealing with the ever-increasing threat of cybercrime.

I must thank the IT team for their excellent work in dealing with recent well-reported cyberattacks which have seen them covering our systems 24/7 to ensure we are as best protected as we can be. They have served us well and we are truly grateful to them. There is much work to be done in the area of cybercrime and we will continue to develop our plans for this. I would like to thank Tyrone Mañasco and his team of professionals in the IT Department for all their hard work during the year. I have personally seen the extent of their remit and am most grateful for their commitment to serving our needs.

420 Mr Speaker, Government is committed to delivering e-Government and a huge amount of work is being undertaken to deliver this. Yes, this is taking longer than we would have liked, but I am confident that we will deliver a service which the community will appreciate and be proud of once it arrives.

We are reviewing every single aspect of our IT systems, including all arrangements with the existing suppliers of services in this area and the internal arrangements within Government Departments in what our needs are and how we operate. All of these are being audited, as are our intended digital strategy. We are taking time to verify our systems and our needs to ensure compatibility and functionality across all our services. In brief Mr Speaker our Digital Strategy will deliver:

430 eAdministration will provide the entire Government with an operational system that will revolutionise how we work. The first phase, our procurement system, has already been introduced and suppliers are registering as we speak and we expect to go live very shortly. Any provider of goods or services to Government, its agencies or its companies will require to register on our system.

eCitizen will provide all citizens with a secure online portal to co-ordinate their entire interaction with Government.

435 eBusiness will provide a secure online portal for businesses to transact their business with Government directly and indirectly.

Mr Speaker, this resumé belies the extent of the change and the efficiencies that this will provide us with. There are a number of workflows running in parallel which will deliver a new way of doing business with Government, all built on a stable, robust and resilient network.

440 This is an enormous undertaking and I am grateful to all the many parties who are assisting us in making this a reality. Mr Stephen Ramagge and Cristabelle Barnett from our Procurement Department are currently working on the procurement system and I would especially like to mention them and thank them for their work in bringing this project in that phase to its fruition. I must especially thank Mr Julian Baldachino, who is driving this project across Government with an enthusiasm and energy which is critical to the success of this project. His determination matches Government's desire to make this a reality and he is ably supported by Mr Karon Cano, on secondment from our IT Department for this project.

445 Mr Speaker, a truly exciting time for the Government. I am very excited about the work as I believe this process will bring about perhaps one of the largest transformational changes the Government has seen, and certainly in the last generation.

450 In closing, I would like to thank my Secretary, Lourdes Piri – who incidentally had her husband and daughter receive medals at the Island Games in Gotland yesterday – and all the team in my office who are always there for me, providing a professional service and always supporting the work I do with a smile and a grin on their faces, whatever the challenge. They are a credit to the Civil Service and I am most grateful to each and every one of them.

Thank you, Mr Speaker. *(Banging on desks)*

455

Mr Speaker: The Hon. Dr John Cortes.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):

Mr Speaker, during the first seven months of the last financial year I was Minister for Health; and
460 so, while my friend and colleague the present Minister for Health will of course cover this
period, it would be remiss of me not to highlight one or two of the significant developments
during that time.

To my mind, the one most worthy of mention was the opening of the chemotherapy suite,
which counted on the significant support of Margaret Ayling in memory of her late husband
465 Leslie, known to many in this Chamber.

Also of note were the introduction of a full acupuncture service by chartered
physiotherapists, and the extensive preparatory work for the opening of both Bella Vista and
Hillsides at the former Royal Naval Hospital site, which my colleague has now very successfully
opened.

470 Above all, I would like to thank all the staff and management of the GHA and ERS who
worked with me at the time, for the support and loyalty they gave me during my five and two
years respectively as their Minister and for their dedication and professionalism. I wish them and
the new Minister every success in the future.

Mr Speaker, in that reshuffle I retained responsibility for public health. By promoting public
475 health and health awareness we aim not only to improve people's health but as a result reduce
the cost of healthcare provision for conditions that can be prevented or improved.

In 2014 I announced the second Health and Lifestyle Survey, to take place in 2015. This was
successfully carried out by the Public Health department in 2015 and published last year. The
report contained a wealth of information about the health and lifestyle of the Gibraltar adult
480 population, including some sobering revelations for our society: the levels of obesity remain high
– three out of five adults in Gibraltar are overweight or obese; smoking levels are high, higher
than in the countries chosen for comparison. The good news was that alcohol consumption is
generally low at all ages and Gibraltar people have a generally healthy attitude towards
sunbathing behaviour and cancer risks.

485 Key events in health promotion have included participation in awareness campaigns for
World Mental Health Day, stroke and stroke prevention; World Diabetes Day; World AIDS Day;
support for Childline; World Cancer Day and No Smoking Day.

The Public Health department teamed up with GHA professionals to present a five-week
teaching programme on sexual health for the older Bayside students and it is planned to extend
490 this programme to Westside School.

The department teamed up with the Care Agency and the Police to deliver a series of
presentations on binge drinking, alcohol awareness and addiction at Westside and Bayside and
with the College to discuss the delivery of sessions on personal health and wellbeing.

495 There has been collaborative working with the Breathe Easy Society, Clubhouse, the Gibraltar
Alzheimer's and Dementia Society, and the Environmental Agency, among others.

The Public Health department, soon to be rebranded as Public Health Gibraltar, has published
numerous articles and video clips and is working with the Alameda Wildlife Conservation Park to
discuss promotion of a reduction in the consumption of meat on both health and sustainability
grounds.

500 A new Health Improvement Strategy will be launched by the end of this year for the next
three years, commencing January 2018. It will continue to build on the priority areas identified
previously, including healthy eating; reducing the harm from tobacco; exercise; preventing,
detecting and reducing the burdens from diabetes; improving sexual health; and promoting
mental health and well-being. In addition, the new strategy will aim to make progress on two
505 key manifesto commitments of the Government: lifestyle improvement and the 'Health MOT'
programme; and the self-care approach, encouraging all citizens to take control of their health
and develop self-care awareness.

According to the World Health Organisation, childhood obesity is one of the most serious
public health challenges of the 21st century. The Faculty of Public Health warns that unless these

510 trends are halted, being obese substantially increases the chances of serious medical problems. The Public Health department analysed data from the heights and weights of reception year children in Gibraltar over the years 2011 to 2014 and found that nearly one third of children were overweight; over the three years the pooled prevalence of overweight and obese children was around 26%; and there are more overweight boys than girls in all three years. To tackle this emerging and serious problem of childhood obesity, the Public Health department has been participating in a new initiative aimed at developing joined-up strategies through a multi-disciplinary group, the Children Healthy and Active Multi-Agency Panel (CHAMP) led by a consultant paediatrician. The group has a wide participation across agencies and departments, including the GHA, Education, Social Services, Sports and Leisure and Youth Services. The group will collaborate to produce a Childhood Obesity Prevention Strategy and will be making recommendations. It is not intended to pre-empt these, but one recommendation that has been consistently made in recent years is likely to be raised again: that of reforming school tuck shops.

525 Mr Speaker, I am still Minister for the Environment. As a passionate environmentalist as well, I will never feel that enough has been done for the environment. That of course protects me from possible criticism from Members opposite should they say that I have not done enough, as I will happily agree!

530 These last six years have seen the Department of the Environment and Climate Change network regionally and internationally. We have proudly flown the flag of environmental governance and leadership, leaving our mark in the international arena. The continuing attendance of our scientists at UN and Mediterranean Conferences of Parties highlights the valuable contribution that Gibraltar makes and the recognition it receives at an international level. I am proud to have co-chaired the second meeting of the Overseas Territories and Crown Dependencies Environment Ministers' Council in Alderney in April. The meeting was a resounding success as we discussed areas of common interest and concern, most notably climate finance, the Paris Agreement, Brexit, environmental funding and the role of Her Majesty's Government of the United Kingdom in environmental protection within the Overseas Territories and Crown Dependencies where it has a role. We have set ourselves targets upon which we aim to deliver by our next meeting in 2018 in the Isle of Man.

540 Mr Speaker, the devastating effect of plastic on the marine environment is a subject which has come to wide public attention in a big way only in the last few years. We all know now how plastic kills whales, dolphins, turtles and seabirds. It is likely also affecting human health as it insinuates itself within our food chain from plankton through shellfish and other molluscs to fish and hence to us. In this context I must highlight our work with the Gibraltar Federation of Small Businesses and the Chamber of Commerce in banning plastic bags and the use of microbeads. It is very encouraging to see how businesses of all sizes, in responding to us and to the Nautilus project, are acknowledging the issue of plastic bag pollution and are voluntarily moving away from plastics. We will continue to work with them to develop this initiative further until we fully achieve our aims.

550 Mr Speaker, the green filter within the much improved electronic planning process is constantly proving to be an effective environmental screening tool. To highlight this point, departmental scientists and technicians have attended 26 tender boards, reviewed 650 building applications and assessed a myriad of EIAs. The Department, in conjunction with Town Planning and NGOs, is currently working on a guidance document to increase biodiversity in Gibraltar's urban environment. This document complements the policy of installing bird and bat boxes within the urban fabric and to encourage green and brown roofs. By introducing and progressing this filter, we are ensuring that development continues in Gibraltar in an environmentally considerate manner, with many projects improved environmentally before they enter the formal planning process, hence facilitating their acceptance.

560 Moving on to waste management, recycling figures show an increase of approximately 59% in recycling of mixed packaging waste such as plastic and cans, and an increase of 120% in

cardboard and paper, thanks to the support of the public and commercial outlets. Additional recycling bins for various waste streams will be provided in the very near future to further increase our recycling rates. Waste electronic recycling figures also continue to improve with a further 68% increase during 2016. Overall, therefore, there has been an 88% increase in our recycling rates, which reflects also the success of the eco-park. Gibraltar's waste cooking oil bins are also proving successful with a 600% increase in collection rates. In the light of this, the Government expects this year to achieve total self-sufficiency in the handling of waste, increasing local recycling and processing further, introducing new streams, including treatment of organic waste, significantly reducing the amount that needs to be exported, and so moving away from any form of incineration.

The work of the litter wardens continues and, as a result, the number of instances of fly tipping continues to reduce as the use of time-lapse cameras helps us to tackle the problem. 'No dumping' signs continue to be placed in hotspots to further remind the public that, in Gibraltar, bins are only a short distance away. There still are a few significant problem areas, where we will be increasing our efforts. These matters form the main subject of discussion at the Litter Committee, but we must recognise that the solution to the problem of litter rests not with those who clear it but with those who deposit it. Litter awareness will therefore be another strand of work for the coming year.

As the House is aware, we are also in the process of reviewing the provision of the main cleaning services in Gibraltar, something that we will do with the certitude of achieving a cleaner and tidier Gibraltar while ensuring that the interests of employees are protected.

Mr Speaker, as I stated recently and as was the subject of a recent Government press release, in the light of the European Court of Justice judgment over our lack of sewage treatment, I can confirm once more that the Government is fully committed to a sewage treatment plant and is about to enter detailed discussions with a view to achieving completion within the next 30 months.

Collaboration with NGOs continues. Regular meetings take place, involving both departmental officials and myself, with the Gibraltar Ornithological and Natural History Society and the Environmental Safety Group, notably but not exclusively within the Brexit and the Environment Working Group. Meetings with the Nautilus Project, a more recently established group, have also begun and I am very pleased that all the Gibraltar environmental NGOs work together in many areas. This can only be good for our common aim of improving our environment.

The Nature Conservancy Council continues to be consulted on all issues associated with the protection of Gibraltar's natural environment, in line with my statutory obligations under the Nature Protection Act.

Work continues within schools to promote environmental concepts, to encourage recycling and help urban wildlife, and this will be developed much further this coming year. (**Hon. Miss S J Sacramento:** Hear, hear.)

The Department has also embarked upon the ClimACT project with the University of Gibraltar and institutions in Portugal, France and Spain. This has resulted in environmental audits of eight schools, looking at energy use, water, transport, procurement and green areas. The project will continue into the next school year, when reports on each school will be delivered.

The Government's geoportal continues to be well used. This interactive portal is being updated and now provides a great deal of electronic spatial data for Gibraltar; this was unheard of before we came into Government. The Department of the Environment continues to spearhead the use of GIS. To date more than 23,505 geoportal visits have been registered from 150 countries. The geoportal continues to support the local public and especially the private sector, which continues to be the largest user of our geographical information system assets. This year the Department has relied on GIS to support and develop innovative wildlife awareness-raising programmes such as the Pallid Swift cameras and the Vulture Tracking

Programme, which have a great following and are placing Gibraltar in the spotlight of regional wildlife conservation efforts.

615 Government remains fully committed to tackling the causes of climate change and last November requested from Her Majesty's Government of the United Kingdom the extension of the Paris Agreement to Gibraltar. A reply is awaited.

As part of its obligations under the Compact of Mayors, Gibraltar now provides a city-level inventory of greenhouse gas emissions. Gibraltar is one of only a handful of cities that have
620 reported a fully complete inventory and has in fact been commended by the Carbon Disclosure Project for the completeness of its submission.

Mr Speaker, I am particularly delighted to inform this House that air quality in Gibraltar is the best since records began 12 years ago and probably the best for decades. (*Banging on desks*)
(**Hon. Miss S J Sacramento:** Hear, hear.) We now have the lowest ever levels of PM10 particles,
625 with the level even at the traditionally polluted Rosia Road now below what we recorded as background levels at Bleak House when recording began. (**Two Members:** Hear, hear.) PM2.5 particles are also at their lowest ever. Significantly, both are below the EU maximum permissible levels. Following a spike in 2014 when the fire at the moribund Waterport Power Station required the use of the just as moribund dirty diesel power stations in the South District, I am
630 happy to report a rapid drop in pollution levels of nitrogen dioxide since 2015. This downward trend continued in 2016. Concentrations for Rosia Road were compliant – that is, below the EU required level – for the first time in the 12-year history of air quality monitoring in Gibraltar. (*Banging on desks*) This is a tremendous achievement and proves the determination of the Environment and Climate Change department, the GEA, and the Department of Transport in
635 achieving better air quality. It also shows that the Opposition has been totally unjustified every time it has tried to cast doubt as to our intentions and our ability to improve Gibraltar's air quality.

Government is now setting itself an ambitious target to reduce emissions from manageable sources by 50% by 2030. This will be achieved in large part by the improvements derived from
640 the new gas power station, but other measures to tackle building efficiency and transport emissions are also planned. Emissions from ships, for example, will be greatly reduced via the provision of shoreside power. Traffic will be tackled through the implementation of the STTPP, with the Department of the Environment assisting in particular with the development of electric vehicle infrastructure and improving electric and hybrid vehicle uptake. The Department will also
645 be working with the Ministry of Traffic and Infrastructure to roll out other measures in the plan, such as those which encourage walking and cycling throughout Gibraltar.

Targets for building energy performance were made more robust at the start of this year. This effectively means that developers will be improving their standards in order to meet the minimum requirements, and this is being reflected in the increased number of applications going
650 forward to the DPC which include solar PV and solar thermal installations as a matter of course. This is most important and not just another regulation. Energy efficiency reduces costs to developers, occupiers and taxpayers, reduces demand on power generation and also benefits air quality.

Mr Speaker, London is a city challenged by air quality issues, and the Mayor of London's team
655 is making huge efforts to improve this. I am happy to report that, following the initial contact made by the Chief Minister, I have been in contact with Sadiq Khan and that his environment team and mine will be pursuing contacts aimed at exchanging information whereby we will no doubt benefit from the experience of London in this field.

The GHA solar project has now become a reality and will use energy from the sun to provide
660 hot water throughout St Bernard's Hospital. Initial estimates suggest it could result in fuel savings of approximately £50,000 a year. Other renewable energy projects will also come to fruition over the course of 2017 as the Government remains committed to producing 20% of its energy from renewable sources.

665 The Energy Savings Opportunities Scheme was launched towards the end of last year. This requires large organisations to conduct energy audits every four years with a view to improving their performance over time. I urge all businesses to make use of the services now available from energy auditors to tackle unnecessary energy use within their organisations.

670 The last 12 months have seen a huge effort going into the new power station project, the associated new high voltage distribution centres, infrastructure, the new high voltage cabling network and the adjacent LNG facility. The new generators are in place. Construction of the LNG tanks is progressing very well and they will be arriving in Gibraltar in the coming months. Meanwhile, the GMES ex-MoD power station is now only on stand-by mode, resulting in the great improvements to air quality that I have already reported.

675 Improvements to the public lighting network continue with replacement of street lights with LED or low-energy lanterns reducing overall consumption. The programme of installation of smart meters will continue to be rolled out.

A total of 181.1 million units of electricity were billed last year, with the total amount collected being £25.65 million. The total installed generating capacity at the end of the year stood at 76.98 MW.

680 The number of consumers rose by 622 to 20,427. Despite this, CO₂ emissions saw a slight decrease from 161,543 tonnes in 2015 to 161,358 tonnes in 2016, reflecting the impact of the use of energy-efficient devices and increased energy awareness.

685 The Authority continues to upgrade and expand the network and the SCADA control unit that is used to monitor the generation and main distribution system, thus providing a better and faster response when dealing with power outages.

Training and development of technical staff continues this year with an emphasis on the new power station and its new technology.

690 Work is also programmed to continue on the replacement of substations, which now will be replaced to increase the reliability and robustness of the high voltage network. I am pleased to report no power outages due to problems of generation and the only case to report being one caused by the severing of a cable at a building site. How different the situation, Mr Speaker, to that which we inherited in late 2011, when power cuts were the order of the day due to old and insufficient plant, and when pollution was rife. In this context I would also like to express my gratitude to the CEO of the GEA and his team for successfully managing the major challenge of commissioning our new gas-fired power station.

695 AquaGib Ltd has maintained and improved on its levels of service and performance indicators in respect of the provision of potable and sea water, and sewerage services in Gibraltar. The company has continued to invest in capital projects as part of its asset replacement plan aimed at maintaining and improving the water infrastructure. The current approved investment plan is set at £3.2 million over the five-year period to 31st March 2020. During the last financial year, capital projects included: replacement of potable and sea water mains, and of customers' water meters, meter cupboards and meter manifolds; replacement of saltwater pumps at Moorish Castle Reservoir, North Mole, Gun Wharf and Haynes Cave; and replacement and installation of new Programmable Logic Controllers for Governor's Cottage reverse osmosis plants. Projects planned for this year include continuing the replacement of pipes and equipment and replacement and installation of new membranes for Governor's Cottage plants A and B, which will increase their efficiency. In addition to the above, AquaGib will invest approximately £650,000 in this period in replacing the high-pressure pump, variable frequency drive, energy recovery system and booster pump on each of the four reverse osmosis plants at Governor's Cottage. This investment has a payback period of around two years and will result in an energy saving of approximately 30%, worth thousands of pounds per annum.

710 Mr Speaker, the Department of the Environment's coastal and ground water monitoring programme continues to operate smoothly in conjunction with the Environmental Agency. Samples continue to be collected on a weekly and monthly basis from coastal monitoring sites, groundwater aquifers and from all of our designated bathing areas. The Department also

collects and monitors marine sediment, phytoplankton, fish and shellfish tissue samples. In addition, this year the Department has begun a marine litter monitoring programme. Through the use of these data, both Gibraltar's coastal and ground water aquifers are seen to be meeting the objectives set out in the Water Framework Rules and the Marine Strategy Regulations. I am
720 pleased to confirm that our coastal waters are currently achieving good chemical and ecological status.

Almost all of our beaches have seen an improvement in water quality under the classification of the Bathing Waters Directive. Eastern Beach, Little Bay and Camp Bay have gone from good in 2015 to excellent in 2016, Catalan Bay went from sufficient to good in 2016, and Sandy Bay went
725 from poor to sufficient. Western Beach kept the same status of poor in both years. We all know the story of Western Beach well and the Government will not stop lobbying in Brussels, beyond Brexit, until Spain puts measures in place to resolve this problem.

Mr Speaker, until last year our beaches were only under my remit from an environmental perspective but after last year's Cabinet reshuffle beaches in their entirety, that is to say as a public amenity, now fall under my responsibility. I am most grateful to my friend and colleague the Hon. Samantha Sacramento for her work and dedication in this area in her time there. Similarly, I would also like to thank the former head of the Department, Nicky Guerrero, for his
730 work in managing one of our most popular assets. The Beaches Division now forms part of the Department of the Environment. Although I have only been working with this team for seven short months, I am delighted to welcome this very professional and dedicated group to our Environment and Heritage family.

We have begun work in earnest and are already making changes to the lifeguard service with our primary responsibility to ensure that people in the community enjoy swimming in a safe environment. This year the lifeguard induction course was expanded considerably. New
740 resources have been purchased, including observation chairs for all our beaches and the bathing pavilion, as have new RLSS regulation rescue boards, to ensure that these individuals have the tools they need to perform their duties efficiently and professionally. We will have a total of 42 lifeguards this summer and a total of 13 accessibility attendants. We will take stock after this year's bathing season and develop an induction manual with an exam to be completed by all
745 future lifeguards.

Further to all this, beachgoers this year will have the added facility of an extra beach storage unit for public use at Sandy Bay, Eastern Beach and Catalan Bay. This will greatly improve the free storage capabilities already in place at these beaches. Unfortunately, the weather delayed our pre-season works programme slightly, but I am happy to inform this House that all works will
750 be completed within the next few days.

Our beaches have suffered greatly this winter as a result of increased storm damage. We have had 10 episodes of adverse weather, which have affected all beaches to varying degrees. Four of these were severe. The beaches which suffered the most structural damage were Camp Bay and Catalan Bay, with Eastern Beach and Sandy Bay having the highest deposition of marine
755 litter as a result of the storms. In addition, the northern end of Eastern Beach had the added inconvenience of the adjacent tunnel works. This said, the department has worked tirelessly to ensure all repairs were carried out efficiently and I must also thank our colleagues in the Technical Services department for their assistance and support in this respect. Catalan Bay in particular has undergone a major renovation, not only in structural repairs but also in the removal of approximately 3,600 tonnes of rocks and the deposition of close to 10,000 tonnes of
760 screened sand as part of much needed beach regeneration. The Government will now consider, in consultation with residents, how best to protect this beach in the future, as the predicted increase in storm surges will undoubtedly threaten serious detrimental impact on this beach and could threaten the integrity of the sea wall.

Mr Speaker, this year saw the publication of the revised programme of measures on marine surveillance which has been submitted to the European Commission. The document sets out measures that will help to achieve and maintain Good Environmental Status in British Gibraltar
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770 Territorial Waters and so fulfil the requirements of the Marine Strategy Framework Directive, consistent with the Government's commitment to a clean, safe, productive and biologically diverse marine environment.

In parallel with this work and with monitoring of marine litter and marine noise, the Department's scientific divers, now formally qualified as such, continue to monitor the progress of our restoration efforts, including the oyster and seagrass regeneration projects. Monitoring invasive seaweed has also become the remit of the Department's scientific team, in addition to protection of marine fauna such as cetaceans, sharks and seabirds.

775 The underwater camera continues to be very popular with the general public and is receiving widespread attention from citizens and scientists alike in Germany, the USA, the UK and other parts of Europe.

780 A salient example of the success of the Government's creation of marine conservation zones is Seven Sisters Marine Protected Area. This designation has helped preserve an expanse of natural reef habitat that was becoming increasingly difficult to find in the Bay of Gibraltar. A wide variety of marine life can now be seen flourishing in this area, and evidence suggests that the populations of some fish species, such as breams and groupers, are increasing there. The protected area in the new offshore reef at Sandy Bay is yielding similar results.

785 Mr Speaker, Gibraltar is now a world leader in protection of sharks, rays and skates, having become one of only three countries in the world to provide near complete protection to these in a move that has received worldwide attention and the praise of many international organisations and individuals, including UN Patron of the Oceans Lewis Pugh. According to the latest assessment of sharks in the Mediterranean carried out by the International Council for the Conservation of Nature, at least 53% of the sharks and rays native to the Mediterranean Sea are at risk of extinction and require urgent action to conserve their population. This latest move by the Government of Gibraltar will help ensure that British Gibraltar Territorial Waters are a refuge for these species and is in keeping with the Government's wider mandate to become a leader in the application of regional marine protection conventions such as the Barcelona Convention for the Protection of the Mediterranean Sea.

795 Mr Speaker, Government's commitment to the protection of marine resources and fish stocks is undeniable. We are clearly beginning to see the results of our conservation measures despite the hyperbole associated with foreign fishing vessels. Angling is now licensed and the problem of dozens of non-resident anglers lining our shores has completely disappeared.

800 The Fishing Working Group continues to meet on a regular basis to discuss the sustainable management of marine resources in our waters. Once again, I want to thank all of its members who give their free time for this vitally important role. As an example of the Group's work, a temporary ban on octopus fishing was implemented from 15th April to 15th May this year, a pioneering measure in the history of marine conservation in Gibraltar. The aim of the ban was to improve breeding success by protecting octopus when they are laying eggs. Similar bans are regularly implemented throughout the Mediterranean but no previous Government of Gibraltar has had the courage and commitment to do this. Other bans, targeting vulnerable species and areas over defined periods of time, are also being considered by the Group, along with reviewing new and additional minimum sizes for fish in BGTW.

810 Mr Speaker, we are now well into Gibraltar's third Bluefin tuna fishing season. This continues to be managed exceptionally well with officials from the department and the Landing Point staff monitoring and recording catch data.

815 I cannot emphasise enough the importance of this fisheries work. As the status of our waters within the EU changes with Brexit, it is hugely important that we show the world – which is watching closely – that we are perfectly able to manage our waters environmentally and that our waters are indeed ours to manage. Any relaxation of our efforts at protection, or of the seriousness with which we regulate tuna fishing, would be jumped upon by our enemies to make a case against our jurisdictional authority. This is why we will continue in this and other areas of environment to not only keep to EU standards but to surpass them too.

820 Mr Speaker, having a dedicated environmental enforcement division has demonstrated to many, including other governments, the EU Commission and the Secretariat of the International Convention on the Conservation of Atlantic Tuna, otherwise known as ICCAT, that Gibraltar is serious about environmental protection. The Environmental Protection and Research section has been working 365 days a year to ensure that environmental legislation is adhered to. In 2016, 825 the team reported 24 individuals for process in connection with offences against the marine regulations. Dedicated operations targeting specific breaches of the legislation are now occurring. Operation Spearfish, for example, proved extremely successful and has practically resulted in the cessation of the once-rife illegal spearfishing activities in BGTW.

Ensuring that vessels comply with the cetacean protocol is another important part of the 830 section's remit. Whales and dolphins are fully protected under local and international law and it is in our best interest to ensure that maritime activities, including the activities of tour operators, are consistent with the conservation objectives of the Government. In connection with this, the Department is considering designating an area within our waters as a dolphin reserve.

835 The team also carries out an important role when it comes to marine research and wildlife rescue. This year, turtles and numerous birds, including Griffon Vultures, Short-toed Eagles and Gannets, have been rescued. The release rate is high, thanks to the sterling work carried out by the GONHS Raptor Unit and the Gibraltar Veterinary Clinic.

Moving on to environmental health, the Environmental Agency continues to work and advise 840 me in the areas of nuisance, building control, waste regulation, ship sanitation, COMAH, food inspections, food import controls and much else. Work last year included 1,200 inspections to ensure hygiene in food premises and 109 ship sanitation certificates, a relatively new service in our Port.

The Agency services and calibrates our three air quality monitoring stations, liaising with 845 pollution specialists, and continues to form part of the European Network of Drinking Water Regulators (ENDWARE). It continues to participate in the EU Vectornet programme, which is studying the distribution of the mosquito, tick, sand fly and other disease vectors.

The Agency's new website has been launched, providing easier access to users for the 850 dissemination of environmental information, and in the next few weeks all forms within the website will be able for filling in online. The mobile App 'Gibenviro' continues to be improved and provides information to the public on a variety of environmental topics, including bathing waters and recycling.

The Agency continues to advise the Government on all relevant legislation. Currently it is 855 doing sterling work with the Health and Safety Laboratory in the UK as the process of designing and constructing an LNG plant at the North Mole proceeds.

Mr Speaker, the state of the North Front Cemetery was the subject of a motion debated in 860 Parliament some months ago. I was very pleased that we were able to come to a consensus during the debate and agree on the final motion. I am conscious that some time has elapsed, but things can take time if we want to get them right. I am more than happy to announce that a contract has been awarded to an experienced contractor for the upkeep and maintenance of the planted areas of the cemetery. Discussions are advanced and work is due to start on 1st August. A maintenance programme has been prepared by the Department of the Environment in consultation with the Botanic Gardens, who have provided their input pro bono. This will ensure that areas of vegetation are maintained and not allowed to become overgrown and create 865 problems of access to visitors. There will also be a programme of planting of shrubs that are attractive and can survive the sometimes harsh conditions of the site. In addition, a Bill for an Act to replace the current outdated Cemetery Act will be published shortly. All told, the coming financial year will see great improvements to the state of the cemetery and I am confident that it will finally cease to be a source of embarrassment and consternation.

870 Mr Speaker, green spaces are a great benefit to our environment, with Commonwealth Park providing what most, even the erstwhile critics on the other side of the House ... an essential

875 area for leisure and respite from the stresses of city life as well as a filter for pollutants. We continue to plant trees wherever possible and we are seeing that we are victims of our own success – we cannot find places to plant them – as last year’s output of 193, although higher than it ever was pre 2012, is considerably less than that reported in previous years. That said, we will continue to explore areas where trees can be planted and, in so doing, increasing habitats for birds and insects within the urban environment, providing shade and removing carbon dioxide from the atmosphere.

880 The Gibraltar Botanic Gardens at the Alameda continue to grow more beautiful and at the same time expand their work on taxonomy, ecology, conservation and, very particularly, education. Its partnership with the University of Gibraltar resulted in the University’s first Erasmus student, Elizabeth Ulloa Chaura from Chile, doing a three-month traineeship at the Alameda. April 2016 saw the 200th anniversary of the opening of the Gardens, marked with the opening of a tropical glasshouse. The gardens continue to raise their profile as a centre of excellence for the study and cultivation of succulents. The gardens’ curator has hosted visits to Gibraltar from high-profile succulentists, keen to view the Alameda’s important work in this field. Other work by the curator has included the exploration of new habitats for cacti in the Caribbean and visiting other botanic gardens to advise on succulent plant curation. The children’s education programme continues to go from strength to strength, with the gardens’ education team further improving its links with local schools and capacity to advise and assist these with the development of their own gardens.

890 The International Garden Photographer of the Year is arriving in Gibraltar for the first time next month. This promises to be a world-class outdoor exhibition that will undoubtedly attract considerable attention from residents and tourists visiting the Rock. To mark this occasion, the Department of the Environment and the Gardens have teamed up with the Photographer of the Year to introduce a new award known as Green Gibraltar, details of which will be announced shortly.

900 Mr Speaker, so much has changed in the Gibraltar Nature Reserve since I came into office in 2011, but it is also true that there is still so much to do. As part of the Government’s commitment to improving the value of the Nature Reserve, the Department published the Gibraltar Nature Reserve Management Plan as a consultation document in September. The plan contains a wide range of action points for the Upper Rock and other areas of ecological importance that were afforded protected status in 2013. Providing new facilities, improving existing sites and reintroducing species all form part of the numerous measures included in the consultation document. Many of these are well underway.

905 Perhaps more importantly, Mr Speaker, building on the success of the consultation process, I will shortly be making major strategic changes to the management of the Gibraltar Nature Reserve. These changes, informed by the draft management plan and by experience in protected areas elsewhere, will come at little financial cost but will project our Nature Reserve, with all its various types of heritage, well beyond our borders. Meanwhile our day-to-day work continues, with habitat management and creation being carried out in key locations and a number of initiatives to re-wild the reserve.

910 Mr Speaker, it is fair to say that the collaborative work of the Department and the GONHS has saved the now not so secretive Barbary partridge. I remember when the Opposition used to goad me with accusations that I was going to be singlehandedly responsible for the extinction of the Barbary partridge. How wrong they were yet again, Mr Speaker!

915 Our efforts are now focused on more ambitious initiatives. Earlier this year, the Department began a project aimed at attracting the osprey, a spectacular fish-eating bird of prey, back to the Rock. A successful reintroduction programme is currently underway in Cádiz and the Department of the Environment has recently joined the regional efforts to increase population numbers in consultation with the GONHS as well as regional experts from Andalucía. The installation of artificial nests with decoys is aimed at enticing passing ospreys to stay. Plans to reintroduce other species are also active.

925 We will continue to vigorously pursue our policy of improving the Gibraltar Nature Reserve. The beautification works currently underway at Douglas Path, Mount Misery and Europa Foreshore serve to demonstrate this ongoing commitment and there is much more to come.

Mr Speaker, tourist sites are another recent and welcome acquisition of my portfolio. Once again, I have acquired an excellent and dedicated team of administrative staff and site officers whose knowledge and experience in managing a tourist product are invaluable to Gibraltar.

930 The Tourist Board's past investment in its sites in the Upper Rock coupled with the transformation of the Nature Reserve have made all the difference in upgrading this asset. This year we will introduce an audio guide system at the World War II Tunnels. The feedback received from visitors to Windsor Bridge has been excellent and I have no doubt that the Skywalk will have similar success. It is due to be completed in a few short weeks and opened to the public shortly after as part of a larger renovation project within the Mount Misery area. Other improvements will also be seen soon in the Europa Point area, including new viewing platforms and interpretation.

940 Mr Speaker, I can report that, as a result of the culling programme, the long-term trend in the breeding population of gulls in Gibraltar continues to be one of decline. Despite the limitations in gull control that are imposed when working in an urban environment, surveys show that the urban population now appears to be decreasing as well. Indeed, the number of house calls received and attended by the Avian Control Unit decreased substantially during 2016 and this is most likely as a result of the sustained effort in controlling the gull population in built-up areas as well as elsewhere around the Rock. This often difficult and dangerous work, which includes removing nests from tall rooftops, is one of the most valued services that is performed for the public by the Avian Control Unit, and their efforts and dedication deserve to be highlighted. Although the general trend of gulls in Gibraltar is one of decline, a small increase in breeding birds has been detected on the Great East Sand Slopes, where the topography makes control using the current methods difficult. Discussions are currently underway to explore other more natural options for controlling nesting gulls on the eastern slopes, including the reintroduction of predators such as the red fox.

950 Mr Speaker, from the outset, our management of the iconic Barbary macaque has progressed in ways that avoid the need for extensive culls, such as used to be the case in the past. While contraceptive implants have been used for several years now, they are of limited duration and sometimes not 100% effective. As of September last year, the Macaque Management Team, run by the Department of the Environment and which includes the GONHS and the Gibraltar Veterinary Clinic, has introduced surgical contraception by way of laparoscopy. The Gibraltar Veterinary Clinic has so far treated 29 macaques from most of the groups, approximately a third of the females of breeding age. It is important to note that the animals that have been contracepted are females which have already had one or more young in past years, so they are not denied the opportunity of becoming mothers. This is crucial in macaque society. The numbers of females sterilised in this way is also limited so that there will always be some within every group which will bear young. This method will have the long-term effect of stopping population growth, while allowing social structures to remain and not threaten the continuation of the Gibraltar macaque population. All this is being monitored by the team in consultation with Prof. Agustin Fuentes of Notre Dame University, Indiana USA, a great friend of Gibraltar and Chair of the Macaque Research Panel.

960 As an additional management tool, this year has also seen the start of a programme to carry out genetic fingerprinting of the whole macaque population of Gibraltar. Correct management of our Barbary macaques is essential, and not just to reduce the nuisance they can cause in built-up areas. This species is endangered, as reflected in the recent up-listing of the species to Appendix I of the Convention on the Illegal Trade in Endangered Species of Wild Fauna and Flora. The up-listing, which was supported by the International Primate Protection League (IPPL) and over which I was consulted in my personal capacity as a macaque conservation biologist,

975 highlights the importance of the species and of Gibraltar as a refuge for this primate which is facing disappearance from its North African habitat.

Monkey Talk Gibraltar continues to work closely with the Department in all areas of education on the macaques, and I thank Brian Gomila for his energy in promoting responsible enjoyment of our monkeys.

980 Mr Speaker, I believe it is fair to say that the Government has largely resolved the problem of macaques impacting on our built-up areas in a large way, which, as I said repeatedly, would take a few years of patient work. We are in an exciting position where we can now fine tune our management methods so that all of us can once again start to think of our monkeys in a positive light and as an asset to Gibraltar.

985 Mr Speaker, the reshuffle also delivered Heritage on to my desk. I must start by paying tribute to the excellent work which my predecessor, the Hon. Steven Linares, carried out until I took over late last year. His exquisite restoration of Wellington Front is but one example of his achievements. **(Hon. Chief Minister and Hon. Miss S M Sacramento: Hear, hear.)**

990 I am excited at the prospects ahead, particularly in areas where Heritage, Environment and Education, all areas now under my responsibility, can come together. The expanded Department of the Environment, Heritage and Climate Change now includes a Heritage Division with three officers, and is therefore more resourced than ever before. It is important that the different stakeholders have available points of contact and support within Government and with this comes a sense of common purpose.

995 Following consultation with stakeholders, a new Heritage and Antiquities Act is in the final stages of preparation and will be published as a Bill very soon. This will clearly define the responsibilities that will govern all Heritage matters, including an expanded listing of assets in its schedules. The Act will set up a Heritage and Antiquities Commission. I have additionally revived the Heritage Action Committee in a revised format as a smaller outfit of key players who can
1000 advise me when quick action is required. It will continue to function as it will complement and not be replaced by the Commission. I am pleased to report to having chaired two meetings of HAC so far and these have proved very useful and productive. The next stage is the development of a Heritage Management Plan, a tool to give effect to the requirements of the Act. The plan will identify those areas of heritage which we regard as important and value the most. It will also
1005 allow developers to have a clear picture of how their proposals might be viewed in the context of heritage, which will be useful for planners. In this way we will develop a coherent strategy, where development and heritage are de-conflicted at an early stage. Work has started on a draft and I will publish the final document after consultation with stakeholders, when it is completed.

1010 Over the coming year, I will be looking at further ways of managing and improving our heritage. We are blessed with a richness of heritage that is the envy of many, but this brings with it responsibility. Government cannot tackle so much on its own or at once, so we will be looking at ways in which we might attract outside investment. The Moorish Castle is one area that is being looked at after the World Heritage success. Its restoration is something that the Gibraltar Museum, currently the managers of the site, are keen to embark upon and I am
1015 discussing with them ways of achieving this goal in the medium term. Plans will be developed during the course of this financial year.

This is the first Budget speech after our success on the World Heritage front, so I feel it is essential that we should acknowledge this success, without doubt, as the most important achievement in Gibraltar's heritage history. I wish to record here the huge contribution made by
1020 my colleague the Hon. Dr Joseph Garcia, who steered the bid through to its positive conclusion, and once again my predecessor as Minister for Heritage, Steven Linares. *(Banging on desk)* The bid took many years to achieve and hurdles to overcome and we now look forward to the next chapter in the story. In recognition of the efforts made, I must also thank and credit the countless hours dedicated to this achievement by the team of professionals and support staff
1025 within the Gibraltar Museum led by Clive Finlayson, who helped not only with the research and promotion but the logistics and refurbishment of the site and its access. *(Banging on desk)*

I am pleased to announce that the new viewing platforms at the Europa Advance Batteries have now been completed and that I am currently finalising plans for their opening. From here visitors will enjoy magnificent views of the Gorham's Cave Complex, the imposing Rock itself and the Strait of Gibraltar and the north coast of Africa beyond. Access to the caves themselves has to be strictly controlled because of the nature of the access and also the sensitivity of the site, so the viewing platform will accommodate a large public. This type of solution has been applied at other World Heritage Sites with similar characteristics and we will strive to make the site as accessible as possible within its constraints. We have already improved walkways, which means that two levels of access down to the caves are now possible. One of these allows close views without affecting the site at all and will permit us to have more visitors going down to the caves than before to enjoying their splendour and majesty. We will always be looking at ways, especially involving new technology, of making the site accessible to the widest possible public. While on the subject, I am pleased to report that the Gibraltar Museum will this year be returning to the two months of excavation at Gorham's and Vanguard Caves, starting very shortly.

The Gibraltar Museum recently boasted an attendance close to 2,000 people at their Open Day. It shows that heritage is very much alive in Gibraltar, and this House needs to be aware of this. The Museum has completed a full refurbishment in two years. Last year the Chief Minister opened a new wing on the ground floor which highlighted the now globally popular Nana and Flint. They have been a remarkable success. This year I was able to complete the circle by opening the brand new wing on the first floor dedicated to military and social history with a gallery which is very close to my heart: ornithology. We have a museum worthy of being called our national Museum, reflecting the diversity of our history, natural history and heritage.

The dissemination of heritage information at all levels is something that we need to encourage. I am pleased to confirm that steps are being taken in this area with the view of producing a series of publications, some of which will integrate heritage and the environment.

The Heritage Division has also participated in other projects of international importance, such as the restoration of the 16th-century Franciscan frescos discovered at the Convent. This project emphasises the importance of collaboration, as it was jointly co-ordinated and funded by the Convent, the Gibraltar Heritage Trust, the Friends of Gibraltar Heritage, and of course the Government.

Another milestone in the protection of our heritage was the relocation of the old MoD gatehouse at the entrance to the former dockyard. This clearly demonstrates that this Government will do everything in its power to preserve our buildings of historic importance.

The Gibraltar Heritage Trust enjoys a very good and open relationship with the Department. They are firm in their advice and we welcome this, consulting them on many matters and not just for statutory reasons. We believe in collaboration and common objectives and we should also include and thank all the volunteers who give of their free time. We value their support.

This year also saw the renovation of anchors by volunteer Bart van Thienen, of Europa Foreshore fame, come to fruition with a deployment at Ocean Village, with a number of others in the pipeline. *(Banging on desk)*

Looking ahead to the rest of the year, we are consolidating our mobile heritage asset register that will keep track of all our moveable heritage such as cannons, cannonballs etc. As part of this process, we intend to promote an initiative to encourage the registration of artefacts of heritage value that persons might have in their possession. The intention is that the individual would be allowed to retain the artefact after it has been recorded for posterity. We will also be concentrating on developing plans for the refurbishment and maintenance of the City walls and fortifications, amongst them the Northern Defences where, as the Deputy Chief Minister described yesterday, sterling work has been carried out over the past few years. But there is still a lot of work that needs to be done and many heritage assets that need repair and maintenance, such as the World War II structures in different areas of the Upper Rock or, as I have already mentioned, the old prison compound at the Moorish Castle. These should be seen as

1080 opportunities for urban regeneration and new tourist attractions, enhancing walks and bringing these areas to life again.

Mr Speaker, my responsibility for urban renewal is now integrated into my Heritage Division. The Urban Renewal Committee is now meeting and is reviewing legislation that will encourage renewal and protect the urban environment, and I want to thank once again my friends Samantha Sacramento and Paul Balban for their contribution to this committee. In this role, I seek to encourage the sort of development that will revitalise our urban areas while protecting their features. I am therefore pleased to see projects developing such as at Police Barracks and the boutique hotel in the Upper Town. Ways of formally encouraging such schemes are being considered. In collaboration with the Ministry for Culture and the Gibraltar Heritage Trust, we will shortly be launching a new street art initiative to also refresh some of our more drab urban areas.

The Garrison Library is another of my new responsibilities, and one that has changed considerably since it was handed over to Government in 2011. It is now used on a daily basis by local researchers and students alike, who make good use of its collections. The library has been building on its research output, with its focus on Gibraltar, through key projects, including an ESRC funded project together with the University of Essex on a major history of Gibraltar, with close to 400 interviews conducted which will be made available to the public. The Government funded the final conference for this project, which was a great success and which took place in the Garrison Library in February. Another major project, the Encyclopaedia of Migrants, is another example. Working with EU partners, funded by the EU with Government support, this has allowed this project to produce an important insight into migrations, including those in Gibraltar, and will culminate in a conference here in Gibraltar this week. Every year, together with the office of the Deputy Chief Minister, the Garrison Library organises an international symposium on self-determination, which is now in its fifth edition. Mr Speaker, as a former member of the Garrison Library Committee many decades ago, I am very excited to build on my new working relationship with the library team with a view to ensuring we protect it for future generations as the rich historical and cultural treasure that it is. I will be working closely with the team to assess ways of making improvements to the library, including increasing its revenue streams.

Mr Speaker, I see the coming year as one of consolidating systems for the protection and management of our rich natural and historical heritage. While this is being done we will be looking at new tangible projects where we can begin to make a difference in terms of sites and attract investment.

Mr Speaker, as you have seen, the daily work of the revitalised Department goes hand in hand with contributors from other Government Departments. Using our collaborative ethos, the newly constituted Department now works closely with colleagues in Town Planning, Land Property Services, Housing and the Technical Services Department. Preserving our heritage really is a team effort.

I repeat: this administration's environmental ethics have always been deep rooted, from the days that the first GSLP Government created a Ministry for the Environment in the 1980s for the first time in Gibraltar, and have never consisted of doing the bare minimum in order to comply with law, whether it be local or international law. Our track record clearly proves this, as there can be no doubt that, based on the foundations of decades ago, this GSLP/Liberal Government has achieved more for the environment than any other in Gibraltar's history. (**Hon. Chief Minister:** Hear, hear.) And this is for good reason, Mr Speaker. Environmental issues are no longer fringe. Environmental stories now regularly make the headlines and are not just the cute and cuddly good-news story at the end of a bulletin, for climate change is the greatest threat to the world as we know it. Dare I say, Mr Speaker, in these difficult days of despicable, criminal, terrorist attacks, that in the medium to long term climate change is an even bigger threat. These are not my words, Mr Speaker. Richard Clarke, the former National Co-ordinator for Security and Counter-Terrorism in the United States, surprised a TV interviewer when he stated just this on

the day after the Manchester bombing. If left unchecked, climate change will result in more death and more suffering than the world has experienced in decades. Floods, drought, famine, extinction of crop species and migration en masse would all occur as a result. Is this the world we want to leave our children and grandchildren? We must all play our part. We must live more sustainably. We must reduce our consumption of electricity and power, our use of plastics and our reliance on meat products as food. Apart from environmental sense, it makes financial sense too. These are not examples of Kellyanne Conway's famed alternative facts. Each and every one of us has a duty to move firmly towards functioning sustainably; and as representatives of the people, for us this is especially relevant. As the great US equal rights campaigner John Lewis once said: 'If not us, then who? If not now, then when?'

Mr Speaker, as this House is aware, the University of Gibraltar is an independent entity, but I would not be doing it justice if I were not to mention at least some of the achievements of the past year and plans for the coming one. I will quote from a letter I recently received from Prof. Christina Slade, interim Chair of the Academic Board:

As Chair of the Academic board of the University of Gibraltar I am writing with the support of the Board to commend the work of the executive over the past eighteen months and to congratulate HM Government of Gibraltar for their initiative....

The complex policy frameworks necessary for a university are in place, including quality assurance, academic governance and higher degree and research procedures. In the first 18 months there have been 278 students (45% higher than expected) in 19 courses. 13 nationalities are represented.

The University is now recognised by and has associate membership of such major bodies as the Universities UK and the Association of Commonwealth Universities.

Highlights over the past year have included the launch of the Commonwealth Scholarship funded by the Government, the doctoral programme, establishment of key advisory groups, establishment of Professional Certificates of Competence, and developing of external sources of income.

The University has ambitious plans, which include the construction of student accommodation, a new language centre and business school and, in collaboration with the Department of Education, the offering of a Gibraltar custom-made Postgraduate Certificate in Education. I would like to commend the board and the Vice-Chancellor for their work in driving the University forward with such commitment.

Mr Speaker, this is of course my first Budget speech as Minister for Education and I want to thank my predecessor, my colleague the Hon. Gilbert Licudi, for his great work in this area. It was from him that I inherited two new schools and the University, and also a most professional Department that functions extremely efficiently and well. I am also happy to say that now, as then, education remains a top priority for the Government.

Indeed the last financial year has seen substantial change and exciting developments. As we look into the future I am extremely confident in our ability to build on what we have already achieved, delivering on a change programme that will allow our youth to develop as citizens in an ever-changing world, ready to make an important contribution to Gibraltar's future and beyond. Investment in Education is what ultimately should allow Gibraltar to thrive as we face the challenges that will invariably be thrust upon us.

As my friend the Chief Minister mentioned yesterday, Government's commitment towards higher education is unparalleled. Financial year 2016-17 saw 318 mandatory undergraduate scholarships, 169 postgraduate scholarships and 28 discretionary awards. This amounts to a total of 515 new scholarships – a year-on increase of 89 awards. The number of students who have benefitted from higher education during 2015-16 amounted to over a thousand – 1,038 to be exact. Moreover, further opportunities for personal development continue to be accessible through distance learning courses and the highly successful Washington Internship Programme, which has now run consecutively for four academic years and has provided a total of 79 graduates with unrivalled professional experience and knowledge through select work placements.

1175 The proficiency of the public service has a direct impact on all the community, and as such it
is imperative to ensure that personnel receive continuous professional development and
statutory training to deliver an effective service. An investment of over £½ million was allocated
for this specific purpose and has, to name a few, provided specialised essential courses in the
1180 fields of Financial Services and Gaming, Tax, Archives, Maritime Law, Economic Development,
Technical Services and Town Planning. Professional development continues to be promoted
through management and leadership courses, teacher training programmes and accountancy.

The private sector has also benefitted from over £150,000 of central training funds, and
whilst accountancy and maritime operations continue to be the primary courses in demand, it
has also promoted other sectors such as the Gibraltar Dental Association, with dental nursing
1185 diplomas for nurses practising in this field.

The Student Support Homework club has been a resounding success and provides the ideal
set-up and environment for students to study after school hours.

The financial year also saw the launch of the new Project Search. This has been set up
specifically to assist school leavers with special educational needs to identify apposite
1190 employment and support the transition.

The minor works programme for financial year 2016-17 included external and internal
refurbishment works and was designed to complement Government's plans for the
redevelopment of various schools under the umbrella of Education, and primarily, but not
exclusively, targeted schools that are not earmarked for redevelopment. These included the
1195 continuation of the Design and Technology workshop overhaul at Bayside School and works to
improve accessibility at Westside School, which included constructing an extension to create
extra classroom space for the Learning Support Unit, the installation of a lift to access first floor
specialist rooms and the rendering of the external façade. Additionally, the Gibraltar College has
gained an extra ICT suite and the replacement of windows to improve ventilation. Rendering and
1200 painting works to the external and internal façade of St Joseph's First and Middle schools were
completed, thus extending the lifecycle and heritage value of this historical building and
providing a much-needed facelift. The reception lobby shared by both schools was redesigned to
improve security and control access. An elevated first-floor extension was constructed in
St Mary's School to provide an assembly/indoor activity facility large enough to host the entire
1205 pupil population, and a full double-glazing window replacement was undertaken in all communal
corridors to improve ventilation and building insulation. Works at St Paul's School included
repairs to part of the external façade, the refurbishment of the student library and removal of
timeworn skylights, with modifications to the roof structure and tile covering to improve
building insulation. Structural works were undertaken at St Bernard's Nursery to address water
1210 ingress and preserve the value of this old building. The window replacement programme was
sensitively undertaken to optimise the use of natural lighting whilst observing its unique
heritage. The final stage of the window replacement programme at Bleak House, another
heritage building, was completed, and all obsolete air-conditioning units were replaced to
comply with EU regulations.

We are now about to embark on the works programme for 2017-18. This will include
redesigning the reception and lobby entrances to both secondary schools and relocating the
school secretaries' offices to augment student safety and monitor access. CCTV will be installed
strictly around the school perimeters. Some essential works will be carried out at Bayside and
Westside, primarily to ensure compliance with health and safety standards and to make certain
1220 that the premises are fit for purpose and the school continues to operate effectively until new
premises are delivered. Works listed for the Gibraltar College include reconfiguring the Resource
Centre. The John Mackintosh Hall annexe building will benefit from a much-needed sports hall
window replacement and overhead doorway canopies to protect students and the building
façade from inclement weather. The renovation of St Joseph's Middle and First Schools will
1225 continue on to the last stage of the external programme – the refurbishment of the Band Room,
housing the music suite of St Joseph's Middle School – and will commence the first stage of the

1230 internal refurbishment programme, that is all top floor classrooms, corridors and stairwells and
offices. In addition, the linoleum replacement schedule will also be continued and an extra area
of canopy roofing will be installed in the playground of St Joseph's First to provide shelter for the
1235 little ones. In the same vein, it is also sensible to continue investing in the preservation and
expansion of St Mary's School building to meet the increasing demand of pre-schooling and
growth in pupil population. This will entail part reroofing to address rainwater ingress, building a
ground level extension and covered play area to relocate the nursery area and enable additional
classroom space, and structural works to ensure the integrity of ground level flooring. A survey
1240 of the drainage system servicing the school and surrounding elevated areas is currently taking
place to identify an effective method of rerouting the excessive volume of storm water that can
collect in the area to prevent further damage to the school building and property during
torrential rain. Works earmarked for the Hebrew Primary School include repairs to flooring, the
refurbishment of the lobby area and refurbishment of the assembly hall. Varyl Begg Nursery has
1245 historical issues with humidity and water ingress, so the extension that serves as the
reception/lobby entrance will be renovated. Additional temporary classroom and toilet facilities
will be made available at St Martin's School to absorb the increase in pupil numbers expected in
September 2017. Plans for St Paul's School include the refurbishment of the pre-school nursery
facilities, the installation of a ramp at the school's main entrance to improve accessibility, damp
proofing and redecorating works to a number of areas and rerouting of storm water drainage.

1250 Mr Speaker, on matters relating to special educational needs it is crucially important to note
that the rise in the number of children requiring additional support is remarkable. Teachers and
learning support assistants have therefore received further training in special needs in order to
deliver the best provision possible. All six special educational needs co-ordinators, known as
SENCOs, successfully completed the National SENCO Award course. There have been organised
talks on Tourette's and autism from visiting speakers attended by teachers and learning support
assistants, and a number of teachers have travelled to conferences in the UK with the aim of
1255 increasing their knowledge and then sharing good practice with other members of the
profession. Furthermore, workshops have also been organised on different areas relating to
special educational needs.

The secondary sector continues to develop more vocational courses through ASDAN, the
Award Scheme Development and Accreditation Network, supporting children who perhaps
cannot cope with the demands of the GCSEs. This gives them an alternative pathway and an
opportunity to showcase their knowledge and skills.

1260 Last year a number of teachers completed the Dignified Care and Responsibility Train the
Trainer course; this year these teachers have delivered the course to a number of schools and
will continue to do this next academic year until all schools have been covered. Our teachers and
support staff need to know, and indeed feel reassured, that their safety and that of the pupils
under their care is paramount.

1265 On assessment of pupil learning, a change to the National Curriculum and the assessments of
pupils with the removal of levels has necessitated engagement in collaborative work with
schools, subject leaders and experts in the UK. Formative assessment refers to the part of
everyday teaching and learning that enables a pupil to build on their learning; summative
assessment gives information on a pupil's overall performance at a specific point in their
1270 learning. Both are considered crucial in order to guarantee that all children reach their maximum
potential. We have therefore invested a considerable amount of time and effort in order to
address these changes and come up with viable mechanisms to guarantee success.

1275 Teachers can and do make a tremendous difference in the lives of the young people under
their tuition and in their care, and as such can impact on the wellbeing of the children and their
families. Just as the reverse is true, so also the right teacher at the right time can define a child's
wellbeing and ability to fulfil his or her full potential. In fact, quality assurance is high on our
agenda. This year we successfully launched a revised code of practice for teachers in partnership
with the Gibraltar Teachers' Association. The main aim is for teachers to be well informed of

1280 what is expected of them as teachers. It affords us the tools to celebrate good practice and
challenge underperformance when this happens. The safety net of the code gives us the
1285 procedure whence to trigger disciplinary, capability and grievance procedures should this be
necessary. We will also be developing and enforcing a zero-tolerance policy to ensure the
profession is treated with respect and that teachers can go about their duties with confidence
that they are fully supported.

1285 We also have plans, in partnership with the University of Gibraltar, as I briefly mentioned
earlier, to produce a bespoke Postgraduate Certificate in Education, offering a single pathway
into teaching and making us the gatekeepers, assuring the quality of the product. This should
enable us to have more of a say in terms of recruiting the best teachers possible, using our
schools as teaching practice schools, monitoring student teachers at all times and guiding them
1290 through the process.

Mr Speaker, a post of Assistant Education Adviser has been regraded to full adviser, and the
roles of education advisers have been redefined to reflect our emerging needs. Areas such as
child welfare, staff management and curriculum development with quantitative and qualitative
quality assurance will now be the responsibility of the successful applicants, who will be in post
1295 by 1st September this year. We will also be moving in all areas relating to leading through
technology in education.

The focus on improving interactivity through technology and how to make this more effective
in teaching and learning continues to be the main driving force of the use of technology in our
schools. The initiative centres predominantly around access to handheld devices for teachers
1300 and pupils. Training on how to operate within this platform has been provided through an Apple
educator offering in-services and online access to teachers. What began two years ago as a
project pioneered at St Bernard's Middle School has been laid out to other schools to varying
degrees. Governor's Meadow First School and St Martin's Special School in particular have
received equipment and training that has allowed them to make significant headway in using
1305 these technologies. The planning stages to equip and train staff at St Mary's First School,
St Joseph's First School and Middle School are already arranged and set for the coming academic
year. As well as this, all other schools continue to develop this initiative within certain year
groups and classes and it is expected that the full programme will be rolled out in stages to all
schools. The technical infrastructure of schools is a key factor in the successful development of
1310 this programme. It relies on robust and secure access to the internet. This will be provided in all
schools this year, whether or not they form part of the new schools project.

The Department of Education has worked in conjunction with the Kusuma Trust, University
College London and the University of Gibraltar to provide training in programming and coding
for teachers. The course was taught by lecturers from UCL's Faculty of Computer Science.

1315 The Department of Education continues to develop and formalise an initiative started by my
predecessor to consolidate Gibraltar Studies. Much progress has been made, initially at first and
middle school level, and we will see important developments during the coming academic year.

A substantial amount of work has also been carried out in relation to child protection and
safeguarding. The Tier 2 Safeguarding course has now been revamped in line with the Signs of
1320 Safety model, and four of the designated officers from different schools have attended this. The
rest will be completing it in October. Since October, 86 teachers plus learning support assistants
have completed the Tier 1 Safeguarding course. Plans are well underway to ensure that more
teachers receive this training throughout the next academic year.

We are currently reviewing and assessing all our procedures in relation to child protection,
1325 revising our policies, training and retraining teachers, offering in-service provision, sending
teachers on conferences abroad, working closely with the Royal Gibraltar Police, Care Agency
and the Youth Service. We take these matters very seriously and will leave no stone unturned in
order to guarantee the protection of children at all times. Recent work on a Sexting Presentation
produced in partnership with other agencies and aimed at parents is testament to this
1330 commitment.

The addition of an auxiliary role to the team of educational psychologists (EPs) has allowed our existing EPs to engage in more in-depth complex work with our rising number of Special Educational Needs pupils. The assistant, a fully integrated member of the team, completed a Joint Council Qualification approved Certificate in Psychometric Testing and Assessment and
1335 Access Arrangements, which allowed her to cover all academic assessments, thus helping with the transition and exam access reviews. This year, the team of psychologists additionally benefitted from the support of an intern from the University of Louisiana. Plans are already
1340 underway to continue to afford other interns the opportunity of accumulating the necessary hours required in a professional setting and to take advantage of this in order to help and support our schools. The team of psychologists also continue to deliver on their drop-in evening clinics aimed at parents and carers who have concerns about their children's learning, development or behaviour.

Mr Speaker, child and adolescent mental health is a subject of great concern. I co-chair the CAMHS Committee with my colleague the Minister for Health and Care, and we will this year be
1345 making recommendations on ways to improve provision and to support the professionals, including the teachers so often in the front line in helping young people with mental health concerns.

The recently launched language school at the Gibraltar College continues to attract attention. There are currently 118 pupils enrolled – 95 reading Spanish and 23 French – across different
1350 age ranges, starting at the early age of six. The value of this initiative is more than significant: bilingualism is part of Gibraltar's very being. Research points at bilingualism giving both an educational advantage to children and delaying the onset of dementia in the elderly by at least five years. We will not let bilingualism die. Not only are we investing in the language school, but I am also commencing a dialogue with the Department and headteachers to study ways of
1355 actively encouraging bilingualism day to day through our schools.

Mr Speaker, changes are afoot in the way that we teach our children, and there are many more changes to come. This will include a review of holiday periods and term lengths, and of the provision of subjects such as religious education, languages and music.

One thing that will certainly not change is the commitment to charity work. Throughout the
1360 academic year schools have served the community, of which they are an integral part, tremendously. Numerous charities have been supported, thousands of pounds raised, countless hours invested in order to support those in need. Worthy of mention is the Holding Hands initiative held at Bayside, Standing Strong against Domestic Violence, and indeed the Mental Health Awareness Week organised by Westside.

We also continue to work in partnership with the Kusuma Trust and we are extremely grateful for their ongoing support every year in events such as the British Science Museum Outreach Programme and Maths Week. The ever popular university talks and interview techniques session or indeed the Excellent Students for Top Universities continue to be fully
1365 funded by the Trust. Additionally, once again this year their Firetech Coding initiative has been immensely valuable in showing young children how to code.
1370

Mr Speaker, it has been an absolute privilege to have worked for the past eight months in Education. I have loved every minute. I have met, and met again, so many people, teachers, support staff, admin staff, and of course the students themselves. In my visits to every school and college I have learnt so much, and realised so many things. We have a tremendous wealth of
1375 talent and absolute dedication to education and to our young people. I have seen that our education system is working well but that there is also huge untapped potential. I have every intention of tapping it and making it flow.

The 1974 Education and Training Act is absolutely out of date. Together with education professionals I am working on a thorough review of the Act, which I will be bringing to the House
1380 before the year is out. I will be reactivating the Advisory Council on Religious Education and reviewing its composition and function in keeping with Gibraltar's diverse society.

1385 Mr Speaker, in the context of widening the ambit of Education, I would like to highlight and thank the board and sponsors of the Young Enterprise initiative, and of course those participating students and the teachers. Year in, year out, our young people excel in the work that they produce and gain skills outside the classroom which will serve them well in later life.

Because education spills over into Culture and the services offered by the Youth Service and youth associations, and by dance, music and performing arts academies and groups, I work very closely with my colleague the Minister for Culture and Youth, Steven Linares, in building bridges between us all.

1390 Mr Speaker, as the Chief Minister announced in his speech on opening this debate, the recommendations of the working party on co-education have been accepted by Government. The working party believes that education should be much wider than the purely academic and the educational environment should reflect reality as it is – that is to say males and females going about their lives, socially and at work, side by side. It should nurture in children, from the very onset and throughout their schooling, belief in the self-evident fact that, although not the same, men and women are equal. This should also help them develop social skills with ease as they interact with members of the other gender on a daily basis under the supervision of their teachers.

1400 The deliberations, discussions and research lead to the conclusion that a smooth transition from single-gender to co-educational structures should see both social and educational benefits from a school environment that is more attuned to society than the mono-gender model, which, for a range of historical and other reasons, reflects past and not contemporary societies and their values. The interpretation of education goes clearly beyond schools as mere examination factories obsessed with examination results. Education is an open-ended process which works largely through conversation, example and relationships. It must be dialogical rather than just curricular.

1405 Schools should endeavour to aim at forming and educating the whole person in the belief that all persons should have an equal chance to share in the life of the community and the wider world. Education should lead children to seek and uphold the truth, to be critical and to be able to discriminate positively, to be respectful of others and of the environment; it should encourage interaction with others to arrive at informed, committed action. It is an ongoing cognitive, emotional and social process; a process of living in which the end is not the important factor, but the process itself.

1410 The working party therefore firmly believes that a co-education setting is the best way of achieving this vision of education. Government will therefore fully take on board these recommendations. The changes envisaged for the better are substantial as we will be taking this once-in-a-lifetime opportunity to reform education further.

1420 Once again the Chief Minister referred to some of these. In our proposals, all first schools take on children from pre-school to year 2, substantially increasing nursery provision and therefore operating the same system of catchment areas for nurseries as we do for schools, thereby eliminating the need to allocate places after assessing the individual needs of respective families. High attainment in first school should correlate with attendance at Government nursery. Furthermore, an additional and important advantage is that children move to middle school at the end of Key Stage 1; the formal assessment opportunities and quality assurance mechanisms are therefore improved as a direct result of this.

1425 Middle schools remain of similar size, taking children from year 3 to year 6, setting up a smooth transfer at the exit phase of Key Stage 2, with all the pertinent formal assessments completed across all our middle schools in line with what happens in England and Wales. This arrangement once again makes it easier to quality assure and track the journey of children. We place a very strong emphasis on added value; schools must ensure that all children develop their true potential. We therefore need the assessment structures in place to ensure that we can confidently measure this. This arrangement is expected to create a more standard entry into secondary education.

1435 Students then would commence their secondary schooling at Bayside and Westside at the start of Key Stage 3, at the beginning of year 7, with both schools operating on a co-educational basis. With GCSE getting harder, it is important to have the specialisation from year 7. A totally new Bayside and Westside School will be built and would accommodate the changes.

1440 Post-16 provision will operate completely under a consortium arrangement jointly administered by the two respective headteachers of Bayside and Westside and the Principal of the Gibraltar College, with the College additionally providing a completely revamped vocational framework. The Gibraltar College will continue to deliver on adult education and professional courses, with the recently established language school for children expanded to include Mandarin and computer programming, and the teaching of English as a foreign language enhanced.

1445 Vocational pathways will also be introduced at an earlier stage in the new Bayside and Westside at the exit phase of Key Stage 3 to include structured outreach work-experience programmes. This fills a big gap in our current education setup.

1450 Mr Speaker, I wish to thank all the members of the working group on co-education for the professional way in which they have tackled their task. I recall that the Opposition chided the Government with revealing the names of the members of the group, implying that this did not in fact exist, despite my predecessor having clearly stated that the group had indeed been formed. I am proud to name them all again by way of thanking them for the important task that they have performed. They are: Michelle Barabich, Headteacher of Westside; Michael Tavares, Headteacher of Bayside; Kenneth Saez, Headteacher of St Bernard's Middle; Dymrna Holmes, 1455 the SEO of the Department of Education; Stuart Borastero, the President of the Gibraltar Teachers' Association; Angelique Linares, a parent; Steven Reyes, a parent; and of course Darren Grech, accomplished swimmer and acting Director of Education, who pulled it all together and makes such a tremendous contribution to education day in and day out. Many professionals, groups and members of the public made valuable representations to the working group and I 1460 thank them all for this. Every single representation was given full consideration.

1465 Mr Speaker, as the Chief Minister also proudly announced, Government will also build a new St Martin's School, Notre Dame School, St Anne's School, Governor's Meadow School, Bishop Fitzgerald School, Bayside and Westside. (*Banging on desks*) Already a strong and dedicated team is hard at work in preparing these ambitious but perfectly achievable projects, which will be carried out avoiding disruption to the students. The details concerning all of these will shortly be announced. As you can imagine, it will involve careful planning to execute, and stakeholders, especially the teaching profession, will be fully and intimately involved in planning and rolling out these changes. Indeed, Mr Speaker, I intend to create a number of focused working groups to guide us through the details of the changes and the proposals announced today, in order to 1470 ensure that our children and our children's children reap the benefits of these exciting times.

1475 One important aim is the increased involvement of teachers outside the immediate remit of their schools and classrooms. There cannot be any distance between the Department and the schools. Teachers, especially heads and deputies, have a tremendous part to play in progressing education and they must play a larger part in this at departmental level.

1480 Mr Speaker, the perception of education is changing. It is much more than exams and much more than schools. It is how society prepares its children and youth to take their place in our beloved community. Today we have seen that huge steps are being taken to take this forward.

1485 Over the past eight months or so I have visited all the schools, most on more than one occasion. Most recently, over the past few weeks I have been to the comprehensive schools to see the students sitting some of their major examinations with great discipline and commitment. In a couple of months' time we will all be taking pride in the exam results of our students. I will be the first there to congratulate them, but at the same time I will be thinking of all those young people of the same age who did not do so well or did not take these exams because their abilities or their interests are in other areas for which we do not currently provide in the right way or at the right time. 'Education', said William Yeats, 'is not the filling of a pail, but the

lighting of a fire.' We will light that fire in each and every one of our young people, regardless of their interests, weaknesses or strengths.

1490 To end, Mr Speaker, I would like to thank all of the staff of the Departments, schools and colleges, the University, authorities, agencies, companies and contractors – too many to mention by name – who work in any and all of my areas of responsibility, for their contribution to making Gibraltar work. I want to thank all students, from the very youngest to those in higher education, and especially their parents for the interest they show in our schools. I want to thank the volunteers, from those who work on projects to those who serve on committees or boards without payment and without any expectation of recognition or reward. I want to thank the
1495 associations and societies with an interest in my areas of responsibility for meeting with me and pushing their subjects responsibly and with commitment. I want to thank the three Unions with which I work closely: the Gibraltar Teachers' Association, Unite and the GGCA. I would like to thank all those with the courtesy to invite me to functions, performances and events, and to apologise for those which I cannot attend, usually due to work commitments. I want to thank my
1500 CEOs, directors and other senior staff for putting up with my passion and with my wish to relentlessly progress our agendas and our manifesto. I would like to thank you, Mr Speaker, and the staff of our Parliament, and of course my small but dedicated and loyal personal staff for their support, professionalism and friendship. And I would like to thank my family for understanding that I sometimes cannot be with them when I would really want to.

1505 Finally, Mr Speaker, I would like to thank the people who make my job worth doing: the people of Gibraltar. I was put here by them, I work for them, I do it for them. They make it worthwhile. (*Banging on desks*)

1510 **Chief Minister (Hon F R Picardo):** Hear, hear.

Mr Speaker: The Hon. Paul Balban.

1515 **Hon. Chief Minister:** Mr Speaker, I wonder if that is a convenient moment to give you and the Clerk a –

Mr Speaker: No, we are all right; I would rather carry on.

Hon. Chief Minister: Yes, and everybody else can come –

1520 **Mr Speaker:** We are nearly at lunchtime.

Hon. Chief Minister: Yes, well, everybody else can come in and out, Mr Speaker, but I am conscious of your –

1525 **Mr Speaker:** There is no point in doing so now.

Hon. Chief Minister: In that case ...

1530 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, it is an honour to rise today as Minister for Infrastructure and Planning to give my sixth Budget address since this Government was elected into office in 2011.

1535 I will start with my ministerial responsibilities for Technical Services. Technical Services is truly an inter-ministerial Department that works throughout most other Ministries and Departments and whose responsibilities lie in providing technical advice within the disciplines of engineering, drafting, surveying, planning, construction, management and infrastructural maintenance and development. It is a vibrant and challenging Department where no two days are alike.

1540 Technical Services has now seen the development of a totally new discipline within it, that of traffic planning. Technical Services has always had responsibility for roads and highway maintenance but traffic and transport planning management, which is a speciality of engineering, is not a technical field that has existed within the Civil Service structure in the past. As a result, this year will see the introduction of a new post, that of Transport Planner. The new post holder will be responsible for all matters relating to the recently launched Sustainable Traffic, Transport and Parking Plan – or STTPP, which is how I will refer to the plan from here on.

1545 Therefore, Mr Speaker, during the past financial year the Department has continued to provide technical support to Government Ministries and civil servant departments on a wide range of construction-related matters as well as meeting its defined responsibilities for maintaining public infrastructure, namely roads and highways and the sewer network.

1550 Mr Speaker, with respect to cliff stabilisation and rock fall protection projects, during financial year 2016-17 the Department was involved in the construction of a new high-capacity rock catch fence on the Eastside slopes just to the south of Both Worlds. This represented phase 1 of a larger project aimed at providing additional protective measures to reduce the risk of rock falls in the area. During the current financial year, the Department will extend the work carried out under phase 1 and provide an additional 60 metres of high-capacity catch fencing in

1555 the same area. Additionally, the Department will continue to monitor and develop cliff stabilisation schemes in line with Government's ongoing cliff stabilisation and rock fall protection programme.

1560 Mr Speaker, with regard to highway maintenance, the works programme has once again been successful over the past year with ongoing repairs to roads, footpaths and retaining walls. In addition to the above, the Department continues to successfully manage road closures and diversions on the public highway, both for its own in-house works and for all other utility companies and contractors. All road closures are assessed and carried out in a manner that allows essential works to be undertaken whilst allowing vehicles and pedestrians to circulate in a safe manner with the minimum of disruption. The increased construction activity generated by

1565 new projects over the past few years makes this task increasingly difficult. In order to reduce the impact as much as possible, road closures are avoided during peak times wherever possible, and after hours and weekend work is a condition that is normally imposed on contractors in order to minimise the inconvenience to the public.

1570 Mr Speaker, this year will see the continuation of the road resurfacing programme. Last year, major resurfacing works were undertaken at Cumberland Road and at the Sundial Roundabout, and recently Governor's Street was also resurfaced following the completion of the STTPP project for that area. During the current financial year, funding is being sought for resurfacing works at both Rosia Road in the area of New Harbours and along St Bernard's Road.

1575 Mr Speaker, I am pleased to state that the second phase of the project to fill the joints in the paving on Main Street was completed last year. The works entailed the lifting up and re-laying of the stone blocks and the filling and stabilising of all joints using a special polymer. In line with our manifesto commitment, we are pleased to announce that phase 3 of this project will continue this year and will see the filling of the joints extend southwards along Main Street and its side streets.

1580 Mr Speaker, during the past year Technical Services Department was also involved in the reconstruction of two retaining walls. The first works carried out were along Lower Castle Road at the entrance to Moorish Castle Estate. The existing wall had developed a significant bulge that was of growing concern to the Department's engineers as this could lead to internal instability and ultimately collapse. A section of wall was therefore demolished and reconstructed using the same materials. The second retaining wall reconstructed was at the site of the City under Siege exhibition within the Upper Rock. Following heavy rains in late November last year, a section of retaining wall collapsed and led to concerns of further instability that could affect the entire historical site. Technical Services developed a new design, and works were carried out as a

1585 matter of urgency. In both circumstances the walls were found to have significant heritage value

1590 so works were carried out in close consultation with the Ministry for Heritage, once again demonstrating the importance of interdepartmental co-operation between Technical Services and other Government Departments.

Moving now on to arguably one of the most important parts of our essential infrastructure, our sewerage system, during the past year the Sewers Section of the Department has been
1595 carrying out significant works to maintain the public sewerage network as part of Government's commitment in this area. A new storm water culvert, one metre in diameter, that doubles up as a combined sewer overflow, was laid at Europort Avenue from its junction with Queensway to the area of Charles Bruzon House. It was laid during the summer school break in order not to disrupt normal term-time school operations. This was successfully completed together with the
1600 construction of two deep access manholes to assist in future inspections and maintenance programmes. The project also saw the introduction of additional road gullies in the area to reduce the risk of flooding along Queensway in periods of heavy rain.

Apart from the works at Europort Avenue, the Department has been working on a scheme for the relining of the existing foul sewer network along Devil's Tower Road. The increase in
1605 developments along Devil's Tower Road has required the existing network to be upgraded to cope with additional flows in the area. It is expected that these works will be completed during the course of the current financial year.

The condition and upkeep of Gibraltar's main sewer and storm water drainage networks continues to be a matter of great concern for the Government arising from a lack of sufficient
1610 investment and neglect over many years. This Government is still playing catch-up as a result of these years of neglect. The Department, as part of its maintenance programme, will therefore this year be continuing its major desilting and cleansing works to the main sewer along Rosia Road and southwards towards Camp Bay. Other works will include improvements to the storm water systems at both Prince Edward's Road and the southern end of Main Street where
1615 flooding has become an annual problem during periods of very heavy rainfall.

Mr Speaker, the replacement and enhancement of pelican crossing lights and equipment is a function of Technical Services' Department Highways Section and has continued in a number of locations working jointly with the Gibraltar Electricity Authority. The provision of pedestrian crossings and their locations is now planned, taking into account the recommendations of the
1620 STTPP and the Traffic Commission. The programme to improve walking routes continued during last year with the installation of new pedestrian crossings at a number of key locations. These included a new crossing along Harbour Views Road, providing improved access to St Bernard's Hospital and a new light-controlled crossing at Europa Road to provide a safe crossing point for visitors to the recently inaugurated dementia unit, Ocean Views. The lack of a crossing in this
1625 particular location was something of great concern to GADA, the Gibraltar Alzheimer's and Dementia Association, as the new facility would require a safe pedestrian access. This pedestrian crossing has probably been the most technically challenging crossing to deliver, given the existing geometry of the road. A series of traffic calming measures were also required to help improve both pedestrian and vehicular safety in this area, known for its many sharp corners, and
1630 especially taking into account the unique needs of the facility and its users.

Mr Speaker, following the successful introduction of the initial pilot countdown timer at the Haven crossing on Line Wall Road, further countdown timers were recently installed at Waterport Road, at Queensway and at Europa Road adjacent to Ocean Views. These countdown
1635 timers inform pedestrians of the time they have left to cross and drivers as to when it is safe to proceed, therefore improving safety at these crossings. A firm objective of the STTPP is to provide safe pedestrian facilities to help encourage walking as the best alternative to motorised travel and transport. The Government will continue to provide further countdown timers at other crossings, and in future all new traffic light sets purchased for new locations or to replace existing sets will have countdown timers installed as a standard feature.

1640 During the coming year, the Department will continue to provide additional pedestrian crossings at a number of already identified locations, including Europa Road by Shorthorn Estate

and Rosia Road in the area of Bayview Terraces, as per the recommendations of the STTPP. The provision of these crossings is seen as important in the context of improving walking routes, as already mentioned, which is an important and fundamental element of the Traffic Plan.

1645 Mr Speaker, I recently announced the publication of the Government's Sustainable Traffic, Transport and Parking Plan. This project was a key manifesto commitment for the GSLP/Liberal Government. A study of this magnitude has never been conducted locally with regard to traffic and transport, together with its effects on our environment as a whole, in a way that is both scientific and solid in its grounding. The Plan has seen a multi-departmental team approach
1650 involving the Ministries of Infrastructure and Planning (Traffic and Transport) and the Environment.

The research and preparatory background for this extensive document saw many months of painstaking groundwork and research, something which I am eternally grateful to those within the Traffic team, the Technical Services Department and also the Civil Service for, who embarked
1655 on weeks of data collection, questionnaires and surveys to be able to provide the solid groundwork required for such a plan. The work has encompassed very wide consultation. Opinions and feedback were sought from a wide sector of the community, including members of the public, NGOs, commercial entities and associations, tenants' associations, other interest groups, schoolchildren, essential services, and of course the road user, often each with very
1660 competing interests. Our traffic consultants, Mott MacDonald, who are worldwide professionals in this field, have provided the technical expertise to complement the wealth of local and professional knowledge that already existed within the Technical Services Department and have been instrumental.

The Plan has considered everything from the needs of children and vulnerable groups within
1665 our society to the needs of businesses and visitors alike. No plan will ever be able to satisfy every sector's interests and there will be a need to strike a balance between these, once again, conflicting needs.

Key improvements in the use of public transport will no doubt provide a more reliable service with improved journey times and higher levels of punctuality, which I am certain will be
1670 welcomed by its users. No stone has been left unturned in order to formulate a plan that we will be proudly able to call all of ours, Gibraltar's Plan.

Using the most innovative and latest techniques we have developed the tools by means of digital traffic modelling to help us predict the reaction and behaviour of traffic, following a proposal for change. In this way, we may now start to analyse what effect a proposed change
1675 will be likely to have with respect to traffic flow before we even carry it out.

Mr Speaker, this Plan is clearly a live document, one that will evolve and grow with us. As Gibraltar grows and our needs change, so will it too. It is our intention that the Plan will be a fluid plan, one that is malleable to our needs. I am personally satisfied that this has been in fact achieved and that all the work done will see a truly valuable result that we can all be proud of.
1680 Not all the concepts within the Plan will be achievable – some will require further work, others will be economically unviable and others may simply never come to be, at least not at this moment in time – but the Plan will hopefully open our minds to the vast potential that exists for improvement, and for the need to change our mindset in the future.

But, Mr Speaker, change is change, and human nature does not adapt easily to change at first. With time, I trust that we as a community will all be able to appreciate the bigger picture and will begin to understand that things have to change if we are to make inroads into our health, our environment and our wellbeing, making Gibraltar a more attractive place to live, work, visit and do business in the future. The Plan is hence simply that: a plan. There are general principals, aims and targets set, and ideas for potential pilot schemes for us to explore, some
1685 relatively inexpensive to carry out, others more ambitious. This is by no means a finite list and we will be developing further ideas and plans in the future as we evolve as a people. With time, it will hopefully change the way that we live so that we can improve sustainability.

Mr Speaker, Gibraltar has an extremely high vehicle occupancy rate per capita, yet our largest

1695 constraint is our size. Reducing our reliance on private transport, our beloved cars and
motorbikes, will be one of the hardest things to achieve; but through encouragement, education
and perseverance perhaps we may be able to achieve a change in the way that we move, sharing
vehicles, either by way of our buses, public services or through other more innovative ideas such
as car-sharing or car clubs, for example. We cannot forget the importance of walking and cycling
with regard to our traffic and our environment, but also the undeniable and positive effects that
1700 it has on our general health, our fitness and our physique.

Changing our mindset – especially one that spans so many generations, when our cars were
an extension of our very own living room, our only means of independence and freedom, our
rite of passage at a time when many generations shared one single flat – will be one of the most
challenging hurdles to overcome. This is something that will task our generation and those in the
1705 future. As science develops so too will our means of local travel. Already we are seeing how
hybrid and electric vehicles are slowly becoming more prominent in our society and we need to
further encourage the use of these. I greatly appreciate the support that we have received so far
from many sectors of the community and sincerely hope that we will continue to have the same
support as we now embark on the next stage of the Plan, its implementation in earnest.

1710 Mr Speaker, in the short time that the Traffic Plan has been published, a number of initiatives
have already been rolled out: Redibike, our bicycle sharing scheme, the launch of the pilot
residential parking scheme for zone 1, the completed bus tracker, the speed limit review,
Governor's Street pedestrian improvements, and speed cameras. Other initiatives had already
been implemented: the pilot roundabout at Glacis Road, pay and display schemes in numerous
1715 locations, countdown pedestrian timers, new pedestrian improvements at the Trafalgar
interchange and, even before that, the introduction of environmentally friendly staff car vehicle
fleets. I had made it clear on numerous occasions in the past that regardless of the status of the
final plan – that is, regardless of whether the Plan had been published or not – its key objectives
were already being rolled out.

1720 Mr Speaker, as part of our review of car parking in Gibraltar, a number of new pay and
display areas have already been implemented. These include those at Line Wall Road,
Watergardens and Portland House. The philosophy behind the introduction of the pay and
display areas is to provide a turnaround of parking facilities at key locations for the benefit of all.
It is through parking and its control that we may be able to eventually reduce car usage within
1725 what are described as key environmental zones within the Plan. This year, further pay and
display areas are earmarked for Glacis Road, Waterport Road and Grand Parade.

Technical Services Department has been instrumental in developing a pilot residential
parking scheme for the area of Alameda Estate and Trafalgar House. Mr Speaker, you may ask:
why pilot? Well, simply because we are entering uncharted territory and we will need the
1730 flexibility to be able to adapt the concept of residential parking to make it a scheme that works
as well as possible for as many as possible. This pilot residential parking scheme has taken on
board concerns raised by tenants of the area and has aimed to de-conflict the shortage of
parking for the various types of user, be they residents, commuters or tourists. The scheme will
see the introduction of exclusive residential parking areas, pay and display shorter-term parking
1735 zones and free parking. It is hoped that this will go some way in improving the situation in the
area. The scheme was officially announced on 26th May and will fully come into effect on
1st July, merely days away now. Residents are not forced to be part of given residential schemes,
and in fact those who are in Government arrears, as per Government policy, will not be able to
be part of the scheme in any case.

1740 There will be small administrative charges associated with the scheme and these are set as a
first step in trying to tackle the issue of car ownership, an underlying matter of concern within
the Traffic Plan – hardly a prohibitive sum, but it is a fair start in starting to at least recognise, if
not start to address, the local phenomenon of the second car. Providing free residential parking
would simply not dis-incentivise a reduction in car ownership and migration or increased
1745 dependence on the public transport network. With an excellent free bus service there is no

better excuse, even if it is only for the environment, than to get rid of the second car and keep the one environmentally friendlier car for those trips across the border or the local supermarket shop. Mr Speaker, what is evidently clear within the Plan, and even clearer to those who drive around endlessly looking for somewhere to park their car, is that we have a problem and we need to recognise that. With one of the highest rates of car ownership in the world, we simply cannot sustain the numbers of cars we own as a population. As a result of zone 1, we have discovered that there are a considerable number of couples, mainly pensioners, that own at least two cars – in some cases where only one of the couple drives! The two-car principle, that of the shabby rock runner and the better, more up-market car for those trips across the border, is clearly still alive and well – but this is the whole point, the real crux of the matter: it is the old rock runner that generally destroys our environment, the vehicle that emits those nasty fumes, carbon monoxide, nitrogen dioxide and particulate matter, the vehicle that competes for that extra parking space, while the main car is snugly parked away safely. The old banger is the vehicle that has the greatest likelihood of being parked in that illegal spot where the chance of that nick, scratch or dent is the greatest, but that is its entire purpose: its state and condition does not matter to us and in the end it is most likely the vehicle that will remain derelict for months or years before it is spotted taking up that valuable parking space. This is where the change in mentality needs to come, at least for the good of our environment, and this needs to start in earnest through education. It is mainly through education, especially of those more receptive to the warnings of today’s experts reference our suffering environment – that is, our younger generation, our children and grandchildren.

Mr Speaker, in conjunction with residential zone 1, the Department is working on plans for further residential parking schemes in both the Town area and the South District and it is expected that these will be rolled out during the latter part of this year.

Mr Speaker, furthermore, as part of the Traffic Plan, a project to construct a new roundabout at Devil’s Tower Road is already well advanced within the planning stages, having already received the green light from the DPC. This roundabout, once constructed, will increase driver options when leaving Cemetery Road, allowing vehicles to turn left and travel south to Europa Road should they choose. It would also allow quicker access into that same commercial area and be particularly useful to access the very busy church of St Theresa’s and Devil’s Tower Road car park.

Mr Speaker, as part of the STTPP the Government has also recently introduced the new Redibike bicycle-sharing scheme. It is hoped that Redibike will encourage the public to think of cycling as a healthier and environmentally friendlier alternative to other modes of transport. A hundred and forty six persons have registered on the scheme so far. This is the first phase of a wider scheme, a scheme that has been privately sponsored by Gib Oil Ltd and consists of 105 bicycles and 120 docking points in 13 different locations throughout Gibraltar. I would like to extend my gratitude to our sponsors Gib Oil Ltd – especially Mr Harry Murphy, who is busy collecting medals for us in Gotland – who have gratefully supported us in this very important Traffic Plan initiative. All Redibikes are fitted with a carrier, a locking device and a bell, and will be available to rent at all times of the day and night. These bikes are sturdy and virtually vandal-proof with drive shafts fitted instead of the traditional bicycle chain mechanism for propulsion.

That was all that I was going to say on this matter – until my better judgement told me otherwise following the latest activity on social media regarding the failed Gibi Bikes scheme and following on from the hon. Member opposite’s comments on *Viewpoint* recently. This is not about red or blue, as perhaps the blues would like you to believe. This is not about Government deliberately and intentionally bringing about the demise of the Gibi Bikes Scheme purposefully, alluding that this was done to discredit the GSD initiative without consideration whatsoever to the cost of the scheme to the taxpayers, as the blues would like you to believe. The concept of a bicycle-sharing scheme is in fact a very good one, and it is a scheme accepted and promoted throughout many cities worldwide. That was not and is not the issue. If the GSD wants some credit, well done to them, Mr Speaker, very well done. But the concept was not their concept,

they did not invent it, they adopted it, which is great – it is great for the environment and it ticks all the boxes of any traffic plan worth its salt. This is why our Traffic Plan also contains a bicycle-sharing

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scheme. Had Gibi Bikes succeeded then it would have been one thing less that we would have had to do.

I will not make further comment about past traffic plans at this point, unless I am pushed, Mr Speaker. Gibi Bikes was an abject GSD failure. It was badly researched, badly executed and badly procured. Once again, it was not about red or blue. Although the demise of the scheme came before my time as Minister for Transport, it was not because they were coloured blue, I can assure you. It was for the following reasons, Mr Speaker.

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The Gibi Bikes project was introduced and operated by a company which had no previous experience of running such a scheme – Gibraltar was their first project, their test project. Almost all of the Gibi Bikes equipment was substandard. The anti-theft devices, the electronic tags and the locks were all of poor quality, hence the system failed regularly. Maintenance was poor and there was a lack of spare parts from the suppliers in the UK. The bicycles themselves suffered badly from corrosion. The scheme started with 130 bicycles and 13 docking stations. Only six months later, only 47 bicycles remained and eight docking stations were available for use. In fact, Mr Speaker, many bikes were permanently locked in their stations, failing to release due to software malfunctions, and other bikes simply went walkies – stolen, Mr Speaker. The scheme which cost the taxpayer over £300,000 back in 2011, operated for only six months before it closed and its supply company in the UK folded. That is the story as it is, Mr Speaker –

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Chief Minister (Hon. F R Picardo): Disgraceful! Nothing to laugh about.

Hon. P J Balban: The only thing is that it is far better, politically, to blame the Government, blame us, for the failure of Gibi Bikes.

Furthermore, bicycles had to be collected at night, stored and brought out again in the morning, which was hugely labour intensive. Why would that need to be the case, Mr Speaker? Redibikes stay out all night, having been implemented and hence tested in many cities, not least in the north west of England in not such a sleepy town, Liverpool, a major city with safer, quieter areas and the noisier and let us say more boisterous areas, and it rains there too. They also have the reds and the blues there, Mr Speaker, but their reds and blues are more to do with sport. But I am sure that many a fan would have had a good ride on a bike after a match late at night, and there they are: bicycles trialled and tested in a real-life laboratory, not tested in Gibraltar by a company trying their luck with bicycle-sharing schemes. Redibikes took their time, yes, Mr Speaker, just like the Traffic Plan took its time, and that is the way it was going to be. In this way things have been done well, or at least as well as humanly possible.

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Mr Speaker, you may ask what became of those blue bikes. Well, thanks to the staff and mechanics down at Gibraltar Bus Company Ltd, a total of 52 bikes have been put together out of 130 bikes that once were. An announcement will be made shortly – yes, ‘shortly’, Mr Speaker, one of the pet hate words of the hon. Member across the way – when these bikes will be presented to a charity, all for a good cause; so the story does have a happy ending of sorts.

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Mr Speaker, also as part of our commitment to encouraging cycling, a major review of our existing road network will also be carried out this year to assess the feasibility of introducing dedicated bicycle lanes, where possible and indeed if possible, linking the Frontier to the south of Gibraltar. This will be by no means a simple feat, as there are many difficulties associated with Gibraltar’s size, especially when trying to marry and share the very limited space available between vehicles, cyclists and pedestrians. Nevertheless, the Government is committed to exploring this matter in a holistic way in order to try to introduce improvements, where possible, in order to encourage this healthier alternative to motorised forms of transport common today.

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Mr Speaker, another major Traffic Plan initiative launched recently has been the introduction of speed cameras at a number of known speeding hotspots throughout Gibraltar. This builds on

1850 the recent initiative of introducing speed indicator signs and is primarily aimed at making our
roads safer by way of speed management. The speed cameras are fixed devices set up, as a pilot
1855 first phase, at Devil's Tower Road, Europa Advance Road and Rosia Road in an effort to reduce
speeding in those particularly notorious hotspots. These locations were chosen on the advice
and recommendations of the RGP, who are the experts on the ground. The cameras will be a
valuable deterrent and will complement roving speed cameras already used by the Police
throughout Gibraltar. The static speed cameras have already seen a visible reduction in speed on
our roads. This will hence statistically help reduce risk to both road users and pedestrians alike
1860 from the consequences of speed-related accidents. Additionally, a reduction in speed has
positive effects on the environment, helping to reduce noise pollution and emissions. Since the
scheme went live, over 1,920 persons have been caught speeding. The initiative will continue to
be monitored but so far the intention is to further improve the current set-up by introducing
rear-facing video capture to the existing cameras and introducing additional speed cameras in
other major roads throughout Gibraltar.

I would like to take this opportunity to mention the RGP, the legal team that drafted all the
1865 relevant legislation, the staff at the IT and Logistics Department, Technical Services, our back
office at Gibraltar Car Parks Ltd and all those who have assisted us with this STTPP project.

Mr Speaker, Technical Services Department, in conjunction with the RGP, will continue with
its full review of the present speed limits on all of Gibraltar's roads, and in the coming year
improvements will be made to signage and road markings on a number of our arterial roads,
1870 including Europa Road, Queensway and Line Wall Road. Furthermore, we have, upon the advice
of the RGP, also recently amended legislation to make the Road Watch offences punishable by
way of fixed penalty notices (FPNs), hence reducing unnecessary and valuable court time and
making the process much more efficient.

Mr Speaker, if there has been one thing that I feel has made the biggest difference as part of
1875 the Traffic Plan to the enhancement of our public transport offering, it has surely got to be the
bus tracker. This is a major STTPP achievement. I am most proud that this project has been
carried out in house by the staff of the IT and Logistics Department, a project that has been
technically very complex to put together, one that has been developed on a route-by-route basis
over time. As a result, it is now possible for bus users to track their bus and therefore manage
1880 their personal time accordingly, knowing exactly where the bus is at any given moment in time
and at what time they are able to meet it at the bus stop as opposed to having to wait for it to
arrive. The STTPP stakeholder surveys highlighted that one of the reasons detracting potential
bus users was the perceived uncertainty of the service, leading to a lack of user confidence. The
new bus tracker reverses all these potentially negative attributes that could dis-incentivise bus
1885 use. Public transport is a vital part of our transition from using our own vehicles and moving to
more sustainable modes of travel and transport. The last route to go live was the night bus
route. Since the night bus tracker went live, there appears to have been at least a 50% increase
in take-up of the service, which is very positive indeed. Government is looking into the possibility
of extending its fleet management system in order to provide passenger real-time information
1890 to bus users at the bus stops. This will allow those citizens who do not have access to
smartphone devices or internet access to be able to track their bus in real time at their bus-stop.

Mr Speaker, one of the most important issues raised by the Traffic Plan regarding pedestrian
safety was that of Main Street during the early-morning delivery hours. These hours directly
1895 conflicted with pedestrian movement, making this a serious safety concern and one that had
also been highlighted by the Commissioner of Police. The Traffic Plan emphasised the problems
faced by pedestrians and especially persons with mobility problems while trying to transit
through Main Street amid goods vehicles unloading merchandise and doing their daily morning
deliveries. This was even more relevant when cruise ships, especially large ones, were in port,
resulting in thousands of passengers mixing with the local population and the local and cross-
1900 frontier workforce. This provided a very poor image generally, both aesthetically and
environmentally, and was most importantly seen as a major safety and security concern for

Government within the busy Main Street. It has been as a result of close networking with the Chamber of Commerce, the GFSB and other commercial entities generally that we have been able to agree on improved delivery times. I wish to express my gratitude to the commercial business community for supporting the Government's proposals and agreeing and accepting the new delivery hours, which although inevitably will mean a change in the way things are done in town, it has generally been accepted that this will in fact be better for the tourist product and for Main Street users generally. In this respect the Ministry for Commerce, led by my colleague Albert Isola, have also been instrumental. Technical Services are now involved in the process of procurement of retractable bollards and will investigate the range of products available in the market for these purposes in the first instance. Once a suitable product is identified, Technical Services will then be involved with the infrastructural preparations for the set-up of a permanent retractable bollard system, which is planned for the near future and is expected to assist the policing of delivery hours in town.

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Mr Speaker, the full initiative, as already described and set out within the STTPP, included the creation of new loading hubs and the reduction in the hours of delivery within our highly populated Main Street. I am pleased to announce that this has now been done. New Main Street access times have now been set between 8 a.m. and 9.15 a.m. with final exit being no later than 9.30 a.m. Furthermore, an additional delivery window has been set between 6 p.m. and 8 p.m., the last exit from the pedestrian zone being 8.15 p.m. A number of new delivery areas have been created to allow deliveries to take place outside of these hours in dedicated hubs within John Mackintosh Square, Cooperage Lane and Convent Place. These will be controlled by means of permits issued to commercial entities by the Driver and Vehicle Licensing Department. Deliveries in these new areas will be exclusively on a permit holder basis and the hours will be between 7 a.m. and 7 p.m. Monday to Friday, and Saturdays between 7 a.m. and 2 p.m. These new delivery bays are distinct to the loading bays that already existed in town.

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Mr Speaker, one of the major issues raised by the business community was the abuse that existed regarding loading bays generally and the difficulty that businesses were facing when trying to access these bays. As part of the plans within the Traffic Plan, new legislation will prohibit the use of loading bays by the general public during delivery times but will allow their use after hours and on Sundays and Public Holidays, where appropriate, for parking. Nevertheless, the Traffic Plan recognises the need that residents have too, and to this end the Department is looking at the possibility of creating short-stay drop-off areas for residents and visitors over and above the creation of further pay and display zones which would allow visitors to park within the distinct residential zones.

Mr Speaker, once again I must thank the RGP, especially the Commissioner of Police, who has been advocating these improvements for Main Street and who has shared the same vision for Main Street – that is, for a safe, modern shopping and business hub.

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Mr Speaker, the Traffic Plan would be impossible to achieve without meaningful and effective policing. It is to this end that the Ministry for Infrastructure and Planning, whose responsibility is also for traffic and transport, will be working closely with the RGP and with Gibraltar Parking and Management Services Ltd, who manage our newly contracted team of PMOs and our team of transport inspectors, whose role will be to see that the policies within the Plan succeed.

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Mr Speaker, before moving away from Technical Services I would also like to take this opportunity to publicly thank the Infrastructure Section of the Technical Services Department for their hard work and commitment during those times in the past year where Gibraltar has suffered from storms and very heavy rainfall. It is thanks to the hard work and dedication of this team, who work on those cold, dark, blustery and rainy nights whilst most of us are sheltered within the warmth of our homes, that the impact of these storms is not greater on both our sewerage and road networks. Thank you.

Finally, Mr Speaker, funding is once again being requested this year for the purchase of equipment to allow the Sewer Infrastructure Section to continue to expand and provide an enhanced service in respect of its inspections of the sewer network. This also applies to the

1955 garage and workshop, where funding for new equipment is also being sought. They will continue to provide a service to maintain the fleet of Government vehicles, including the refuse-collection vehicles.

1960 Mr Speaker, the Technical Services Department is one of those Departments that is rarely in the limelight but works tirelessly behind the scenes to deliver on their defined responsibilities maintaining public infrastructure and to support and provide technical advice to other Government Ministries and Departments in order to deliver on the Government's extensive and comprehensive programmes.

1965 Mr Speaker, turning now to public transport, the new MAN buses continue to provide Gibraltar with a modern bus service. Providing an efficient, comfortable and user-friendly bus service is critical in meeting the objectives as set out within the Traffic Plan. The Traffic Plan highlights the importance of public transport to support people's quality of life and economic well-being. Its primary aim is to encourage greater use of public transport by providing a high-quality, reliable, stable and well-maintained network.

1970 Mr Speaker, the investment in the six new buses for the Upper Town has greatly improved the service to this area. I am pleased to announce that the procured Ford Transits have proved to be powerful enough to deal with steep inclines while at the same time providing an adequately comfortable climate within for its users. This also includes the much needed and much sought after service to Mount Alvernia, where this innovative small bus design and investment has given wheelchair users greater access to the bus. Three out of the six new buses have wheelchair lifts fitted.

1975 Mr Speaker, the introduction of the night bus route itself is also a major positive change to our public service offered during the weekends. This was a Traffic Plan recommendation as set out in the draft 2015 document. Today's present route evolved from two distinct trial routes, namely N8A and N8B, to become the one unified route today, N8. Night bus usage is slowly increasing and this is especially so on specific events, for example Calentita Night, GMF and Summer Nights. There have been almost 1,700 passengers more this year compared to last year.

1980 Mr Speaker, a new branding for the Gibraltar Bus Company, which will involve the launch of a new bus logo both for the buses and new bus stop signage is already in progress. This will improve the visibility of bus stops, especially for those not familiar with the location of the bus stops in their immediate surroundings. The present arrangement of buses stopping at each bus stop creates unnecessary delay and inconvenience to traffic flow. By reintroducing the concept of the request stop it may be possible to improve timetabling and hence efficiency. This will need to go hand in hand with a targeted awareness campaign as bus users have become used to buses stopping at each bus stop by default. Bus stops that become request stops will be clearly labelled to avoid confusion.

1990 Mr Speaker, in order to continue to improve the public transport service, Government has increased the transport inspector complement by two, thereby bringing the total complement to seven officers. These officers are now fully trained to ensure that our public transport meets the expectations of its users and that service providers fully abide and conform to all the legal requirements under the Transport Act. Transport inspectors have the role of enforcing the Transport Act and hence public transport operators and transport undertakings. They strive to ensure adequate taxi service at the Airport terminal at key arrival times. Transport inspectors are also responsible for policing the use of permits to enter pedestrianised zones and are assisting with recent measures regarding the introduction of the new delivery hours in Main Street and Irish Town.

2000 Mr Speaker, the Government continues to work with the Gibraltar Taxi Association in order to jointly identify strategies to continue to better the taxi service throughout Gibraltar. It is only through user feedback that we may be able to truly ascertain whether service actually improves or otherwise, and there is unfortunately still reluctance to bring complaints to the attention of the Transport Commission. In an attempt to improve transparency, new external rear signage was agreed which makes it easier to identify taxi licence numbers. The GTA has increased its

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2010 service by way of their fleet of private hire vehicles, which now have two drivers, providing longer service hours. The GTA itself proposed a new shift roster for taxis while on city service, once again providing greater breadth in the service hours. Furthermore, the relocation of the taxi rank at John Mackintosh Square adjacent to the Parliament Building itself to outside the City Hall should result in an improvement to the city service. Nevertheless, it is clear that much work still needs to be done. It is in fact the GTA committee who are often the most self-critical, and many taxi drivers generally agree and support these measures with a view of safeguarding their business by providing an adequate service to the population from taxi ranks and from the Airport alike.

2015 I wish to thank the GTA and its members for their willingness to help improve what is already a very difficult service to provide amidst daily traffic pressures, especially around the Frontier and the Airport. I hope that amid our colourful and noisy meetings we can continue to seek ways to further improve the service to all during this coming year.

2020 Mr Speaker, I now turn my attention to the Driver and Vehicle Licensing Department (DVLD). Procedures for the introduction of the tachograph card in Gibraltar are now ready. The Department has been closely working with the Driver and Vehicle Standards Agency in the UK for the introduction of the tachograph cards that will serve our drivers, operators and enforcement agencies. All the administrative procedures – that is application forms, information letters and databases – are now in place. A memorandum of understanding and a service level agreement drafted jointly by the Driver and Vehicle Licensing Department and Government Law Offices has already been agreed by the DVLA.

2030 Mr Speaker, drivers of transport undertakings wishing to complete the driver Certificate of Professional Competence (CPC) initial qualification and periodic training can obtain the training that is continually being provided by the DVLD. So far, 29 drivers have successfully passed the Bus Certificate of Professional Competence and 36 drivers have successfully passed the Lorry CPC initial qualifications. Government, in an effort to ensure that all directive requirements are fully met, will continue to deliver the 35-hour periodic training for existing drivers during 2017-18. Presently, in total, 183 bus and 97 lorry drivers have successfully attended the CPC periodic training.

2035 Mr Speaker, taking into account the safety requirements of vehicles in Gibraltar that carry dangerous goods is of great importance, and in accordance with the Transport (Carriage of Dangerous Goods by Road) Regulations 2010, the Government has invested in training to ensure that all of the technical staff at the Motor Vehicle Test Centre are now fully trained and qualified to assess vehicles that carry dangerous goods by road. This training has been carried out locally by a qualified instructor from the Driver and Vehicle Standards Agency from the UK. At present, eight vehicles used for the carriage of dangerous goods locally have been issued with the relevant ADR certificates.

2045 Mr Speaker, the introduction by this Government of the Motorcycle Compulsory Basic Training Course (CBT) for riders continues to be a tremendous success. Feedback from parents and the public at large has been extremely positive. A hundred and seventy two individuals, mainly under the age of 17 years of age, have been trained over the past year. I am very confident that this Government's training incentive is constantly contributing in continuously improving road safety and reducing motorcycle accidents, especially in first-time motorbike users. This initiative falls directly in line with the general principles of the Traffic Plan regarding road safety. Since the CBT scheme was established, a total of 1,260 persons have completed the course in order to acquire their learner's licence.

2055 Mr Speaker, due to an unexpected increase in demand of the photo-card driving licence locally, Government has needed to procure an extra 8,000 blank driving licence cards from the UK. To date, the Department has issued a total of 15,500 photo-card driving licences. Furthermore, the Department is in close contact with the DVLA in the UK to ascertain how the format of these licences may be affected as a result of BREXIT, if at all.

Mr Speaker, due to an increase in need for counter services as a result of the CBT, ADR and CPC over and above the usual traditional counter services provided by the Department, the Driver and Vehicle Licensing Department, as a means of improving customer service, has introduced a bespoke business counter that is assisting businesses with the aim of reducing respective waiting times. This counter has been operating daily since last year and the feedback from its users has been very positive. Furthermore, the Department continues to use e-Government information and communication technology as a tool to achieve better customer services. The public can presently actively access a number of online DVLD services and applications via the new e-Government portal, mainly roadworthiness test bookings – the MOT – driving licence and theory test bookings. This is proving to be very popular and is allowing customers to access and pay for such facilities at any time from the comfort of their own homes. Government is also considering other measures and incentives in order to offer customers additional e-Government opportunities, thus allowing the DVLD to cater for the increase in market demands and service requirements.

Mr Speaker, the Traffic Commission continues to meet on a monthly basis. The Traffic Commission is constantly working to assist our citizens in all matters relating to traffic. The Commission is also heavily involved in recommending to Government the improvement of facilities and eco-friendly traffic advice regarding new project applications submitted to the Town Planning Commission. It is via the Traffic Commission that road users are able to interact with the Ministry and Departments so that their concerns and suggestions can be considered. It is also via this forum that other large Government initiatives receive recommendations and approval.

The Transport Commission works hand in hand with all the transport undertakings, the Bus Company and the Gibraltar Taxi Association in order to mutually find strategies to continue to better both commercial and public transport services in Gibraltar.

I would like to extend my gratitude to all the members of both Commissions, many of whom give up of their own personal time on a voluntary basis for these purposes.

Mr Speaker, the DVLD has gone a long way in establishing a linked-up database with other member states in accordance with EU directives. The DVLD is sharing European Register of Road Transport Undertakings, known as ERRU, via the Driver and Vehicle Services Agency. This allows for a better exchange of information between member states so that the competent authorities can better monitor the compliance of road transport undertakings with the legislation in force.

EUCARIS – the European Car and Driving Licence Information System – is another example of information exchange system that DVLD uses to provide the infrastructure and software to other countries in order to share their car and driving licence registration information. This system will ensure the assistance in fighting car theft and registration fraud within Europe.

Mr Speaker, the Cross Border Enforcement Directive has been the latest directive to be transposed into our laws. The practical procedures refer to the pursuit of traffic offences committed by drivers of a car that is registered in a EU member state other than the member state where they were detected. The implementation of this will offer an automated tool for enforcement authorities in the member state where the offence was committed to pursue and fine the drivers of cars registered in another EU member state when they commit traffic offences there.

Mr Speaker, I am fully satisfied that to date all EU directives relating to traffic and transport have been fully implemented.

Finally, Mr Speaker, I now turn my attention to my responsibilities for town planning and building control. The Town Planning and Building Control Department continues to deal with large numbers of applications in the administration and enforcement of the Building Regulations. During 2016, the Department has received 632 planning and building applications, 16 demolition applications, 48 advertisement applications, 32 tree applications and 24 tax relief applications. That is a total of 752 applications for 2016. If we exclude tax relief applications, there have been a total of 728 applications this year compared to the 544 applications received

2110 in 2015 – that is a significant increase of 33%. Some applications were large and complex
involving environmental impact assessments and have also required extensive discussions with
respective applicants to try to achieve the highest standards of design.

2115 Building Control has also been working on the introduction of what will be known as ‘Part R’
– that is access to and use of buildings under the provisions of the Public Health Act. At present,
our building rules do not make adequate provision for this very important building aspect – rules
which will undoubtedly in future be provided for with the necessary legal framework to make
buildings safe and accessible to all. By introducing these rules, we are bringing our legislation
2120 closer to that of the United Kingdom within this very important area. The objective is to enable
all people, regardless of disability, age or gender, to gain access to buildings and hence use its
facilities. These will therefore benefit the wide spectrum of special requirements that are
increasingly prevalent in our society today as our life expectancy, in conjunction with better
medical care, improves. The document is in its final stages and should be able to take effect
sometime shortly after the introduction of the Disability Act.

2125 Mr Speaker, Government and MoD projects continue to be submitted to the Development
and Planning Commission (DPC) for guidance and advice. In 2016 the forum considered a total of
45 planning, building and demolition applications from Government and the MoD projects
alone. The DPC provides advice and guidance on such applications, which are then considered by
the Government and/or the MoD in finalising their plans.

2130 Mr Speaker, DPC meetings continue to be held in public with a total of 12 meetings held in
2016. In addition, the DPC’s subcommittee meets regularly to determine minor applications. In
2016 there were 40 meetings of the subcommittee. This process greatly helps in speeding up the
decision-making process. All agendas and minutes continue to be made available online,
together with application forms and planning guidance, ensuring that the planning process
remains open and transparent, facilitating ease of access to relevant planning information and
documentation.

2135 Mr Speaker, the e-Planning service, which was launched in October 2015, continues to
operate successfully. The service allows anyone to search and view the details of any application
submitted after the launch of the service, including all the plans and other documents submitted
with its respective application online. This makes it much easier for the public to be able to see
what is being proposed and members of the public can even submit comments in respect of any
2140 application through this e-service. Furthermore Mr Speaker, e-Planning makes it much easier for
applicants to submit their applications online. Planning applications can be submitted online in
their entirety without the need for a given applicant to have to deliver a hard copy of such
application to the Department’s counters at Town Planning and Building Control. During 2016,
just over 60% of all planning and building applications were submitted online.

2145 Throughout 2016 the staff at Town Planning have continued to develop the e-Planning
system. Numerous improvements and enhancements having been implemented, predominantly
on the back end of the system, in order to improve the internal flow of information to make the
processing of applications more efficient. The system has also greatly reduced the need for
paper copies of documentation, resulting in savings to both applicants and the Department.

2150 The same e-Planning system has been useful to disseminate information about applications
to members of the DPC ahead of meetings. A specific feature has been developed for e-Planning
that now allows DPC members easy access to the details of every application that is due to be
discussed at DPC meetings. This makes it easier for DPC members to familiarise themselves with
the details of applications prior to the DPC meeting and therefore allows for better decision-
2155 making.

2160 Mr Speaker, in May of this year, I was pleased to announce another improvement to the e-
Planning service comprising the addition of a facility to allow the public to carry out map-based
searches for applications online. The public can now view what applications have been
submitted in any given area by way of a map view and can also access all the details of the
applications displayed. This is yet another example of how the planning process is being made

much more accessible to the general public. This is considered of utmost importance as planning decisions may and can have a direct impact on people's immediate surroundings and their environment and therefore have a bearing on their quality of life.

2165 Town Planning staff will continue with a rolling programme of improvements to the e-Planning service to improve both internal systems as well as to further improve the services being offered to the general public. In particular, staff will be working on the introduction of a facility that will enable applicants to also be able to pay application fees online. This will therefore be much more convenient and efficient for applicants, who will no longer have to visit the Department's counter to pay in person or have their payment sent by post.

2170 Mr Speaker, the Department also continues to develop its Geographical Information System (GIS) to enable it to record and analyse data geographically. The Department has recently completed development work that allows it to manage geographical data in a much more user-friendly and efficient manner. This in turn allows for better integration between the Department's geographical data and the e-Planning service.

2175 Mr Speaker, I am pleased to say that we expect to be in a position shortly to bring before Parliament the new Town Planning Act together with its subsidiary legislation. I am also pleased to announce that my staff, working closely with the staff of the Government Law Offices, have reviewed and published amendments to the Town Planning (Environmental Impact Assessment) Regulations in May this year. The enactment of these Regulations ensures that we continue to
2180 be fully compliant with the latest EU Directive on Environmental Impact Assessments.

Mr Speaker, the Town Planning Department continues to encourage property owners to improve the appearance of their buildings through the Tax Relief on Façade Improvements Scheme. During 2016 there were 24 applications under this scheme. A similar tax relief scheme has been introduced to encourage the use of solar water heating and photovoltaic cells as a way
2185 of contributing towards sustainable energy generation; a scheme my staff are encouraging homeowners and developers to make use of, when applicable.

Mr Speaker, following the incorporation of the post of Urban Renewal Officer into the Town Planning Department in 2015, we have been able to focus more attention on this important
2190 issue. In this respect, the Department works closely with my colleague the Hon. Dr J Cortes, who leads on urban renewal. Work is currently focused on identifying specific buildings in need of refurbishment and encouraging owners to undertake improvement works to maximise the use of these properties, thereby bringing new life back into such urban areas.

Mr Speaker, I would like to conclude my contribution to my address today by thanking all my staff, who have worked so hard to see our commitments become a reality. My thanks go not
2195 only to those who ensure the rolling out of our commitments, my senior members of staff, but also to all those who do not go by unnoticed, who perform all the valuable functions within the Civil Service throughout all the various Departments and offices.

I also wish to reinforce my appreciation to all the staff here within Parliament, whose role is to ensure that proceedings run as smoothly and efficiently as they do and who are always there
2200 to help when necessary.

In particular, I would finally also like to thank my personal ministerial staff for all of their help and support during the past year. It has been a very busy year and they have lived up to the expectation, as usual.

Thank you. *(Banging on desks)*

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Hon. Chief Minister: Mr Speaker, can I move that the House now recess to 2.45 p.m.

**Procedural –
Length of Ministers' speeches**

2210 **Mr Speaker:** Before we do, there is something I want to say. We have been listening this morning for three hours and 25 minutes to three speeches from Ministers. I would have liked to have heard a Member of the Opposition have the opportunity to reply before we broke up the morning session. That would have been far more satisfactory and would have kept a sense of balance, which there has not been in the debate this morning.

2215 Hon. Members, and here I am referring to Ministers in particular, have heard me tell them that many of the answers that they give to questions are too long, particularly when replying to supplementaries, and that I have no power in the Rules to limit that – I would like the answers to be shorter. But I do have powers when it comes to debate, and the powers are twofold: first of all, I can interrupt speeches in respect of relevancy, and that is a matter for my discretion; and I can also withdraw the permission that I give all Members to read their speeches. Members will have heard me say in the past that as far as I am concerned it is not a very clever rule, that I do
2220 not see a problem really with Members reading their speeches, but it is a rule and I am going to read it out:

A member shall not, except with the permission of the Speaker or Chairman, read his speech, but he may read extracts from written or printed papers in support of his argument, and may refresh his memory by references to notes.

I find, and more so ... with the exception of the Chief Minister, because when the Chief Minister introduces the Appropriation Bill it is a practice that ... and given what has happened in the last year, the Chief Minister has a perfect right to make a speech of two hours and more. But
2225 the speeches of Ministers are becoming exponentially longer and they are going into unnecessary detail.

Two years ago, one of the Ministers spoke for over two hours and I saw that he was getting tired. Afterwards, I took him aside and I gave him some advice. He took the advice and last year the speech was about an hour and equally effective, if not more so.

2230 I think Ministers are making the mistake of going into so much detail that no one at the end of the day is going to know what they were really talking about. They have too many Departments under their belts and they feel that they have to deal with each and every single one of them.

2235 I honestly do not think that it is a satisfactory state of affairs when three Ministers spend nearly three and a half hours this morning ... I want Ministers to reflect on what I am telling them. It is controversial – I realise I am doing a Bercow (*Laughter*) – but perhaps I ought to be controversial. And as I say, ultimately, if I want to, I can interrupt Ministers and all other Members, prevent them from reading their speeches when they will only have to have a few notes and the speeches will be longer.

2240 They are getting far, far too long. It is not necessary to go into so much detail. They come here ... One of them remarked this morning that he thought he was going to speak for 25 minutes. Well, he did not: he spoke for 45. And another one said, 'I'm just going to speak for a bit over an hour.' No, he spoke for an hour and a half! When you read a speech, when you have prepared a speech, you may think it is going to take an hour. In the event, you take an hour
2245 and 20 minutes or an hour and a half.

I am sorry, but I do have to speak from my heart and tell hon. Members when I find that matters are not proceeding satisfactorily. I am empowered by the Rules to do so and I would ... Maybe it is too late this year for Members now to cut down their speeches, maybe it is too late, but if I am still around next year – if you want me here and I am fit enough and healthy enough
2250 and I am still around – I will expect you to come up with much shorter speeches next year.

The House will now ... Yes, Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, you have made a statement which I think I need to deal with.

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Mr Speaker: Yes, by all means. I thought you might have reflected, discussed it with your Ministers and then perhaps this afternoon tell us what is the consensus view. But anyhow, you have the right.

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Hon. Chief Minister: No, Mr Speaker, I am going to tell you what I think because I think it is important that the House should be aware that Ministers are told to come and give information to the House about their briefs.

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We are in a situation where we are damned if we do and we are damned if we do not. We are damned if we do give too much information; we are damned if we do not give the information. This will be a theme of what I will say in my reply during the course of the rounding up in respect of this debate.

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This is a debate where in all the time I have been in this House we have heard lengthy statements from all the Ministers I have shadowed, whether they were Members opposite or Members now on this side of the House, dealing with the issues that they are responsible for in respect of the appropriation that we are concerned with. We had lengthy interventions yesterday from Members opposite: I assume that what you are saying is not just applicable to Members on this side of the House – it must also be applicable to Members opposite.

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The reason that Mr Speaker has had to hear three speeches from Ministers has been because we have had to move one of the Ministers who would have spoken later in the order – Mr Isola – because he is going to travel to do Government business during the course of this debate, although he will be back in time for the end of the debate.

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Mr Speaker, the Government wants to see an interspersed of numbers between the Ministers and the Members opposite but there are 10 of us and there are seven of them, and so therefore on some occasion that alternation of one to the other cannot occur.

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The Government wants to see short and punchy speeches, but in the context of this debate we sometimes have to spend time giving information. I have no desire to speak for three hours but sometimes it is necessary, in order to give all the information, to do so. I would have expected, Mr Speaker, that the community, as you have said, would want to hear the information that I was going to put in the public domain yesterday and the information that Ministers have put in the public domain today. But of course, as on every occasion, what you say is something that we will, of course, consider carefully and we will reflect on in the context of preparing for the debate next year.

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Mr Speaker, coming to Parliament without notes or indeed without a written speech is not, in my view, a recipe for people to speak for a shorter period; it may in fact be a recipe for people to go on and on and to become circular in what they say. So I think you are right to give us permission to read speeches in this debate, you are right to bring to our attention that they need to be as short and as punchy as possible, but I think it is also true that Members opposite will want to hear the things that Ministers deal with in order to be able to get up and reply to the things that are said – although all too often one delivers a speech and gets a reply to a Facebook post that is six years old.

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Mr Speaker: I would like to tell the Chief Minister that between 1972 and 1991, during all the years when I was a Minister, a Member – 16 years a Minister and four Leader of the Opposition ... eight Ministers only, which meant that we probably had an even wider portfolio than Ministers have now, and speeches never went in excess of an hour. I commend that to Hon. Ministers.

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Hon. Chief Minister: Well, Mr Speaker, if I can just deal with that point – and it is not often that you and I are replying to each other, but between 1969 and 2006 the most important

2305 portfolio, which was the portfolio of Public Finance, was held by somebody who was appointed
to this House, by His Excellency the Governor. Now we have a lot more responsibilities and that
is why we have more Ministers. But it is also true, Mr Speaker, that in that time the Budget did
not exceed £100 million. In the context of the Budget that we are dealing with today, where we
2310 are dealing with a turnover in the billions and a spending budget of £600 million, there is a lot
more to talk about.

Mr Speaker: The House will now recess until quarter to three this afternoon.

The House recessed at 1.03 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.45 p.m. – 6.29 p.m.

Gibraltar, Tuesday, 27th June 2017

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The Gibraltar Parliament

The Parliament met at 2.45 p.m.

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

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

Appropriation Bill 2017 – For Second Reading – Debate continued

Mr Speaker: The Hon. Trevor Hammond.

Hon. T N Hammond: Mr Speaker, I am delighted to have the opportunity to present this, my
5 second Budget speech, to the House. It is my intention to begin with traffic and transport, an
area which regularly attracts great public interest for all sorts of reasons, whether it be our
ability to use our vehicles, our inability to park our vehicles, vehicle ownership, public transport,
cycling, walking – and the list goes on.

Of course this year, in fact only last month, we finally saw the publication of the
10 Government's Sustainable Traffic, Transport and Parking Plan – the STTPP. This epic document
has been almost six years in the making and the story behind it has become a veritable saga. Its
publication was to put into reality the Minister's utopian dream for transport in Gibraltar, the
panacea to all of our woes. Well, what an anti-climax that turned out to be. *(Interjection)*

Yes, the document is voluminous, with appendices running to several volumes, but it is long
15 for the sake of being long because it repeats itself frequently and with each repetition little, if
anything, of value is added. **(A Member:** Hear, hear.) It is as if someone has said, 'Look guys, it's
taken a long time to put this together, make sure it's really long; hopefully that way it'll look
great but no one will actually read it.'

But not only is the document excessively long, when you begin to look at it you realise that it
20 is mostly not even a plan. It lacks conviction, it tentatively proposes reviews and considerations
without placing any pressures of when these proposals might be delivered or even *if* they will be
delivered. There is no indication of how much these proposals might cost or how we might
measure a successful outcome, as the performance indicators are virtually unintelligible. I have
already described this document as more of a manifesto than a plan – it is not even that, it
25 amounts to little more than a survey. It does contain some useful facts and figures, that I cannot
deny, but as a structured plan of how Government's transport policy for the next 10 years or
more will be shaped and delivered it falls woefully short.

Let's look at some of the reasons for saying this, Mr Speaker. The survey suggests we must
encourage cycling and walking. *(Interjections)* Part of that should be the introduction of a local
30 bike-hire scheme. This thankfully has now been introduced after much delay. Let's not forget we
were told this scheme was imminent at the last election. I think this Government has a very
different interpretation of the definition of words like 'imminent' and 'shortly' than does the rest
of the English-speaking world. Nevertheless, we now have a scheme. *(Interjection)* The trouble is
we had a scheme six years ago and all this Government has achieved now is to bring us back to
35 square one, only six years later. It did not take £½ million survey to tell us that this is a good
idea, what it needed was common sense and enough environmental awareness to recognise

that the existing bike scheme should have been allowed to continue and then be replaced in due course. (*Interjections*)

40 Cycling should be encouraged of course for both personal health and environmental reasons and I am at one with Government in supporting such an objective. The STTPP, however, again falls short in this respect. To get people to switch their mindset you do need to make cycling, above all other considerations, safe; then you have to allow access to where people wish to go. The plan does suggest some cycle lanes in the obvious and easy-to-access areas, such as Rosia Road, but it does not set out how we can achieve a comprehensive network of cycle lanes,
45 (*Interjection*) and therein lies the real challenge in getting the public on their bikes – a challenge which the document falls far short of addressing.

Then of course there is the condition of our roads, which go far in discouraging anyone from adopting any form of two-wheeled transport. The only noticeable improvements in the past 12 months have been a new surface to part of Cumberland Road – not the entirety of it, part of
50 it – and the resurfacing of the Sundial roundabout; and this at the Minister’s own admission. The major thoroughfares have been otherwise untouched leaving Winston Churchill Avenue, from the Frontier to the Sundial, in deplorable condition, Glacis Road barely passable to those on bikes, pedalled or motorised, and the condition of most of Queensway and all of Linewall Road very poor indeed. All of this, combined with poor drainage on most of these roads, leads to a
55 scenario thoroughly discouraging for anyone who may wish to take to cycling; even walking becomes almost impossible in wet conditions, where one must hop between the various ponds that form on the roads or risk a soaking from a passing motorist.

Government really must look at this aspect of our road network and do much better in maintaining it, if it really is trying to encourage more people to cycle and walk. Currently there
60 are so many disincentives – be they safety, air quality or the dreadful condition of our roads – that we have very far to go in this direction. I applaud those who have, despite all adversity, taken to cycling and I hope to see the conditions on our roads improving for them.

The STTPP talks about the introduction of residential parking zones. Of course, like the bike-hire scheme, we were seeing these introduced six years ago. This was put on hold, according to
65 the STTPP, in order to study the inherited scheme in detail and carry out a substantive and authoritative plan. Well, it has taken the best part of six years to do that and what do we get? I quote: (*Interjection*)

As part of a new parking strategy it is recommended to consult more widely with local communities and estate representatives to determine the level of desirability for introducing new parking zones elsewhere in Gibraltar as there was much concern regarding the lack of consideration to visitors, carers and commercial entities for deliveries of goods.

Government puts on hold a scheme only then to come back after *six years* with a recommendation for more consultation! And therein lies the rub. The document, this survey, is
70 simply full of recommendations to consult, consider, review, study and investigate, and this is precisely why the document is a disappointing anti-climax. I would have expected all of this work to have been done, to be part of the document, completed with the help of those expensive consultants, and for the document to set out a very clear roadmap on the way forward. It does not do this. It is a starting point, but the trouble is the starting gun was fired six years ago and
75 the Minister is now hopelessly behind.

Mr Speaker, straying briefly from the STTPP, I must address the confusion – not to say utter chaos – that is Government’s policy on parking. Firstly, we seem to have witnessed the total eradication of the concept of a park-and-ride scheme for tourists coming in through the Frontier, a concept introduced by the previous GSD administration and apparently supported by this
80 administration in their 2011 manifesto. Of course, such a system would lead to fewer tourist vehicles competing for the scant parking available in town and would, in turn, not only assist residents in parking but would have improved air quality in our urban areas by getting cars off the streets. Other benefits of fewer vehicles coming into town would have been better safety for

85 cyclists and more pleasant conditions for people to walk in, both stated objectives of this Government, and yet a scheme which could have had so many positives seems no longer to be on the table. I would encourage Government to rethink this.

90 However, Mr Speaker, not only is the park-and-ride scheme concept not to be pursued, but Government introduce another policy to make matters in our urban areas even worse. They ban tourist vehicles from the Upper Rock! They say it is to benefit the environment there, but it is to the detriment of the environment and air quality within the urban areas in which the vast majority of us live and breathe. So the trees of the Upper Rock and the monkeys get cleaner air, while most of the people of Gibraltar get poorer air as yet more tourist vehicles drive round town looking for, and competing for, those same scant parking opportunities that the rest of us who live here need to go about our daily business or even just access our homes.

95 So, Mr Speaker, having pursued policy which effectively ... I will not say deliberately, because I hope such a mess has not been created with malice aforethought, but which nevertheless results in more parking pressure in our urban areas, the Government then adopts a zero-tolerance policy on incorrectly parked vehicles. In the space of a month, and with no warning, we see a huge leap in the number of parking tickets to residents and clamps to tourist vehicles. 100 From December 2015 through to August 2016 not a single vehicle was clamped – not one. Come September 2016 and suddenly in that month alone 341 vehicles were clamped. For fixed penalty notices we see a rise from 1,018 in September 2015, a very reasonable number already, to 2,652 in September 2016; October 2015, 1,087 and October 2016, 2,817. These are huge increases.

105 The policy does not target nuisance parking, as would be right – vehicles stopping in red zones, vehicles causing an obstruction. No, soft targets are chosen and whole streets given tickets for no real purpose other than to perhaps boost Government revenues – a taxation of motorists through the back door and a charge on tourists which must leave them with a very poor impression of Gibraltar. Look at it from their perspective: there is no park-and-ride, so they came to visit the Upper Rock but cannot drive up there; they struggle to find parking anywhere 110 else and when they finally do, and they can go off to spend their money in support of our economy, they come back to find their vehicle clamped because they missed the poorly indicated sign that street cleaning was going to take place in the car park on that day. I do wonder what they tell their friends and relatives when they return home. (*Interjections*)

115 The upshot of Government's policy on parking has been to simply make everyone's life a misery while making cycling and walking on our streets more challenging and the air we breathe more polluted. Well done. (*Interjections*)

120 Mr Speaker, returning to the STTPP, I will say that it does contain some attractive concepts, and encouraging electric and microcars caught my eye. I have returned recently from a trip to Rome, where microcars were exceedingly popular and there were virtually no big 4x4s on the roads. I am not sure what incentives are offered in Rome, but perhaps Government ought to look at these as the current incentive packages Government offers have had virtually no impact on the habits of vehicle owners, and the STTPP offers little further guidance apart from setting aside more parking spaces for microcars. So, again, a suggestion with no clear strategy for implementation.

125 Likewise, one of the grander schemes is the pedestrianisation of Market Place: it looks very good and is certainly not to be dismissed out of hand, and pedestrianisation of other areas such as Main Street has been very successful. But the STTPP makes the suggestion without any firm data on how this will impact traffic flows on Queensway and in particular on the Waterport roundabout, an area that already becomes very congested with lorries and buses competing 130 with the many pedestrians coming down from the cruise terminal. (*Interjections*) Air quality in this area is already poor and a comprehensive study is required to determine the impact of the closure of Market Place. This area is pedestrianised of course for Calentita and it works then, but will it work on weekday rush hours? This is the kind of informative detail which I would have hoped to find and which is sadly lacking in the STTPP.

135 Mr Speaker, I was not going to raise the issue of speed cameras, until the Minister himself
raised it in his intervention, and what caught my ear during his intervention was the remarkable
admission that only one aspect of vehicles, and not the rear aspect of vehicles, is currently being
140 photographed by the speed cameras. This was something I asked him in Parliament a while ago
and which he was very secretive about. Mr Speaker, it is a staggering omission that this should
be so when the whole and primary reason for introducing speed cameras in the first place was in
order to moderate the speed of moped riders, particularly young men on mopeds, who were the
most vulnerable in terms of safety on our roads. And yet, other than face recognition, we have
no means of identifying people speeding on motorbikes and mopeds, particularly if they are
wearing a full-face helmet.

145 Something else the Minister mentioned in his speech – which I find scandalous, to be honest,
not to mention discriminatory – was his attack on pensioners, that they should not enjoy the
right to own cars like anyone else. It was a bizarre statement for him to make, to single out
pensioners in this way as if they should not have the right to own what he quotes as a ‘rock
runner’. Even there, his arguments were flawed. He described the rock runner and in the same
150 breath almost he said ‘that vehicle which is permanently parked, occupying a parking space’.
Well, that is not the case; the whole purpose of the rock runner is for people’s day-to-day
getting around Gibraltar.

The vehicles that need to be tackled are the abandoned vehicles on our streets but certainly
not those vehicles used by pensioners to get around Gibraltar because they wish to protect the
155 large investment they have made in the vehicle they use at weekends to go into Spain or
wherever they choose to go with them. Ridiculous, Mr Speaker; ridiculous that the Minister
should target old-age pensioners in this way. *(Interjections)*

It is important that we act responsibly, particularly in areas where strategies designed to
improve the quality of life of the community are concerned, for that is the intention and the
160 motivation of all of us in this House, unlike this administration – which I have demonstrated was
ready, not to say eager, to wipe out any legacy of the previous administration regardless of cost
or impact to the community. Thus Gibi Bikes were abolished, thus HEOs were removed, thus
resident parking schemes were halted, thus buses were replaced for less user-friendly versions –
and all to bring us back to square one later. *(Interjections)*

165 We on this side are more interested in the long-term interests of our community and would
be happy to work with Government and to participate in the many consultations,
considerations, reviews, studies and investigations suggested in the STTPP in order to give our
community a consistent transport strategy for years to come.

Mr Speaker, I move now to matters affecting the environment, and another issue that has
170 become a saga of mythological proportions is that of the sewage and waste treatment plants.
Let me remind Government that this is a project they presented in their 2011 manifesto. Not
their 2015 manifesto, their 2011 manifesto, that false dawn manifesto which the Chief Minister
would have us believe was delivered 100%. Except it wasn’t – far from it, actually: there is no
underground parking at Commonwealth Parade; there is no Naval Ground Park; there is no
175 South Barracks Park or relocation of GBC; the Eastside reclamation remains unbeautified as was
promised; the problems with the taxi city service have not been addressed; the problem of
sewage at Western Beach was not immediately tackled and remains a problem; there has been
no regeneration of Rosia Bay; there is no park-and-ride scheme from the Frontier to reduce the
number of tourist vehicles on our street – it no longer even seems to be a consideration; there is
180 no new road to the south district; and the paving in Main Street has not been made safe for
women wearing heels. And all this just within the portfolios I have as *my* responsibilities. I know
this is history, but the record must show that that particular manifesto was never delivered in
full despite claims otherwise.

Returning to the sewage treatment plant, I accused the Minister of abject failure on this
185 project a year ago in my Budget speech and I can only accuse him of precisely the same failure
today without providing a single good reason or explanation. A year on and still not even a

contract award for construction, let alone an operating plant. We have a promise that it will be done in 30 months' time. Well, we shall watch and see. The Minister recently reiterated his commitment to the Paris Agreement on climate change as if our global contribution was significant. I think the Minister has his priorities very wrong. 'Mr Environment', as the Chief Minister likes to call the Minister, has been in his Ministry for nearly six years and still we pump raw sewage into the sea, knowing full well the environmental damage that this causes. There is no excuse. It is shameful. He used to criticise the former GSD administration for planting the wrong plants at the children's park at Europa – and now, year after year goes by and nothing is done about the travesty that is a sewage outflow just a few metres from that park.

I know that this is not a sexy project; I know elections are not going to be won and lost on this issue. I also know that we will never be able to make true the claims of this Government that Gibraltar is at the forefront of the environmental agenda while this base practice is permitted to continue. It is my duty to ensure that Government and the Minister are held to account until they deliver on this promise, and it is the Minister's duty to deliver on that promise.

Mr Speaker, an issue which in the last year has drawn much public discussion is that of the maintenance and poor condition of the North Front Cemetery. In the last year we have seen a public petition raised, asking that action be taken by Government to improve the condition of the cemetery. We have seen regular, almost continuous, criticism of the state of the cemetery on social media. We have had discussion in this House, and indeed last November we unanimously passed an amended motion which I brought to this House. Please allow me to refresh your memories on that motion, it read that:

This House recalls that North Front Cemetery is the place where our loved ones are laid to rest, considers that there has always been room for improvement to the condition of North Front cemetery and that this has been the case under successive governments.

Notes the importance of continuing maintenance to the state of the cemetery, recognising the efforts presently being made in that direction and supports the Government's plans to review relevant legislation and to provide a management programme for the maintenance of the cemetery.

This was last November and we as an Opposition were sufficiently gracious to allow Government to make its claim in that motion that it was making efforts to improve the maintenance of the cemetery, (*Interjection*) but we did so in the hope that Government would be spurred on by this to press ahead with developing and delivering a maintenance programme. Sadly, and to the great frustration of many, we have seen nothing of the sort in the ensuing *seven months*. If a management programme for the maintenance of the cemetery has been developed it is certainly not one that has yet to be given effect, judging both from the continued poor condition of the cemetery and the constant concerns raised by the public of its condition. These concerns just fall on deaf ears, it seems.

The motion notes the importance of continuing maintenance of the cemetery. We spend around £½ million a year paying people to maintain the cemetery, and a huge proportion of that is on overtime. Our community has a right to expect better value from that. Our community has a right to expect that the place in which our loved ones are laid to rest is looked after in a manner respectful to those loved ones. (**Hon. D A Feetham:** Hear, hear.) Our community has a right to be heard on this issue and Government has a responsibility to act promptly and appropriately to deal with this issue once and for all. What we have seen from Government is simply not good enough and I implore the Minister to give the cemetery the priority it deserves and that the people wish it to have.

Air quality in Gibraltar has also been cause for much debate this year and it is an issue that affects every one of us. The fact is that standards are simply not good enough. The air that we breathe is some of the worst in Europe. While monitoring of air quality has been an important and welcome step, the fact that such monitoring simply reveals, quite literally, how eye-wateringly poor that air is across a range of pollutants is deeply concerning. Anecdotal information indicating people suffer from respiratory ailments while in Gibraltar, symptoms they

often find relieved during periods of absence, supports the data and I would ask Government to consider conducting a full survey of this to properly ascertain the impact of poor air on people's quality of life.

235 I have already touched on this subject while discussing Government's parking policy. As vehicles are one of the three major contributors to pollution in our air it is inevitable that poor management of transport policy will result in worse air quality. (*Interjections*)

240 Large vehicles, or large diesel-engined vehicles, are particularly damaging in terms of pollutants. I did notice the reference in the STTPP to the new bus fleet with the latest approved Euro-type engines – the implication being that these represented an environmental enhancement over the previous fleet. It is somewhat ironic therefore that Government should have sold this fleet not overseas, thus removing it as a contributory factor to poor air quality, but to a local private bus company so that these older vehicles are still on our streets, entirely negating the positive impact claimed in the STTPP of the new bus fleet with their latest Euro-compliant engines. Not only was this done with no consideration for the environmental impact, it was done for the paltry figure of just £15,000 – just over £1,000 per bus sold. I suppose someone must have done very well from this deal but it certainly was not in the interests of the people of Gibraltar.

250 One of the other significant contributors to our poor air quality is power generation. The advent of the new power station is of course expected to improve matters, but the location remains one that I simply cannot agree with. (*Interjection*) Setting that aside, however, it was disappointing to note that Government has ruled out the use of electrostatic precipitators to remove harmful particulates should the generators be required at any point to run on diesel. While I understand that that is not Government's intention, the contingency must be there for a reason and Government had previously committed, largely due to the close proximity of their station to urban areas, to use the best available technology to remove pollutants from the power station's emissions. Government has reneged on that commitment by not including electrostatic precipitators and this will be to the detriment of air quality in general and in particular to those – and there are many – who reside upwind of the power station.

260 Bunkering is the other major contributor to poor air quality and it is also a major contributor to our economy, but that is not to say that we must not endeavour to minimise its impact on the community and find ways of doing this business in the most environmentally friendly way. We need to be honest with ourselves about our environmental record. (*Interjection*) We cannot keep saying what an excellent record we have and how well we are doing, when we are not. Not really. The first step in actually making real progress is to recognise our frailties.

270 While projects such as placing bird-nesting boxes on buildings, managing the tuna catch, underwater cameras, the reintroduction of the Barbary partridge and other species are all important – and indeed I congratulate the Minister on the detailed work in these areas and other areas – these are small things in comparison to the real challenges we face. Sewage treatment, air quality, and yes, issues like the cemetery which affect many people. We need to see ourselves through a lens of objectivity and recognise that we are far from world leaders in environmental matters, that while recycling our waste is rising, it is far from comprehensive and there is a long way to go. We have far to go in the use of renewable energies to generate power, rather than fossil fuel. We have a few solar panels dotted about the place heating water or powering street lights; we have a trial wave generator occasionally boiling the odd kettle because much of the time it does not work at all. We need to step away from making such things sound as if they are hugely progressive projects in order to look good in the local media, because they are not. It is quite simple: they are not hugely progressive, they represent the smallest of baby steps and we need to be honest with ourselves and recognise this in order to begin to make real progress.

280 The Minister issues press releases stating our continued commitment to the measures stated in the Paris Agreement on climate change as if we are a global contributor, but we are not even listed in that agreement as a contributor. We need to get our priorities right and focus on the

285 local and the regional. Our global impact, negligible though it is, will improve through these means.

I know that this cannot be done quickly and that plans for environmental improvement in a community our size must be long term – probably longer than the term of any individual Government or Minister. It is therefore with some disappointment that I say Her Majesty's Opposition remains excluded from all committees which may have a bearing or influence on future policy. Of course Government makes policy, that is accepted, (*Interjections*) but a particular Government may not be there to see policy come to fruition or indeed continue to deliver a policy with consistency. Environment is one area where cross-party agreement, at least in those areas requiring long-term consistency, may be desirable. I invite the Minister to consider this if he is genuinely interested in establishing Gibraltar as a global leader in environmental policy.

295 Finally, in terms of environment, I join with the Minister in congratulating Mr Bart van Thienen for his tremendous voluntary contribution at the foreshore and hope that the Government will support his application for citizenship.

300 **A Member:** What has one thing got to do with the other?

Hon. T N Hammond: Because it's the right thing to do, that's all. (*Interjection*)

Mr Speaker, moving on to Brexit, where I shall not dwell overly long, it has of course been over a year now since that referendum – (*Interjection*)

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Chief Minister (Hon. F R Picardo): Point of order, Mr Speaker.

Mr Speaker: What is the –?

310 **Hon. Chief Minister:** The point of order is that the hon. Gentleman has raised a point specific to an individual across the floor of the House, not in congratulatory terms but in respect of an application –

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):
315 For nationality.

Hon. Chief Minister: – for nationality; and that is out of order, Mr Speaker. If it is an attempt to curry favour – (*Interjection by Mr Speaker*) Well, indeed, but it is an attempt to curry favour with an individual in the Chamber, Mr Speaker. (*Interjections*)

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Hon. T N Hammond: Mr Speaker, moving on to Brexit, where I shall not dwell overly long, it has of course been over a year now since that referendum, a year in which the British Prime Minister triggered Article 50 but sadly left direct reference to Gibraltar out of her letter to the European Union; a year in which the European Union responded to that letter from Theresa May triggering Article 50 and pointedly did not exclude Gibraltar from their response; a year in which we, representing Her Majesty's Opposition, have set out what we believe should be Gibraltar's objectives from the upcoming negotiations – free flow at the Frontier, be a part of any deal the United Kingdom makes with the EU, continue to have access to United Kingdom markets and be part of any agreements made by the United Kingdom with other nations beyond the EU – and it is heartening to say that both sides of the House are entirely aligned on these objectives. These points have been set out and maintained by the GSD since the result of the Brexit referendum was known.

335 It has been a year in which we have not always agreed with Government on the manner in which they have conducted themselves on Brexit. Above all, however, it has been a year in which all in this House have been broadly aligned in the interests of Gibraltar, where there has

been healthy debate and ultimately the establishment of a Select Committee to try and provide support to Government, listen to the community and assess the direction being steered by Government. *(Interjections)* We agree entirely with the Chief Minister that our sovereignty forms no part of the Brexit negotiations, that the Kingdom of Spain should not raise its hopes in this regard or see Brexit as an opportunity to forward its misplaced claims. It was a GSD administration under Sir Peter Caruana who negotiated the double lock on sovereignty, a mechanism which assures our sovereignty and an achievement which we on this side of the House are proud to defend.

Mr Speaker, finally, health and safety, and of course the recent tragic events that we have witnessed at Grenfell Tower in West London. First of all, I must pass on my deepest condolences to all those families affected by this tragedy. The horrors there have highlighted the potential risks of high-rise living and the extreme importance of managing fire risks. Pressures in Gibraltar will always be to build upwards, it is inevitable, but we must always do so safely. I have welcomed the recent statements by Government reassuring the public that the refurbishments of Government-owned estates and particularly the cladding used is of an entirely different nature to that used at Grenfell Tower, and that additional fire prevention measures were put in place to ensure proper fire protection.

Prevention is of course the key. Our community has limited resources for dealing with major incidents and this is clear when you see the kind of response to serious incidents that we have witnessed in London or Manchester. This is not to say that the men and women of our emergency services are in any way less capable than their counterparts in the United Kingdom because that is of course not so; it is simply that we cannot draw on the same resources as would be available there. We need to be all the more cautious in minimising our risks accordingly. I trust that the Government will still be conducting a full fire safety review of Government high-rise housing stock, and I repeat my call to consider extending that review further to include those estates which are partly Government owned, to provide further assurance to our community that our homes are safe from fire. I further ask that the Government makes public, or at least shares with residents, the results and recommendations of such surveys when they are complete and acts as swiftly as possible to address any issues that are raised. I also ask that the Government undertakes to conduct similar tests on the cladding of buildings as those which have been conducted in the United Kingdom, and not just rely on manufacturers' reports for assurances.

Finally Mr Speaker, I would like to thank you, the Clerk of the House and all the staff of Parliament, for the help and support that they have offered and that I have received in this last year. Thank you. *(Banging on desks)*

Mr Speaker: The Hon. Gilbert Licudi.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, I start my address with Tourism.

Mr Speaker, this important sector will continue to play a crucial role in the next stage of our challenging future.

Last October, the responsibilities for running visitor attractions, mainly within our Nature Reserve, and the provision of beach facilities were transferred to the Department of the Environment. This element of the tourism industry is now overseen by my colleague the Hon. Minister John Cortes. This change has allowed the Gibraltar Tourist Board to concentrate more effectively on promoting Gibraltar abroad as a tourist destination as well as developing new and diverse opportunities for the industry. Consequently, the increased budget figure for marketing this year will allow us to strengthen the job of selling the destination and attracting more visitors to our shores.

Our partners in the industry tell us that the growth of the weddings and MICE markets is consistent, and we will pursue the MICE element in particular this year. MICE, or 'Meetings,

Incentives, Conferences and Exhibitions', is a form of tourism which attracts large groups of people. MICE tourism is usually planned well in advance of the event so it is absolutely crucial to stay ahead of the game and get in early. Only recently, the GTB exhibited at the Meetings Show in London. This is one of the most prestigious events of its kind. It benefits from a hosted buyers programme that delivers tangible, potential business directly to those promoting their products and services at the event.

Our participation at the World Travel Market, the industry's leading exhibition will continue in partnership with the local tourism industry. So too the road shows, such as those held in the UK earlier this year and in Morocco last year.

Mr Speaker, in this electronic age the GTB is shortly to enhance the effectiveness of its website and will have a new brochure, available electronically to download. This will also help to make tourism information available more accessible. Our efforts in making social media work harder for Gibraltar are evident, as an increasing number of both public and private sector entities embrace the Gibraltar branding and use it to jointly promote the Rock. The GTB's activities on Facebook, Twitter and Instagram are always well received and we ensure that we support other events through this medium.

Event-led tourism continues to be an important element of our tourism strategy and the results are there for all to see. From chess, backgammon to darts, music, food and literature, to name but a few, Gibraltar is fast developing a reputation as *the* place to travel to, to experience this all. We continue to work closely with our colleagues in the Ministry for Sports and Culture.

The Gibunco Gibraltar International Literary Festival has certainly become one of the most prestigious events we host in Gibraltar and one which the GTB works tirelessly to deliver. We were delighted to announce that Her Royal Highness the Princess Royal has agreed to continue her patronage of the Festival for a further three years. This year will see the fifth edition of the Festival and it is indeed a testament to all those involved for such a young Festival to have reached the dizzy heights already.

Mr Speaker, I was delighted and honoured to present the Gibraltar Lecture at the FT Weekend Oxford Literary Festival once again this year. Laurence Rees delivered a deeply moving and captivating lecture about the Holocaust. We are honoured that he has accepted our invitation to repeat the lecture at the Gibraltar Festival in November this year.

We have recently announced the participation of some prestigious authors and celebrities and I am thrilled to see the Festival once again become a benchmark for others of its kind around the world.

Mr Speaker, I would like to thank the main sponsor of the Festival, the Gibunco Group and all the sponsors and partners who make it possible for the Festival to take place. I am delighted to say that the financial burden on the Taxpayer continues to lessen, as the Festival grows in popularity and reputation year on year.

Mr Speaker, all these efforts and more are showing positive results in our visitor numbers. We have more visitors by air, by sea and the number of coaches bringing day visitors to the Rock is also on the increase.

It is certainly gratifying to see in the Hotel Occupancy Survey that the total number of arrivals at hotels in 2016 reached a record high, showing an increase of 18.9% over 2015, and to see that the largest gains came from tourist arrivals that grew by 25.6% over 2015.

Mr Speaker, commercial aviation in Gibraltar saw record passenger numbers in 2016. We welcomed a record 50 flights per week in the peak summer months, with August being a record month for passengers, with 60,360 passengers handled. Looking at 2017, record passenger numbers have already been broken in the first few months of the year.

We continue our one-to-one contacts on a regular basis with the airline industry. This is wholeheartedly welcomed by the airlines that frequently comment on our proactive approach to ensure that they are always in possession of the most up-to-date information on Gibraltar.

We also continue to participate in the ROUTES Europe development forum, where airlines and airports come together to do business.

440 In 2017, we will see existing routes consolidating even further, with load factors expected to be up and flights operating even fuller than they were last year, increasing passenger numbers and throughput at the airport.

Mr Speaker, the cruise industry continues to show consistent signs of growth. In 2017, 252 calls are already expected. This is an increase of 12.5 % on last year. Seven cruise ships will make their inaugural calls at Gibraltar, with one in particular, *Panorama II*, making a total of 21
445 scheduled calls in the year.

This year the wharf at the Mid-Harbour Marina was also used to berth one of the smaller cruise ships, as the North Mole was fully booked with other cruise ships in port on that day.

Our regular contact with the industry either face to face, at the Seatrade Global events and through the membership of MedCruise, allows us to be prominent in the eyes of the cruise
450 industry. Our partners in the local shipping industry play an important role in all the aspects of the points I have covered, and we are grateful for their support in the day-to-day task of promoting Gibraltar and making sure that our clients and visitors get the highest levels of service and the best experiences.

Only last week, we hosted the 50th General Assembly of MedCruise, the Association of
455 Mediterranean Cruise Ports. This Association also includes ports in the Black Sea and the Atlantic Islands. Over 100 delegates attended the three day event and carried out important business discussing the state of the industry. This was the second time in recent years that Gibraltar has hosted the event.

Mr Speaker, as a Government we have embraced tourism and seen significant growth. Our
460 commitment to the task of selling our unique destination will continue with fervour and pride as we showcase to the world what it is that we have to offer.

Mr Speaker, I now turn to Employment matters.

As at October 2016, the total number of employee jobs in Gibraltar increased by 929, from
465 26,144 to a record high of 27,073. This is the highest number ever recorded. In October 2015, the highest number of Gibraltarians in employment stood at 11,010. I am pleased to announce that in October 2016, this number rose to 11,065. This is also the highest number ever recorded.

Private sector growth has risen by 907 – that is 4.5% – from 20,070 to 20,977 in October
470 2016. The public sector saw an increase of 23 – that is 0.4%. Average gross earnings is now £28,751.62.

Mr Speaker, we have the lowest number of Gibraltarians unemployed ever recorded. Despite
the challenges Gibraltar has faced and is facing, our unemployment has this year once again reached record low levels. 2017 has seen the lowest ever level of recorded unemployment in
475 history. The number of unemployed persons in Gibraltar stood at 111 as at 31st May 2017. This is the lowest level ever since records began. The published first quarter average of unemployment is 216, also a record low – the lowest first quarter average on record!

Mr Speaker, the Department of Employment has undergone a number of operational
480 changes. In the past six months, the Department has been working tirelessly to improve the quality of the services it provides to all its customers, by reviewing all of its processes and systems. It is finalising the digitising of all forms and continues to work to offer online facilities to ease the administrative burden on businesses and strengthen the service provided to the public.

In the last few months, one of the key initiatives undertaken by the Department involves
meetings with a cross-section of employers to assess and assist them with any historic issues they may have had when dealing with the Employment Service. One of the main issues that
485 needed to be addressed is the registration of detached workers and short-term business visitors. I am pleased to announce that we will shortly be in a position to offer businesses a new faster and streamlined process of effecting such a registration.

Mr Speaker, the Labour Inspectorate is tasked with the regulation and enforcement of our
employment laws. This Government is committed to eradicating illegal labour in order to ensure
490 that all businesses are compliant with the Employment Regulations. This is in fact one of the main issues the business community has requested that we investigate and deal with. A new

programme of inspections will be rolled out within the coming months, which will ensure a level playing field is maintained within the job market.

495 The Department has recently produced an information leaflet, which provides essential information to anyone considering setting up a business, trade or profession in Gibraltar. This has been a first for the Department of Employment providing this essential information on-line, in an easy and accessible manner and has proved to be a valuable resource and point of reference to both employers and employees.

500 Mr Speaker, the local branch of the Chartered Institute of Personnel and Development (CIPD) held two events this year in connection with the recent changes to the Employment Tribunal legislation. The first was held in July 2016 in conjunction with various law firms. The event provided an opportunity for HR professionals in both public and private sectors to gain an understanding of the legislative changes and how they apply to them in practice.

505 This was followed up in April 2017 with a simulated Employment Tribunal hearing, giving attendees a flavour of what it is actually like to go through the process. In the role-play scenario, a team of expert employment lawyers recreated the workings of a tribunal in a safe and non-critical environment, with a question-and-answer session afterwards. Attendees were able to understand the procedure of giving evidence, cross-examination and re-examination and discuss their perceptions of the evidence given and what the case outcome might be.

510 Mr Speaker, the Department of Employment, as part of its Careers Development Service, is proud to offer the enhanced services of a dedicated specialist team of Employment Co-ordinators. The purpose of the Co-ordinators is to match the skills, qualifications and experience of those seeking employment with the current employment requirements of local employers.

515 Employment Co-ordinators work closely with employers across industries to help facilitate efficient identification of the available workforce and in turn facilitate the effective matching of those seeking work with relevant available vacancies.

520 These officers are available to all members of the public who are registered with the Department of Employment. Registered persons unemployed or looking for alternative work are given guidance and the opportunity to review all the vacancies that are open publicly and apply to those to which they find of interest.

525 In addition, the Employment Service provides one-to-one clinics whereby each person's employment needs or concerns are assessed, followed by the development of an action plan, which may further include referral to the Employment Counsellor. Where necessary, for enhanced CV production, interviewing skills and referral for onward training opportunities can be provided.

530 The Department is also in regular contact with our secondary schools and the Gibraltar College so that any other service which they feel would benefit their students will be discussed with a view to implementation. With that in mind, the Department of Employment has made available Employment Counsellor to attend the Department of Education with a view to addressing any employment or personal issue that a prospective school leaver may have and to prepare that person to start employment on a positive note.

535 The Careers Section delivers orientation workshops for students at the Gibraltar College, Westside and Bayside Secondary Schools. The workshops allow students who are thinking about leaving the education system to have the opportunity to explore the options available to them in the job market. These workshops are proving to be a success. On the one hand, the students are in an environment where they can talk openly about their expectations, fears, doubts, etc. before they finally decide whether to leave the education system altogether.

540 The transition from education to employment is always a challenging one. The timing of when to do this or even start thinking about the prospect is perhaps one of the most important decisions a young person has to take. The Department can be very useful in bridging this gap by supporting them in the decision-making process.

For those students that have decided to leave the education system, the Careers Service provides dedicated support. Interview techniques are practiced and assistance is provided in

545 formulating a CV and cover letters for job applications. The purpose of these sessions is to ensure that first time job seekers can rely on a Work Ready Toolbox to assist them in the process of getting a job.

Mr Speaker, the Government has responsibility for the Gibraltar and the Airport Fire and Rescue Services. 2016 was a year of steady progress for the Gibraltar Fire and Rescue Service (GFRS) maintaining the three-year targets set in the 2016 Integrated Risk Management Plan.

550 The senior management team is also driving a modernisation programme for the Service involving the Fire Control Room, Operations Room, M/T Workshop and the recently established Health and Safety/Welfare Office.

555 The development of the Control Room has seen the implementation and upgrade of standard operating procedures, an improved training programme that will enhance emergency call management, restructure of supervising and reporting lines and enhancing command and control competence.

560 In addition, Training Management System software – known as the Red Kite – is being implemented at the GFRS. The software will capture and record Personal Development and Maintenance of Skills processes, monitor minimum levels of competencies within the various training programmes and keep a track of assets and equipment. The same software is being used by the Airport Fire and Rescue Service for a similar purpose.

565 The Operations Room at the GFRS has been redeveloped into a multi-function facility that has the capability to perform as a Station Command and Control HQ during a fire related incident or as an alternative multi-agency Silver Command post. In addition, it is also being used as a secondary lecture room for operational training events and as a study room for those members of the Service looking to develop their careers further.

570 Mr Speaker, the Government continues to invest in essential plant and equipment. As part of the GFRS fleet replacement programme, we have acquired two fire appliances, an auxiliary vehicle and a potable pump with a combined value of £287,000. The two new appliances should be built by September of this year. The ultimate beneficiary of this replacement programme is our community.

575 The GFRS forms a vital part of Gibraltar's future development. It is involved in major projects such as the pre-construction phase of the LNG power station and the Airport tunnel. The main objective of this early involvement by our fire personnel in both these projects is to familiarise themselves with potential risks in order to assist in the implementation or creation of emergency response plans. The primary aim of these plans is to mitigate the effects that an incident could have on first responders, our community and the environment. In addition, a contingent composed of GFRS Senior Management, Operations personnel, and members of the Environment Department, have travelled to the UK and Norway to obtain first-hand knowledge on LNG plant operations, safety and security, and emergency response capabilities.

580 Mr Speaker, last October, a team of four firefighters from the GFRS travelled to Montgomery, Alabama in the US, to represent Gibraltar in the 25th Anniversary of the World Fire Fighter Combat Challenge. The aim was to gain and share experiences and importantly to try and make it past the qualifiers. What followed exceeded all expectations: not only did the team achieve their goal of making it past the preliminaries, they battled their way to the world finals, finishing in a fantastic second place and bringing home the silver medal. My heartfelt congratulations to the team for their fantastic achievement. (A Member: Hear, hear.)

590 Mr Speaker, the Airport Fire and Rescue Service (AFRS) has had a busy period of activity during the last 12 months. During the financial year, AFRS has teamed up with various UK-based fire training institutions, the GHA Ambulance Service and other professional bodies and undertaken training and Continual Professional Development.

Two new recruits have been taken on to supplement the AFRS complement and these are now back from the United Kingdom, where they undertook their Initial Firefighter's Course at the International Fire Training Centre in Teesside.

595 Recently, HMGoG awarded a tender for the replacement of the fire vehicle fleet, which will
entail an investment of just over £3 million. This project will be co-funded with the Ministry of
Defence (MOD). The new airfield rescue and firefighting vehicles should be delivered in the next
12 months and replace the existing MOD vehicles, which are between 17 and 18 years old. This
investment will bring up-to-date technology and considerably enhanced fire-fighting resources
600 and capabilities to the airfield for the benefit and safety of the flying public. Two new
Operational Support utility vehicles will also be procured.

The AFRS also unveiled new kit that affords firefighters the essential protection to deal with
the full range of fire and rescue incidents.

605 The AFRS continues to work closely with the GFRS to promote synergies, having recently
signed Interoperability Memoranda of Understanding in respect of both aviation-related
incidents and to support the GFRS at any other incident throughout Gibraltar.

Mr Speaker, aviation fire-fighting is heavily scrutinised and subject to a rigorous compliance
regime. The AFRS recently underwent a UK Civil Aviation Authority audit, with only relatively
minor issues to report. The senior management team are rightly proud of this result, if you
610 consider the significant administrative challenges in the transition from the MOD to HMGoG that
this has represented to the team in such a short period of time.

Mr Speaker, with regard to the Gibraltar Air Terminal itself, and as I have already mentioned,
2016 saw Gibraltar International Airport breaking all historical records of both passengers and
flights handled. The new services from Monarch operating four times a week from Gatwick and
615 easyJet operating twice a week from Manchester contributed to what was an already busy
schedule: 548,230 departing and arriving passengers were handled in that year, which was an
additional 103,894 or 23.4% more than in 2015. Similarly, 4,968 commercial aircraft were
recorded, which reflects an increase of 868 or 21.2% growth from 2015.

620 The passenger figures for the fourth Quarter 2016-17 already shows an increase of 13.6% in
January, 20.2% in February and 17% in March in comparison to 2016. This would indicate that
the trend is continuing and the capacity available is being taken up, which will assist in
consolidating the routes.

Mr Speaker, the Gibraltar International Airport was recently shortlisted by PrivateFly, a
leading online booking platform for private aviation charter, in its Most Scenic Airport Landing
625 Poll for 2017. Thousands of global travel fans voted in the poll, with over 122 different airports
around the world receiving a mention, including those chosen and shortlisted by PrivateFly's
expert judging panel. I am happy to report that Gibraltar came out in fourth place, behind Nice
in the Cote d'Azur in France, Donegal in Ireland and Saba in the Caribbean.

630 The Air Terminal has also been very active in staff training with all the different organisations
continuing to improve on their interoperability and ensuring that they achieve compliance with
the high standards that are set by the aviation industry.

Mr Speaker, the Port of Gibraltar continues to see growth in activity across nearly all sectors
of the industry. This is despite the continuing slowdown in global economic activity, overcapacity
in shipping across the world and stiff regional competition.

635 Specifically, 2016 saw an increase in both the number of vessels calling at Gibraltar for
bunkers – up 2.6 7% on 2015 – and in the quantity of fuel delivered. The GPA also recorded a
rise in ship-to-ship transfers in the Bay of nearly 15%. Off port limit transfers were also up by just
under 6% and increases were also seen in occupancy rates at the Eastern Anchorage.

640 This positive trend is reflected more widely in the total number of vessels calling at Gibraltar,
including cruise ships and superyachts, which saw increases of just under 10% and 24%
respectively. An increasing number of superyachts have also taken advantage of the new berths
at the recently commissioned Mid-Harbour Marina. Of note, we have seen a threefold increase
in superyacht nights since the berths became available, with almost 40% of superyachts calling
at Gibraltar now staying for at least one night.

645 Working closely with the recently formed Gibraltar Yachting Business Development Association (GYBDA), efforts continue to market Gibraltar as a key hub in this sector, highlighting the wider range of services available and the easy access to so many attractions.

Initiatives which were introduced some 18 months ago to promote the Port of Gibraltar continue to have a positive impact, with Gibraltar hosting the extremely successful International Bunker Industry Association annual convention in Gibraltar last November, for the first time ever, with over 150 delegates from around the world visiting Gibraltar.

655 With the support of the Government, the GPA has continued with its targeted marketing campaign, directly engaging with ship owners and operators as well as attending key industry events around the world, including Singapore, Athens, Rotterdam, Amsterdam and Dubai, thereby providing an opportunity to reinforce the Port's reputation in the regional and global stage. Attendance at these events has also resulted in the Port being invited to give presentations or sit on panel discussions at high profile bunkering or shipping conferences and this has provided an opportunity to update the audience on recent developments and initiatives aimed at further improving the Port of Gibraltar's efficiency and standing.

660 The Gibraltar Port was also invited last year to join the Society for Gas as a Marine Fuel, a non-governmental organisation established to promote safety and industry best practice in the use of gas as a marine fuel. With over 100 members, the Society includes key ports such as Singapore, Rotterdam, and some of the most well-known suppliers and operators in this field. This represents a key step for the GPA, allowing it to draw on the technical experience and expertise present in the Society.

670 Mr Speaker, as previously announced by the Government, a new Vessel Traffic Services system has been purchased by the GPA. This new system will be housed in the nearly completed Port building at Lathbury Barracks and should be ready for testing in late autumn with the goal of going live shortly after. This is a significant investment. However, it serves to demonstrate this Government's clear commitment to ensuring that safety, particularly in our busy waters, always comes first.

675 Mr Speaker, an important aspect of the development of the Port is the continuing excellent relationship between the GPA and the private sector port operators and service providers who work very closely to support the shipping community in our efforts to maintain Gibraltar's reputation as a centre of maritime excellence.

Mr Speaker, I turn to Gibraltar Maritime Administration (GMA).

Once again, the Gibraltar Ship Registry has retained its 'White List' status worldwide and remains one of the top 20 in the world. This is reflected in the annual International Chamber of Shipping's 'Flag State Performance Table' for 2016-17.

680 In addition to the improvement in quality, the overall Gibraltar fleet – both yachts and ships – has increased 6% between 2015-16. We now have more than 1,200 vessels registered in Gibraltar, despite challenges such as, as I have mentioned, the global depression in the international maritime market. This is a testament to the excellent products on offer at the Registries, as well as the supporting services within Gibraltar.

685 The Gibraltar Yacht Registry introduced the 'Small Ships' Registry' in July 2016 and the take-up has been very healthy, with 47 new registrations up to the end of 2016 and a further 27 this year.

690 The GMA has once again been providing training for a number of independent authorities throughout the past 12 months, including the Royal Gibraltar Police, the Gibraltar Port Authority, the Danish Maritime Administration and the Isle of Man Registry. The latter two have used the GMA as a base for Port State Control inspections and surveys, which is the internationally agreed regime for the inspection of foreign ships in other national ports.

695 The GMA's Seafarers' Section continues to issue a significant number of provisional and full-term certificates, with more than 4,700 completed during 2016. I am pleased to announce that the GMA will shortly be introducing a new web portal for seafarers' certification and online

payment platforms this year. International and local clients will soon be able to apply, manage and receive seafarer documentation on a 24/7 basis.

700 In December last year, Captain Rob Cumbes retired as the GMA's Chief Surveyor. Captain Cumbes has provided many years of Service to the Government and I would like to thank him for this and wish him a long and happy retirement. I also take this opportunity of congratulating Mr Dylan Cocklan on being successfully appointed as his successor in June 2017.

705 From the outset, the Government has sought to attract and train Gibraltarians to pursue a career in the Maritime Sector. I am happy to inform this House that Mr Ashley Perez and Mr Martin Caruana have now completed their Port State Control Officer training in January 2017 and are fully qualified to serve as Marine Surveyors.

710 HM Government's strategy for the GMA over the next two years is to continue maintaining its high level of quality service, increase the fleet size by bringing in business from new geographic areas and further develop its position as a training hub. The GMA is the international maritime gateway for businesses into the Gibraltar market and Gibraltar offers the full spectrum of maritime services, from finance to insurance, crew certification to ship suppliers. The fact that the fleet continues to grow and yet still maintain its international accreditation as a high-quality registry is a testament to the Government's investment in the Department and the hard work the staff at the GMA have proactively put in.

715 Mr Speaker, I turn to Civil Contingencies. A number of exercises to test threat assessments have taken place during the last 12 months. I briefly summarise them as follows: two counter terrorism table top exercises of one day duration; one dry run nuclear exercise; a full scale nuclear exercise; a full scale counter terrorism operational exercise; a full day table top workshop for HMGoG support services aimed at the aftermath of a major event; two plane crash exercises aimed at the management of specific areas, friends and relatives centres and the airfield apron. A further exercise to test the management of an incident at senior level is now
720 been planned.

725 The Civil Contingency Department is working on contingency plans to cover any major incident concerning the provision or use of LNG and also the Airport tunnel project. Once these plans are completed, they will form part of the Major Incident Response Plan and will be exercised in order to ensure that known threats can be adequately managed in a co-ordinated, efficient and safe manner.

Mr Speaker, the challenges we all face in an uncertain world are many and it is right for the Government to continue to invest time, resources and money to prepare against a major incident that we all hope will never occur.

730 Mr Speaker, turning to the International Exchange of Information: in addition to handling day-to-day Exchange of Information on Request in tax matters with TIEA-partner countries and negotiating further international agreements, Gibraltar Finance has continued to lead on the implementation of the various international tax compliance-related initiatives. Gibraltar Finance co-ordinated the automatic exchange of financial account information with the USA under FATCA for the second consecutive year in 2016 and the automatic exchange of financial account
735 information with the UK under the bilateral Intergovernmental Agreement for the first time, also in 2016.

740 Preparations are underway to automatically exchange financial account information with the first wave of countries by the end of September 2017. Gibraltar Financial Institutions are required to upload their submissions to the Government's automatic exchange of information portal www.aeoi.gov.gi by the deadline of 31st July 2017.

745 Work is now underway on implementing the OECD's Common Reporting Standard on the automatic exchange of financial account information in terms of 'activating' the exchange of information relationships with partner countries.

Following a positive OECD Phase 2 Review in 2014, where Gibraltar was rated 'Largely Compliant' and a satisfactory OECD assessment of Gibraltar's Confidentiality and Data Safeguards in 2015, the OECD has announced that a Phase 3 Review of Gibraltar's 'Legal and

Regulatory Framework and Implementation of the Standard in Practice' by the Global Forum on Transparency and Exchange of Information has been scheduled for the first half of 2019.

750 Mr Speaker, the relevant amending legislation implemented by the Government to comply with the OECD Global Forum's Phase 2 recommendations was the Partnership, Trustees and Tax Information (Miscellaneous Amendments) Act 2016. This Act, which amended three separate pieces of primary legislation – namely the Partnership Act, the Trustees Act and the International Co-operation (Tax Information) Act – came into effect upon publication in the
755 Gibraltar Gazette on 1st December 2016.

Mr Speaker, on Social Security, I take this opportunity to welcome Mr John Reyes as the new Director of Social Security. Mr Reyes took up his new position in March this year and I wish him all the best in the new role.

760 The Department of Social Security is already offering their customers the facility of having their housing rent deducted from benefit payments thus relieving them of the burden of either going personally to the Housing Department to pay in person or having to set up a direct debit or standing order arrangement to settle their monthly rental bill. This simple step has also had a positive impact on rent arrears. The process makes things easier for the tenant and the Government and reduces the risk of defaulting on a payment.

765 Mr Speaker, the Department of Social Security will shortly be benefiting from a new software application system. One of the main benefits of the system is that it will eliminate the duplication of data, therefore delivering a more efficient and effective service to the public. By way of example, a birth certificate submitted when claiming a particular benefit will be stored in the database and the information can be used again at a later date for processing future claims.
770 Simple steps like this make a big difference to the Department and its beneficiaries.

The software will also streamline the information currently held in manual records, therefore highlighting and eventually reducing any inconsistencies in the system. It will also serve as a sophisticated analytical tool with the ability to produce statistical data that can analyse the impact of projected expenditure in relation to any given benefit.

775 Finally, Mr Speaker, I wish to thank my staff and all those who work in the various departments and organisations which form part of my ministerial responsibilities. I am grateful to all of them for their support and dedication.

Thank you, Mr Speaker. *(Banging on desks)*

780 **Mr Speaker:** The Hon. Neil Costa.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, little did I suspect, when I first stood for election in September of 2007, that I would be serving my community and the good people of Gibraltar for at least three terms. As I reflect on my concept of time – which is
785 solely that it flies, Mr Speaker – I stand proud to deliver my 10th Budget address as a Member of Parliament, and sixth as a Government Minister. Today, Mr Speaker, I deliver my first Budget as Minister with responsibility for Health, Care and Justice.

In line with many other western nations, it makes sense for Gibraltar to integrate Health and Social Care, and during the course of my Budget address I will provide details as to the synergies
790 between both and the steps that we have already taken to align care in the health and care settings. Similarly, as Minister for Justice I have been in a position to move quickly in the drawing up of legislation that relates to the care and the protection of our community – for instance, the Government's legislative reforms in respect of the safeguarding and protection of children, more of which I will say later.

795 Mr Speaker, before I continue I will literally beg for your indulgence, as I had prepared a speech in the tradition in which I had heard all previous speeches in my nine years in the House, which is from a prepared script. Notwithstanding, in the limited time available, I have sought to shorten my contribution in line with your direction before lunch. I will therefore ask my teams

not to think for a moment that I consider any of their work any less important by not mentioning
800 any aspect during the course of my contribution.

Mr Speaker, I turn firstly to my responsibilities as Minister for Health. Political observers, and, I think, the wider community, will have noted the ongoing reforms and the substantive changes at the GHA.

Our model of healthcare puts primary care at the forefront of health services and is well
805 understood to be the gatekeeper to secondary care services. A strong Primary Care Centre will take excellent care of our community and keep many medical services within the primary care setting and away from the hospital.

In this last financial year there has been an overall comprehensive review of all primary care
810 services by the clinical and management teams. The findings of the review have resulted in the introduction of some highly effective reforms and creating better access to our GPs, better patient choice, enhancements to the existing services and a more streamlined service overall. The GP complement currently stands at 23 general practitioners divided into three area groups of between six and eight practitioners. In order for the House to fully understand the work of our GPs, it is important to set out the daily context. The Primary Care Centre offers between
815 nine and ten thousand appointments monthly, it receives approximately 55,000 calls monthly and, regrettably, on average, 450 patients do not attend their appointments each month. As a result, this last financial year has seen important changes to the distribution of appointments and, in particular, the availability of appointments to patients.

The introduction of the on-day clinics has proved a successful initiative, in particular
820 benefiting patients who need to be seen promptly by a GP and who cannot wait or plan ahead. The new service consists of a full clinic per clinic area on a daily basis, which is automised and releases appointments daily at 8.15. Patients who have been unable to make an appointment with their GP of choice can attend the on-day clinic with no pre-booked appointments. This represents a significant change in how appointments are offered and how much more
825 responsive we can be to patients' needs. In total, over 200 appointments are released on a daily basis for the same day, taking into account emergency clinics, emergency overflow appointments, critical ill appointments for urgent patients and the on-day system.

The repeat prescription system has been hugely successful, Mr Speaker, launched on
830 6th February. The service has a dedicated counter at the PCC main reception desk and allows patients to request a repeat of their regular medications without necessarily having to see a GP. The patient's medical record is checked by their GP before the prescription is issued to ensure safety and the involvement of a clinician at all times. The number of prescriptions from the start of the service to the end of May is 1,659, which equates to freeing up an average of almost 400 appointments every month. This is a clear illustration of how we have listened to the comments
835 of patients and have responded promptly, providing better patient choice.

The sick certificate telephone service is a modern and creative solution to the problem of
840 appointments being used for patients who are not in fact seeking medical care, but simply a certificate to allow them to stay at home and recover from a minor illness. On 6th March of this year, a dedicated telephone service was introduced where a phone call can now be made to request a sick certificate for up to two days at a time, no more than once every three months. The service is operated by qualified nurses who are formally trained in telephone triage and any certificate issued is recorded in the patient's clinical record. The initiative is designed for patients who have minor self-limiting illnesses who do not wish to be seen by a doctor but who need rest and self-care at home. The innovation supports the Government's public health message for
845 keeping minor and infectious illnesses away from public places, such as the PCC and the A&E department. To date, this service has become increasingly useful with each month that passes. For example, in May, 298 sick certificates were issued, representing a saving of 298 GP appointments in one month alone.

Both of these new initiatives combined are now releasing more than 700 appointments each
850 month. Based on the increase in use of these services since launch, we are fully expecting the

number of patients using the services to rise. To put it in context, Mr Speaker, this has completely mitigated for any loss of appointments due to non-attendance and more besides. Further, and crucially, these two reforms alone have released pressure on A&E and emergency services and have allowed GPs to spend more time with their patients, improving the quality of the care provided.

Improvements to care services also occur behind the scenes with a project to scan and digitise all patient paper notes and upload the information to individual electronic records. This huge undertaking of 60,000 sets of notes will eventually release up to six PCC clerks to attend to patients face to face and on the telephone. This will result in improved customer service, making things easier for patients to navigate through a very busy department. From a clinical governance and safety perspective, it also raises standards of care by ensuring that a patient's full medical record is always available to their GP and any important past medical events can be easily viewed and accounted for.

Mr Speaker, the aim of the Government is to repatriate services, also extending to bringing back primary services from secondary care so that services can be developed that integrate closely with overall community care, so that whole teams of professionals can be involved from allied health professionals to pharmacists to nursing staff and to GPs.

In line with the Government's Strategic Plan for the PCC, GPs are now being encouraged to develop special interest roles. Palliative care, dermatology, cardiac rehabilitation, clinical supervision, women's health and child health are among the special interests being developed. One of the most successful of these GPs with special interest initiatives is the very popular Dr Ferrera of the dermatology clinic. In February of this year the demand for dermatology appointments was such that my Medical Director approved a significant increase in the time devoted by Dr Ferrera to dermatology from two clinics a week to five. Dr Ferrera will therefore see between 15 and 18 patients per clinic, equating to a total of over 80 dermatology clinic appointments a week for him alone. Dr Ferrera also works with a highly trained and professional nursing team who have specialist training in their own right. These skilled nurses undertake an enormous variety of skin treatments, including dermoscopy to check moles, minor operations, patient reviews after treatment and chronic skin disease management. Perhaps the jewel in the crown of the service is that the team also work with a visiting consultant dermatologist who comes every two months from the UK for two to three days at a time and who provides specialist advice for patients, support and training for our team.

I am sure Mr Speaker, that we can all appreciate that living in a high sun exposure area means that dermatology is a vital service for the health of our community. It is my belief that such a service portrays the best of primary care – medical treatment, health promotion and health surveillance in a familiar but professional setting.

Capitalising on the enormous success of the dermatology GP specialist interest initiative, on 16th March 2017 we introduced a GP with special interest in musculoskeletal medicine to speed up the management of medical problems that can often lead to patients missing work and losing mobility and independence. Dr Elaine Flores is currently working at St Bernard's Hospital to help us reduce waiting times for patients waiting to be seen in an orthopaedic clinic. Mr Speaker, it is fair to say that the success of this reform has taken, pleasantly, all of us by surprise. In less than two months Dr Flores has been able to reduce orthopaedic waiting times by a staggering five months. By mid-May she had seen 179 patients in total – new and review patients – and between 15 and 20 new patients every week with a clinic commitment of five clinics a week.

It is envisioned that the service will eventually be transferred to the Primary Care Centre and all patients referred to orthopaedics by a GP will be seen and examined by the specialist GP first. Minor practical procedures can be carried out in a short timespan and patients needing consultant opinion and surgery can be streamlined into the hospital in a way that really does demonstrate how fortunate we are to have integrated medical services working closely for the best outcome for our patients.

Mr Speaker, it is my firm conviction that a strong primary care service guides and elevates all aspects of healthcare to our community. I have a team of primary care clinicians, managers and admin staff of whom I am immensely proud. Day to day and without fail they deliver high-quality professional care to every member of our community from the youngest to the oldest, and while doing so they still manage to suggest and implement improvements in care to better serve all of the community. I am humbled by their dedication and honoured to lead them. Whereas it is impossible to name all of our dedicated staff, I wish to thank the leadership of our Deputy Medical Director and lead GP Dr Krish Rawal, and our PCC Manager, Rose Suissa. They truly represent the best in all of us, are patient and compassionate and are forever considering ways to improve the service.

In respect of secondary care, I cannot overstate the impact of placing clinicians at the forefront of managing services. The strong leadership by practising clinicians and a key focus on repatriating services back to Gibraltar is already paying enormous dividends in terms of patient care and the streamlining of resources.

Mr Speaker, the steadfast commitment of the Government to improve the quality and the delivery of healthcare continues with a firm focus on supporting and strengthening the emergency services. I was proud to announce the first in a series of steps in the A&E department which saw the deployment of two additional A&E charge nurses. The deployments have ensured that a highly skilled senior member of the nursing staff leads and manages the A&E team in every shift. The charge nurse role is crucial, as they are the frontline management on the shop floor. They are responsible for organising and supporting the whole clinical team on each shift and ensure that all A&E patients receive high-quality, safe, compassionate and timely clinical care.

Further still, Mr Speaker, the GHA will employ a consultant in A&E to provide clinical leadership and a senior presence in the Department and lead in the development of services. The advert for this post was published in May 2017 and applicants' interviews will take place on 10th July. For such an important element in the medical care of our community, this senior role will further reinforce my drive to have the subject matter experts, namely clinicians, delivering, guiding and progressing care.

The Day Surgical Unit represents one of the biggest and most gratifying successes of the past financial year, for which fulsome credit must be given to my illustrious and hon. predecessor Dr John Cortes, who, if I may add, also brought back the heart and compassion to the GHA. I must place on the record my gratitude to Sandie Gracia, our Nursing Director, who was also a driving force in this very successful project.

The Unit continues to expand its services by undertaking further procedures, including cardiac procedures, urology surgical lists, dermatology sessions, as well as general surgery and anaesthetic lists within its own theatre suite.

The House may recall that the Day Surgery Unit continues to undertake over 90% of all elective surgery, with even more surgical procedures now being performed using keyhole techniques that allow for patients to heal sooner and return to the comfort of their homes on the same day with the assurance of a quality aftercare service provided by the Day Surgery Team. From January to the end of May, a total of 1,126 day surgical procedures have been carried out, compared to 1,095 procedures for the same period last year.

Mr Speaker, I am equally delighted to reiterate that there have been no cancellations of surgical operations due to lack of beds since January of this year. In the same period there has been a notable improvement in performance figures for surgery at St Bernard's. In the first four months of this year the GHA carried out 161 major surgical procedures requiring in-patient stay –nearly double the number performed in the same period last year. If the current trend continues, the GHA will conduct almost double the number of major surgeries this year compared to last year. As a result, waiting lists across all surgical procedures have been significantly reduced. For example, a patient requiring planned surgery under the care of the general surgeon will now be offered a surgery date approximately four to six weeks later as a

955 matter of routine. This very welcome increase in the number of major operations carried out is thanks to the increased availability of beds at the Dudley Toomey Ward, enabling it to cater for an increased number of surgical patients.

Mr Speaker, it also gives me great pleasure to announce that GHA has recruited a full-time renal specialist consultant. Dr Simon Lines starts work on 10th July 2017. While he will need time to settle in to his new role, he has already actively engaged with the invaluable and very active 960 Gibraltar Dialysis Association to help him develop a service of the highest standards. This represents a quantum leap in the treatment of 26 of our most unwell patients who have the security of a professional service provided by dedicated and experienced practitioners.

The House will recall that in September of last year the Hon. the Chief Minister and my hon. predecessor opened the new Ayling-Buttigieg Chemotherapy Day Unit, which focuses on the 965 treatment of solid tumours. This includes five chemotherapy stations and is open three days a week.

The management and administration of chemotherapy to cancer patients who are often very unwell and possibly not fit to travel must surely represent one of the fundamental reasons why we would wish to repatriate services and treat patients ourselves with our own teams and with 970 the support and backup of all the clinical services our Health Authority can offer. The Unit is already making a massive positive difference to the lives of many patients, and, just as importantly, to their families. This Unit is a perfect illustration of how a local multidisciplinary service can provide platinum-standard care.

Mr Speaker, the Critical Care Unit is also going from strength to strength, with the number of 975 fully trained staff having risen under this administration. In May 2011 there were 28 registered nurses, comprising two charge nurses and 24 staff nurses, plus two enrolled nurses. Today, there are 30 registered nurses, comprising: three charge nurses – in other words, one more charge nurse than under the previous administration; 27 staff nurses – in other words, three more staff nurses; and one nursing assistant. Every member of the Unit's nursing staff is fully trained, 980 qualified and experienced to work in the high-pressured environment of intensive care, taking care of our most unwell patients.

Not only are the nursing staff fully trained, but many are volunteering for more specialist training to enhance patient care in house. In this respect, four nurses are due to attend UK-based training in haemofiltration, which is a highly specialised and crucial service.

985 Moreover, Mr Speaker, it also gives me great pleasure to say that to strengthen and work with our excellent critical care nurses, on 6th May the GHA advertised for five new anaesthetists and interviews took place on 14th June. This recruitment will establish an additional tier of anaesthetic doctors. Overall, a team of senior consultants, junior intensivists and an impressive nursing team will further improve the quality of care in the CCU. The new tier of anaesthetists 990 will increase resilience, as two anaesthetists will now always be available out of hours to attend to simultaneous emergencies and emergency surgery.

The elevation in the critical care teams has been enhanced by the raising of clinical care standards. The implementation of the National Early Warning System – NEWS, for short – 995 programme has replaced the Modified Early Warning System. The NEWS is a platinum-standard, evidence-based, clinical assessment tool to monitor patients using observations such as pulse rate, blood pressure and respiratory rate. As these measures change, clinical staff are able to monitor improvement and deterioration in a patient's condition, leading to safer and more timely and effective medical and nursing interventions of acutely ill patients. The NEWS system is now in effect across the whole of the GHA, including the nursing clinics in the Primary Care 1000 Centre, and demonstrates how we are embracing the highest standards of evidence-based clinical care.

As the House may recall, the GHA has advertised and is in the process of recruiting two matrons at St Bernard's. Following advice from our clinicians, the position of matron is being brought back to Gibraltar to further improve the patient experience and co-ordinate the changes 1005 in systems for enhanced and safe high-quality health care, in conjunction with the Nurse

Management Team. Our health professionals will also benefit, as matrons will provide encouragement and motivation to members of the nursing team and support staff. Further, not only will the matron be an asset across a whole range of multidisciplinary clinical areas, but will also provide a source of information and choice for patients, together with a reassuring physical presence that can make a positive difference when a person is recovering from illness. Matrons will also contribute to patient management, ensuring measures to reduce length of stay and facilitate early discharge.

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Mr Speaker, may I, with your leave, take a moment to pause and to reflect on the fact that we are blessed in Gibraltar to enjoy the benefit of the Clinical Nurse Managers, so very ably led by the Director of Nursing Services, Sandie Gracia, and who truly are of the most passionate, committed, dedicated, professional and compassionate individuals I have ever had the pleasure to work with and are an asset to the GHA. I meet with them often, Mr Speaker, and it is always a pleasure to learn from them and to work with them in improving the delivery of healthcare to our community.

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Mr Speaker, the House would expect from a Government a medical team dedicated to bringing services back to Gibraltar that we improve on the Sponsored Patients department. I am very pleased to note that our highly competent Medical Director, Dr Danny Cassaglia, whom I cannot praise enough, has introduced a new software system that ensures that all sponsored patients' care is overseen by a GHA Consultant, thereby certifying that patients are being seen regularly and also co-ordinating care with the external hospital, ensuring that patients do not have to travel unnecessarily to Spain or to the UK. I am sure that we all agree, Mr Speaker, that patients who can be medically attended to at home should be seen at home to avoid the unnecessary and additional stresses of travel. It is possible for a medical service outside Gibraltar to wish to continue to see a patient simply because that is the system they run locally, without taking in to account the very tiring experience of travelling for a medical appointment or review, and the stressful experience of being away from home and family while undergoing treatment. To that end, my Medical Director and his team have set up a Tertiary Services Review Board to review the details of every patient who travels out of Gibraltar for medical care. The newly constituted Board, that met for the very first time on 4th May, is comprised of highly specialised and experienced clinical staff who are able to make decisions on where best to provide the optimal care for a patient. Cases are reviewed on an individual basis to guarantee a personal and compassionate review on best care.

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As the House may recall, the GHA has introduced a new medical app for its clinicians that enables them to access pathology test results much more easily from wherever they are, on their smart phones and other mobile devices, 24 hours a day. The recently introduced Modulab app is safe, easy to use, password protected, encrypted and follows best practice as applied in other locations. The app provides additional and enhanced means of retrieving information to those methods already in existence and allows the clinicians to directly contact the patient simply by pressing an icon on the app. Additionally, the app will avoid the need for follow-up appointments to review blood results, therefore releasing much needed slots for the general public at the PCC. I wish to thank the GHA's Pathology Services and the GHA IT Management and Technology department, and to congratulate both departments for the great teamwork and successful collaboration that brought the project to fruition.

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Mr Speaker, on 18th May the Government published a Bill to amend the Medical (Gibraltar Health Authority) Act to provide for changes in the management structure of the Health Authority. The main change, announced by the Chief Minister during last December's Parliament, is that the current statutory post of CEO will be abolished. The majority of the current functions and duties of the chief executive will be performed by the GHA's Medical Director. The change, we believe, is hugely important for two reasons. First and foremost, it strengthens and cements the policy of the Government that the GHA should be clinically led, whereby the most important decisions and roles, including the chairmanship of the management board, are made by experienced consultant-level senior medical professionals. It

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places the post of Medical Director, for the first time, on a statutory basis, which the Government believes reflects the importance of the role. The move reflects changes that have been ongoing within the GHA since the retirement of the previous chief executive, where there has been a gradual transfer of non-statutory functions and duties to the Medical Director and a greater involvement of the Medical Director in other decision making. The Bill also includes changes to the structure and nomenclature of management posts within the GHA. In our view, the Bill establishes clear distinctions between clinical and non-clinical functions and management lines at the GHA. The role of Deputy Medical Director will also become a statutory post to allow for continuity on occasions when the Medical Director is unavailable. The Deputy Medical Director will also be a member of the management board in his own right.

Mr Speaker, in the same way as I said earlier that I cannot praise Dr Danny Cassaglia enough, let me also place on the record that Dr Krish Rawal is similarly a consummate professional and caring GP. We are indeed blessed to have this dynamic duo at the forefront and at the heart of Gibraltar's healthcare.

Mr Speaker, the GHA is in the process of repatriating, as I have said, as many services as possible to Gibraltar so that patients can be treated at home. We are looking to repatriate further services, including more complex urology surgery, vascular surgery, cardiology, paediatric surgery and MRI services. This is likely to occur by expansion of our already successful visiting consultant service and the employment of more specialist work to the GHA.

Mr Speaker, in recent months the headlines in the UK have been about an NHS in crisis. One report refers to NHS surgeons kicking their heels as bed shortages delay operations, with another report referring to babies waiting on the floor at A&E and pensioners on trolleys for over 14 hours. Twenty NHS hospitals in the UK had declared black alerts because patient safety could no longer be assured. As hon. Members know, this, thankfully, is not the case in Gibraltar's GHA. The excellent professionals of the GHA are doing, if I may say, a sterling job for the community and it would be churlish, in my view, for us not to recognise the excellent work and the important investment we have made in the health services of our nation.

Mr Speaker, it was the increasing pressure on beds towards the end of 2016 which resulted in plans to further enhance the bed management system. This was achieved using a three-pronged approach: an active bed management strategy was implemented in January this year and weekly meetings are held with a multidisciplinary team, including a dedicated social worker and provision of packages of care to support vulnerable patients in the community; immediate temporary expansion of long-term elderly care beds by converting the cardiac rehabilitation gym into a temporary ward – the temporary ward has already been decommissioned, due to the successful transfer of our long-stay elderly to Hillside's Dementia Residential Home; the expansion of elderly care provision in the community, including the opening of the excellent Bella Vista Dementia Day Centre in January of this year and the full opening of Hillside's Dementia Residential Home. Further, the Government is presently working to increase bed capacity to John Mackintosh Home at the old St Bernard's Hospital by converting the ground floor into a ward with an additional 16 beds. All of these improvements have resulted in greatly increased average daily bed availability, resulting in an average of 31 daily available beds.

Mr Speaker, the House will also be happy to know that the number of dementia long-stay patients has decreased from 29 patients – 22% – last year, to a remarkable six patients – only 5% – in June of this year.

It is also important to note that since January of this year, even before the transfer of long-term-stay elderly to Hillside's, daily bed availability was around 20 as a result of the bed management structures that have been recently introduced.

As part of the Government's commitment to enhance and improve the services provided by the GHA's Ambulance Service, five new ambulance care assistants have been recruited and will commence employment with the service as soon as their induction training is completed next month. A further three ambulance care assistant vacancies have already been advertised locally and interviews are taking place shortly. The recruitment, Mr Speaker, will enable the GHA to

1110 absorb the responsibilities of the third frontline emergency ambulance service, currently
operated by the Gibraltar Fire and Rescue Service and which also includes the provision of a new
1115 emergency ambulance expected to be delivered by July this year. A second emergency
ambulance unit has also been placed on order and is expected to be delivered by December also
of this year. The arrival of these two new emergency ambulances will allow the Ambulance
Service to a phased replacement programme over the next seven years as advised by our
ambulance team. In this respect, all fleet vehicles will undergo major renovations as required
1120 after five years. After this period, all vehicles will be replaced from frontline duties after seven
years' service, or as required following technical advice. The process will significantly increase
the service's fleet resilience – in other words, high dependency units will be replaced with
emergency ambulances that may be used locally and in Spain and patient transport services will
be replaced with a conventional patient transport service. The existing vehicle maintenance and
renewal programme ensures all GHA's frontline vehicles are apt to safely respond to local pre-
hospital emergencies and also conduct emergency and routine transfers of patients into Spain.
1125 Having all of Gibraltar's pre-hospital emergency response assets under the same umbrella will
automatically standardise training, development and protocols, allowing better co-ordination in
responding and dealing with emergency callouts.

Mr Speaker, the Information Management and Technology team continue to manage the
GHA's extensive computer and network infrastructure, which, due to the opening of the
1130 excellent new facilities at Bella Vista and Hillside, continues to expand and increase in
complexity. Additionally, the team are involved in planning various development programmes in
order to enhance the robustness and security of our IT systems and ensuring that all systems
remain current and fit for purpose.

Over the past year, the department has engaged in the following projects – although believe
me, Mr Speaker, when I say that the list is by no means exhaustive: the chemotherapy suite
1135 installation of telephony and IT equipment; the complete redesign and relaunch of the GHA
website; the excellent in-house developments and improvements of the bespoke sponsored
patients system, the human resources system, the hospital stores inventory and stock control
system, and an estimates submission and management system.

There is a growing need, in my opinion, Mr Speaker, to implement videoconferencing
1140 technologies across the GHA, which is planned for the coming year. This will help to reduce the
number of times patients need to travel to care providers outside of the GHA, as well as
reducing the number of visits from visiting clinicians who will be able to interact via
videoconference rather than having to travel to Gibraltar.

Mr Speaker, let me now move towards an integral part of Government plans towards
1145 maintaining the highest standards of patient care. In my opinion, nursing comprises the engine
of any care and medical service provider. Such is the importance of nursing that without it
service delivery would totally collapse. It is because of this that I am determined to focus on the
provision of quality training and development of our nursing personnel. In order to accomplish
this aim, I will ensure that the School of Health Studies is both physically and financially properly
1150 resourced. The School of Health Studies oversees and approves all education and training for all
GHA staff and works collaboratively with other agencies such as the Care Agency and Education.

Mr Speaker, it was this Government and my hon. predecessor that reintroduced enrolled
nurse training to ensure that nurses who are not on the professional register achieve a high
standard of patient care through continuous education and development. Development of the
1155 Qualifications and Credit Framework are nationally and internationally recognised with the
assistance and support from professionally registered nurses, allowing a non-academic route
into the nursing profession for those with no formal academic qualifications. This ensures fitness
for purpose and fitness for practice. From a career perspective, there are enrolled nurses who
have chosen to become registered nurses through the student nurse programmes where
1160 appropriate: an example of encouraging staff to step on to the career ladder. Numbers recruited
to this programme have increased year on year since the relaunch of the programme from

across the GHA and Social Services. The programme is now 18 months long, with further plans to develop and extend the programme.

1165 Traditionally, Mr Speaker, ongoing training needs of nursing assistants have been limited to induction training and attendance to mandatory training updates. The introduction of the NVQ/QCF Level 2 qualification by this Government has instrumentally transformed opportunities. This approach has allowed those with Level 2 qualifications to apply for Level 3 – enrolled nurse – pathways and subsequently on towards the Bachelor of Science, should they wish to progress even further.

1170 My Ministry and the School of Health Studies believe that we now have a substantive pathway of entry into the nursing profession both for the academically inclined student and the not so academically inclined. The increase in continuing professional development for registered staff is also helping to encourage lifelong learning and there are opportunities to actively encourage staff to consider master's degree level modules.

1175 Mr Speaker, I now turn my attention to a crucial and important subject matter – finance and procurement. The GHA has ended the financial year with, in my view, an unacceptable deficit. My commitment to our taxpayers is that in my first year as Minister for Health the GHA will come within budget whilst improving patient care. My mantra, Mr Speaker, has become to increase patient care at better value for money. To this end I have set up a series of financial control measures in conjunction with the new Head of Finance, Mrs Jessica Montado, who I have to say has thrown herself in the deep end with an enviable degree of commitment and attention to detail. The most salient part of our reforms consist of a monthly meeting held on the first Friday a week after the close of the month, with all Heads of Departments, where we review every single head of expenditure line by line. If any subhead is in deficit I require a full explanation for the reasons and the steps being taken to ensure that the next month will reflect expenditure within budget. In this crucial mission I am ably led by the Hon. Minister Bossano, from whom I am yet to leave a meeting without having learnt at least two things new, and the guidance and direction of the Financial Secretary, both of whom attend these meetings.

1180 Further, Mr Speaker, the House will be happy to know that the Finance department is improving processes, which will deliver better budgetary control and financial balance.

1185 Further still, Finance has introduced automated financial analysis reports, which generate automatically every morning and are currently being sent to all budget holders on a daily basis. The initiative has already had tremendously positive feedback, with budget holders querying items and allocations as well as questioning their budget before the purchase.

1195 In addition, the Finance team are also heavily involved with the Government's current e-Government initiatives, ably led by my hon. Friend the Hon. Minister for Commerce, which aim to deliver an electronic procurement system in a centralised way for the whole of the public service, together with a purchase to pay system and an enterprise resource planning system.

1200 Mr Speaker, a major role of Procurement is ensuring value for money from suppliers in line with procurement regulations. I am pleased to note that there has been a lot of work behind the scenes on the procurement front, where the team have been dedicating the majority of resources into setting up revised and updated measures.

1205 A new stores computerised system is also currently being progressed in house and we are now at the populating data stage of the implementation. The new inventory/stock control system will provide us with a number of various reports on all stock items, such as usage and costs by wards and departments, as well as alerting the section on when to reorder goods.

1210 Mr Speaker, I will now turn to mental health, which during the financial year has seen the mental health in-patient services adapt, develop and progress further as they settle into their new surroundings one year on. The magnificent Ocean Views opened its doors to the public in February of 2015 and the continued development and commitment to service users is clearly evident by the progress and positive changes witnessed. This is only the beginning and a number of positive changes and improvements have been identified – working closer with local health

care and social services in order to develop the forward-thinking service that the community in Gibraltar expects and deserves.

1215 Mr Speaker, in respect of Mental Health Services, which continue to provide consistent and supportive community care for service users with complex and enduring mental health problems, a great deal of work has gone into raising awareness and, in turn, helping the general public develop a better understanding of mental health issues.

1220 Work has also been undertaken in reconfiguring some services in order to improve access to the teams. This has been achieved through increased consultant psychiatrist clinics and face-to-face community mental health staff contacts. This change, in easier access to community services, has seen a 14% increase in this last year in engagement of service users and their families.

1225 Mr Speaker, I am very pleased indeed to be able to reiterate that my Ministry and the Mental Health team are excited with the most recent enhancement to the service, which as from Monday of last week saw the phased introduction of an outreach support component for community patients. The addition to the community services is composed of three experienced qualified nurses and the development of the current service will see the addition of a nursing afterhours on-call service, including a mental health support line which will be available to our
1230 known patients/carers, incorporating a combination of phone and physical presence where necessary; support structures for people moving into sheltered/supported flats in the community from Ocean Views; managing patient case load that require more input or monitoring, increase in frequency of home visits, checking compliance with medication afterhours, on weekends and on bank holidays. The new component will be an addition to the
1235 existing on-call team.

Mr Speaker, the Bella Vista Dementia Day Centre officially opened its doors in January this year. The exciting new development has seen GHA professionals and the private sector working in tandem to bring the project to fruition. The new and magnificent facility, the first of its kind on the Rock, will offer 90 places at any one time. As the House knows, the Dementia Centre is managed by MedDoc on behalf of the Gibraltar Health Authority.
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Mr Speaker, I take the opportunity to thank the project team tasked with the planning and commissioning of this innovative facility. Great attention to detail was taken in all aspects of planning, and special consideration was taken throughout to ensure that not only the facility but also all furniture and equipment, from design to colour schemes, was dementia friendly.
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Mr Speaker, it would also be remiss of me not to place on the record my deepest gratitude to the Gibraltar Alzheimer's and Dementia Society for the work that they have done in helping us to furnish the facility, working closely with the project team, and the work that they continue to discharge with so much passion and commitment and the comfort that they give to the families of those that live with Alzheimer's and dementia. Thanks are also due, of course, to all the charities that have assisted us.
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For the purposes of further elucidating the House, Mr Speaker, I add that the first floor opened for full days in February of this year, the second floor in March, and the third floor in April. The service has very quickly been able to assess and integrate those patients who have needed and wanted to, into its programme. There is no waiting list at present for the Day Centre – referrals are assessed within the week of being made and subsequently these individuals are offered places. At the present rate, the trend is that approximately half of the individuals who are being offered places are accepting. Significantly, referrals are being received from those persons with mild/moderate dementia, which is the target population for a centre such as this.
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Further, Mr Speaker, a general practitioner is providing clinics within the centre. Day Centre patients therefore do not need to attend the PCC for their routine appointments. Huge thanks are therefore also owing to MedDoc and their very able team of caring professionals.
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Mr Speaker, I now turn to Elderly Residential Services. As the House knows, an entirely new residential facility for persons with Alzheimer's and dementia was opened on 24th April of this year. Hillside is located at the site of the old Royal Naval Hospital and close to the Bella Vista

1265 Dementia Day Centre. The new residential facility provides care and accommodation for 52
 patients diagnosed with dementia and in need of full-time, high-dependency, specialist care. The
 Hillside design focused on maximising the comfort and well-being of patients. Features such as
 1270 en-suite bathrooms and increased floor area in bedrooms and communal areas were
 incorporated into the designs, together with all necessary equipment to give residents the
 highest possible standards of care. The construction phase presented many challenges,
 Mr Speaker, which had to be overcome, as the original project by the previous administration
 envisaged 92 beds, subsequently reduced in number to create a fit-for-purpose facility with
 better and more spacious living conditions. Hillside boasts a fully equipped kitchen area,
 1275 snoezelen room and chiropody and other services. There is also a garden area with different
 types of flowers and plants for sensory stimulation. All rooms are coloured for dementia, while
 furniture has been specifically designed as recommended by our UK dementia consultants. The
 soft flooring throughout the building similar to that in toddler parks and signage is also dementia
 friendly. Verandas on the various floors have been opened to enhance views and give a greater
 sense of unrestricted space to patients. There will be eight beds available to provide respite for
 1280 family carers.

Mr Speaker, it would be a gross dereliction of duty if I did not thank Susan Vallejo and the
 superb team at the ERS for all of their efforts in bringing yet another milestone project to
 fruition under a GSLP/Liberal Government. **(Hon. Chief Minister and Hon. Miss S J Sacramento:**
 1285 **Hear, hear.)** One of the most wonderful aspects of my new responsibilities, Mr Speaker, if not
 the most fulfilling, has been the opportunity for me to meet with so many compatriots who
 carry their vocation in their heart and their soul and who are always willing to go the extra mile
 for those in their care. I cannot praise them enough, Mr Speaker.

As part of the continuous professional development of nursing staff within the ERS, annual
 updates on mandatory training are being carried out. In collaboration with GHA professionals,
 1290 staff receive continuous in-house training in various areas of nursing for elderly care. In addition,
 accredited modules, delivered through the School of Health Studies, have been made available
 for elderly care nursing staff. Staff from different areas of the service have, for the first time,
 been able to participate in a leaders and management courses. Major training has been carried
 out in dementia train the trainer courses. The training has been enhanced with a particular focus
 1295 on dementia and Alzheimer's in addition to the introduction of accredited courses in
 recreational activities. The ERS has also introduced palliative and end of life courses.

The ERS has seen the introduction of two practice development nursing sisters after having
 undertaken training in the UK. ERS qualified staff are currently participating in mentorship with
 the GHA School of Health Studies to support the ongoing training of all of our staff. Currently,
 1300 ERS senior staff are undergoing training that will qualify them to become internal verifiers and
 will allow them to assess and oversee all of the NVQ training. Further, a total of 11 nursing
 assistants have joined the enrolled nurse training programme and have developed to qualified
 nurses. Four ERS nursing assistants are currently undertaking a degree level course with the
 School of Health Studies which will eventually see them qualify as registered nurses.

1305 Further still, Mr Speaker, three GPs have been introduced within the ERS to provide medical
 specialist care to all residents. The ERS will also see the introduction of a dedicated speech and
 language therapist and an occupational therapist.

For the enhanced safety and welfare of both residents, staff and visitors, around-the-clock
 security guard presence and CCTV have been introduced.

1310 Mr Speaker, turning quickly to activities, when we first came into office ERS employed
 1.5 activities co-ordinators at Mount Alvernia and one activities co-ordinator at John Cochrane
 Ward and Calpe Ward. This administration has increased to five activity co-ordinators at Mount
 Alvernia and three for the wards. As the House will know, the cherished residents of our care
 homes and the wards have access to a safe outdoor environment across all locations. Outing
 1315 activities are numerous and there is an internal health and safety policy in place, the objectives
 of which are to safeguard the residents and staff when undergoing outings. The policy sets out

1320 the roles and responsibilities of staff to ensure that residents going on an outing are well prepared, that the loading and unloading of vehicles is carried out safely and that the venue of choice is appropriate for the residents attending. Outings are pre-arranged and only residents who have given consent are taken. Staffing levels are adjusted to ensure appropriate supervision. Staff in attendance always includes a qualified nurse. Venues visited by residents are risk assessed; so are the residents attending. Outings depend on the outcome of the assessments. We also have a bus with wheelchair access, which operates between 10 in the morning till eight at night, to convey residents to different venues. In addition, ERS has allocated
1325 a member of the activities team specifically to the second floor of Mount Alvernia, where there are principally residents with dementia. This member of staff permanently organises activities tailored to the cognitive capacities of the residents, so that all residents, independently of their cognitive impairment, can have an adequate activity to their degree of dementia.

1330 Mr Speaker, all residents are encouraged to participate in the outings which are organised; however, there are residents who do not wish to participate and we respect their choice. We also facilitate an extensive indoor programme for residents who are unable or choose not to participate in outdoor recreational activities. At this juncture, I wish to place on the record the fantastic job that the Friends of Mount Alvernia carry out with the residents and who provide assistance when some big outings are organised, and also the assistance provided by members
1335 of the Jewish community.

1340 Mr Speaker, in light of the above it would be remiss of me not to highlight that outings under the previous administration in 2010 totalled 35 a year. In 2016, there were a total of 170 outings, which is a welcome increase of 385%. And despite all that we have done, we are not complacent and we are determined to keep developing and improving the services which we provide to our elderly.

1345 Mr Speaker, I turn to the Care Agency and I start with the Adult Social Services. As the House knows, the overall aim of Adult Social Services is to provide the highest possible standard of service and care. Adult Social Services provides and commissions a range of services for different groups of people who are considered to be vulnerable as a result of different health or social care needs.

1350 During the last financial year Adult Services received 627 referrals for social work assessment and support. These referrals are received not only from other professionals but members of the general public who are either self-referring or from relatives or neighbours who wish to raise concerns about a vulnerable person. This represents an increase of 136 from the previous year.

1355 Domiciliary care continues to be provided to assist vulnerable, elderly or sick people at home. The cost of providing care has been negotiated carefully with care providers to deliver the best value-for-money services possible. This has meant an increase in the number of hours available without an increase in the overall cost. At present, 263 members of our community are receiving domiciliary care. Mr Speaker, I am sure that all Members of the House will applaud and welcome the Government's determination to ensure that all our elderly who can continue to enjoy life in the community do so under appropriate and fully assessed packages of care. It is a truism that governments should be measured by how they care for the most vulnerable members in their communities, and by that measure there is no doubt that we on these benches are trying our hardest to guarantee that our elderly and vulnerable community members have the right level
1360 of care and support at home. Such a community-centred approach to care also removes what in my view is the evil of our elderly becoming institutionalised in hospital in circumstances where this could have been entirely avoided by a compassionate approach to health and social care. A compassionate approach to social care, Mr Speaker, in fact also makes economic and financial sense, as it is far more cost effective to develop individual packages of care than for an elderly
1365 person to become a long-stay patient in hospital.

Mr Speaker, it may well be prudent to pause and note that domiciliary care and support services in the UK have never been free. Most people have to pay something towards their own care and some will have to pay for all of the costs. In the UK, the local council may cover some or

1370 all of the costs of care but they are always means tested. The level at which persons begin to pay
for their care is capped at £23,000, which means that in UK persons will not receive free social
care if they have £23,000 in savings and property. In Gibraltar, Mr Speaker, as we all know, this
is not the case. Persons requiring social care are not means tested and are provided with the
free care and support services that they require.

1375 Mr Speaker, moving on to safeguarding, awareness continues to increase every year. In the
last financial year, 30 referrals in respect of a range of different alleged abuse of vulnerable
people were received and assessed. These referrals have been received from both professionals
and also people in the community, clearly demonstrating that the public is becoming more
aware of the issues and that it is everyone's responsibility to protect the most vulnerable in our
community.

1380 Two additional social workers have received training to become designated risk managers
and close working relationships continue to develop and strengthen with all departments
involved in these arrangements. An increase in designated risk managers has meant that the
number of assessments completed has doubled over the last financial year. In addition to this,
specialist training has been undertaken to support people with specific learning needs. This has
1385 strengthened the already close relationship that Adult Services has with the Learning Disability
Service.

Working relationships with the RGP in the area of domestic violence has continued to
develop, including training carried out recently, and expanded throughout the last financial year.
Clear co-ordination and procedures from both Departments are now in place in relation to
1390 domestic violence cases. The inter-agency procedure makes the multi-agency approach of
offering joint support seamless and beneficial to families who experience domestic violence.

Moving on to the day centre at Waterport Terraces, Mr Speaker, I am pleased to note that it
continues to provide an excellent and popular service to our senior citizens, who have been
involved in a range of different community events. The centre has recently been refurbished to
1395 increase the number of facilities available. The service is valued not only by those who attend,
but also the carers who are able to leave their relatives in a safe, warm and caring environment,
knowing relatives' support needs will be met and they will have the opportunity to enjoy
themselves with their peers.

Mr Speaker, the House may recall that the Child Protection Committee was restructured and
1400 the composition revised in December last year. The Child Protection Committee is responsible
for co-ordinating with the relevant organisations on how they should best work together to
safeguard and promote the welfare of children and young people and ensure that they provide
an effective service. The Committee is also responsible for the training of all professionals
working with children and analysing trends in children's safeguarding issues to advise the
1405 Government on the development of appropriate services and resources. The Committee now
acts as the Executive Committee and delegates operational functions to the relevant responsible
officials.

To ensure the Committee's ongoing professional development, the Care Agency organised a
three-day training event, delivered by a senior consultant from Barnardo's in February this year.
1410 The programme was divided into three segments. Additionally, the previous financial year, the
Safeguarding Training Sub-Committee, comprised of practitioners from the Care Agency, the
GHA, the RGP and the Education Department, delivered a total of nine Tier 1 Safeguarding
training workshops, where a total of 240 professionals from different departments and agencies
were trained; and a total of two Tier 2 Safeguarding training workshops, where a further 29
1415 professionals were trained.

The Child Protection Committee has been working on specific areas to ensure the safety of
children. One of these is online safety and, as such, a working party led by the RGP has
developed an anti-sexting awareness presentation aimed at parents and adolescents.

Another important area is vetting and members of the Committee have been working with
1420 the Ministry of Culture, the GSLA and the OFT, and considered systems on how to ensure all

groups, associations and businesses that work with children are adequately vetted. In this respect, Mr Speaker, I wish to place on the record my thanks to my hon. Friend and colleague, Mr Steven Linares, for the serious work the GSLA has already undertaken to introduce robust safeguarding procedures in respect of registration processes for entities using Government facilities, namely sporting associations, commercial fitness groups and leisure providers. May I also thank Mr Reagan Lima for having picked up the baton in this respect with so much commitment and enthusiasm. I am sure the whole House will applaud all efforts undertaken to protect and safeguard children in the public sphere.

Mr Speaker, Children's Services encompasses all social work with children and their families. The Care Agency's vision, with which I am sure all hon. Members agree, is that children deserve the best start in life. They deserve the best opportunities, as this will undoubtedly influence the decisions and paths they choose later on in their journey through life. I do not think that we can underestimate the critical importance, therefore, of this service.

It is important to highlight, Mr Speaker, that Gibraltar Children's Services, under the leadership of my hon. predecessor, has moved from being a reactive child protection led service to being an active, early intervention focused service. This will have a long-term beneficial impact on children and families, giving them increased opportunities to succeed and achieve, while also having the longer-term benefit of being cost effective, as the consequences and aftermath of abuse costs are great and can be seen in issues related to mental health, criminality, family unit breakdowns and parenting issues.

Mr Speaker, the House will recall that Children's Services has adopted the Signs of Safety model into Gibraltar's social work service because of the positive impact it has on children, families and the general community in areas in which it is already practised.

The Children's team continues to work with between 200 and 250 children at any given time, and received 471 referrals in the last 12 months alone. There has been, however, a significant decrease of 57% in the number of children in need of child protection plans, and I think this is an important statistic as it can be directly attributed to early intervention and family support work that has been conducted with families, meaning that issues have been dealt with in a timely manner at root, avoiding situations for children becoming high risk.

The Government's commitment through Social Services, together with the RGP, Health, Education and Youth Service amongst others, along with the focus on earlier intervention, means that vulnerable families in Gibraltar are being provided with the highest standards of support and protection.

Further still, Mr Speaker, the Children's Services team has evolved towards alternatives to residential care for children. In having the flexibility to organise and restructure teams depending on the needs of the community, the Care Agency has inevitably enabled the deployment of resources to areas of greater need.

During the last financial year, the overall aim has been to reduce the number of children that become looked after in residential settings, as the understanding is that no matter how much training, support, supervision and funding is invested in residential services, children want to and should grow up in family units, which is the best place for them. To have the opportunity to grow up in a healthy family unit is the aspiration for every child and we must do all that we can towards that noble endeavour – I would say, Mr Speaker, towards that human right.

With this in mind, the strategic plan consists of further investing in the Fostering and Adoption Service. The annual awareness campaign recruited 11 applicants for fostering and adoption. The successful training programme for prospective foster carers and adoptive parents guaranteed that the applicants favourably considered domestic adoption and long-term fostering for children in Gibraltar. In this respect, Mr Speaker, we have seen a significant increase in children in foster placements in the last year, from three to nine children, which is a solid 200% increase. There has also been a 60% increase in children being cared for in family placements – that is from 10 to 16 placements in the last financial year. The Fostering and Adoption Service has worked very closely and actively with the Children's Residential Services to

1475 ensure that any children who require care should be placed across placements within family units. The placements ensure the well-being of the child and provides the type of continuity of care only a family can provide. Training has been provided on a number of topics over the past 12 months to social workers, foster carers, prospective adopters and members of the Fostering and Adoption Panel to ensure the learning is embedded into practice.

1480 Mr Speaker, the Therapeutic Team continues to offer a range of specific therapeutic expertise and support. This takes place through their ongoing continued work with the Children and Families, Disability and Probation Services.

1485 The key elements of the Therapeutic Team's service provision for the previous financial year have been: provision of ongoing consultation and working in collaboration with social work colleagues on all cases – a total of 142 clients received ongoing weekly or fortnightly therapeutic interventions and support; individual assessments and evaluations, including court requested reports – these included 45 cases requiring a more extensive, systematic and comprehensive review in addition to the therapy already being offered; a total of 22 clients have undergone the co-parenting programme to address acute acrimony in separation and divorce cases – I know that the Hon. Mr Phillips was asking me about that in a previous answer to questions; a total of 18 clients have engaged and undertaken the Freedom programme, which deals with domestic violence.

1490 Mr Speaker, in respect of Disability Services, the Service has made a great effort to ensure that training is more specialised to learning disabilities and tailored to the specific and current needs of service users. An intensive programme of in-house and outsourced training has continued to provide the staff with professional development. In this respect, there has been an 8% increase in training hours provided in relation to the previous year; and feedback from staff has been very encouraging, with 89% recording a very high satisfaction level.

1495 There are service users who continue to receive consultancy support from Care and Support in the UK. The consultations are organised with a multidisciplinary team, comprising, amongst others, psychiatrist, learning disability nurses and an occupational therapist. During their four visits throughout the year, the following have been devised according to individual needs: positive behaviour support plans, forensic and learning disability assessments, sexualised behaviour guidelines, and pathways and formulations of care. It is extremely important to ensure that the best care plans are put together to best meet the needs of our service users, allowing for a fuller integration into the community.

1500 The Supported Employment Scheme, Mr Speaker, offers sheltered employment for service users of St Bernadette's Resource Centre and the Dr Giraldi Home, and this continues. As of February 2015, there were 10 service users completing employment; there are nine companies involved. To date, feedback has been extremely positive, which is reflected in both the companies' and service users' comments and level of participation. We are very thankful and appreciative of the support provided by these companies and would encourage other employers to consider the value and benefit that their organisation could provide to individuals.

1505 Mr Speaker, St Bernadette's Resource Centre welcomed two new service users in September. The Centre has developed a transition programme for young persons with learning disabilities so that they can begin to be integrated into the care as soon as they leave St Martin's School. This enables a seamless service where support and education continues to be provided.

1510 Afternoon Respite Service from 4 p.m. to 9 p.m. has offered a total of 16,000 hours, and during the same period Overnight Respite Service has totalled almost 14,500 hours, which represents a 57% increase in the amount of afternoon respite and a 4% increase in overnight respite hours, which has enabled service users to enjoy breaks from their families and undertake activities in line with their abilities. Activities undertaken are outings within town, amongst others.

1515 Within Dr Giraldi residential services there have been four admissions during the last financial year and three new flats have been opened and refurbished dependent on the needs of the residents. There has been, Mr Speaker, a move towards flats in the community and away from

1525 the main residential setting. This has enabled the integration of persons with learning disabilities into the community, where they can live within flats in safe and supportive neighbourhoods. And once again, Mr Speaker, in that respect I wish to thank the hon. Lady, Samantha Sacramento, who has been instrumental in moving as quickly as she did to allow us to have properly resourced community flats to achieve the aims I have just mentioned.

1530 Three of the new admissions have come about due to the successful transition programme between children and adult disability services, where those who are known to be moving from one service to another are co-worked between the two services, ensuring tailor-made plans are facilitated and individual moves are consistent and provide continuity.

1535 In November 2014, a Service User's Wishes and Feelings Questionnaire and a Nearest Relative Questionnaire were introduced. The degree of satisfaction from service users and relatives has increased, importantly. An example of improvement is that in the previous financial year there was 85% satisfaction in the attendance at the Centre, whereas in this financial year 95% of service users have expressed that they are happy to attend the Centre. This, of course, Mr Speaker is very welcome news and reflects the sterling and hard work by my hon. 1540 Predecessor, which she discharged in her stewardship of the Care Agency and her dedication and passion in improving all areas of the service.

Mr Speaker, as a Government we are committed to further protecting and promoting the interests and welfare of persons with disabilities through the development of effective policies and the creation of training programmes for care staff at St Bernadette's and Dr Giraldi.

1545 Mr Speaker, it is simply not possible to name all the excellent professionals at the Care Agency, and so I simply thank all of them for their dedication, commitment and professionalism and to let them know that we all sincerely appreciate their hard work.

Mr Speaker, I turn now to my Justice responsibilities and I start with the men and women who day in and day out keep us safe: the Royal Gibraltar Police. The force is committed to 1550 providing the best value for money to the community and maintaining a fair work-life balance for its workforce, police officers and civilian staff alike.

The report conducted by Her Majesty's Inspectorate of Constabularies concluded that whilst the force faced a high demand load, it did not fully understand its demand profile. Therefore, to best utilise its available resources, the organisation carried out an in-depth needs-based analysis 1555 of its current demand profile. This has led to a major restructure of the organisation's existing resources and the manner in which it carries out business in order to improve service delivery. The organisation has moved away from its long-established four shift system and adopted a new five shift system. The old seven-two working day to rest day split has been replaced with a six-four cycle. Whilst this has meant slightly longer working days, the cycle provides for better rest 1560 periods and adheres to the Working Time Act provisions. Significantly, an element of overlap has been built into the new shift pattern, which ensures more staff are available at times of greater demand, as indicated by the demands analysis.

The RGP will continue to self-assess its demand against its capability and remains committed to working with the Government in pursuit of improving service delivery to the community. In 1565 this context, the RGP is submitting a business plan for further consideration.

Mr Speaker, the force restructure has meant a change in the manner in which the organisation carries out its business. The force fervently believes in keeping the community at the heart of how it carries out its functions, and with this in mind adopted a neighbourhood 1570 policing philosophy and created a Neighbourhood Policing Unit. This ensures that police presence in areas such as residential estates, upper town, etc. is maintained. Uniformed officers are also tasked with conducting focused patrols. These are designed to tackle specific issues in specific areas and at specific times.

The RGP continues to invest in our future generations and therefore has maintained its School Liaison Officers. These officers continue to work closely with schools, youth clubs and 1575 organisations. They deliver talks and presentations to various age groups, covering a broad range of subjects such as stranger danger, cyber bullying, sexting, drugs awareness and binge

drinking. Additionally, these officers deliver seasonal themed talks, which include but are not limited to Halloween talks.

1580 During the last five years, the force has been actively involved in the planning and development of an integrated IT platform across multiple business areas, not just within the RGP. The platform is modular in approach and addresses business areas such as custody, case management, personal history and crime recording. Whilst not an entirely paperless system, it will greatly facilitate the documenting and recording of information. The case management module, for example, once in operation, will see a seamless transition of case dockets from the
1585 the moment they are initiated, through the investigation phase to their final destination at the courts for trial.

Once completely delivered, the entire platform will consist of 15 modules, of which 10 will be in use by the RGP. The other modules will be used by, amongst others, the Office of the Attorney General, Probation Service and the Prison Service. The project is currently in the delivery phase,
1590 with four modules – Occurrence Book, Crime, Intelligence and Personal History modules – already in operation. The next module due for delivery will be the Custody module and the Command and Dispatch module. This will encompass all custody procedures from reception through detection to final resolution.

During the course of the last financial year, the RGP has increased the number of resources it allocates to the investigation of financial crime. In part, these increases are governed by the MoneyVal requirements. The organisation now has two separate departments investigating financial crime and money laundering: the Financial Crime Investigation Unit and the Money Laundering Investigation Unit. Both units are led by a detective inspector and consist of two
1595 detective sergeants and six detective constables. The units also have a terrorism financing investigation capability.

The Money Laundering Investigation Unit currently has 10 ongoing investigations involving circa £1.7 million. In a separate case already dealt with by the courts, over €10,000 has been forfeited. In addition to this, five other cases are subject to either restraining orders or money has been seized pending further investigations or court decisions.

1600 Mr Speaker, as we all know, Gibraltar sits geographically at a major maritime crossroads. In addition to being a major artery for commercial maritime traffic, the Straits of Gibraltar is one of the main trafficking routes for the movement of drugs from the North African coast to mainland Europe. The RGP's maritime assets are therefore at the front line of the international fight against this illicit activity. Police motor boat crews, together with their local partner agencies, patrol British Gibraltar Territorial Waters to deter and interdict any such activity taking place. In
1605 the final quarter of the last financial year, over five tonnes of cannabis resin valued at an estimated £25 million have been recovered from the sea, and several RHIBs have been seized. The RGP's fleet of vessels is intrinsic to these successes. Despite its purpose-built vessels, however, these operations are not without risk, with RGP officers being regularly exposed to and
1610 having sustained serious injuries in the past.

The fight against trafficking is not constrained to that occurring across the Straits. Earlier this year, the RGP, together with Customs and Port Authority partners, executed a major intelligence-led anti-drug operation on motor vessel Mount Faber. The vessel, currently in Gibraltar for bunkers from Colombia. Intelligence shared by international law enforcement
1620 contacts suggested the vessel had been attached with a parasite container with a substantial amount of cocaine. Following an exhaustive search of the vessel and its hull, the latter requiring the use of specialist diving contractors, the container was found with approximately 108 kgs of cocaine concealed inside. The street value of the drugs was estimated at around £6.5 million.

Mr Speaker, the force, as the House may recall, also acquired several portable breathalyser units and drug wipe test kits prior to Christmas last year. The equipment enables officers to
1625 conduct breath tests on drivers suspected of driving whilst over the prescribed limit at the time of being stopped. Similarly, the drug wipe kits enable the officers to confirm whether a driver has traces of drugs on him, alerting to the possibility that the driver may have been consuming

1630 drugs prior to driving and therefore still under its influence. Whilst individuals testing positive would still need to be further tested at the police station, the tests have reduced the number of individuals arrested on suspicion of these offences and subsequently released when testing negative or under the prescribed limit of alcohol.

1635 Mr Speaker, I know that we are all in this House extremely proud of our men and women of the Royal Gibraltar Police and I wish to place on the record our sincere thanks for their tireless work and for keeping all of us safe.

I turn to the Gibraltar Law Courts. Following recent retirements of Justices of the Court of Appeal, this year we have seen the swearing-in of two new Justices: the Rt Hon. Sir John Goldring and the Rt Hon. Sir Martin Moore-Bick, maintaining the complement of the Court of Appeal at five members.

1640 During 2017, following advice from the Judicial Service Commission, five new Justices of the Peace were recruited and appointed.

As reported in previous years, there continues to be no backlog at the Magistrates Court and the Supreme Court in respect of dates being provided for criminal trials and for civil and family applications waiting for first-hearing dates.

1645 The Gibraltar Courts Service continues to modernise and improve the services provided to court users. Since October last year, court users enjoy the use of WiFi facilities in all courtrooms. The Gibraltar Courts Service website continues to be regularly updated with judgments being available for the Supreme Court and the Court of Appeal since 1997 to date, and since January last year sentencing pronouncements for criminal trials at the Supreme Court are also being made available to download from the website, thus enabling the general public and service users to keep up to date with court decisions.

The Laws of Gibraltar Judgments website continues to be up to date with all reported judgments since 1812 available for download, with future reported judgments to be uploaded subsequent to their publication in the Gibraltar Law Reports volumes.

1655 Organised visits to the Gibraltar Law Courts arranged by the Gibraltar Courts Service in unison with the judiciary remain popular with local middle schools as well as with overseas colleges and universities, where students gain a good insight of how the justice system works in Gibraltar and helps to enhance the reputation of our legal system in respect of external visitors.

1660 The Gibraltar Courts Service is constantly looking at ways in which to improve their services and level of performance, with court users today enjoying a modernised, open and approachable court service through which the public can have access to the justice system. Mr Speaker, I wish to thank the excellent staff at our Gibraltar Court Service, as well as our Justices of the Peace and judiciary.

1665 In respect of the Prison Service, I am glad to say that it has been another generally uneventful year for the Service. The atmosphere within the Prison Service is relaxed and positive. Statistics in respect of prisoner indiscipline remain static at around 2.5 cases per month, most of these being minor infractions.

1670 In respect of population figures, the first two months of 2017 show a decrease when compared to last year, while the subsequent months show an increase. Daily average inmate population figures for January stood at 47 prisoners, down from 57 last year. March 2017 saw an average of 55 prisoners, up from 51 prisoners in March 2016. The average population for the last financial year stood at 53 prisoners, down from 59 prisoners in 2015-16. Between April 2016 and March 2017 there have been a total of nine female admissions and five juvenile admissions.

1675 In respect of rehabilitation, the Prison continues to be well served by professionals offering a variety of programmes to assist offenders in breaking the offending cycle and becoming productive members of the community. Visits by different counsellors and a psychologist provide a valuable service in this respect. Organisations like Narcotics Anonymous that attend weekly are very popular with inmates. Vocational activities, including woodwork and handicraft classes, are typically well subscribed. Sports and exercise is ever present and encouraged by

1680 Prison management. Educational classes are providing many inmates with the opportunity to learn and achieve qualifications in a variety of subjects.

The management of sex offenders has been an area that has seen a considerable increase in resources required over recent years, due to the rise in prisoners committed to prison for such offences. In this respect, the Prison has been actively involved from the outset with the Public Protection Unit. The Prison has four fully qualified designated risk managers who work with sex offenders and produce valuable assessment reports that assist in the management of such offenders once they are returned to the community.

1690 Prison representatives continue to attend the Foreign Office Overseas Territories Directorate conferences every year. This gives Prison management the opportunity to share experiences with counterparts from the other territories and explore common areas, concerns and aspirations.

In terms of industrial relations, Prison management continues to work with staff representatives in a holistic and constructive way. The conclusion of the resource review for the Service is anticipated to further enhance the service that the Prison can offer in the future. This will not only benefit staff but will also allow for the expansion of rehabilitation programmes.

1695 The Prison Board continues to provide a valuable service to the community through their frequent inspections and meetings, keeping Prison management in check and ensuring that prisoners are well treated and that their grievances are heard and addressed.

1700 Prison management continues committed to its core precepts: keeping safely those in custody, looking after them with humanity and encouraging their self-respect; assisting them in leading law-abiding and useful lives whilst in prison, with a view that this is continued once they are released back into society.

The Office of Criminal Prosecution and Litigation within the Government Law Offices is predominantly our Criminal Prosecution Service. As such, criminal litigation has occupied most of its time. Since the introduction of the Criminal Procedure and Evidence Act, there are now increased pre-trial functions required of prosecutors in each case that appears before the court. Disclosure has become quite a substantial item and the sort of case review that is now being conducted by the Office of Criminal Prosecution is much more detailed than it was in the past. The Office of Criminal Prosecution is therefore, Mr Speaker, much better equipped to deal with and manage serious crimes of this nature. Recent convictions have undoubtedly increased public confidence, resulting in members of the public coming forward with historical complaints. As a result, we have also seen an increase in Public Protection Orders obtained.

1710 In terms of convictions generally, Gibraltar compares favourably with the conviction rates of England and Wales.

1715 Mr Speaker, the Office of Criminal Prosecution also works closely with the Care Agency in matters concerning child protection, elderly care services, adoption, fostering and special guardianship. The Office of Criminal Prosecution is represented on the Fostering and Adoption Panel and is also involved in the development of the Overseas Territories Safeguarding Children Committee, where, along with other Overseas Territories as Bermuda, the Cayman Islands and the Falklands, Gibraltar is leading on developing and enhancing several areas of child protection, such as the mutual recognition of orders.

1720 Mr Speaker, I turn to matters regarding legislation and I highlight some of the issues we have dealt with and which we are currently working on.

1725 This year we enacted and commenced the Crimes Act, which fulfilled a manifesto commitment in that it made provision for a specific offence to combat revenge porn. The Act created a new offence of disclosing private sexual photographs and films with intent to cause distress. The Act also updated the offence of meeting a child following sexual grooming by changing the minimum number of communications from two to one, which brings the offence in line with its UK equivalent. Following representations from the Gibraltar Women's Association, an additional offence to target paedophiles who communicate sexually with a child was included. This means that it is now a criminal offence for a person aged 18 or over to

1735 communicate with a child under 16 years old if the communication is sexual or if it is intended to elicit from the child a communication which is sexual. I am particularly grateful, therefore, to the Gibraltar Women's Association for their support in this area and for actively coming forward with relevant, proportional and practical proposals in strengthening our laws. We are all agreed, Mr Speaker, that sexual offences against children are horrible crimes and that it is vital to protect children from falling victim to such abhorrent behaviour.

1740 Mr Speaker, a Bill for a Law Commission was published in March this year. This Bill provides for the creation of a statutory body made up of myself, Her Majesty's Attorney General and experts in different fields such as education, the environment and financial resources, which will be tasked with examining various areas of laws which may either be obsolete due to the passage of time since they appeared on the statute book, or require amendment due to particular local circumstances. As the Parliament will be aware, it is intended that one, if not the first, project that the Commission will be asked to undertake will be to review local sentencing laws to ensure that they cater for the needs of Gibraltar, rather than being tied to sentencing guidelines which have evolved for another jurisdiction with its own particular issues that do not necessarily apply to Gibraltar. As a result, it gives me great pleasure to announce that the following eminent members of our community have agreed to be appointed Law Commissioners: Mrs Justice Prescott, Learned Stipendiary Magistrate Charles Pitto, John Restano QC, Mark Isola QC, Dr Liesl Torres, Dr Joey Britto and Mr Lawrence Podesta. (*Banging on desks*)

1750 Mr Speaker, progress is being made on the publication of a Bill for a Legal Services Act. Parliament will be aware that a formal joint consultation was undertaken last year. We will publish this Bill in July. As a result of this, consultation changes have been made and a further consultation on a draft code of conduct to support the proposed law is being undertaken with a deadline for responses in September. The Bill as currently proposed and the draft code of conduct will affect all persons who provide legal services, including those employed as in-house lawyers. It is this Government's intention that the Bill will become law and be commenced by the end of September of this year.

1760 Mr Speaker, the Government is also progressing substantively on discussions with the Bar Council on reform to the legal assistance legislation. This does not mean that we have stayed still in the interim to address some of the more serious issues that relate to that legislation. The Government has already amended the law to allow for legal assistance to be granted in cases before the Parole Board and also before the soon to be in place Mental Health Tribunal. I very much look forward to pursuing my discussions with the Bar Council to finalise our joint reforms.

1765 Following this Government's desire to ensure that our local judicial decisions are subject to rules and regulations which take local circumstances into account where this is appropriate, this Government will publish in July a Bill for a Damages Act 2017. This will ensure that the so-called discount rate for calculating damages in personal injury cases is one which is appropriate for Gibraltar and not one necessarily tied to the UK. The rate will be set by the Chief Justice after consultation with the Financial Secretary, so as to ensure it is both independent and accurate.

1770 Mr Speaker, I have just relayed to this House the many policies on which we on this side of this House were elected in respect of health, social and elderly care and in relation to justice, and which I am implementing by the good offices and the unstinting efforts, competence, good cheer and enthusiasm of my many teams who are flat out working to improve, to deepen, to better, to perfect and to do more in serving our community. I have mentioned many of them by name, but I cannot name them all in one speech, save to here and now thank them for day in and day out carrying their community in their hearts and minds and going the extra mile to help, to assist and to be of benefit.

1780 All that I have reported to this House, Mr Speaker, reflects the facts on the ground. However, to hear the Opposition's incessant caterwauling, complaining and prophecies of doom – which, incidentally, would make Prince Hamlet of Denmark seem joyous and a violent party animal by comparison – one would be forgiven for thinking that Gibraltar is not the safe, progressive and prosperous community it is in fact. It would seem, Mr Speaker, that the Opposition's existence is

1785 oxygenated by the construction of a parallel and false reality, which, if it shattered like a cheap
 mirror, would bring down on them the damning realisation, obvious to everyone else in
 Gibraltar, that they are, certainly in their current constellation, politically finished. The last
 financial year has been replete with many instances where the Opposition has been caught out
 in their shrill, inherently contradictory and oftentimes patently disingenuous political discourse;
 1790 and whereas in the last four years I have avoided preparing a Budget contribution that mentions
 the Opposition, I think that this year they have been especially solicitous of my views on their
 performance and on their disservice to the community, and therefore hereby highlight their
 most sublimely outlandish policies.

Mr Speaker, I start with the Opposition's incongruous position on the parole of Mr Marrache,
 which they shamelessly tried to milk, only to end up with a bitter taste in their own mouths. The
 1795 House will recall that the Court of Appeal delivered a judgment in relation to my appeal against
 the judgment of the Hon. Mr Justice Adrian Jack in connection with the parole of ministers, the
 main point in issue being whether I had the power to discontinue a set of proceedings
 commenced under section 54 of the Prison Act crafted by the Opposition when in Government.
 The Court of Appeal unanimously held that the Minister for Justice does have the power to
 1800 withdraw a section 54 application prior to its determination by the Supreme Court and that such
 a construction 'of the law both accords with principle and has practical benefits'.

The background relating to this matter is well known, Mr Speaker. The Board, guiding itself
 by the law passed by the previous administration, recommended Mr Marrache's release on
 licence. I asked the Board to reconsider its recommendation. It did so and it confirmed its
 1805 advice. As I was still in disagreement with the Parole Board's decision, I applied to the Supreme
 Court for it to determine the matter. The law passed by the GSD administration is silent as to the
 procedure I had to follow in respect of such an application, and so – rightly, in my view – I
 followed the legal advice from Government's Queen's Counsel and senior Crown Counsel as to
 the form of the application. After I filed the application, however, further evidence emerged that
 1810 dealt with my concerns, and again following legal advice, I issued instructions to withdraw the
 application to the Supreme Court. On the advice received I was convinced that the legal test in
 the GSD's law had been met in full. The Supreme Court disagreed with the procedure I had
 followed and questioned whether I had the power to withdraw the application. The Court of
 Appeal unanimously determined in my favour.

In any case, Mr Speaker, it is important to note that the Hon. Mr Justice Jack had previously
 1815 accepted in his ruling that the Government's view was perfectly arguable and that the final
 disposal of the matter, including the licence conditions, was perfectly satisfactory. The
 Opposition, unsurprisingly, made no such mention in their politically pernicious press releases;
 nor did they ever concede the point that in the UK and in all other democracies governed by the
 1820 rule of law, it is neither extraordinary nor unprecedented for independent judiciaries, like our
 excellent judiciary, to freely examine and decide upon the use of statutory powers by Ministers.
 Indeed, it is the right manner in which such differences are settled in a vibrant democracy that
 holds judicial independence as sacrosanct.

Further still, Mr Speaker, as the Court of Appeal rightly states in its judgment, the appeal
 1825 raised an important point regarding the powers of the Minister for Justice and duties under the
 Prison Act. The Court of Appeal has now made it clear beyond any doubt that where a Minister –
 any Minister – considers that a particular course of action is mandated by compelling reasons of
 justice or the public interest, it would be 'a dereliction of his duty as a public authority if he did
 not take the course of action'. In fact, the Court of Appeal stated that in this particular case it
 1830 would have been counterintuitive if I could not revise a decision on receiving further
 information. In short, and contrary to the GSD's mean-spirited and poisonous suggestions, I had
 at all times acted correctly. As a result, for the Opposition in their many press releases to lecture
 me to the contrary and insinuate that I was not undertaking my statutory duties seriously and
 that my actions may have had an adverse effect on Gibraltar's international reputation had been
 1835 shown by the Court of Appeal's judgment to be not just incorrect but misconceived and not just

1840 a little pathetic. Entirely unsurprisingly, the Opposition did not retract their statements and instead issued a press release – a rather touching one, really – expressing surprise that I had issued a press note on the Court of Appeal’s judgment, even though they erected their usual circus tent in this House and pressed us for answers on this case, knowing fully well that the matter was *sub judice* and after I had made the point that I would make a statement at the conclusion of the appeal.

1845 And further still, Mr Speaker, the Leader of the Opposition should know that at all times, even if I had made a wrong decision – we are all human, we all make mistakes, and even if I had made a wrong decision, which it has been determined I had not – it was always in good faith and on the premise of the highest-quality legal advice and evidence available to me. On this premise, for the Opposition to have suggested that I may have received calls for my resignation if the Court of Appeal had disagreed with my decision is shockingly as asinine as it is hypocritical because I cannot recall a single occasion where a GSD Minister resigned following a judgment decided against them – and I can think of many decisions which were held against them when they were Ministers and the Hon. the Leader of the Opposition was the Minister for Justice.

1850 Did they think that I or the community would have forgotten that there were various such cases, such as the Privy Council’s decision – the highest court in the UK and all the concomitant expense that that entailed – against the GSD Government’s appallingly discriminatory and unconstitutional policy on the allocation of Government housing in the case of Nadine Rodriguez?

1855 Did they forget, Mr Speaker, that when they were in Government they spent part of our national treasure, over £100,000, in trying to stop a person in a loving and stable relationship from adding her name to her partner’s tenancy, solely on the basis that they were a same-sex couple? Shame on them, Mr Speaker. They spent taxpayers’ money and deployed the full and formidable machinery of the Government all the way to the UK’s highest court to stop a loving couple from enjoying the same rights as other couples because of their petty, mean and dinosaur-like prejudices. These are the values that the GSD represents. (**Several Members:** Hear, hear.)

1860 Or the case –

1865 **Mr Speaker:** Have you finished?

Hon. N F Costa: Almost, Mr Speaker.

1870 **Mr Speaker:** Please come to a conclusion.

Hon. N F Costa: Yes, Mr Speaker.

Mr Speaker: Okay?

1875 **Hon. N F Costa:** Yes.

Mr Speaker: I am going to tell you why in a moment.

1880 **Hon. N F Costa:** Or the case of Social Services and Joanna Hernandez, where the Government sought to advance the most ridiculous argument to redefine what “a week” means in law, and so despicable were they in their callous litigation against personal individuals that they argued the point all the way to Gibraltar’s Court of Appeal.

1885 It reminded me of a wonderful quote by Groucho Marx that he must have been thinking of this GSD Opposition when he said politics is the art of looking for trouble, finding it everywhere, diagnosing it incorrectly and applying the wrong remedies.

1890 Mr Speaker, Mr Llamas has turned out to be a political gift that has kept on giving, and I was
sorely tempted but I will not refer to Dog-Gate, but I must refer to the misconceived statements
on the Care Agency's subcontracted workforce, once again in circumstances where I had been
unable to answer his questions in Parliament because Mr Llamas did not attend Parliament
1895 himself to ask them. Mr Llamas was clearly unaware that investment in Gibraltar's domiciliary
care had more than quadrupled over the last five years and that the Government must look at
the best ways of maintaining the highest possible standards and providing the best care to some
of the most vulnerable members of our community whilst ensuring value for money. It has
1900 already been explained to Mr Llamas that care in residential facilities is subcontracted to cover
different types of leave and to cater for an increase in service needs. Carers who are
subcontracted to work at Dr Giraldi Home do so continuously, alongside Care Agency staff, and
are vetted to discharge their responsibilities to the Care Agency's exacting standards. What
1905 really was quite something, Mr Speaker, was for the GSD to have suggested in its press releases
that the work done by subcontracted carers is inferior when the GSD used exclusively
subcontracted workers for domiciliary care. They are just not serious, Mr Speaker! And in any
case, the Hon. the Leader of the Opposition also sought to get in on the action by complaining
about the number of subcontracted workers at the Care Agency, even though I have explained
1910 ad nauseam that all subcontracted workers are carers and, as I explained already, in the UK
persons pay for their domiciliary care so surely if the GSD are complaining that we are using
subcontracted care then they must be suggesting that we either charge the most vulnerable in
our community for care and support because we must therefore employ everybody directly by
the Care Agency ... and if that is their position they should come up and say so. What does he
want? Does he want the most vulnerable Gibraltarians to be charged? Does he want
Government expenditure to increase even more? He cannot have it both ways, Mr Speaker,
although they will certainly try.

1915 It is this Government that deeply appreciates the vocational work that care workers
undertake for those in our community. The Government recognises that the work is often as
challenging as it is rewarding and it is right that care workers are provided with the support
necessary to fulfil their responsibilities effectively. As a result of negotiations with Unite the
Union, the Government submitted a package of proposals to Unite the Union in line with their
original concerns for their consideration and 72% of care workers of those participating in the
ballot voted in favour.

1920 Mr Speaker, once again reflecting on the Opposition's un-choreographed tap dance, I was
reminded of another delightful quote, this time by Albert Einstein: 'Only two things are infinite,
the universe and human stupidity, and I'm not sure about the former.'

1925 And then, Mr Speaker, the Hon. the Leader of the Opposition returned to his favourite
political hobbyhorse, GHA morale, and he repeated the accusations that he made on GHA
morale. Mr Speaker, we have had the discussion across the floor of the House and the press
releases, so I will not repeat it save to just say once again that 61% of doctors said that they
were not low on morale.

1930 Mr Speaker, if he wants to talk of an independently verified, scientifically taken poll, then we
must refer to the independently verified survey that was carried out at the Gibraltar Health
Authority when the nursing section of Unite put a series of questions to allied health
professionals, doctors and the ancillary staff. In that staff morale survey, contrary to the one
which was an informal consultation where 61% said there was no low morale, asked if staff
morale had improved in the new hospital 97% of everyone polled said no; 98% did not think that
it was safe to practice and to fill wards and departments at their full capacity with the current
staffing levels; 97% did not think that senior management listened to their concerns; 90% did
1935 not consider staffing levels adequate. That did not happen when we were in government, Mr
Speaker; it happened 10 years after the GSD had been in office and responsible for the GHA.
(Hon. Chief Minister: Hear, hear.) So when they were in government, 97% of their nurses

thought they were doing an appalling job – and they have the cheek and the temerity to raise a perfectly proper internal discussion, which was leaked, among doctors.

1940 Mr Speaker, I really could say a lot more about the unsubstantiated gossip they bring to this House, the callous concerns that they try to raise, but I think what best summarises my view of the Opposition is that for them it is better to remain silent and be thought a fool than to speak and to remove all doubt. *(Banging on desk)*

1945 And so, Mr Speaker, as I conclude I would like to take the opportunity to thank my wonderful staff at the Ministry: Simon, Zoe, Elizabeth, Louise-Anne, Natalie, David, Kevin, Martin and Evelyn, who do an amazing job.

I also wish to place on the record my sincere thanks, Mr Speaker, to you and to your fantastic Parliamentary team: Paul, Frances, Kevin and Danny, who are unfailingly patient, kind and helpful. *(Banging on desks)*

1950 Thank you.

Procedural

Mr Speaker: Clearly I am very sorry, but I have to tell the Hon. Minister that I find it very difficult to analyse and to see what is the relevance of the personal statement that you have made regarding the Isaac Marrache parole case to the estimate of expenditure for any of the Departments for which you are responsible. There is no connection, it is irrelevant, and what you should have done instead is, at the beginning of this meeting of Parliament, made a personal ministerial statement on the issue. That was the time and that was the place for you to defend yourself correctly, but not at the end of a speech on the Estimates of Expenditure. No matter how liberal one is, I find it difficult to see what is the relevance between that and what we are on about. I am sorry, that is my ruling.

1960 We will now have a recess until six o'clock.

Chief Minister (Hon. F R Picardo): Mr Speaker –

1965 **Mr Speaker:** Chief Minister, we are going to have a recess until six o'clock. Please –

Hon. Chief Minister: Mr Speaker, if you –

Mr Speaker: I am very tired.

1970 **Hon. Chief Minister:** Mr Speaker –

Mr Speaker: This morning you asked me whether I wanted to have a break; I did not. Now I need to have a break, Chief Minister. Therefore, we will have a recess until six.

1975 **Hon. Chief Minister:** We will recess –

Mr Speaker: I will allow you afterwards to say whatever you want.

Hon. Chief Minister: We will recess immediately, then, Mr Speaker.

1980 **Mr Speaker:** Thank you.

The House recessed at 5.39 p.m. and resumed its sitting at 6 p.m.

Procedural

Mr Speaker: The Hon. the Chief Minister.

1985 **Chief Minister (Hon. F R Picardo):** Mr Speaker, thank you.

Just on the issue that we were dealing with before the recess a moment ago, I am grateful. I rise to express the gratitude of the Government for the two indications you have given during the course of this debate as to how you would like to see ministerial contributions handled in future.

1990 The practice of the House since I have been a Member has been that this debate is a report, and I say as much in the context of my introduction usually, not just in relation to the number of the estimates, not the letter of the law literally but the number of the estimates that we are looking at, but also a general debate, and therefore Ministers have traditionally contributed in a wider view of their responsibilities rather than in a narrow view of their responsibilities.

1995 In respect of the final issue that you raised in respect of Mr Costa's contribution, the way the Government determined we should respond in respect of that matter was in this debate because of the consequence for the outturn figure of the legal fees incurred in the context of that debate. But we of course entirely accept that your suggestion may even have been a better one and a more topical way of dealing with the issue if we had done it at the beginning of this meeting rather than during the course of this debate, which is so lengthy that indeed many Members are in and out and not everyone may have heard what the Hon. Minister said. So we will certainly bear that in mind next time, that there is a topical issue that relates to cost and is about this time of the year. Rather than simply sweeping it up into this debate we will certainly consider making a more timely intervention as a ministerial statement in pursuit of your ruling.

2000

2005 **Mr Speaker:** I can see that, to the extent that substantial legal fees were involved; I can see the relevance of that. Fair enough. It is a point that had not quite occurred to me. Nevertheless, I will say this: if the Hon. Minister had approached me before the meeting, explaining that he intended to answer criticism and defend himself, I would still have advised him to do so at the beginning of the meeting, make a ministerial statement and get it off your cuff, and then obviously if something arises during the course of the debate on the Estimates, fair enough. Okay?

2010

2015 **Hon. Chief Minister:** Mr Speaker, it is good advice well received on this side of the House.

**Appropriation Bill 2017 –
For Second Reading –
Debate continued**

Mr Speaker: So, where are we? The Hon. Elliot Phillips.

2020 **Hon. E J Phillips:** Mr Speaker, thank you for your direction and I welcome the comments in relation to the last part of the Hon. Minister's comments in relation to the Marrache case. I thought for one moment we would escape the annual rant of the Minister for Justice, but alas we did not, and I felt that I was almost transported to Bayside Comprehensive again during an A-level literature lesson with Mr Gonzalez. But here we are. Mr Speaker, I also thought we possibly could have been transported to the Globe.

2025 But the relevance of the issue relating to the Marrache case is clearly one of cost, and the parole case. This side of the House has made clear that it expects an answer in relation to the costs of all of this litigation deployed by the Minister for Justice and why he did not feel the need

2030 to instruct able and local counsel in this jurisdiction rather than go to probably the world's most
eminent QC to conduct a very simple administrative question to be put before the court. But
look, he clearly fails to have confidence in the local Bar and I am sure that will be felt quite
extensively by that decision, Mr Speaker.

2035 Moving to more germane matters, it is a privilege to form part of our political debate at such
an interesting time in our history. The political landscape across the globe is moving in a
treadmill-like fashion and we are certainly moving along with it. We are living through a
monumental period in our history and we all face significant challenges as a result of the United
Kingdom's decision to exit the European Union. In addition, our communities face threats to our
2040 peace from extremism. We, as a community, have to be united behind our political leaders and
community leaders against the horrific scenes unfolding in the United Kingdom and across the
world. We must continue, all of us, to condemn the actions of those who would seek to create
fear and chaos on the streets of peaceful communities. **(A Member: Hear, hear.)**

2045 Mr Speaker, we are fortunate to live in a small but relatively safe part of the world and I am
sure that all of us would not want it any other way. We are an accepting, tolerant and peaceful
community, and whilst we watch from afar the terrorism on the streets of the lands of our
cousins, we must remain vigilant always to those who would seek to threaten our way of life.

At this stage, Mr Speaker, I would pause to congratulate all those who work within the law
enforcement agencies and those who work hard to keep our community safe. I would also echo
the words of the Minister for Justice in respect of those who work at sea, who curb the illicit
traffic of drugs and tobacco.

2050 It is right that we had the recent exchange on the question of our security; and, although
there is a different approach and difference of opinion, we hope that the exchange did in some
way remind our community about keeping vigilant.

2055 Opposition politics, Mr Speaker, is not easy, as you yourself will know, and I do not think
anyone on this side of the House who took the oath for the first time ever thought it was going
to be. Being an Opposition Member of this House brings with it huge responsibility to hold the
Government of the day to account and also serve our community in a way which represents
their needs. We promised to work for our constituents, help where we could, but most of all we
promised to listen. Whilst we promote the politics of individual and collective responsibility to
our community, there is no escape from the fact that there remain large swathes of young
2060 people who are distant from politics, a number of them without opportunity. And whilst the
Hon. the Chief Minister repeats his mantra that things could not be better, that is certainly not
what is being felt by many young people that we see and many people that we speak to.

2065 It is right, Mr Speaker, that our agenda in opposition has been progressive and positive, in
stark difference from the reactive politics we are seeing being played out on the Government
benches. Policy by policy the GSD continues to lead and mould the political debate here and
outside this place. We led the debate and supported co-education as far back as 2014 **(A
Member: Hear, hear.)** and now the Government follow. *(Interjection)* Well, we couldn't in 2014
for one simple reason: we were not in Government. But anyway ... our Government to change
the age boundaries and changes to key stages were announced by the GSD back in 2014 and
2070 now fully adopted by the Government three years later. Where we lead, the GSLP follow. Next
we will hear, Mr Speaker, that Bayside is being replaced by the stadium project, and Governor's
Meadow and Bishop Fitzgerald will move into the Westside Comprehensive complex. Yes, more
initiatives by the GSD back in 2014.

2075 On providing our young people with equivalent opportunities in skills and training and the
creation of a modern-day apprenticeship, we led the debate, and it would appear from the Chief
Minister's statement on a new style of apprenticeships that the Government are following
where we have led.

On the creation of means testing of Government housing we continue to lead the debate on
that subject.

2080 On public finances we lead the debate by being the advocate for prudence, responsibility and the creation of a Public Accounts Committee. Save for the last point, it would appear that the Government are trying at least to put up a front in terms of prudence.

On ridding our community of a culture of entitlement, promoting civic responsibility and respect, we have led the debate in our community. (**Hon. D A Feetham:** Hear, hear.)

2085 The Chief Minister's intervention yesterday about promoting hardworking people looks as though it was lifted directly from our manifesto at the last election. I suppose we should be flattered by this imitation, happy for the Government to tick off *our* promises.

On sport, again we led with a joined-up agenda which proposed the magnificent development of Victoria Stadium in order to bring football back home.

2090 Where we lead the debate, others have followed. Perhaps that is what Opposition politics is about: challenging the Government, showing them that there is a better way. We will continue to lead the debate in our community in a way which serves the best interests of our community as a whole.

2095 Mr Speaker, the GSD is the natural party of government and many of our citizens are experiencing the false dawns and seeing the significant fault lines and the shaky foundations of the GSLP/Liberal Government. The GSD will always be the party which protects the most vulnerable in our society, because whilst we focus on building an economically and politically stable prosperous community we do so in order to better help those less fortunate in our community.

2100 Participation in politics must be about ensuring that our children can continue to grow up, as we all did, in a Gibraltar which is safe, secure and prosperous. I have said it before, that the principal way in which we provide long-term prosperity for our community is investing in our people, Mr Speaker. Our people ultimately are our only asset and without that investment we will be nothing. We are as strong as our weakest link and therefore we must ensure that we provide sufficient support for those who really cannot help themselves. That is why my Budget address will focus on the creation of better opportunities and young people.

2105 Much of the work that the Opposition have focused on this year and which we will continue to be focused on relates to that very subject, about creating better opportunities for young people and investing in their future. Our young people need opportunity and a hope for a better future. The numbers of young people and parents of young people worried about the future and that of their children is shocking, Mr Speaker, and we must do more to provide opportunity and hope for those people who do not see any progression because of the archaic training practices of the Government. Not a day goes by without a young man or woman coming to me or Members of the Opposition complaining of the lack of opportunity, complaining about the future job opportunities in this community.

2115 We have consistently advocated for the promotion of skills-based learning and the development of apprenticeships. The call from the unions and the Chamber during the election campaign was one. We are on a skills cliff edge and we need to do something about offering young people hope for a better future in the job market. The Government clearly do not agree with a policy which puts at the centre the objective of creating better opportunities for young people. The Government have at every corner attempted, in and outside this place, to denigrate the policy of the GSD amongst business; I have seen it with my own eyes. The Government's orchestration, namely writing to businesses up and down our streets seeking to undermine our work on apprenticeships, is having the opposite effect. Even today I received a number of emails copying me in to the letter sent by the Hon. Mr Bossano, who referred to later the 800 letters, and telling me what a disgrace it is to see such a letter being written to them.

2125 Our policy on apprenticeships and a modern skills programme has received overwhelming support from members of the public who remain very concerned about the opportunities for the next generation. I take the opportunity to thank the thousand that support our programme for better opportunities – a dynamic, progressive and forward-thinking policy which will create a diversified, highly adaptable, trained workforce for the job market.

2130

2135 The Government continually hails the £66 million – or, put it another way, £1 million a month, or nearly £1 million a month – spent since February 2012 on the Future Job Strategy as a success. It is not. It fails to inspire our young people, it fails to provide sustainable opportunity for our young people, and worse still it will create a lost generation of young people devoid of opportunity and hope. It is regrettable that this will be the legacy of the Future Job Strategy.

2140 As I said, Mr Speaker, the Hon. Mr Bossano has spent an inordinate amount of time trying to denigrate our policy, going to the extent of using his own Department for political point scoring. As he said yesterday, he sent out the 800 letters to businesses about our policy. Needless to say, and the feedback I have received today is that they have approached me and one has actually described the conduct as despicable. I am not surprised, Mr Speaker, by that at all. This is the GSLP through and through, a party which purports to represent the worker. They do not. They represent nothing of the sort. The Government's policy is one of simply filling skills gaps as they go along without any thought to how our community will look or where we want to take the community in the future. We must at all costs look towards building a highly skilled, adaptable workforce in the modern technologies. But this is not new. We have continually raised the issue of training at the political level at every opportunity that we can.

2145 Be that as it may, and leaving aside the 800 letters and waste of paper, I was gratified yesterday to hear of another Government U-turn and its new commitment to technical education and apprenticeships. It again demonstrates a recognition and completely vindicates the GSD's policy in this area. We started the debate on the modern-day apprenticeship, which is about learning and not working, and it would appear some on the Government benches are starting to get the message. The Government now, for the first time, has started – and the Chief Minister mentioned it – a new style of apprenticeships, something which the Hon. Mr Bossano has been denigrating for years, and now we see a conversion of some sort. Again, I welcome the Government's U-turn on apprenticeships.

2150 Many hon. Members in this House have been here for many years and I think we were all impressed to hear that this was the Hon. Deputy Chief Minister's 19th Budget address. There are three Members of this House who are just shy of 40 – I believe the Hon. the Minister for Justice, the Hon. Mr Llamas and myself. I note that my old adversary at the Bar, the Minister for Housing, has recently reached a particular milestone and no longer belongs to the under-40s. I wish her many happy returns. **(Several Members: Ooh!)**

2160 But on a serious note, what does this say about the House generally? Why are we not trying to fill some of these seats with younger Members? Is this a reflection of the younger generation's disengagement from political life and service? Engaging our young people at every level of political life is important. We as a community should actively encourage political participation by our young people. Generally, young people are distant from decision-makers and that cannot be right. When I speak to young people, many say that they are simply not engaged or that they simply do not trust politicians. We need to change that thinking through education. I understand that the former Minister for Education was supportive of expanding the Gibraltar Studies course beyond year 3 and year 4, although we need to work within the curriculum. I really do feel that whilst learning about our culture, heritage and natural environment is a positive experience, we do need to understand our development of us as a people and the main players who have built modern-day Gibraltar. I was gratified to see our celebration referendum exhibit – more of that, please, Mr Speaker. I think we need to go further, so that young people can have a wide appreciation of Gibraltar itself and its role in the wider world. If we truly want to encourage wider participation of young people in politics, we must create civic pride, responsibility and respect through programmes which teach our young people about what it is to be Gibraltarian and our values. Young people are important and we must not lose sight of that.

2175 Mr Speaker, I have said that we are fortunate to live in a relatively ... I know I am boring some over on the other side of the House, but I will continue. We are fortunate to live in a relatively safe community, but that does not mean that we do not have our fair share of problems. The

scourge of drug-related crime appears to affect our community in the same way it does others.
 2185 We note the Government's suggestion to take stock and progress made in this area in
 yesterday's announcement of a summit. Although I do not doubt the commitment by the hon.
 Lady who has taken back this portfolio from the Chief Minister, we simply need to do much
 more about addiction and drug-related crime from a rehabilitation perspective.

2190 The Government this year presented the community with mixed signals on the question of
 legalisation and/or decriminalisation; however, it was clear that the Government has now
 cemented its views on this important question, and in that regard I recall a synergy between the
 position of the Government and the Opposition, where both my learned and hon. Friend and I
 participated in a GBC *Viewpoint* on the subject alongside the hon. the independent Member.

2195 I have spoken at length with addicts and those in recovery, and I am sure that my hon. and
 learned Friend opposite has as well, and the message I receive is that addiction is a lifelong issue
 that needs a lifelong response for those who are recovering. I know that we have hardworking
 professionals within the service and we need to harness support right across all Government
 Departments. Substance abuse and addiction is not only an issue for the addict; it affects the
 core of family life and its wake can be felt in society as a whole, and the response must be co-
 2200 ordinated and multi-agency. Over the last five years, various inter-ministerial committees have
 been established to tackle drugs and substance abuse, but what we need now and the message I
 am receiving is action on the part of those committees.

In relation to the point made by the Minister for Justice in relation to legal assistance, what
 we need to do and need to ensure is that those who most need to access justice can access
 2205 justice, and I would invite the Minister to make sure that steps are taken to really progress the
 level of access afforded to those who really need to instruct lawyers.

In relation to prisons, one point I would make just in response to the Minister for Justice's
 comment that five juvenile admissions had been made at the Prison ... in my respectful view to
 the Minister, an adult prison cannot be the place for a child; it can never be a place for a child. I
 2210 know that those are sentiments that he echoed when he was sat on this side of the House –

Hon. D A Feetham: On many occasions.

2215 **Hon. E J Phillips:** – on many occasions, I am reminded, but I think we need to now look at
 ways in which we create a possibility of some alternative to prison for young people. It is not
 right, in my respectful submission. There are circumstances where they are placed in the adult
 prison because there is nowhere for them to go. I have heard the argument, Mr Speaker,
 relating to the use of prisons for young people and the fact that it would be hugely costly to the
 taxpayer to have a specific institution to house juvenile offenders, but I would ask the Minister,
 2220 if he could, to take a look at that issue. It does affect a number of people, particularly young
 people, which I think he would agree, and the message that I would like to repeat is that an
 adult prison is not for a child.

In relation to prisons more generally, I remain convinced that we can do much more than we
 are doing in the area of rehabilitation of offenders, particularly those with substance abuse
 2225 problems. Reoffending is linked to a lack of opportunity, and whilst those convicted of crimes
 must make reparation to the community, we must ensure that those with criminal convictions
 can access opportunity so that they can re-enter mainstream society; a criminal conviction
 cannot be a lifelong stain on the individual. It is hoped that Government policy on second-
 chance education may go somewhere in rehabilitating offenders back into the community. We
 2230 need to create further training in and outside the Prison which targets the solid rehabilitation of
 an offender into mainstream society.

In relation to the Employment Tribunal, we highlighted a number of serious difficulties being
 experienced by claimants and other service users at the newly reformed Employment Tribunal.
 Whilst we supported the new regulations establishing the rules and the constitution of the
 2235 Employment Tribunal, it is clear that there are a number of mechanical difficulties and a

significant backlog of cases. By identifying the problem and raising it to a political level it is understood that the Government has now engaged a qualified mediator to deal with the backlog. We welcome the Government's reaction to our press release and we will continue to monitor the situation closely.

2240 One key observation we make is that we continue to make constructive proposals for the creation of a courts and tribunals service. We would invite the Government to think again and look at ways in which we can offer a centralised infrastructure for the provision of tribunals, which will improve the service ultimately to the public.

2245 We in the Opposition have been looking at ways in which the Courts Service could be assisted by the e-filing of court documents, and I know that the Minister talked about, in his address, the ways in which the Courts Service is actively looking at ways of doing things better. As the Government will know, the courts of England and Wales have piloted schemes in relation to e-filing of documents and have now recently rolled out the digital filing of court documents. We would invite the Minister for Justice to look at introducing a system by using existing digital
2250 platforms.

In relation to a question that was posed in the last session of Parliament, we talked about the investigation of major fraud cases and we note from the statistics that were provide that over a third of all major fraud cases were 12 months or older. We would ask the Minister to again take a look at why that is and why do a third of major fraud investigations – which are those that are
2255 over £10,000, as so described to me before, complex major fraud cases – are taking so long to reach either prosecution or at least a determination of that particular investigation.

Mr Speaker, in relation to education, we note the full adoption of GSD policy on education. We will support the policy but we will reserve our position insofar as the practical application and the rolling out of co-education in Gibraltar. The Chief Minister spoke, in his address, of a
2260 214% increase on spending on tertiary education, and of course it is right that we continue to support those who wish to continue their education by taking advantage of further and higher education opportunities, but we cannot ignore the needs of those from whom higher education does not, for one reason or another, feature. This is why the Opposition supports the introduction of industry-designed degree apprenticeships, which are described by the
2265 Department of Business and Innovation Skills in the United Kingdom as an innovative new model bringing together the best of higher and vocational education. More of that, Mr Speaker, in due course.

The Government has promised before, in its glossy manifesto, five new schools – now, I believe, seven. Many are asking questions: where are the plans; how will the Government fund
2270 these commitments, particularly given that the book makes no reference to a provision for it; and how will the works be managed in already very busy areas? All of these questions by the public are genuine concerns, particularly from parents, educators and students alike. Mr Speaker, not one brick has been laid and it is clear that the Government will not be able to build five – now seven – new schools, as it promised our community in 2015.

2275 Of course, whilst building new schools it is important that there are other pressing issues raised by the GTA. We note the existence of a social partnership agreement between the GTA and the Government, and although that should open a framework for co-operation between the profession and the Government, much more needs to be done. I spoke of how important our young people are, and our teaching professionals are as important to the development of our
2280 young people. Our teachers are on the bleeding edge and the front line each day and we need to listen to them more closely and create better working relationships with our teachers. At this point I would like to take the opportunity to thank all teachers for the work they do in shaping our children. I cannot think of a more demanding job than being charged with the responsibility of shaping our future citizens.

2285 Mr Speaker, in relation to the University, we in the Opposition are creating very strong links with the University and hope to create a solid dialogue with the University outside this place. Although we may have concerns as to the level of funds afforded to the University by the

2290 taxpayer, it is fair to say that we have always wished it well. Indeed, we believe that the
direction of travel under the stewardship of Professor. Tilbury is the right one and we are
impressed to see that there are significant synergies between the Opposition's policies and
apprenticeships and we are happy to see the University is looking into areas of development
that we have been focused on for some time.

2295 In summary, what I say about the copy-and-paste job of this Government on education and
training, this Budget, apart from those measures, and, Mr Speaker misses the point. It fails to
provide opportunities to our young people, it fails to provide a strategic plan for the future
generation, and what we will do on this side of the House is remain vigilant as to the progress
and implementation of these important policies. *(Banging on desks)*

2300 **Mr Speaker:** The Hon. Samantha Sacramento.

Chief Minister (Hon. F R Picardo): Is that it, Mr Speaker? Well, I suppose he is busy.
Mr Speaker, I move that the House do now adjourn until tomorrow at 9.30 in the morning.

2305 **Mr Speaker:** The House will now adjourn to tomorrow at 9.30.

The House adjourned at 6.29 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.31 a.m. – 1.37 p.m.

Gibraltar, Wednesday, 28th June 2017

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The Gibraltar Parliament

The Parliament met at 9.31 a.m.

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

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

Appropriation Bill 2017 – For Second Reading – Debate continued

Clerk: Wednesday, 28th June, Meeting of Parliament.

Mr Speaker: The Hon. Samantha Sacramento.

5

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, this is my sixth Budget address. This year, I rise with a considerably shorter title. Mr Speaker will be happy to hear that this year my speech will also be considerably shorter.

10 For over five years, until the last ministerial reshuffle, I held the Social Services portfolio, a Department that I worked on with great vigour and passion because I do not exaggerate when I say that it needed to be rescued from near disaster after having been neglected for so many years. In this context, it gives me great satisfaction to have handed it over to my successor as a properly structured and resourced Department with a clear business plan and a direction, and more so when I heard the updated statistics from my friend Minister Costa yesterday, as these
15 are all the results of my hard work coming to fruition. I am very heartened by the statistics that he represented.

Mr Speaker, my star sign is Taurus, and something popped up on my newsfeed last night on Taureans: it described us as hardworking and focused on specific goals. The safeguarding of children and child protection was one of the principal reasons why I stood for election, so seeing these things that I implemented starting to materialise makes all those long, sleepless nights worthwhile, because I have achieved that goal. In particular, seeing the implementation of the Signs of Safety policies that I set up is wonderful and it is reassuring to hear that it is a success. Incidentally, the other one was that Taureans are very stubborn – that, of course, is also true.

20 Finally, Mr Speaker, when talking of how great it is to see my things coming to fruition, one of my first flagship projects was the residential dementia facility at the old Royal Naval Hospital site. I planned the remodelling of a place that was not fit for purpose to the magnificent facility that it is today. It is just amazing to see all the designs that I had to visualise on paper not only come to existence but also to see it up and running and making such a difference to the quality of life of its residents, something that would not have been the case had I not changed the old
30 plans I inherited from the previous administration.

I miss my colleagues at the Care Agency. We have a bond that was formed from working so closely in the trenches – literally, Mr Speaker – in the first few years, when there was virtually no management and very little professional staff. I have no doubt that their good work will continue under the leadership of their new Minister.

35 Mr Speaker, let me start with a responsibility that is not actually in my title, which is maybe why it is short! I suppose that there is simply no nice or elegant way of saying that I am the

Minister for drugs, and to say that I am the Minister with responsibility for drug and alcohol rehabilitation services, awareness and strategy and policy development is a bit of a mouthful. But everybody in this place, relevant professionals, stakeholders, service users and those who matter, are fully aware that drugs is my responsibility, and that is what counts. Basically, the point that I am trying to make, for the avoidance of doubt, is that all Government Departments and services that in any way deal with drugs report to me as the Minister tasked and entrusted with this responsibility by the Chief Minister.

I was very pleased to have once again been returned the responsibility for drugs following the last ministerial reshuffle, as this was previously a department within the Social Services structure, as it always has been since the inception of the Care Agency in 2009. Mr Speaker, it must be recalled that this is a therapeutic service and not a medical one.

The Government's view on drugs is clear and unequivocal, and when I say that I say so as the view of the whole Government and not just mine. There is no question of drugs in our community being legalised or decriminalised. We and all our professional advisers are acutely aware of the damage that drugs cause to lives and families, and there is absolutely no evidence to suggest that legalising drugs would mean otherwise. I trust that this reassures the families who may be worried that drugs would be legally available to their children.

Of course I make the distinction between the recreational use of drugs and drugs for medical reasons, the latter which would be acceptable in defined circumstances and where the substance is also licenced.

It is important to recognise the GSD Opposition's support of the Government on this critical issue. It is right that they do so and I am grateful to Mr Phillips for his public statement during his intervention yesterday and that he also recognised the work that I have done on this front.

Mr Speaker, drugs misuse has ramifications throughout all of our community, and that is why the Government employs a holistic approach and we continue to build on the success of our services year on year.

Let me explain, for the avoidance of doubt, to anyone who may not understand what the services of my drugs department entail. There are two services: the rehabilitation services, and the policy, strategy and awareness responsibilities. The rehabilitation service has two strands. It consists of a residential service at Bruce's Farm and the same programme and outreach is now also offered in the community, including prison. Each is able to offer a full rehabilitation programme to suit the specific needs of our service users. All our services are continually reviewed and actively pursuing the best prevention measures and outcomes for those affected. From a strategic perspective, we will continue to develop consistent and unambiguous policies. As a caring Government we must develop measures to reach out and actively target those who need help to overcome the consequences of drugs misuse.

Addressing the issue of addiction is a complex matter because therapy cannot be forced upon anyone. Those accessing our services often present with chaotic and challenging circumstances. We have for a few years now organised very well the co-ordination of a number of agencies so that a holistic treatment programme is in place with timely assessments, psychiatric input, detoxification and a wide range of support services. The programmes have to be needs led and require robust care plans, family support, community outreach support and aftercare. Partner agencies need to provide a seamless service for healthy recovery paths. An overarching principle is that the service user is always involved and at the centre of our care planning process. We aim to empower them to be part of the solution and not the problem.

Over the last 12 months there have been positive developments regarding partnership agencies and how they interact with each other in the interests of our services users. We have instituted enhanced protocols with the Housing Department – and I should expect so, because the Minister for Housing is fully committed with Mental Health because of course the Minister for Health is equally committed – and the Probation Services and the Police and the Care Agency, because of course the Minister is committed. Of course, because we provide a holistic approach, I also work very closely with my colleagues the Minister for Education, the Minister

90 for Youth and the Minister for Sports. Our protocols are set out on the basis that we all work
together on the provision of an integrated rehabilitation and recovery service to provide the
best possible outcomes for those on their path to recovery.

Bruce's Farm continues to strive to become a centre of excellence in providing effective
holistic treatment and aftercare for people in Gibraltar who access the service. Our robust care
plans, which support the recovery process for each service user, are put in place when someone
95 is admitted. The exit meeting, equally as important on completion of the programme, will
consider what aftercare is required to support reintegration of the person in the community.
This will include, when appropriate, an outreach package of support. The service user is central
to the process and attends all meetings having a clear voice regarding their views, progress and
ongoing needs. Meetings are now multidisciplinary and partnership agencies each assume
100 ownership of the role that they play in the person's recovery as part of the package of support.
This approach is already paying tremendous dividends: 2016 saw the busiest year at Bruce's
Farm since its inception; we had a total of 48 admissions where the yearly average in the four
previous years prior to 2011 had never exceeded 25. I am proud to state that under my tenure
Bruce's Farm has seen its five busiest years.

105 Many former service users who have undergone the Bruce's Farm programme continue to
retain contact and seek assistance through the Community team. Additionally, the Community
team provides a focus for any individual who may want to be informed or access our range of
services. Importantly, prisoners are offered counselling and assistance as part of their pre-
release process. The Community team also offers support and treatment within the community
110 and to those in contact with the criminal justice system. An important part of the team's role is
that of raising awareness about the effects of drugs and alcohol and the impact this has on
mental and physical health. We will continue to develop awareness campaigns targeting specific
issues and sectors within our community, particularly the young people. And I am delighted to
announce that one of the priorities in our business plan this year will be to work with the
115 Minister for Education and the Department of Education and our youth services in our
prevention through education programme.

Mr Speaker, indeed, I have also just this morning opened a seminar of public servants that
has been organised by my highly committed Drug and Alcohol team to mark the occasion of
World Drugs Day on Monday. This forum, which was packed, boasts over 60 delegates
120 representing all Government Departments and public bodies who have a part to play in tackling
the harms that drug misuse exact upon our community. It will serve to showcase our services
among our partner organisations, how we interact with them, and to consolidate and improve,
where necessary, all the systems and processes that we have all worked so hard to implement in
the last year.

125 It is important, Mr Speaker, to acknowledge the role that voluntary organisations play,
enhancing the work of the statutory bodies. Alcoholics Anonymous, Narcotics Anonymous and
Families Anonymous and significant family and friends of the service users all play a crucial role
in providing support and services to those at all stages of their recovery. We have developed a
close synergy with these voluntary organisations, as a majority of their members are former
130 service users of ours. Regular dialogue occurs, providing support to these groups as well as
feedback on how our services meet their needs. Our counsellors will often continue to provide
family support and counselling services long after the initial treatment period.

Mr Speaker, I think it is clear that no one, regardless of where they sit in this house, can
disagree on the continuing improvements that we have made and continue to make both in
135 terms of the quality and the increasing range of services that we provide.

Turning to Housing, Mr Speaker, we continue to make unprecedented developments in
housing on all fronts and at every level. Homes matter to people, and people matter to us.

Let me commence with our most recent notable achievement, and that is the 142 homes that
we have recently delivered to our elderly community: our flats at Charles Bruzon House and Sea
140 Master Lodge, which are purposely built for elderly individuals so that they can live at home

independently for longer. These flats have been meticulously designed in consultation with all the relevant experts to incorporate the latest accessibility features, such as colour contrast to assist the visually impaired, spacious layouts to provide for turning circles for wheelchair users, non-slip tiles and panic buttons to name but a few of the innovative features. The Housing Works Agency's painstaking attention to detail while engaged in the snagging process has ensured that the design and construction specifications were exactly adhered to. The building clearly provides a convivial family atmosphere, particularly with the communal lounge areas provided, which I am sure will serve as a venue for many a celebration. Having met the tenants on a number of occasions since they have moved and hearing of their positive feedback, as well as that of their families, all of whom express delight with the quality, design, functionality and finish of these purpose-built developments, I can say hand on heart that this new accommodation represents a valuable and significant addition to existing Government rental stock. **(A Member: Hear, hear.)** *(Banging on desks)*

The construction of these homes of course has a knock-on effect on the housing waiting lists and we will see the real effect of that very soon. As people move into their new flats, they are vacating larger Government rental accommodation, which has now started to be returned to our stock. These need to go through the process of cleaning and being refurbished over the next few months and this will then enable us to start allocating them to those on the housing waiting lists, so we will see considerable movement of the lists in the next six months, I am delighted to say. I am convinced that this type of accommodation is the best that we can provide for our elderly community; the people from the generation that has done so much for Gibraltar deserve nothing less. And this is how we get vacant flats returned to our stock, so therefore I can very proudly announce that we will continue to construct this type of accommodation.

I can also announce that we are about to commence the refurbishment of Bishop Canilla House before that block which houses so many of our elderly community falls into disrepair. The refurbishment will entail the replacement of the entire roof including the lantern roof, the part enclosure of the balconies and the applying of external cladding system to the façade. The upgrade will greatly improve the overall environmental performance and characteristics of the building. Works have already started on the lifts and will include replacing one of the standard lifts with a stretcher lift and also upgrading the other. And insofar as the other block of elderly flats, Albert Risso House, repair works here are ongoing as we continue to remedy the shortcomings in the design because those who commissioned it did not do so with as much love, care and attention as we did in our elderly flats. **(Hon. Chief Minister: Hear, hear.)**

I am pleased to say, Mr Speaker, that the major refurbishment works to the estates that were forgotten and neglected by the GSD are now in their final stages. These projects show our investment in the living conditions of our tenants as their blocks are enhanced and beautified and these projects evidently contribute to visually transform what was previously a dreary, lacklustre and neglected architectural scenery at Gibraltar's land entry point. To appreciate the magnitude and success of our Government's enterprise, the scope of these projects has augmented, far beyond the original consignment for the refurbishment of the building fabric, to encompass the upgrading of electrical, communications and highways infrastructures that service these estates. These estates – Glacis, Laguna and Moorish Castle Estate – are, as I said, in the final stages of completion and, as I said in Parliament last week, will mainly be completed by the end of this year and some next year. I am very proud of our Government's huge investment in our people, Mr Speaker. **(Hon. Chief Minister: Hear, hear.)** *(Banging on desks)*

These, of course, are not the only refurbishment works that we are undertaking. Turning to Alameda Estate, the works at Picton House are now almost complete and the preparatory works for Victoria House are well underway with works scheduled to start in the next few months. This will be followed by works to Alameda House, the last block remaining on this estate, both of which will be completed in the lifetime of this Parliament. We have also almost completed the refurbishment of the New Police Barracks. These works have been on schedule and are

practically complete and we are expecting that the three new lifts that we have installed here will be operational next month.

195 Mr Speaker, the tragic disaster following the fire at Grenfell Tower in West London two weeks ago has been very prominent in our minds because one of the contributing factors to the blaze was the cladding. We have, of course, cladded some of our blocks as part of our refurbishment and we were extremely concerned to provide public assurance of the safety of our works. Immediately upon hearing of the fire, I consulted the Chief Technical Officer and the Principal Housing Officer for assurances as to the works on our estates. The Principal Housing
200 Officer and I spent the whole day meeting with all other relevant Government officials and our contractors looking at every detail and can confirm that both the materials and the method used in our cladding systems are different to those used in the blocks in question in the UK and are safe. Mr Speaker, on that day a meeting was convened by the Chief Minister and, following that, we issued a detailed and lengthy statement.

205 I have also set up a fire safety review working group comprised of the top Government officials and instructed them to look into fire safety and prevention measures in all our housing rental stock and co-ownership estates. I chaired the first meeting last Friday, and while I am satisfied of the assurances that I have been given as to the safety of our cladding system, I have also arranged for these to be independently tested and verified in the UK in an abundance of
210 caution. Safety of citizens, Mr Speaker, is of paramount concern to us and we look at every detail to ensure that our tenants are not at risk. I now await the outcome of the report. In fact, today our Principal Housing Officer is at a housing conference in the UK. The theme of the conference has changed at short notice and understandably there is now a great emphasis on fire prevention and themes of this nature are considered in the course of the next few days
215 while the conference is going on. I am receiving daily reports from the Principal Housing Officer, who is telling me how absolutely valuable attendance at the conference is.

Mr Speaker, the refurbishment of our housing estates will, of course, continue. The Housing Department and the Housing Works Agency have jointly devised a five-year plan of
220 refurbishment works, so that the remaining housing stock can also benefit from major refurbishment. We will not neglect our housing stock or its tenants. This programme includes the six remaining blocks at Chilton Court and Edinburgh Estate. With regard to Chilton Court, initial preliminary investigations are being undertaken with a view to replacing the roof covers to two blocks within this estate and these works are scheduled to start next year. Our continued refurbishment will also include external refurbishment to Schomberg House, Stanley Building,
225 Heathfield House, Willis' House, Coelho House, McMillian House, Knight's Court, Vineyard House, Rosia House, Penney House, Belvedere House and Scud Hill House, and external refurbishment and new lifts will be part of the programme at Tankerville House, Harrington Building and Churchill House.

Finally, Mr Speaker, we are currently refurbishing Sea View House in Catalan Bay, and I am
230 delighted to announce that our housing stock at Catalan Bay will not only undergo a refurbishment but a transformation. We will paint our stock in the prettiest of pastel colours to create a marvellous village to be admired and, I dare say, envied by other Mediterranean coasts. (*Banging on desks*) I have already discussed this with my senior housing officials and we are waiting to devise a colour scheme with the town planner, so that it can be put to the residents of
235 Catalan Bay for consultation. Not only will this be a marvellous enhancement of our housing stock, but it will no doubt also make for a magnificent sight for all to admire, including tourists.

Turning to the operations of the Department, Mr Speaker, we have made many changes to streamline the running of the Department and make it more efficient. This has enabled us to provide a faster turnaround to both tenants in the delivery of their repair works, as well as to
240 allocation of flats to those on the housing waiting list. We also work much better with other stakeholder Departments, making the whole process seamless. Furthermore, we have also introduced a paperless billing system as part of the Government's drive for the Thinking Green

Agenda, where the option of email billing is offered, and to date 660 tenants have taken up this option.

245 Of course I must mention the results of our very successful arrears collection strategy. It must be recalled that the housing rent arrears escalated by 600% when the GSD were in office. In March 1996 when the GSD first took office, the balance of arrears at the time was £655,031. It continued to increase year on year until it reached £4 million by the time they left office in December 2011. Had we continued to follow the trend of the rent arrears, had we not
250 intercepted and commenced the execution of our collection of arrears strategy in January 2016, the arrears would today be in excess of £7 million. But instead, I made an announcement last week that the balance of our arrears was below £5 million. Since I made that announcement just under a week ago, I am delighted to report that we have since recovered a further £18,000 and the current balance of rent arrears is £4,977,410 – a remarkable achievement in a very short
255 period of time, even if I do say so myself. (**Hon. Chief Minister:** Hear, hear.) (*Banging on desks*)

Mr Speaker, for the period since the arrears started to accumulate, since 1996, there was a culture of expectation that there would be no consequences for non-payment of arrears of rent. During a GBC interview last week I was asked by the interviewer what I had done to recover the arrears, and when I watched my interview back I had said, ‘Well, I sent people letters,’ and it
260 sounded quite silly when I was hearing it because it is quite incredible that for this period of time people were not even told that they were in arrears, let alone action the chasing of them. To be honest, such a simple thing as sending letters to people saying ‘you are in arrears of rent that need to be paid’ had an effect that really did not have any cost consequences for the Government or the taxpayer; it was a simple administrative exercise that we did.

265 In addition to that we have implemented various strategies which have been very effective, not least the deduction of rent at source for all public servants and the tremendous volume of debtors who have been seen by the people in my Department – they have seen almost a thousand people in this period. People are not entitled to luxuries such as berths at the Small Boats Marina or parking spaces for their cars if they are in arrears of rent, and the point that I
270 need to make is that the Government makes the distinction between people who do not pay rent because they would rather sustain a more luxurious lifestyle and people who genuinely cannot pay rent for reasons of genuine hardship. It is the latter who are not a priority but it is the former against whom we will absolutely enforce, because it is now high time that the taxpayer must be stopped from having to subsidise these luxury lifestyles of people who do not
275 pay rent because they simple do not want to and because they think it is acceptable because they have been getting away with it for so many years.

I am grateful to the GSD, and Mr Clinton in particular, for their acknowledgment of the progress that I have made in the recovery of the rent arrears – thank you. (*Banging on desks*)

280 Finally, Mr Speaker, turning to a matter that so many in our community have been eagerly awaiting, and that is of course the announcement on the construction of further affordable homes. There is of course a lot of mischief making by the Opposition benches because they love to do that when we make announcements that are so good and so significant and important to the people of Gibraltar, and they are loving the fact that there has been a slight delay in making announcements on this front. But nothing needs to be read into this. There has been a delay due
285 to technical reasons of infrastructure. Infrastructure is an important preliminary issue and we wanted to get every detail right before making any further announcements. This may affect the footprint of the new development to some extent but not in a way that will be disadvantageous. I expect that the technical advice and the administrative process will be complete before the end of this year and I am delighted to announce that we will be in a position to have started the
290 process of selling our new flats and give so many people the opportunity to be homeowners once again. I will be in a better position to make a more detailed announcement in September.

So, Mr Speaker, after that very important announcement on progress, it just leaves me to thank the Principal Housing Officer, all my staff at the Housing Department, particularly those who have been instrumental in the collection of rent arrears, the Housing Works Agency and

295 also LPS, GRP, GJBS and all the small building contractors who now undertake the household
repairs and refurbishment works. A special mention to my PAs: Daniel Payas, who is actually at
the Island Games in Gotland and has received quite a few medals already (**Two Members:** Hear,
hear.) (*Banging on desks*); and to Krystle Acolina, who despite a very important milestone in her
300 life next week is also in the UK accompanying the Principal Housing Officer at the housing
conference. Despite their very junior grades, they are literally my right and left hands when it
comes to housing and I wish to thank them. (**A Member:** Hear, hear.)

Mr Speaker, finally turning to my last portfolio, that of Equality, what a wonderful progress
and a magnificent year for equality in Gibraltar this year has been (**Two Members:** Hear, hear.)
(*Banging on desks*); I really could not ask for more. I take great pride in being Gibraltar's first and
305 only Minister for Equality. It was the foresight of our Chief Minister who recognised the
importance of equality matters and the importance of having a Minister and a Department
dedicated to developing the equality agenda, (*Interjection*) and I wish to give the Chief Minister
my heartfelt thanks both for doing it and for allowing me the continuity to be able to complete
all the tasks that I had set on my agenda. But I really need to credit the tremendous progress
310 that we have made in this year to my excellent and fabulous new team at the Ministry of
Equality. This is headed by Sabina Guillem and her two officers who have joined our team very
recently, had no previous experience of matters of equality but have truly embraced the
principles. Really, I can literally say that not only is my Department running with the concept,
they are flying with it, because the outcomes that we have had in the last year are the most
315 positive that we have and I am tremendously proud of their work, their progress and how they
are assisting all our other Government Departments in ensuring that the Government's equality
agenda is met.

Mr Speaker, as you will recall, last year we passed in this House an amendment to the
Marriage Act to enable people of the same sex to get married. This was a manifesto
320 commitment that we had to consider the principle. It was something that was obviously very
important to the community, something which we consulted on extensively – in fact it was the
consultation that had generated the most response and the most interest – and a group of
Ministers appointed by the Chief Minister to consider these issues spent a lot of time
considering all the individuals' and groups' points of view. We came to the conclusion that we
325 did; I am very proud that we are where we are and we have made the progress that we have on
that front.

Mr Speaker, the most progress that we have made on the equality strands this year, and
which was a priority in my Department's business plan, is of course on disability equality. The
passing of the Disability Bill is imminent before this Parliament and will be undertaken as soon as
330 the parliamentary diary and commitments permit. In the meantime, because equality and
diversity and particularly disability equality are not just about a legislative framework ... Of
course our new law is important and I cannot wait for that debate in this House, but perhaps
more importantly than the legislative framework is the information and awareness that we have
invested in delivering, because for the legislation to be successful we have to ensure that we win
335 the hearts and minds of our community and we have to make sure that our community embrace
the principles of disability equality, because that is the only way that our law will succeed.

Gibraltar is an extremely caring community and as a Government we have been leading from
the front. We have set the benchmark and have been the role models to ensure that we are
setting the standards for disability equality. In the last year I think I have probably lost count of
340 all the training seminars and workshops and awareness days that the Ministry of Equality has
provided to our community, both to managers and professionals in the public sector as well as
to people in the private sector. I really have to thank the Chamber of Commerce and the
Gibraltar Federation of Small Businesses for embracing our initiatives and supporting them
throughout. They are an essential part of the puzzle in the delivery of our mandate of inclusion
345 and I am tremendously grateful to both chairs for having met with me, discussed it at length and
supported wholeheartedly our awareness events.

Mr Speaker, the strategy in relation to disability equality I would say has three strands in terms of awareness. We can break it down into the physical accessibility to environments and we have provided training to professionals to ensure that they are aware and buildings are accessible to people with disabilities, because as my hon Friend Minister Balban explained yesterday, shortly after we pass the Disability Bill we will be changing the building regulations to introduce part R, which will mean that all new buildings and any buildings that require refurbishment have to be completely inclusive to people with disabilities. So we have provided, for the last four years, training on that front to make sure that we have done enough in terms of capacity building so that when the time comes and the new legislation is introduced everybody is equipped to understand it and process it properly.

We have also been delivering training to frontline staff on how to communicate with people with disabilities in a way that is respectful – and we call it disability etiquette, Mr Speaker – because we need to make sure that people who are delivering services to individuals with disabilities do so properly, and that is what will make it truly inclusive. We also have a particular training on autism, which we provide at a professional level to those who work with people who are on the autism spectrum: professionals at the GHA, the Care Agency and the Department of Education. But more importantly we have devised a programme delivering support information and training to parents. We had our first session a few months ago and it was tremendously popular and was welcomed greatly by parents and the societies, and we have a schedule of further training for parents organised for the autumn.

Mr Speaker, before I turn to another equality strand, I cannot thank enough the groups and societies and individuals who come and see me and with whom I consult when we are preparing our policies, because of course our stakeholders' advice and their guidance is absolutely essential so I really wholeheartedly wish to thank everybody involved.

And of course, Mr Speaker, the final strand of equality that I wish to speak on is that of gender equality. In our business plan this year we have concentrated a lot on disability equality because of the new legislation that we will be introducing and I wanted to make sure that everything was in place. Once that starts to settle down in the next few months the Department will turn its attention to really focus and develop gender equality in the same way. You may recall that earlier in the year, in March, I announced a working group to look at issues of the gender pay gap and women in the economy. That is a study that of course is very involved, will require resources, but it is something we are very keen to develop and to finish because we have to make sure that the equality agenda continues to be rolled out. When I am speaking of this I am reminded of the very kind words of my good friend the late Juan Carlos Perez, who at the end of November when I was selected as a candidate for election for the GSLP, he was the one who broke the news to me in these words – he called me up and he said, 'Samantha, a woman's place is in the House.' (*Banging on desks*) I will always remember those words, Mr Speaker, because one of the things on my agenda is clearly for there to be more diverse representation of our community in this House.

Continuing on the theme of gender equality, the final topic that I wish to speak on is that of domestic abuse. The Ministry of Equality deals with this at a strategic level. I chair a working group of multi-agency professionals, the work of which is ongoing, and we look to see how we can support victims of domestic violence and how we can work with perpetrators of domestic abuse with a view to breaking the cycle, and of course in circumstances when children are involved, ensure that they obtain the proper support.

The final point on equality is that I would like to mention my role as Chairman of the senior management board of MAPPA. MAPPA is a multi-agency public protection forum where we deal with the management of sex offenders in Gibraltar. This is a very serious matter, one which we have invested in heavily in the last three years to ensure that the Gibraltar public are protected and also, and importantly so, that our professionals work with the perpetrators in the prevention of further offences, thereby minimising the risk. Mr Speaker, I am very proud of the developments and the works that have been undertaken by my Department in this regard, and

by of course all the agencies that sit on the senior management board of this committee and
400 also the people on the front line and the people at middle management of the MAPPA structure,
which is understandably very complex.

So, Mr Speaker, to round up it just leaves me to thank incredibly my personal staff in my
private office. They are the people who look after me day in day out, ensure that my work is
done, ensure that I get to places on time – and if I am late it is entirely my fault, not theirs, but it
405 is usually because I have to be in two places at once. I have, I am delighted to say, a truly
excellent, dedicated, hardworking and loyal team. I could not be happier with the people I have
around me and the work that they do not only for me but for the community which I serve. Yes,
Mr Speaker, I am very lucky indeed.

At this point I would like to thank Albert Bruzon, who very recently retired, and I would like to
410 mention the effect that the Opposition have had in Mr Bruzon's retirement, because they have
been *playing* politics. We are in this House to *do* politics, not to play politics and not to play with
individuals. Mr Bruzon had to retire ... He did not have to retire, but he retired from his previous
post on account of ill health, and a few months later when he recovered he returned to public
service only temporarily for a fixed period at a lower grade and only for a few days in order to
415 assist me to see particular projects through. Mr Bruzon, who is a longstanding, very loyal and
dedicated public servant, a person who has dedicated his career to the public service, did not
deserve to be named by the GSD so publicly in the way that he was, and I wish to publicly thank
Mr Bruzon for his dedication to the public sector, to the Civil Service and for the work that he
420 has done with me over the years. He has worked very diligently and I dare say even very
protectively of me, and I am sure that he has always delivered such diligence, loyalty and hard
work to all the Ministers he has worked with.

So, Mr Speaker, on that note, once again I wish to thank everybody who has helped me in the
last year – my staff, people who I see, people who I consult.

Mr Speaker, that was 45 minutes – I hope you find that acceptable. Thank you. (Banging on
425 desks).

Mr Speaker: The Hon. Lawrence Llamas.

Hon. L F Llamas: Mr Speaker, I rise to deliver my second Budget speech, focusing on care and
430 tourism. I will once again strive to provide my humble opinion of Government's performance,
whether good or bad.

Last year I dedicated a great deal of my address to the Disability Bill. Although this Bill has not
been presented to this Parliament, I trust and hope that it is imminent and I shall be debating
the detail and merits of the Bill at an appropriate time. For the time being, I shall say that it
435 adopts more principles of the UN Convention on the Rights of Persons with Disabilities 2006
than the Command Paper published in October 2015. It will reinforce some of the basic human
rights enjoyed across society as being rights equally to be enjoyed by anyone with a disability.
But the work is not complete; further work must be done to extend the full definition of equality
to all members of our community, creating a truly equal and inclusive Gibraltar.

Last year, I took the opportunity to congratulate the Government for making public areas
440 such as playgrounds more inclusive; however, despite welcoming a refurbishment to the
playground at Europa Point, it is regrettable that persons with disabilities are still not catered for
at this playground. I hope the Government will rethink its inclusion policies in playgrounds and
add disability-specialised equipment when reviewing our playgrounds in the future.

The Government has over the past year increased its capacity in full-time care for adults with
445 disabilities. It has increased the number of flats from six flats as at December 2015 to the 11 flats
which we have today. I understand that the majority of the additional flats are actually within
our community, and as such commend and applaud the Government for this initiative. However,
I continue to have concerns. Over the past three years we have seen a surge in subcontracted
450 staff, of care workers, such that the service is split on an almost 50-50 basis between directly

employed employees and subcontracted workers, with most of the new flats dependent on subcontracted workers. Mr Speaker, service users are there for the long run, they are not there for the short term, and with this policy we need to recruit ... If we have long-term service users who are going to be in their flats for a long time, we need to cater for them with a long-term vision. I do not necessarily disagree with having subcontracted staff, as long as the conditions which they have offer them stability and a secure job with working hours and a contract in order to enable a worker to plan a career and a life, but more importantly provide a continuity of care for the service users, who are the priority in this equation – especially if they claim they have record surpluses.

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Domiciliary care, a policy properly initiated and developed by this Government, a policy which I fully support, is also heavily reliant on subcontracted workers ... actually, I think it is 100%, and these subcontracted workers are on zero-hours contracts. We must remember that in times of care one's dignity and vulnerability is fully exposed. The relationship with carers should be a constant and special one, one cherished between the parties involved. However, I am concerned as to the real effect of the care in this sector due to the lack of continuity of care.

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Last year I also congratulated the Government for the inclusion in the Estimate Book of Project Search. Only last week I asked the Government what inroads had been made with regard to Project Search or any similar supported internship projects. Minister Bossano replied: 'There has been no further development of Project Search or other supported internship model.' Thankfully, Minister Cortes knows otherwise and has acknowledged and launched the project, a step in the right direction. I now urge the Government to grow and broaden its approach in order to tackle this adequately.

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Now, Mr Speaker, I would like to deal with the lack of prioritisation given by this Government to St Martin's School and Early Birds Nursery. Before I make the point, and in expectant anticipation of the 'blame the GSD' chief ministerial tirade when he exercises his reply, let me remind him that he has been in Government since 2011 and is therefore ultimately responsible for the situation this school is currently facing. In 2012-13 the number of students stood at 48. There has been a steady increase year on year in student intake with a sharp rise in the coming intake for 2017-18 of 66 students, a percentage increase of 37.5% on this Government's watch. Delivering a new school should have been a priority; instead, these incoming children will have to be taught in the deplorable surroundings of portakabins placed on a small car park. I say this in light of a Government that has tried to make cheap political points on this issue. Yes, the GSD did not have this in its manifesto, but I can assure you that I would have yelled from the rooftops if our team had been elected into government and not prioritised the refurbishment of a school in need and done a refurbishment of No. 6 at £6.5 million or the Small Boats Marina at £25 million instead of catering for those most in need of our care – and they claim to be a socialist Government. It is indefensible and shameful and will be a shameful black mark on this Government's tenure in office. St Martin's school is also in need of a new bus. The Government knows this and committed itself to providing it in last year's Budget. Nevertheless, a year on and there is still no bus and no mention of when this bus will be delivered.

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It is, however, commendable to both the Government, for offering courses, and teachers who have taken the offer of undertaking courses in special educational needs. SEN is on the rise and we must ensure we learn and adapt to provide the best educational platform possible to ensure we maximise students' potential.

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Moving on to tourism, a sector which has so much more potential but is still not being given the priority it deserves, we need to build strong foundations in this area in order to stimulate economic activity which is viable and enduring, particularly in the post-Brexit environment. The tourism sector is doubly important as it is intertwined with the offering for our community, and we should endeavour to ensure that our offering is available to tourists as well as our citizens. A good starting point would be, for example, the World War II Tunnels, which are still closed on Saturday afternoons and Sundays. Gibraltar must become a viable destination beyond a cruise call or the off-chance day tour because you happen to be within our proximity. We really need

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to wake up and smell the coffee. The tourism sector should not be operating, as we have been operating for years, on an April-to-October season basis. All around the world tourist destinations are trying to level out the peaks and troughs in the tourism sector. This can only be achieved by maintaining and provide an offering all year round. We have to broaden our product. We have to professionalise our sector and raise the bar. Post-Brexit our tourism sector is bound to change our market, but we have a rough diamond the size of the Rock. A year has already elapsed and we are not in a much better position than where we were last year. We need to be ready for this change and pre-empt the change, develop the markets which will boost our economy, embrace the best we have to offer together with other markets in our proximity which could work in tandem. I acknowledge and support the Minister's recent trips to Morocco and look forward to seeing the fruits of such visits.

Mr Speaker, I fully agree and support the business-related tourism through Meetings, Incentives, Conferences and Events – otherwise known as MICE – the Government is embarking on. It has the potential of leading in the tourism market and providing a new niche with great economic returns. However, we need a round circle product – visitors want to work and play – infrastructure and technology to energise the visitors and thrill-attractions which create the platform required. WiFi hotspots, although located in key areas, are limited in websites users can access. We must ensure to provide further connectivity to all sites, as encouraging tourists to share and post their visit to Gibraltar will certainly boost the #visitgibraltar.

Wedding tourism plays an interesting role in our market. This market can grow further, but we need to ensure that our product is up to standard. Our Registry counter looks so outdated and is crying out for a refurbishment; sadly, it does not provide a good first impression.

And talking about first impressions, Mr Speaker, we seriously need to address our first point of entry via sea, but more importantly via our border with Spain. Apart from its outdated image, it lacks maintenance therefore making the area look unclean.

Mr Speaker, we also have been approaching the summer bathing season as a mid-June to mid-September season. I acknowledge that the battering storms we experience may provide hurdles, but these are no less than hurdles faced by the coastlines in the Iberian peninsula which are open for business all year round, and they bounce back from storms within an appropriate period. A year-round maintenance policy must be implemented sooner rather than later. The official summer season deadline to restore most of our beaches to bathing conditions has elapsed and we are still seeing last-minute works being carried out on our beaches – without mentioning Camp Bay and Little Bay, which have been left very much wanting and should have been tackled a lot earlier as they look a complete mess.

We must consider and respectfully value and analyse the tourist experience in Gibraltar. What are tourists seeing, experiencing and living? What image and memories are they taking with them? We must be monitoring and assessing by looking at statistics which the Minister for the Environment does not see the need to obtain. The need is vital to assess the movement of tourists in the Upper Rock, to see how tourist sites are performing, to monitor their performance and the historical lesson being taken back by tourists. I can assure this House that it does have its value, as I dread to fear that many just come to the top of the Rock to admire the view – but it offers so much more. I do have my reservations as to whether tourist sites and beaches, fundamental pillars in the tourism sector, should be managed by the Environmental Ministry rather than the Tourism Ministry.

In the Upper Rock there has been a great deal of work carried out, more notably the suspension bridge inaugurated last year and the glass look-out, which unfortunately has not opened in time for this year's tourism peak. However, in the meantime there are serious hazardous areas in the Upper Rock which are in so much need of refurbishment and should have, in my opinion, been prioritised, especially in light of a surge in walking visitors.

We have also seen an investment of £135,000 in O'Hara's Battery, an attraction which has been closed since October 2016 and Government have been unable to commit as to when it will be open. This is one of the works from a £1.3 million-worth of works which have been awarded

555 without proper local procurement directives being taken, as highlighted by the Principal Auditor last year. The reason for its permanent closure is lack of manning levels; however, within the same breath the Government deems fit to spend £19,000 on street art, which they claim to be a tourism initiative, but does not have the capacity to open O'Hara's Battery. The Government have simply not been able to match the cart with the horse.

560 I look forward to the focus the Government will be giving to urban regeneration from a tourism perspective and would expect to see tangible results from this project in the near future, given the Government first announced this back in 2013.

I note with delight the increase in air connectivity resulting in record-breaking records in the number of passengers handled by the air terminal. The positive impact on recurrent aviation fees is encouraging, with an increase of £1.2 million for 2016-17 and an increase of £1.5 million estimated for 2017-18 when compared to 2015-16 – an increase of 33%, an additional £2.8 million of recurrent revenue over two years. I also note the cruise industry breaking records in 2016, and scheduled to have an even better 2017.

570 Mr Speaker, unfortunately the same cannot be said about our land visitor arrivals, which continue to drop from a 11.4 million record in 2011 to 9.4 million in 2016. This represents a 17% overall drop in five years.

The increases in volume of passengers travelling by air and sea have simply not been able to restore the tourist expenditure with the estimate for 2016 standing at £211.91 million, still 24% lower than the figure as at 2011 when the increasing trend of tourism expenditure reached a historical record of £279.79 million. In 2012 the figure dropped by 12.5% to £244.75million. In 2013 it dropped by a further 15% to £207.24 million. In 2014 tourism expenditure hit a 13-year low of £168.04 million, a staggering 39.94%. How does this generally affect Gibraltar PLC? Well, Mr Speaker, it translates as a potential loss of at least £367.08 million in tourist expenditure since 2012 to date had the expenditure levels been maintained.

580 The revenue collected by the Upper Rock Nature Reserve has also fallen, from £3.26 million to £3.07 million, a fall of 5% despite an increase in the number of visitors to the Upper Rock of 13.5% from the previous year. Since the foreign vehicle ban in the Upper Rock, the method of travel to the Upper Rock has naturally changed. When comparing 2015-16 to 2016-17, cars have reduced by 99%, coaches have increased by 10%, taxis by 38%, walkers by 80% and cable car by 20%. Despite the transport sector directly benefiting from the policy, there is one sole transport person or company which has failed to pay £108,000 in entry fees.

I understand that our official tourism website is being reviewed. I must say that it is regrettable that it is not being expedited. The same can be said for the Upper Rock Nature Reserve app. I would not have envisaged this to be a monumental task or to take this long and would have expected a simple bridge-over of issues, such as the possibility to download a brochure that could have been added in the interim.

595 Last year I also highlighted the Europa Point waste ground by the lighthouse, an eyesore which we have endured for the last seven years, and rather than spending £25,000 on providing a 'dog park' at the Alameda Gardens it is my opinion that it would have been far more useful to have landscaped the Europa Point waste ground and put that money to better use.

Swiftly moving on to the Port, despite bunkering going up and cruise liner passengers going up, the recurrent revenue for the Gibraltar Port Authority is estimated to go down in the current financial year by 1.9%. I note the Gibraltar Port Authority has been actively involved in attending seminars and conferences abroad, thereby raising its profile internationally; this can only be of benefit to Gibraltar PLC's future in this sector. Last week, the Minister for the Port announced he will be extending compulsory insurance obligations to all vessels in Gibraltar. I have been highlighting the issue for some time and welcome this policy measure.

600 Finally, Mr Speaker, I would like to thank you, the Parliament staff and all civil servants who ensure that Government answers are put together in what are sometimes lengthy, time-consuming answers during Parliamentary sessions. (*Banging on desks*)

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Mr Speaker: The Hon. Steven Linares.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, this is my 18th Budget speech and my sixth as a Government Minister.

I will begin my speech by giving a synopsis of what has been achieved in the past year in relation to Culture. As it is now known, when we entered into Government we found the mess that was concocted by the previous administration weeks before a General Election in relation to the Gibraltar Culture and Heritage Agency. The replacements and reforms that we have undertaken have proved now for the past three years to be not only the right decision but also a great success. The formation of Gibraltar Cultural Services and having the Ministry of Culture running different events has gone a long way in promoting, enhancing and developing our local culture to the rest of the world.

In conjunction with the Gibraltar Tourist Board, the Gibraltar Literary Festival was organised as part of the events-led tourism initiative. This event, now in its fifth year, has proved to be one that has given Gibraltar the academic as well as cultural profile comparable to any literary festival held in the UK or elsewhere. In fact, we have given the GLF our own local flavour. It has brought to our shores many intellectuals, writers, commentators and others, giving the GLF a unique prestige.

The annual Drama Festival held in March 2017 was the biggest to date with 17 entries, a whole week of theatre. We now see international drama groups participating from the UK and from Spain.

GCS have started work on a major retrospective exhibition for January 2018 that will celebrate fashion design in Gibraltar. This is part of our ongoing cultural development initiatives.

The same can be said of the Gibraltar World Music Festival, which we sponsor. This festival is now being commented on around the world as one which is exporting our harmonious society. This year the theme of 'Uprising' has attracted the coverage of international TV channels. 'Convivencia' was the motto this year and workshops and seminars were held in our University that analysed how religious and cultural diversity and how religious differences can live in a small society such as ours.

The Gibraltar-Berlin Art Residency Project will take place for the second year. In July this year we will see Shane Dalmedo, our local artist, taking up an art residency in Berlin and a Berlin artist doing a residency in Gibraltar. This initiative is proving to be very successful in exporting our artistic talent. We again financially supported the participation of local artists in competitions abroad, such as the Royal Academy of Art Summer Exhibition and others.

GCS is responsible for overseeing and organising traditional events in our calendar such as Miss Gibraltar, Spring Festival, Autumn Programme, Summer Nights, Gibraltar Fair, national celebrations, New Year celebrations, international art competitions, literary and poetry competitions, and classical concerts in conjunction with the Philharmonic Society, amongst others.

In May this year, Shakespeare was back in town. As part of the Spring Festival, *Hamlet* was performed and a number of workshops for schoolchildren were held. These workshops were carried out by the Young Shakespeare Company, who were especially flown over from the UK.

The GCS will also be heavily involved in the opening and closing ceremonies of our Island Games in 2019.

On 2nd June, GCS organised the second anniversary of the opening of yet another manifesto commitment of having a National Art Gallery, as we all know named the Mario Finlayson National Art Gallery.

Apart from developing, promoting and supporting cultural events, GCS also do facilities management. They not only run the Ince's Hall, Mackintosh Hall, Retreat Centre, the Central Hall, the Gibraltar Exhibition of Modern Art, Fine Arts and the Gustavo Bacarisas Galleries, they also now help many groups and associations with the maintenance of their premises. When we came into government we realised that premises of which the Government was the landlord

660 were not being maintained, and this resulted in one of the tenants making a claim for damages
due to water ingress. Now we have a programme of maintenance which identifies problems in
premises, and GCS will deal with these issues soon so that tenants, groups and associations can
continue with their good work. They have repaired and fixed things like the roof of South
Barracks Recreational Rooms to avoid further water ingress; repairs to lighting, guttering, façade
and installation of hand rails at the South District Senior Citizens' Social Club; repairs to the
665 caving-in of the floors at the Gibraltar Downs Syndrome Support Group Unit at the
Retrenchment Block; repairs to roof and guttering at 35 Town Range and 72 Prince Edward's
Road, and many more. This we do because we value the work that all these groups do for our
society.

The Mac Hall Library has gone through a massive transformation in 2014, and I am glad to say
670 that the Hon. Roy Clinton visited the library recently and found out the extensive improvements
that the library has gone through – pity he didn't mention it in his address. New books are
constantly being purchased and CCTV cameras installed in the children's area, fiction section,
main reception and reference rooms.

As to repairs at the theatre, which is now complete, these consists of refurbishment of the
675 sound and light control room with new sound and light equipment; new floors and seating;
removal of seats to create disabled access; increased capacity from 380 to 408 seats; new
curtains; new carpet for the upper theatre gallery; new frosting to main doors; LED lights
replaced for the courtyard area; extra furniture bought; new doors; new ticket office built for
public use and hire; landscape posters displayed; and many more improvements which have
680 made the Hall a place which we can now be proud of. I see the hon. Member is giggling
underneath, but these are actual improvements since 2011, since we came into government,
because they had it totally neglected. The same can be said with many improvements at the Fine
Arts Gallery, the Gustavo Bacarisa Gallery, the Central Hall and the Ince's Hall.

I would like to say at this point, Mr Speaker, that GCS is also heavily involved in making sure
685 that child protection for all cultural groups is a priority. They are working hard. Every group that
is a cultural group has to register with GCS that they have a programme for child protection.

The Ministry of Culture has also been heavily involved in organising events such as the Jazz
Festival, Winter Party in Town, Darts Trophy, pool and snooker tournaments.

The Ministry of Culture is and has been leading on the organisation of Gibraltar Calling. We
690 have been working for the past two years to be able to partner with the biggest brand in the
world and the most important music TV channel, that of MTV, to be able to deliver a music
festival that will be shown around the world. Our GMF was one which was very successful and
attracted our locals as well as tourists to our shores. I would like to take this opportunity to
thank those who were involved in the GMF in having helped us produce the biggest event in our
695 social calendar, and I hope that they will continue to be involved in Gibraltar Calling.

It is obvious that the vision that we had as a manifesto commitment is now reaping the
benefits. Our policy of events-led tourism is working and the figures of hotel occupancy, as all
the other statistics that the Chief Minister mentioned in his address, show this. We now have
700 moved this event to the international arena and the representatives of MTV, who were very
impressed at our product, have teamed up with my Ministry to create an event which will be
beamed live to more than 30 countries. The value of this is immense. To give you just a snapshot
of the benefits of this partnership, I will give this House a few figures – and I will also give the
hon. Members who are talking, if they want to listen, these figures.

The following figures are only conservative estimates in relation to the media value that
705 partnering with MTV will mean. The TV programmes being produced, which will be broadcast in
30 countries and have an audience of about a billion, are estimated to have a value of
£½ million. The 1,500 minimum 30-second broadcast advertising spots are estimated to be
£150,000. Twenty-plus social media posts with a reach of three million-plus and one of its
Twitter accounts having a following of 15 million-plus people is estimated at another £150,000.
710 Press coverage via MTV will reach upwards of £1 million in media value. Minimum total forecast

of the media value is therefore £1.7 million. All the above does not include the events and tourism marketing we do ourselves via our own websites.

715 MTV is without doubt one of the biggest brands in the world. Gibraltar can benefit from the brand association to project its forward-looking position in the world. When talking to MTV's director and producer of Gibraltar Calling when they visited Gibraltar last week, they mentioned the fact that they wish to do filming of programmes for their channel here, since Gibraltar has not only a lot to offer in cultural and social events but also because of our unique surroundings and geographical position.

720 Now that this event is being filmed, Gibraltar will have a lasting legacy from the festival. Multiple high-quality media assets will be generated, which will be used by other Government agencies to promote Gibraltar, in particular as a music and cultural destination.

725 Gibraltar has been able to leverage MTV's relationship with artists to attract top talent on excellent commercial terms. Within the festival industry the current line-up is being seen as of a very high standard, some of whom performed in the Glastonbury Festival last weekend. (**Hon. Chief Minister:** Jeremy Corbyn!) Well, we can invite him as well to give us a speech, but I would rather have you as the socialist giving a speech!

730 One important aspect of the value of this event is the fact that many of the tickets sold to date for Gibraltar Calling are from people who intend to come to Gibraltar for the event. We expect to sell much more than we did last year, but taking the same figures of last year's GMF, at which we had over 2,500 people from abroad coming, means that the economy in general benefits in the region of £½ million. Therefore, taking together only the estimated media and visitor value of the event to our economy, our economy can easily be said to be in the region of £2.2 million. These are obviously very conservative estimates and do not include the cultural, social and other benefits to our community.

735 At this stage I would like to just go off script and tell the hon. Member about tourism: that we are not a destination for the bucket-and-spade brigade. We are a destination where we attract people to events, and this has been working now since we started doing events-led tourism. The hon. Member must recognise that all the events that we do attract many tourists to Gibraltar.

740 Mr Speaker, I now move on to GAMPA. In the 2011 manifesto we committed to three main things that we believe to be of great benefit to our society. These are learning an instrument, having a youth orchestra and the setting up of an academy for performing arts. I am delighted to say that the academy called the Gibraltar Academy of Music and Performing Arts, referred to as GAMPA, was set up in September 2015 at 63 Flat Bastion Magazine, Flat Bastion Road. For this, I would like to take this opportunity to publicly thank Mr Freddie Gomez for having cleaned up, looked after and maintained Flat Bastion Magazine for many years. He did this voluntarily without any help from the Government at the time. After he had been using the premises for years, he handed them back to Government and he is thrilled that his hard work is now used for the community in the form of the Academy. Since its set up it has been a great success, so much so that it has already outgrown these premises and GAMPA is currently outsourcing spaces in South Barrack Road Recreational Rooms as well as the drama studio and music room in Bayside Comprehensive. We are looking at alternative premises where we can house all students in the same venue and hold all classes in a centralised place.

755 When GAMPA initiated the Learn an Instrument campaign, one of the commitments in our manifesto, they realised that many children did not know the variety of instruments there are. Therefore they offered a total of 32 places for middle school children to learn instruments such as brass, flute, saxophone and clarinet. This promotion has been extremely positive.

GAMPA has developed the Infant Music Club, where children from as young as four years old can start learning an instrument and become interested in music.

760 GAMPA has become the official representative of Charanga music in Gibraltar. More than 10,000 teachers use Charanga programmes in over 3,000 schools. It produces engaging, exciting, innovative digital music teaching and learning resources in both primary and secondary schools to support music teachers and their students.

765 GAMPAs been working very closely with the Parasol Foundation in order to develop the Parasol Foundation Scholarship Programme. This programme has been designed to help the next generation of musicians and actors develop and have more teaching contact and prep time. This programme has been renewed for another year.

Two scholarships for excellence and promise were offered to students who show a high level of skill and have the potential to excel. Three scholarships were offered to beginners who showed potential and have achieved quite a lot in a short space of time.

770 Ensemble scholarships are open to all students of the Academy. GAMPAs been offering string ensemble, woodwind ensemble, corps of drums ensemble, aural skills and vocal ensemble classes in order for children to accompany and to play as part of a group. This will develop their ensemble skills with a view to having children play together to fulfil another manifesto commitment to form a youth orchestra. These classes have no maximum limit of students.

775 Further scholarships were offered to students with financial hardship. I am glad that this happens, because some of the children are not able to do it and I am glad that GAMPAs taken this on. Extra-curricular activities can prove to be expensive to a student who feels they really want to dedicate themselves to a certain series of classes.

780 All in all, the success of GAMPAs been such that we are looking at expanding to have more premises to be able to cope with the demand.

Together with HM Government, the Parasol Foundation have also supported the Academy with a scholarship for drama and by purchasing music books in order to complete the Academy's library, as well as funding of more instruments.

785 The ABRSM – I hope Mr Speaker does not ask me what these mean – exams have been taking place in Gibraltar for decades under the supervision and management of the College of Further Education. It is important to note that it also does singing and performing courses, of which recognised examination has been conducted. GAMPAs therefore become an examination centre for the ABRSM. The Trinity Rock and Pop exams have proved to be very successful and the Trinity College London Drama exams. Every exam has been allocated a level and a number of credits in the Qualifications and Credit Framework (QCF) in England, Wales and Northern Ireland. GAMPAs very proud to be offering tuition and examination opportunities to students who choose to study classical, pop and rock music as well as acting and drama.

795 Mr Speaker, I now move on to the media, which forms part of my responsibilities for the first time. I have been able to closely work with the Chief Executive of our national broadcaster GBC to ensure that standards of service are maintained and, where possible, improved. GBC is a far cry from the television and radio station of just five years ago due to the lack of investment by the previous administration, with huge improvements having been carried out to its programming since then. This has happened thanks to the funding provided by our Government and the commitment of its management and staff to make it work. The efforts have paid off. The feedback received by the Corporation continues to suggest that a majority of viewers and listeners enjoy GBC radio and television Gibraltar programming. Live and on-demand programmes via GBC online have a good following too, as do their social media platforms, where GBC News is relied upon as an authoritative and reliable source by thousands.

800 TV shows such as the recent *Port Ops*, which focused on activities in the Gibraltar harbour, *The Collectors*, which showed the unusual collections owned by several Gibraltarians, and *Rock Explorers*, which every week shows a different element of local natural history, are shows that would only be produced by a local channel, proving GBC's value to the community. There has been a significant number of local series and specials produced during the past 12 months, with these including the ordination of Bishop Zammit, which was broadcast live from Malta, as well as his installation at the Cathedral of Saint Mary the Crowned, also covered live. This year GBC has also carried live several Gibraltar-related political events from Westminster and the United Nations, ensuring viewers and listeners remain well informed on issues that affect them. This is also the case with respect to the current Island Games in Gotland, where there is a team of GBC journalists and producers who are reporting on Gibraltar's participation.

815 In addition, GBC Sports Awards, which has been a firm fixture of the annual social calendar,
was once again aired in March, and I take this opportunity to once again congratulate the
winners of these such deserved trophies. As Minister for the Media and Sports, I am really
pleased that GBC has taken this initiative in which sportsmen and women are rewarded for the
820 hard work and effort they put in to be able to at times reach very high standards at international
level.

I must also mention the GBC Open Day, which last Christmas raised an incredible
£142,000. The Open Day is an institution on the Rock, for which it is extremely gratifying that
our national broadcasters lead on the event, which is followed by practically everyone in
Gibraltar, knowing that their donations will help a variety of local worthy causes.

825 The last 12 months have seen several staff changes at Broadcasting House, with some of the
household names we have been used to over the years either retiring or leaving to pursue other
projects. In particular, I would like to thank Mr James Neish, Christine Clifton-Psaila and Stephen
Neish for their many years of service to the Corporation, while wishing the new faces and voices
who have replaced them every success in their new careers.

830 This Government continues to provide GBC with the funding required to keep up with
technology. This year, the focus has been on the replacement of the ageing TV studio lighting
grid with much more environmentally friendly LED lights, the first phase of which has now been
completed. The second phase of this project will take place during this financial year. The
station's satellite transmission facilities have also been upgraded, including the replacement of
835 two 25-year-old dishes with new motorised ones that will allow greater reliability and flexibility
for satellite reception, which is being used more frequently as GBC provides coverage of a
greater number of international events, including the football.

Mr Speaker, GBC is swimming against a tide of international broadcasters that are made
available locally by cable operators, which is not easy but proves its worth by providing well-
840 produced local content and quality imported programmes. However, it does so from a building
that is far from ideal and which in all honesty has seen better days. It therefore remains this
Government's intention to relocate GBC for the Corporation to enjoy the working conditions the
staff deserve and which will no doubt encourage them to build on their current successes.

As happens in all areas, there is always room for improvement. I therefore must pay tribute
845 to the around 80 staff employed by GBC, who are at all levels ensuring that Gibraltar has a
successful public service broadcaster with high editorial standards, who give of their free time to
ensure that things like Open Day ... as well as to the members of the public and commercial
sector who support it and give so generously, and that reflects the Gibraltarian identity through
numerous locally produced programmes.

850 Moving on to the Youth Service, I can announce that it has undergone a number of significant
changes, most noticeably within its structure and staffing arrangements. All the administration
that was working from Montagu Bastion Youth Centre has now been transferred to the City Hall.
This has meant that the supporting role to the service has increased since they can now double
up with officers based at the main office of the Ministry of Culture. The qualified element of the
855 Youth and Community workers can now work from the Youth Centre and can dedicate their time
to direct contact with the young people.

The complement now of the Youth Service consists of a principal youth and community
worker, two seniors and 5 JNC qualified youth and community workers (YCWs). It is great to
have seen that two of these YCWs have gained their qualifications locally via courses accredited
860 by De Montfort University in Leicester.

One further change implemented by our Government recently is that of regularising the
employment status of all youth support workers. These workers, who are complementary to the
work of the YCWs, are no longer on a supply basis but on a contract that gives them continuity.
So much for what the hon. Member Mr Llamas said. They are also being trained in order to raise
865 the standard of work done to achieve best practice.

Since the New Dawn of 2011 we have been keen for the Youth Service to encourage volunteers to help deliver youth work. This House will recall that volunteers were done away with by the previous Government and we believe that volunteers in the past contributed many positive things to the service. Therefore the Youth Service has introduced to everyone interested in working with youngsters a locally recognised and assessed course in Understanding Youth Work for volunteers and support workers. This year trainees were able to select the assessed or non-assessed route. The non-assessed route offered the trainee a certificate of attendance along with the chance to volunteer their services to various youth work projects. Due to the success of our training, we have once again offered Understanding Youth Work training to youth work trainees, who started the course in October 2016 and will have completed their training by this Friday.

Professional development is paramount for youth workers and to that end we are committed to supporting the staff to be able to train and learn new innovative ways to be able to deliver an excellent service. From the principal youth worker and his two seniors, who have undergone training on issues relating to grievance, discipline and dismissals ... to train all others in the service courses to do with Safeguarding Children, Health and Safety, First Aid at Work, Basic Fire and Rescue Training.

The Youth Service has been part of the Multi-agency Child Protection Committee since it was formed in 2015. It is imperative that child protection is at the heart of all agencies, associations and entities that are in contact with children. (**Hon. Miss S J Sacramento:** Hear, hear.) (*Banging on desks*) The Youth Service is a member of the Child Protection Committee, and following a request by the Care Agency in November 2015 the Youth Service agreed to join the Safeguarding Children and Young People training team as from January 2016. The Youth Service has increased its commitment to support child protection in Gibraltar. They have subscribed to the Signs of Safety model by committing themselves to taking a multi-agency approach in managing safeguarding issues and placing the welfare of children and young people at the heart of everything they do. In addition, the Youth Service will very soon be in a position to support the Care Agency by committing a senior member of staff to becoming a Safeguarding Children Tier 2 trainer for the multi-agency team.

All Youth Service staff underwent a very successful weekend of personal professional development training, taking of their own time, that focused on the importance of supervision in youth work.

Since the MoU was signed by the Youth Service and the RGP, they have been able to build and establish a professional relationship of trust that has made significant progress in many areas that has improved the service to young people in this community. As an example, the RGP Charity Committee has helped in the funding of residential weekends away for youngsters on which some officers accompanied them. In turn, the RGP have benefitted from the Youth Service since they are providing training to new recruits regarding working with young people in our community. This partnership has also allowed both entities to be able to work with the neighbourhood to be able to understand community problems more closely.

Mr Speaker, at this point I would like to say that it was sad to hear the Hon. Elliot Phillips, who has not been hearing any of our speeches, and yet he spoke yesterday about many of the things that he did not even hear, and he is not here today to listen to all the good things that we are doing with the young people in our youth clubs and the Youth Service, and how we protect young people and how we look at issues of drugs and even youth justice, which he mentioned yesterday and he is not here to listen today. I would like to compliment the Youth Service because they do an excellent work. I do not know how many thousands of people he has queuing up either at his home or at his office, which he mentioned yesterday – thousands of young people going to him and telling him how bad things were. Well, I don't know, but even in the youth clubs ... We have four youth clubs and we do not get thousands. We get hundreds, but not thousands. He must have queues all down College Lane.

Mr Speaker, I carry on by saying that our Government continuously invests in the refurbishment our youth clubs. The Plater, Dolphins and Laguna Youth Clubs have undergone some significant interior refurbishment works that are complemented by new modern and up-to-date kitchens for young people to use and learn necessary life skills. One facility which we have invested in – unlucky that the Leader of the Opposition is not listening – and will soon be completed is that of the Girl Guides’ hut in the Upper Rock. This hut could no longer be used, since it was not fit for purpose, yet we found that the previous administration had plans for it but never started it. Grins from the opposite Members. We will see a new floor added to the accommodation and more beds. It will have new kitchens and the building will be accessible to all. The Girl Guides, who do a great job in forming the lives of young girls, have been asking for this for many years but it has gone to deaf ears. Therefore it gives me great pleasure to be able to deliver the state-of-the-art premises where they can continue to do the magnificent work that they do.

Our Government values the contribution of the Youth Advisory Council, which already has representatives from the Duke of Edinburgh, Girl Guides and Scouts. We have therefore seen fit to expand its membership to include the RGP, Education Department, GHA, Care Agency, St John Ambulance and the Drugs Co-ordinator. All these entities have a lot to contribute in helping deliver quality youth work.

Further to the Council, as Minister for Youth I have felt it important to give young people a voice in our community, again rebutting what the hon. Member stated yesterday – that we do not listen to young people. The Youth Service set up a number of meetings with young people where they could raise any issues they had with me. This year, members of the Youth Forum focused mainly on issues regarding education. As a result of these meetings, young people have had the opportunity to meet with the Minister for Education Dr Cortes, with the Director of Education, with the Principal Youth Officer and with me at the Youth Centre to discuss issues that concern them. The Youth Service is working closely with the young people so that the issues raised by them are taken seriously and acted upon.

There are many projects that are run by the Youth Service. These range from developing photographic and filming skills to personal and social development opportunities and even fun activities.

The Luce Foundation project has allowed youngsters to attend residential weekends where they experience activities which deal with environmental issues, issues of citizenship, Personal, Social and Health Education, and challenge them to take life decisions to be able to be responsible citizens.

Mental Health is an issue which concerns young people, and to this end not only have the Youth Service engaged in helping fund-raise, for example with Clubhouse, but they are also in discussion with the GHA officials on how a mental health service for children and young people could be set up. Drugs, cyber bullying and youth justice are also issues that the Youth Service participates in forums on to advise Government.

I will not go through all the projects that the Youth Service has been providing the youngsters with throughout the year, since these are too numerous to mention, but one that sticks out was the winning of the first prize of the youth section in this year’s cavalcade; a lot of hard work took place and I would like to congratulate them on this achievement.

Mr Speaker, the Youth Service takes the youth seriously. They work hard. Again, I must say the five-minute speech that the hon. Gentleman, Mr Elliot Phillips – who came for five minutes, spoke for five minutes and left – was absolutely saddening, to be nice to him, because he has not recognised the hard work, the increase and all the things I have said. He would have listened to it today and he would have learned something from what all the Youth Service is doing.

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

Mr Speaker: I think this will be a convenient point at which to have a short ... before the Minister no doubt calls upon the House to acclaim last night's historic victory by Europa Football Club against the Welsh All Saints. So we will have a recess of 15 minutes.

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The House recessed at 11.25 a.m. and resumed its sitting at 11.40 a.m.

**Appropriation Bill 2017 –
For Second Reading –
Debate continued**

Mr Speaker: The Hon. Steven Linares.

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Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Thank you, Mr Speaker.

The Kings' Bastion Leisure Centre also comes under my remit as Minister for Leisure. When we came into government in 2011, the Kings' Bastion was a massive drain to the economy. It was costing – and I hope people take note of this, because it is interesting, though sad as well due to the economic drain – £2.6 million per annum with a mere £60,000 in revenue. After making changes and terminating lucrative contracts which were signed by the greatest

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Gibraltarian in history – the previous administration – and reforming the way in which it was run, we now see the deficit massively reduced.

Employees of KBLC were employed by the Gibraltar Sports and Leisure Authority (GSLA), and the revenue of the GSLA was actually fictitious since it was transferring money from one Government-owned company to the GSLA, which is also a Government entity. By transferring these employees to the Bayside Complex, where they were asking for more staff, and giving a contract to other GSLA employees who formed their own company, has reduced the running costs substantially. Now the KBLC is costing annually £1.6 million and is making revenue of £½ million and increasing every year. As can be seen, KBLC decreased their running costs by £1 million from £2.6 million to £1.6 million and have increased the income from £60,000 to £½ million, resulting in a significant reduction in the overall deficit. At the same time, they are carrying out the following improvements to the facilities.

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The fitness gym: a complete overhaul of the men's and ladies' changing rooms; all old equipment has been replaced with new equipment and an outdoor gym has been created in the back patio. The amusement arcade has seen the replacement of worn-out carpet tiles with high-quality fitted carpets in the games vaults and vaults repainted in bright colours. KBLC has cladded the ceiling and refurbished the Line Wall Road entrance to match the works carried out at the main entrance and they are in the process of repainting all the ironmongery, including columns and gates, on the Line Wall facade of the building. On the second floor, the cinema foyer area and toilet corridor has been repainted. Some damaged glass panels around the terrace areas have been replaced. Entrance tunnel and toilet passage walls painted and cladded with wood-face bricks.

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In the ice rink, new skirtings have been fitted to complete the refurbishment that was started in 2015. I would like to take this opportunity to say that the ice rink is a disaster in relation to the running cost. Whoever thought – probably the greatest Gibraltarian in history – of putting the ice rink on a second floor did not contemplate the amount of money it would cost in electricity. It is like having a fridge all day opened at the beach in the month of August. We are now looking at the possibility of putting solar panels on the roof, but we are finding it difficult due to the fact that even the roof is slanting the wrong way.

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Leisure Management Services, which are contracted to run KBLC, have agreed with the GSLA to provide basic maintenance services at the Bayside Complex and have employed an additional

maintenance staff member to cope with the extra work. This will provide more income to help them meet their running costs.

1015 During the current financial year LMS will be upgrading the consoles and software used at
the bowling alley and will start work on replacing the bowling ceiling as well as installing LED
screen panels for the back end of the bowling lanes. The latter will be useful in attracting
marketing revenue. LMS, on behalf of KBLC, has entered into an agreement with the Gibraltar
1020 International Airport authorities for the provision of a children's play area within the departure
lounge of the airport, where they can install some more arcade machines. Both these initiatives
will provide additional income streams for KBLC that will help them in reducing their overall
running costs. I would like to congratulate both the management and the staff of LMS for having
taken the task of running the Leisure Centre with a budget of less than £1 million from the
previous set up and at the same time improving all the facilities – a far cry from what we
1025 inherited in 2011.

I now move on to my ministerial responsibility for sport. Phase 1 of the works at the GSLA
swimming pool complex has been completed, with phase 2's final completion scheduled for this
summer. The works have included the installation of a second filter for the accessible pool as
well as the installation of systems that will automate chemical dosing, backwashes and
1030 automatic readings of water turbidity. Improvements are already noticeable in terms of
efficiency, and once completed the reconfiguration will result in savings in chemical
consumption, water consumption and maintenance costs.

Let's not forget that the photovoltaic panels, which cost £680,000, from which £290,000
came from the EU – i.e. the expenditure of Government was £390,000 cost to the taxpayer – has
1035 now been paid by savings. The saving to date is approximately £720,000. Not only are we
making these savings with the photovoltaic panels, we are producing electricity in excess of
what the swimming pool needs and therefore we are also feeding this to the main grid. The best
of the system is that the facility is functioning virtually at 0% carbon emission. Additionally,
these works form part of a scheme to offer the general public an enhanced service resulting in
1040 the facility opening seven days a week.

Improvements are scheduled to take place in many areas in the Bayside Sports Complex. To
begin with, and due to the fact that the three-padel tennis courts are extremely popular, they
have suffered a significant amount of wear and tear and therefore we will be resurfacing after
the Gibraltar Calling Music Festival in September. Currently, the turfs of these courts are laid
1045 over sand substrate and users have been complaining that this is causing issues with the
playability of the surface and in particular the ball bounce. Therefore the resurfacing will also
include this time round the laying of a porous concrete base to replace the current sand
substrate. This will resolve the current issues such as the ball bounce.

The boathouse area will undergo an extensive refurbishment this summer. The building,
1050 which has been extensively used since it was built over 10 years ago, requires works to address
water ingress as well as requiring improvements to the general areas. It has been the temporary
home of the GFA for the last four years and they will be moving out imminently. It will now
continue to house the associations which currently hold office space but will also become the
official home of the Gibraltar Island Games 2019 organising committee, including the Games
1055 director.

As is well known, the GSLA is charged with looking after the playgrounds and parks around
Gibraltar. Within the GSLA there is a maintenance team who regularly go round the playgrounds
and parks, mending, fixing and/or replacing the equipment. All the playgrounds and parks now
have a notice where there is a hotline number for the public to contact should they see that any
1060 of the equipment needs repair. The team will go out to fix on the spot, make safe and/or take
away to repair. Apart from the continuous maintenance, every financial year there will be a
continued programme of upgrades to the parks and playgrounds. The Chilton Court housing
estate has been earmarked as an area that requires attention. This is an old park and play area
that was inherited when the estate was transferred to the Government. Various options are

1065 currently being considered for the area with the tenants association liaising closely with the
1066 GSLA.

The Government, via the GSLA, has been involved with the following events locally and
internationally both at a logistical and financial level. Mr Speaker, with the football, as in the
UEFA Futsal, I do not think I should go through all of them, just to highlight, for example, the
1070 snooker, the pool, the darts, helping with the chess, the junior chess, backgammon, squash
open, international regattas, Harley Davidson, even the International Song Festival. I have just
left a few out there, Mr Speaker, because I will not go through them all. In addition, the GSLA
offers logistical support and facilities for the local sports associations to complete their leagues
and development programmes throughout the year as well as assisting schools in fulfilling their
1075 PE curriculum both at the Bayside Sports Centre and at the GSLA swimming pool.

The Summer Sports and Leisure Programme 2016 once again improved on its previous year's
attendance, registering over 9,500 throughout its different elements over six weeks. The Sports
Train offered sporting and leadership activities every weekday in the mornings for seven- to-14-
year-old children. The Children's Corner offered appropriate sport and recreational activities
1080 three days a week. The family evening sessions noticed a marked improvement with the
attendance of nearly 40. The Stay and Play programme offered sport, physical, arts and leisure
activities for children with disabilities five days per week. This element in particular needed to
review its scheduling, given the significantly higher attendance, and with this in mind the
temporary staff complement has been increased for the upcoming programme. In addition, the
1085 Care Agency will be actively involved in the induction training programme for 2017, adding to
the quality of delivery whilst safeguarding the interests of leaders and users alike.

The GSLA also worked in partnership with sports associations –28 in total – to provide a wide
range of sports coaching courses and taster sessions with children and young people. Other
positive leisure providers, including the Government, the Ministry of Environment, the GHA and
1090 the RGP ...

Mr Speaker, such is the success of this sporting programme that the sponsorship
arrangement with NatWest has been extended, and we are grateful for their continued support.

The Government, via the Gibraltar Sports Advisory Council (GSAC), which is administered by
the GSLA, has continued to support local athletes and teams when they travel abroad to official
1095 international competitions. The GSLA advocates the fact that it is not purely to be a member of
the international body, but local entities need to be active within them by participating in events
and competitions or by participating at congresses or annual general meetings.

Sports development initiatives have also been supported with a view to increasing the
qualifications, knowledge base and experiences of local coaches and administrators. This is
1100 particularly relevant as it will reduce the need for the importation of officials for the 2019 Island
Games. Part of the legacy element of the Games is not just the physical infrastructure but the
knowledge base and experience gained in the lead up to and during the Games that will improve
the chances of Gibraltar being represented internationally as umpires and officials. I would like
to, at this stage, congratulate Nathan Stagno for having obtained his MBE for being one of the
1105 best referees, umpires, of hockey. **(Several Members: Hear, hear.)** *(Banging on desks)* This will
increase the pool of qualified sportsmen and women and will raise Gibraltar's profile even
higher as a host location for international events.

In addition, some individuals who presented cases for financial support under the "Elite
Athlete" category have been supported. Applications were considered by the relevant
1110 subcommittee on a case-by-case basis.

The review of the guidelines – and I think this part is important for the sporting fraternity –
for registering sporting associations has been completed with these becoming criteria.
Registered sports associations, leisure providers and commercial entities have been informed of
the new requirement, and, if it is not met, it will result in allocations and/or funding being
1115 withdrawn. The main points to note are regarding training, with all coaches and leisure providers
having to attend relevant Safeguarding Children and Young People workshops, the nomination

of welfare officers within registered governing bodies, the submission of an up-to-date child protection policy and proof of RGP vetting and relevant documentation from country of origin. The GSLA will assist all those concerned with training and support, and whilst there will be a transitional period whilst training is arranged and undertaken in the short term, the criteria will be stringently enforced in the future. Child protection is therefore a must from now on.

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Preparations for the 2019 Island Games are well underway. The organising committee, led by Linda Alvarez, is making significant progress in key issues such as accommodation, travel logistics and sport-specific requirements. There is regular contact with those associations involved in the Games and with the key stakeholders like the RGP, GHA and Technical Services to name but a few. Several members of the organising committee are now in Gotland, where Gibraltar will host an information evening – in fact, it is this evening – for all of the other member islands, to provide an update. In addition, meetings have also been scheduled with the International Island Games Association Executive Committee and several reps will also address the annual general meeting, which they did last night, held as part of the Games in Gotland. Mr Speaker, I was only in Gotland for hours but in the opening ceremony and all the receptions you could see the buzz of people wanting again to come to the Island Games in Gibraltar, which I think is brilliant because of the way that all the organising committee were dressed with the '19' and Gibraltar and everybody was asking questions on when it is and all that. So I am really pleased that it is going really well.

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Mr Speaker, the Government announced on 18th April that an agreement had been reached with the Gibraltar Football Association (GFA) on the constitution of a UEFA Category 4 National Football Stadium in Gibraltar. As is well known publicly, the GFA initially had objections to the Victoria Stadium as the venue for the new stadium. The Government has been assisting the GFA with a view to identifying an alternative site for the construction of a stadium in Gibraltar.

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On 20th March 2017 the GFA wrote to the Government informing that all sites had been considered, in particular Europa Point and Lathbury Parade, and said that they had turned out to be unviable for a number of reasons. The GFA informed the Government that it had explained its predicament to UEFA, who in the circumstances accepted the lifting of the standing objection to the Victoria Stadium on condition that the GFA acquired exclusive ownership of the Victoria Stadium. Government therefore happily acceded to the request. Given the current importance of that site to all other sports, the Government agreed to sell the site of the Victoria to the GFA for £16.5 million, which represented a fair value for the site and the cost of relocation of the sports that presently use that site.

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The sale includes the old Victoria Sports Hall and the right to redevelop the area of Winston Churchill Avenue and the adjacent petrol station upon relocation of the latter after opening the tunnel under the runway. The sale does not include the Tercentenary Hall or the rest of the Bayside Sports Complex. I would like to put to one side or at least quash all the rumours that have been going banding about that we are also selling the hockey pitch. The hockey pitch is not part of the sale to the Victoria Stadium; it is only the part of the track, the stadium and pitch 2, and obviously the sports hall, as I mentioned.

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The sum of £16.5 million is the amount that the Government will invest in re-providing the sports facilities presently provided for at the Victoria Stadium. In addition, the GFA will continue to allow the use – and this is important again for the people to understand this – of the Victoria Stadium for a number of community events and school use where this deconflicts from the GFA's own football requirements, which will then have priority on that site.

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The GFA will pay for the purchase in three instalments with funds it will receive exclusively from UEFA and FIFA: two instalments of £5 million, which will be paid in this current financial year; and a third payment of £6.5 million, which will be paid in the financial year 2018-19. In addition, the GFA will invest in the region of £15 million in the redevelopment of the Victoria Stadium and the old Sports Hall. As a result, Gibraltar will enjoy a National Football Stadium which will be developed at no cost at all to the taxpayer.

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1170 The Government will be investing the entirety of the sum of £16.5 million paid for the Victoria Stadium to redevelop the sporting infrastructure of Gibraltar affected by the sale. It will do so for the purpose of leading a total revolution and transformation of the sporting facilities available in Gibraltar and will do so in time for the 2019 Island Games. All these facilities will be developed by the Government as Government projects but will nonetheless be submitted to the Development and Planning Commission in line with current practice and will be developed with the new rules on accessibility of buildings forming part of the planning process.

1175 I think it is important at this stage to say that the Hon. Minister for Equality and Housing mentioned the fact that the law on disability will be coming in, but I can tell the hon. Members and Gibraltar that all the planning that we are doing is now abiding by the new law, so therefore these projects are already looking at the new law, as opposed to what we have currently. In addition, the Ministry for Sport will continue to work with the GFA and all the relevant sporting
1180 organisations and representative bodies in order to get the results right on this investment in sport in Gibraltar.

In relation to the question of re-providing or re-siting sports facilities, we will be developing the site of Lathbury, where there will be an 800-seater, 400-metre, eight-lane track. This athletics stadium facility for athletics will also be a general purpose sports field and will be made
1185 available to football and other sports in Gibraltar. This facility will therefore be larger than the current track at the Victoria Stadium.

Within the Lathbury complex a 52-metre pool will be built, which will fulfil yet another manifesto commitment. This new swimming pool will be a 52-metre, eight-lane pool with seating capacity for around 400 spectators. The Gibraltar Amateur Swimming Association is
1190 assisting the Government to ensure that this new pool facility complies with all international requirements.

A full-size football ground which can double up as training pitches, especially for children, will be provided. This will be available to the GFA, to all the GFA league clubs, as well as to rugby. This facility will include a communications centre, a boardroom, a press area, a lecture room, an
1195 infirmary and coaching and anti-doping rooms. In addition, a gym and indoor warm-up area will be provided.

New offices for the Gibraltar Amateur Athletics Association for the Gibraltar Amateur Swimming Association are also being developed as part of this new and exciting facility. The whole area will also benefit from a huge underground 1,200 parking space area. Facilities for a
1200 cafeteria will also be provided.

The athletics and playing field facility is anticipated to be ready by December 2018. I know that come December 2018 we will say, 'Why haven't you finished it?' Well, there might be a bit of slippage, but that is my target.

A full 100 metre x 68 metre plus 10 metre dead ball international size rugby ground, a cricket
1205 pitch and football training pitches will be constructed in a facility which will also be owned by the Government but run by a trust that will be comprised of the sports that will be using it and Government. The Government is working closely with the Gibraltar Rugby Football Union on the development of the rugby pitch in order to ensure that it complies with the necessary international standards. In addition to the rugby pitch, the facilities at Europa will also provide
1210 for a rugby clubhouse.

The provision of facilities for an oval, 120 metres by 110 metres, is also catered for in this redevelopment. Three indoor and three outdoor cricket nets will also be provided. The Government is working closely with the Gibraltar Cricket Association to ensure that the development complies with the relevant international criteria. In addition, a new modern and
1215 fit-for-purpose clubhouse and pavilion will be provided for the Gibraltar Cricket Association. The outdoor facilities will have a 1,200-seater spectator stand.

Importantly, the Europa sports redevelopment will provide a 42-bed dormitory for visiting sporting associations and teams. This will be available to teams and associations of all sports and will assist in the development of Gibraltar as a centre for sports training.

1220 The development at Europa will include a new 49 metre by 33 metre sports hall and events
space. This facility will be multi-functional. Also included will be six new squash courts with
1225 provision for 80 audience seats. Darts will have 12 practice lanes – oches, they are called –
provided within a 4 metre by 10 metre space. Additionally, boardrooms, offices, lecture rooms,
gyms and treatment rooms will be provided, together with a rehabilitation centre. The sports
hall will replace the Old Victoria Sports Hall, which will nonetheless still be made available to the
whole community by the GFA in a manner that de-conflicts from their own needs. The Europa
Sports Hall will provide for futsal, basketball, netball, volleyball and badminton, as well as for
other indoor sports.

1230 None of the developments at Europa impinge on the existing playing facilities for children or
the heritage assets in the area.

The Government's plans also provide for the construction of a much needed new facility for
Special Olympics Gibraltar. The development will also be in the Europa area. The facility will be
attached to a further new community sports hall and gymnasium with treatment and changing
facilities as well as a bar, restaurant and kitchen. The technical designs in respect of the new
1235 Special Olympics facility will be the following: a sports hall, gym, male and female changing
rooms, treatment room, office, bar, restaurant and kitchen. These facilities, although built for
our Special Olympians will be a place which all other sports associations and entities will be able
to use. The concept of these facilities is for it to be inclusive and accessible for all.

1240 The construction of outdoor and indoor facilities in the area of Europa Point for all sports will
also be helpful in the development of the University of Gibraltar and its ability to offer sporting-
related courses as well as making sporting facilities available to students of the University as it
grows and expands.

The construction of the new sports hall and events space at Europa will require the
relocation of the existing facilities of the Gibraltar Target Shooting Association. The Government
1245 is presently engaged in discussions with the committee of the GTSA on the development of a
new shooting range. The Government is also already in contact with the International Sports
Shooting Federation in order to ensure compliance of any new facility with the international
requirements for sports shooting.

Mr Speaker, in conclusion, be it the changes we have implemented in relation to the mess of
1250 the defunct Gibraltar Cultural and Heritage Agency, be it the reforms we have done on the Kings'
Bastion Leisure Centre, be it the increasing of the funding to our cultural fraternity, be it the
increasing of the funding of our sporting associations, be it the construction of the new Girl
Guides' hut in the Upper Rock, be it the hosting of the Island Games in 2019, be it the Europa
Point complex, be it the Lathbury Swimming and Athletics Centre, be it the wonderful Special
1255 Olympics complex, be it the partnership we have done with MTV in relation to the Gibraltar
Calling Festival, no one can question the advances this Government have made and will continue
to make in the governance and development of our country. **(Two Members: Hear, hear.)**
(Banging on desks) The future is bright and all our citizens know that there can only be one way
forward and that is to invest in our people. I am honoured to be part of a Government that is
1260 forward thinking and has a clear vision, from the way we are dealing with Brexit to the way we
deal with day-to-day issues and all other aspects of governance.

I would like to thank all those NGOs such as the Youth Advisory Council; the Youth Forum; the
Gibraltar Sports Advisory Council; all the cultural groups from the arts, drama, photographic and
dance fraternities; all the members of the governing bodies of those sports which are involved in
1265 delivering the state of the art facilities which will leave a lasting legacy well after the Island
Games has passed and well after we have all passed; the organising committee of the Island
Games, who do this without any financial interest; the team at AKS and Orfila's that are
producing all the architectural and technical designs for all the sporting and cultural projects
which I am involved in; those at Technical Services who help me steer these projects.

1270 Thanks also go to the staff at the Gibraltar Cultural Services, at GAMPA, at the Leisure
Management Services from the Kings' Bastion Leisure Centre, at the Gibraltar Sports and Leisure

Authority, at GBC, at the Youth Service. Mr Speaker, last, you and your staff at the Parliament; and last, but definitely not least, my staff at the Ministry of Culture, without whom I would not be able to implement all the positive policies and manifesto commitments in which I am involved.

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I commend the Bill to the House. *(Banging on desks)*

Mr Speaker: The Hon. Edwin Reyes.

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Hon. E J Reyes: Thank you, Mr Speaker.

I wish to start my contribution today with matters pertaining to housing. In respect of repairs and refurbishments of Government rental homes, what has happened over the last few years is that an ever-increasing number of home refurbishments are contracted out to private companies without going through any type of transparent and accountable tender process. Furthermore, feedback from tenants who have had remedial works carried out in their homes indicates that more often than not the quality of the finished product leaves somewhat to be desired.

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Last year, Mr Speaker, I mentioned that the Ombudsman had, in his annual report, said that his office continues to face difficulties when seeking information related to works which had been passed by the Housing Authority on to the Gibraltar General Construction Company Ltd, known as GGCC, which is the entity tasked with repairs to rental housing stock. When the works will be undertaken or indeed who will carry out the works is not information available to the Ombudsman directly from GGCC. Sadly, the Ombudsman had to add in his report:

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It is very often a very tedious and difficult exercise to obtain information via the Housing Manager – who in turn finds it difficult to obtain information or indeed even replies from GGCC. Over a year on, of the above-mentioned situation we still have not seen any remedies to the system, so therefore it still prevents the Ombudsman from providing a proper and efficient service to those who have lodged a complaint – which in general are in respect of delays as tenants want to know when works will be undertaken.

Mr Speaker, these difficulties which the Ombudsman highlighted in his report continue to coincide with the feedback I still receive when meeting with tenants during clinics I hold with them. There is little faith among tenants that Government will fulfil their obligations as landlords in a timely and satisfactory manner. Surely tenants who fulfil their obligations, such as being up to date in payment of rents, should be treated with greater respect and priority.

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Mr Speaker, the Opposition agrees with Government that action needed to be taken to ensure all tenants are up to date with rents due. Indeed, I have personally in the past stated approval of the actions taken by the Minister for Housing for having commenced a programme of agreements which should ensure all debtors are up to date with their rents within a given period of time. However, it is also equally just that tenants should have remedial works carried out to an acceptable standard within a reasonable period of time. If the Ombudsman finds it difficult to get answers to his questions, one can only then imagine what it is like for a tenant trying to obtain any answers directly by themselves.

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I have also, during past Question Times, asked what plans Government has for the future of the Housing Works Agency. The reply has been to the effect that this is being discussed with the workforce and their union, but I regret to note that this does not seem to have yet been settled. I wonder if Government can commit themselves to a specific target date – after all, this can only be for the benefit of both the workforce and Government tenants as a whole.

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Mr Speaker, Government had a 2011 manifesto commitment to provide a home to everyone on the housing waiting list and also on the pre-list as at 9th December 2011 – that is the allocation of homes to all applicants before what was to be the next General Election, which came in late 2015. The pledge was to eliminate the then existing waiting list and pre-list. Unfortunately, this target was not met by the time the 2015 elections came along, and I am still sad to note there are, in June 2017, still applicants who have not been allocated a home despite

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being on the waiting list prior to that date of December 2011. A very serious explanation is surely owed to those applicants as to why Government has still not fulfilled its promise.

1320 The Government's website with statistics in respect of the Housing Department is still not available. I feel that perhaps Mr Speaker would also appreciate a revival of these statistics online, as it does curtail questions which I otherwise have to pose in this Parliament. I wonder if Government are now in a position to say by when the website with statistical information pertaining to housing matters will be fully operational.

1325 Based on the June 2017 figures I was given at Question Time, there are currently 960 applicants on the waiting list proper, with an additional 269 on the pre-list giving us a grand total of 1229 applicants. Mr Speaker, these statistics show how the election pledges made in 2011 under the heading 'Waiting reduced to 3 years max', and then further stating 'The supply of new homes will be kept under review in the light of applications received from 9th December onwards. Nobody in future will have to wait for more than 3 years to be re-housed.' This, Mr Speaker, has have simply not been met.

1330 And, Mr Speaker, the 2011 promises went even further. They were reinforced in the section dedicated to youth under the subheading 'Housing'. It read as follows:

Young people who are entitled to housing (as provided for in the Housing Act) will not wait more than 3 years for a home.

1335 Mr Speaker, it is a fact that there are still housing applicants who, despite the promises, are still patiently waiting to be allocated a home. What adequate explanations, I ask, does Government have that will satisfy these forgotten applicants?

1340 Mr Speaker, there are some very serious and genuine applicants who cannot aspire to purchasing their own home due to financial restraints. Despite the popularity of co-ownership schemes, this Government has, with the exception of homes allocated exclusively to senior citizens, failed to build any new homes for rental purposes. This sad situation is not the Gibraltar I would love to see, that is a Gibraltar caring for its citizens who genuinely are not able to own their own homes.

1345 Mr Speaker, we were awaiting, perhaps during this budget debate, details of the Bob Peliza Mews and Hassan Centenary developments. The Chief Minister had mentioned in the New Year that letters were being prepared to go out to prospective purchasers, but it now seems that infrastructure issues have delayed this project. There seem to be some modifications as to the footprint of the project and we will have to wait until September for more details to come forward. I hope that in September there will be a firm commitment which will be adhered to as to when these houses will actually be ready to allow the new purchasers to be able to move in.

1350 Mr Speaker, the Opposition had suggested prior to the last General Election that rents in respect of new rental homes allocated should be means tested. Not everyone is able to obtain a mortgage and therefore purchase their own home through the popular co-ownership scheme. However, there are many who can afford to purchase and yet they opt out of doing so, knowing that their monthly rents are a pittance when compared to the level of their personal wages.

1355 Many new homeowners have expressed to us their feelings of unfairness, as the only way in which they could obtain a home in keeping with their family requirements was through co-ownership, and this brings with it new financial burdens and in some cases has even led to hardship. Their claim of unfairness is that not only do they now have a mortgage to pay – I will give you an example: it will be around £200 a month for a two-bedroom home – they

1360 additionally have to pay community fees or service charges, which at current rates in some co-ownership estates are even greater than what a Government rental tenant pays in rent per month. Indeed, there are more and more people asking why should the tax payer have to subsidise rental homes, given that the annual cost of expenditure for upkeep of rental homes is greater than the sum received from rents due.

1365 Mr Speaker, there are now many Gibraltarians who have moved into their new co-ownership homes. I have had an opportunity to see some of these homes myself and I am happy to report that many aspects of these new constructions are very welcome by their new owners. However, there are some aspects which I would like to bring to Government's attention in the hope that the relevant Minister will be able to look into this further.

1370 Numerous purchasers at Eastern View Terraces have continuously brought to my attention –

A Member: Beach View Terraces.

1375 **Hon. E J Reyes:** Sorry, Beach View Terraces. Sorry, a slip of the tongue. Purchasers at Beach View Terraces have continuously brought to my attention their concerns in respect of the quality and reliability of the lifts installed. A recurring example of why the lifts give serious cause for concern is the unfortunate frequency with which they seem to break down. Last year I mentioned that I sincerely hoped that this would be looked into with some priority and that, likewise, proper monitoring during the installation of lifts at the existing rental estates which are currently having these installed will take place. It is still sad to say that the problems with the lifts at Beach View Terraces continue as a recurring nightmare for many residents.

1380 Mr Speaker, I would like to ask the Hon. Minister once again to spare some time and look into the numerous new problems which have arisen within many homes in the estates where refurbishments are presently being undertaken. I have received information from tenants – even with photographic evidence, which I can share, if so required – showing that as a result of the cladding and installation of new roofs they are now suffering from water ingress, an issue which tenants say had never occurred in the many years they have been living in their homes. In wishing the Minister all the best and hoping that refurbishment works are completed as per the reviewed schedules she has recently provided through answers to questions I have posed in this House, I appeal to her personally that new remedial works such as those I have just given examples of are also completed within the same time span as all major works are due to be completed.

1390 The revised completion dates have recently been announced as December 2017 for Glacis and Moorish Castle Estates, but for Laguna Estate the projected completion date is December 2018. These completion dates will be of little comfort to the tenants presently residing in these Estates. Not only are they, in many cases, fed up with the long delays, as they had been led to believe the works would be completed much sooner, but they are desperate with the disruptions being experienced. Tenants were expecting some inconveniences whilst works were being undertaken, but the way works have been programmed and the manner materials have been stored or left lying around in the area has in many cases led to desperation. Loads of concerns in respect of health and safety have been expressed and to be able to offer such little hope of a normal living area until December 2018 will unfortunately come as no consolation.

1400 The Opposition recently wrote to the Minister for Housing in respect of concerns arising from the saddest of incidents at Grenfell Tower. We are confident that the pertinent authorities are looking into these health and safety matters, such as we have been informed by the Minister already in this House, but we would welcome a public statement explaining eventually what fire safety tests have been conducted and what the full result in respect of Gibraltar's housing stock is. We patiently await these results.

1410 The positive side of the refurbishments is that one day residents should be able to pride themselves about their dwellings and surrounding areas. However, whether one can attribute the cause of increasing unsociable behaviour within the estates to be a by-product of ongoing works or not remains to be seen. Decent and law-abiding residents of housing estates are desperate to see the appropriate authorities making a concentrated effort to stop this unacceptable unsocial behaviour as soon as possible.

1415 Likewise, Mr Speaker, routine maintenance works in other rental estates such as Mid-Harbours does not seem to be happening to tenants' satisfaction. I know the Chief Minister has

not long ago visited this estate for himself and I am hopeful he will have instructed routine maintenance works to be carried out. However, there needs to be a maintenance team all year round ready to tackle any necessary works. Gibraltar should be efficient in the way it maintains its housing estates without the need to have to appeal directly to the Chief Minister for any works to be tackled.

Mr Speaker, moving on to sports-related matters, I wish to commence by saying that I am a firm believer in unity, where possible, for the benefit of Gibraltar's greater interests. I am glad to see that Government continues with the long-existing policy to assist all local sporting bodies to overcome any foreign government's politically inspired attempts to block our membership and/or participation in international sporting events. (*Banging on desks*) In the past, we have rejoiced together in respect of landmark achievements, namely the acceptance of the Gibraltar Football Association as a full member of UEFA and then FIFA. The policy of assisting sporting associations will certainly continue to receive the Opposition's wholehearted support and I sincerely wish other sporting associations, such as rugby amongst others, all the very best in their continuing battles to obtain their respective international memberships, which are rightfully and legally theirs. (**A Member:** Hear, hear.) (*Banging on desks*)

The GSD Opposition wishes the Gibraltar Football Association all the very best in finally having its own stadium. It is particularly pleasing to hear that the National Football Stadium will now be sited at Victoria Stadium, (*Banging on desks*) a location first promoted by the GSD. It seems that where there is a will there is a way, and therefore the GSD was not wrong from the outset in choosing Victoria Stadium as the best site for a UEFA and FIFA fully approved football facility.

The terms and conditions settled by the GFA mean that they will become the custodians of Victoria Stadium and we will offer our full support to the GFA in this respect because there have already been more than enough delays in ensuring home matches are played at home – and that means within Gibraltar itself. It is indeed a great pity that the first round of qualifying home matches in respect of Champions League and Europa League competitions have for the first time this year required players and spectators to make the tedious journey to Faro in order to compete in these prestigious competitions. I must take this opportunity to wish players, officials, and not least the faithful spectators, a safe journey to and from Faro. May the best of Gibraltarian luck accompany Gibraltar's teams in all our matches. (**Hon. Chief Minister:** Hear, hear.) (*Banging on desks*)

Mr Speaker, I mentioned before ... You beat me to it; we did have a conversation behind the Speaker's Chair this morning and you beat both the Minister and myself in offering our unanimous congratulations to Europa FC. I managed to see, I think, 90% of the game online. It was a magnificent performance. We were 1-0 up – I nearly got the prayer book out when it was 1-1, but the efficiency of our players managed to give us a 2-1 away win, so we certainly look forward to a continued success when we play at home, albeit in Portugal.

Chief Minister (Hon. F R Picardo): The players, not the prayers!

Hon. E J Reyes: Yes! We also take this opportunity to wish St Joseph Football Club, who I see from social media are already in the blue bus making their way to play their home game, and Lincoln, who I believe are playing away this week, the best of luck. When duties from this Parliament do not prevent, I will certainly try and be present at all the home matches, as has become now my tradition.

The latest developments which should see an improvement to football facilities in Gibraltar will be accompanied by an opportunity to re-provide facilities in favour of other sports elsewhere in Gibraltar. I sincerely trust that the funds which will become available from the premiums paid by the GFA are used wisely and in close consultation with the relevant sporting bodies so that Gibraltar may continue to produce worthy local athletes and develop its sporting talents to the envy of many of our sporting opponents in official competitions.

1470 I am grateful to the Minister for the abridged explanations he gave us of facilities and I certainly wish him to know that I am more than willing to sit with him as often as needed behind the Speaker's Chair so that together we may produce the best facilities and therefore have the best set of local home-grown athletes that will become the envy of many around the world.

1475 With your leave, Mr Speaker, I would like to repeat an offer I made last year during the Budget debate. I offered to the Minister, saying that although I am a firm believer that individual sports governing bodies should be allowed to manage their own affairs with no political interference, I urged him, in his capacity as Chairman of the Sports and Leisure Authority, to take a particular interest to ensure that publicly owned facilities are used in a fair manner for the benefit of all sports lovers. There is both a duty and moral obligation for the Gibraltar Sports Authority to ensure that, where desired by a club or individual citizen, membership in the relevant local governing body is open to all in an equal and fair manner. I offer myself to sit down and discuss with the Minister for Sports and Chairman of the Gibraltar Sports and Leisure Authority possible avenues which may be looked into in order to set up a special independent body tasked with matters pertaining to and requiring arbitration related to local sporting issues. Some disputes have been dragging on for far too long and I am hopeful that by working together with all affected parties solutions can and should be found.

1485 Whilst we have been debating this year's Budget in Parliament during the course of this week, other Gibraltarians have been proudly representing Gibraltar at the 2017 Island Games in Gotland. I am sure I speak once again for the whole House as we offer our collective congratulations to all participants who have achieved podium medals, but we also thank those participants who may not have been as successful in their achievements. We are proud of them because their efforts, always to the best of their ability, continue to make us proud of our sporting fraternity. (**Hon. Chief Minister:** Hear, hear.) . (*Banging on desks*)

1490 In recent Questions I asked the Minister for Sport what were the plans for the future use of the Old Garrison Gymnasium. Through his reply this House was told that refurbishment works were being carried out so that this facility could then become available for use by our local sporting fraternity. However, it has been brought to my attention that over the last few days a sign is now situated outside the Garrison Gymnasium signifying that these premises have been allocated to Europa FC. An update with details of any deals that may or may not have been entered into is therefore something which this House should be provided with.

1500 To conclude, Mr Speaker, I wish to reaffirm my personal thoughts that through the collective celebration of social events, participating Gibraltarians continue towards reinforcing our identity, our culture and our history as a people and as a community. Both the performing and fine arts fraternities always prove themselves to be very proactive within their own specialised areas and I take this opportunity to congratulate all the groups and individuals who have done Gibraltar extremely proud through their international participations and in numerous cases even top awards gained. It is always a personal and collective pleasure to be able to say how proud we are of the international achievements of all our fellow Gibraltarians. (*Banging on desks*)

1510 **Mr Speaker:** And last, but not least, the Hon. Marlene Hassan Nahon.

1515 **Hon. Ms M D Hassan Nahon:** Mr Speaker, before I start, I would like to echo the words of Minister Linares and my hon. Friend Edwin Reyes, and take this opportunity to congratulate the wonderful achievements of our sports men and women at the Island Games in Gotland, and to Europa FC on their win last night. (*Banging on desks*) As always, Mr Speaker, our homeland is doing great, and from this small corner of the House I want to send them my heartfelt congratulations as the medals and victories keep coming in.

1520 Mr Speaker, it was on this occasion a year ago that I stood up to address this House with my maiden Budget speech. As it happened, this was also my first major contribution as an independent member of opposition, and I used it as an opportunity to make my intentions as such clear to both the House and to the people of Gibraltar as a whole. At the time, I was

naturally anxious at the turn my parliamentary career had taken, but I was nonetheless always secure about the decision I had made. Over these months, I have been working hard towards meeting these intentions and trying to demonstrate to the electorate that I deserve the privilege they afforded me at the 2015 election. My status as an independent Member has only increased
1525 the sense of responsibility I feel at serving the people of Gibraltar, and 12 months later I can confidently declare that I have found my feet in the business of this House. For that, Mr Speaker, I must thank you and your staff – Danny, Kevin, Frances and of course Paul – for the guidance I have received in terms of parliamentary, clerical and administrative procedures, as well as for the helpful advice that has been provided to me in the discharge of my responsibilities. As an
1530 independent Member of this House, this assistance has been invaluable to me, as it is easy to feel somewhat adrift when one does not have the backing of a party machinery or even the Leader of the Opposition's part-time salary. I have always found your staff approachable and willing to help, (*Banging on desks*) and I have never felt left to my own devices when finding my way through the practices of this Chamber.

Likewise, I am grateful to all my parliamentary colleagues for their support and encouragement, because while we may all have differing ideologies and approaches, I am in no doubt of the commitment that both benches have to our nation – a commitment that I constantly aspire to replicate in my endeavours. I feel particularly indebted to Minister Neil Costa, who has always treated me with respect and who has always shown himself willing to listen to my ideas and to the concerns I have taken to him. Many have been the times that I have consulted him outside the context of the parliamentary debate and he has proved keen to engage with me and to develop a close partnership for the benefit of the people of Gibraltar.
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Finally, and most importantly, I would like to thank the many people who have reassured me, counselled me and congratulated me either in person or by other means. The kind words I have received over this time have further convinced me of my purpose in this House, and the apprehension I may have felt a year ago has been replaced with a stronger sense of conviction to serve this community and continue in the work that I have been carrying out since my first Budget response.
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As I reflect on these past 12 months, Mr Speaker, I appreciate what a steep learning curve my first year as a Member of this House has been. There is a great deal that I have had to learn about diplomacy, negotiation, procedure, public relations and the many facets that shape a modern politician. In many ways, in fact, this has very much felt like going back to school, although in school I never got sworn at for failing to do my homework. But it is a learning process that I have enjoyed, and I look back at this year with both fondness and pride.
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I am proud of the fact, for example, that this year this House took a momentous step towards a fair society for all by legalising single-sex marriage. I was encouraged that we acknowledged that our democracy is mature enough to recognise the rights of others, regardless of sexual orientation. It will be remembered, however, that I felt that the Bill did not go far enough in eliminating the final bastions of discrimination in our community by allowing Government employees to refuse to discharge their duties on prejudice grounds. To my mind, this ground-breaking Bill that aimed to eradicate discrimination with one hand was devalued by allowing it with the other ... undermining the Chief Minister's claim earlier this week that 'on this side of the House we do not believe in discrimination'. I remained unconvinced by the Government's explanations and reassurances, as I felt they did not address the principle being protected. This is not giving same-sex couples exactly the same rights, as per the Chief Minister's assertion. I was therefore proud to have fought against this clause, and was pleased that three Members of the Opposition broke ranks against their own leader and supported my amendment. This unusual act showed me that this is a House with a conscience, and I daresay that there were more than a few individuals on the opposite side who would have liked to have done likewise.
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The debate we all had about mental health and the motion that was subsequently carried through also assured me, Mr Speaker, of this Parliament's genuine commitment towards representing the interests of the less fortunate members of our society. There is no doubt that
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1575 mental health patients in Gibraltar are now better served by the decisions we have made in this Chamber, and we have repeatedly demonstrated that we have listened to the concerns of those most affected.

1580 What I was less encouraged by, however, was to see this debate tarnished by an Opposition heavy in its criticisms but light in its proposals, and by a Government focused on trumpeting its own successes while, as usual, belittling the efforts of the previous administration. This conduct is unbecoming of our status as politicians and does little to protect the vulnerable. Of far more value, I felt, was for me to engage with stakeholders in the mental health field – professionals, patients and families – and to come up with a constructive strategy of proposed solutions to improve the services currently available to these individuals. At the same time, the amendment which I proposed eliminated all the unnecessary propagandist bluster, in the process showing that it is possible for the Government and an Opposition Member to engage in constructive dialogue with the sole aim of helping our community and dispensing with the trivial games that so often blight Gibraltarian politics. I was pleased to see the Government recognise these efforts and include some of my amendments while withdrawing elements of their own; my only regret, however, was that my Opposition colleagues failed to acknowledge the merits of both the amendment and of my efforts, so I still feel that this was a wasted opportunity to show true unity in the House where the interests of our community are concerned. (**Hon. Chief Minister:** Hear, hear.)

1590 Since then, and as a result of this motion, there has been some progress in how these interests have been further developed. In addition to this, I must, for example, congratulate the volunteers of the Samaritans service recently established on the Rock, as this will give sufferers of mental health issues the independent telephone helpline and other help that we advocated in this House. This is undoubtedly a step in the right direction, but I am disappointed that some of the other measures that we agreed to – such as the publication of data related to mental health matters, and the appointment of more educational psychologists with expertise in these fields – are yet to materialise.

1600 Where I sadly failed to enjoy the support of either side of the House, however, was in the issue of medical cannabis. This was an exciting debate, one that once again demonstrated that our community is more than ready to engage with controversial topics in an intelligent, mature and passionate manner. The public discussion, which reached its zenith in the GBC *Viewpoint* programme that saw this subject at its heart, exposed troubling discrepancies in Government policy towards cannabis-related medications, with doctors unsure about their legal rights and patients frustrated about being denied treatments that could improve their quality of life.

1605 One could not engage with this debate, Mr Speaker, without empathising with the plight of members of our community who wake up to the prospect of constant pain, a reality that afflicts their lives and those of their families. This debate led to the Government approving the use of Sativex, a cannabis-derived product that is widely available in the United Kingdom but, until then, denied to patients in Gibraltar – or, even worse, made available to only some. I was glad that the inconsistencies in this had been resolved as a result of this debate, but once again I felt that these measures did not go far enough.

1610 I put forward a list of proposals that would have seen Gibraltar take the lead in the prescription, production, supply and research into these products, a strategy that would have embraced innovative thinking in the field of medical science and would have provided both patients and doctors with further treatment options based on the benefit of a natural product. Sadly, I did not win the argument, but I am proud that I fought for this important cause and that I stuck to my progressive principles. I am confident that, in time, these products will become increasingly available to local patients, but what saddens me, however, are the many pained tears that will be needlessly shed in the meantime.

1620 In my inaugural Budget speech last year, Mr Speaker, I vowed to take the Government to task on matters where I felt it was necessary. My record over this time has proved how committed I have been to this. I have drawn the Government's attention to issues as diverse as the worrying

1625 hole regarding student loan payments, where it transpired that Government was not even
aware of this historical debt while local students were being chased up to pay debts defaulted by
the Government; of broken promises made to the Private Sector Workers and Pensioners
Association, who in this Budget still receive little attention, despite the Chief Minister's boasts
1630 trendy concept of co-education and how a focus on this should not detract from other priorities
facing our education system; on the poor security of some of our schools; on the issue of taxi
licences; and even on the state of the paving in Main Street. In some of these cases, Government
has itself commended my contributions and has taken action on the issues I have raised. On
other matters, regrettably, they have not been so forthcoming. For example, I congratulated
1635 Government on making the Victoria Stadium a smoke-free zone, but I proposed a further ban on
smoking in children's play parks. This is something which Government said they would review
but, as yet, nothing has materialised. My opinion, as well as one shared by many parents, is that
this common sense solution should be implemented with no further delay.

There are also still grave questions that need answering on some aspects of the purchase of
1640 the new Calpe House building. Our community is rightly very proud and fond of this institution,
but the asbestos issue has cast the light of scrutiny on some seemingly opaque practices, leading
me to call for a Government-led investigation, calls that have hitherto fallen on deaf ears. I have
fought this fight on my own, but it is one that I am willing to continue until this Parliament gets
the answers that it deserves. Likewise, I famously challenged the Government on school lunches,
1645 a matter that still does not seem to have been satisfactorily resolved. In some of these cases, I
have found the Government's response to be evasive, defensive and, in this last example,
downright belligerent.

All of this flies in the face of the nonsensical accusations that have been levelled my way that
my role is to be a cheerleader for this Government. The evidence clearly demonstrates that
1650 nothing could be further from the truth. I have criticised the Government on a wide range of
issues, but where I have disagreed with them I have tried to offer pragmatic solutions rather
than standing on the sidelines picking holes. And when I have agreed with them I have said so,
because Gibraltar is as fed up of criticism for its own sake as it is of those constant reminders of
the GSD's 16 years in office. In fact, Mr Speaker, those detractors may wish to consider instead
1655 those times when I have supported the GSD Opposition in their dealings with Government. I
fervently agreed with them, for example, on the issue of the lamentable state of North Front
Cemetery, and wholeheartedly supported the motion tabled by my hon. colleague Trevor
Hammond, and I am sure that he matches my disappointment in seeing that this House's
resolution has not yet completely rectified the situation.

1660 Like the rest of the Opposition, I also expressed concern at the £300 million mortgage taken
on Government housing estates, a matter which I will take up more forcefully later in my
response to the Budget but which at this point serves as an example of the times when the
entire Opposition has been united on a matter of grave importance.

I have appreciated the Opposition's support on some of the other issues I have raised,
1665 particularly that of staff morale and discontent at the employment practices in the GHA, an issue
which I first raised in this House and which has been pursued further by my Opposition
colleagues. Despite this Department's huge budget – one that is warranted, given its importance
to our community – the GHA still went over budget by 15% in the last financial year. For this
cost, we would not be blamed for expecting a Rolls-Royce service that is fit for the purposes of
1670 each and every one of our citizens. Instead, however, we are seeing a staff that feels
demoralised and burnt out and which recently threatened to walk out over these conditions.
Likewise, we are seeing patients who, as a result of this mayhem, find themselves lacking
confidence in this most crucial service provider. There are also concerns about how the
integration of the Care Agency with the GHA is being handled. The Care Agency employees are
1675 apprehensive about some posts being eroded by this process, and it is clear that there need to
be more detailed consultations with employees as this delicate negotiation proceeds. A common

complaint among Care Agency and GHA employees is the lack of response to their concerns, and I am sure that they would appreciate greater openness and inclusion as these important decisions are made.

1680 Mr Speaker, I will continue to take this Government to task on issues of health and also housing, because most of the priorities concerning the many constituents who have come to see me over this time have revolved around these two portfolios, and I will continue to fight on their behalf, be it on my own or with the other individuals sitting on this side of the House. This is not about party politics, but about doing what is right; and besides, I am a 41-year-old mother of
1685 four – I think my cheerleading days are long behind me. Instead, what Gibraltar needs are politicians of conscience and of a sense of responsibility, and working towards meeting those expectations is all that matters to me.

Education is another important priority for our community. Mr Speaker, I have been determined to continue my involvement in this area with regular meetings with the Gibraltar
1690 Teachers' Association and by reaching out to the main stakeholders in the educational field, namely teachers and support staff, parents and of course students. It must never be underestimated that teachers are responsible for the future of our community, and we must never set them or the students in their care up to fail in this responsibility. Government must support educators as their current successes will breed future ones, and unfortunately I have
1695 often found myself dismayed to learn about the issues that teachers confront on an almost daily basis. We are talking about a profession with noble intentions and with the interests of students firmly at heart; but sadly we are also talking about one that is regularly frustrated and demoralised in the exercise of its crucial duties.

A main complaint is that of environment. Many of our school buildings are in a serious state
1700 of disrepair. There are issues of overcrowding, of underinvestment, and of facilities and equipment that are well past their sell-by dates. How can we expect our teachers and students to thrive in these environments? (*Interjection by Hon. Chief Minister*) Five, six, seven new schools have been promised within this term of office – I do not know how many – but so far we have seen little of substance, one has to admit, with teachers instead facing the uncertainty of
1705 rumours and having to deal with a make-do culture that is inappropriate to the demands of the profession.

There are also issues with recruitment, selection and promotion, with schools sometimes having to wait lengthy periods for vacancies to be filled. This has a significant impact on school planning and continuity, as well as on pupil progress. Furthermore, these periods of uncertainty
1710 have a devastating effect on teacher morale and on the very fabric of a school staff. It is clear that a far more modern and expeditious process is required, not just new schools, and one that moves away from tiresome bureaucracy and that more truly reflects the needs of schools. Head teachers should not have to face having to prepare for new school years without their school's complement being filled, and a proactive system that pre-empts forthcoming vacancies would
1715 go a long way towards ensuring an efficient process that would ultimately best benefit our students.

Security is another grave concern for Gibraltar's teachers. It is a sad reality that access to some of our schools needs to be more tightly regulated. I do not feel that this is the correct forum to give precise details on some of the holes in the security of particular schools, but I
1720 welcome the Minister of Education's commitment to rectifying this situation as soon as possible, because the reality is that we cannot continue to expose our teachers to any dangers that are presented by their profession and by the current times, and I am pleased to see that this is being made a priority.

Likewise, we also need to recognise that the ICT provision and support in our schools is failing
1725 to keep up with the advances of the technological age, placing education at a significant disadvantage. Our students need to be supported to succeed in the world of tomorrow, and this requires investment in the ICT of today. It is simply not acceptable for teachers and students to

have to work with outdated and occasionally faulty equipment, and proper investment in these areas will demonstrate to these stakeholders that their contribution to our society is valued.

1730 Mr Speaker, there are also concerns about the programme that is currently offered in our secondary schools. While it is right that we celebrate our schools' successes at GCSE and A-Level, we also need to consider what is on offer for students with different abilities who can still make a valuable contribution to our community when given the correct support and curriculum. A clear vocational programme with long-term aims needs to be designed in order to address this
1735 gap in our educational sector, ensuring that there is no shortage of skilled labour in the Gibraltar of the future. The College of Further Education's role in all this should also be examined, given that some of its former responsibilities have now been redistributed to the secondary schools and to the University of Gibraltar.

1740 The educational sector is being placed under tremendous pressure to succeed amid very difficult circumstances, and it is a testament to the integrity and professionalism of teachers and support staff that our students are succeeding despite these difficulties. They also raise issues in areas such as lunchtime provision and health and safety in schools, all valid criticisms from the people at the front line of education. Many point to the University of Gibraltar and question why our younger students cannot have access to similar investment.

1745 And, of course, many in the profession would also welcome precise details about how the move to co-education is going to be implemented, with teachers and parents expecting clarity on what could potentially be one of the most important educational decisions our community will face in generations. By ignoring our educators, Mr Speaker, we do a huge disservice to our children.

1750 Our children now need to be placed at the forefront of our priorities, because Gibraltar is facing one of the most turbulent and uncertain times in our history. The result of last year's EU referendum has made many Gibraltarians feel uneasy about our future. There is a natural concern about how Gibraltar will continue to prosper outside the common market and about how our neighbours may exploit the situation to further their ambitions and make life difficult
1755 for Gibraltarians. The reassurances that have been given by the UK government are welcome, but they do not fully eliminate the doubts we now face. Of course, this situation is not one of our choosing, but we must nonetheless accept it and present Gibraltar's case with both eloquence and passion. To that end, Mr Speaker, I presented a submission to the House of Lords EU Select Committee's inquiry into the implications of Brexit for Gibraltar, the only elected
1760 Member of this Opposition to do so. I felt it was my duty as a parliamentarian to supplement the Government's submission and clearly communicate the concerns among our community. It is easy, among the talk about the economy, trade, movement, customs and all the intricate technicalities of a Brexit negotiation, to forget the human angle, and I felt it was important to impart to the committee the worries of the average Gibraltarian who faces this future and this
1765 uncertainty. These worries were confirmed when the EU's negotiating guidelines revealed the infamous clause 22 – now clause 24 – that effectively grants Spain a double veto over Gibraltar issues relating to Brexit negotiations. Once more, it was necessary for Gibraltar's politicians to mobilise themselves in defence of our rights as the world's media spotlight cast a bright light on this injustice. I appeared on both British and Australian television and radio, while also
1770 submitting articles to international publications, continuously defending Gibraltar's cause and drawing attention to the hypocrisy of Spain and the EU's stance. (**Hon. Chief Minister:** Hear, hear.) At these times, I have consulted the Members opposite and ensured that Gibraltar was presenting a united front on all matters relating to Brexit. (*Banging on desks*)

1775 I have given the Government both time and space to co-ordinate their efforts in these troubled times and have offered them my support and my advice – for what it is worth – and I have done all this, Mr Speaker, because this is a time too critical for party politics and partisan priorities, and one instead of concord in our vision for a post-Brexit Gibraltar. I have spoken to visiting MPs and MEPs, and while I might feel that the Brexit Select Committee should be meeting more regularly, I have taken my membership of this body seriously simply because

1780 Gibraltar cannot afford for this to go wrong. (**Hon. Chief Minister:** Hear, hear.) (*Banging on desks*) And it will not go wrong, Mr Speaker. Gibraltar has weathered so many storms that fate and injustice have thrown in its path, and we have always emerged stronger and more dignified. We have coped with sieges and floating batteries, with bombs and evacuations, with closed frontiers and naval incursions, and I have no doubt that once again Gibraltar will emerge from
 1785 this confusion as a prosperous and thriving community, as ever an example for the world to follow.

My attention now turns to this year's Budget. The annual debate of the Government's financial plans for the year ahead is a necessary demonstration of the openness and transparency required in a modern democracy. Parliamentarians should never forget our
 1790 responsibility towards the taxpayers of Gibraltar, and it is imperative that these discussions are had. The issue of such transparency has been given significant focus by my Opposition colleagues, especially Roy Clinton, who have been calling for a Public Accounts Committee to be set up in Gibraltar. I sympathise with the principles behind this plea, but I also understand the Government's concern with the logistical and administrative problems this could cause. Indeed,
 1795 Mr Speaker, you better than anyone will probably remember that my father's AACR Government adopted a similar move in the 1980s, only to find the system unsuitable. So, in an attempt to satisfy both sides of the argument, I once again repeat my call, as I did last year, for an Autumn Budget Statement, similar to the one had in the United Kingdom, that will add a layer of transparency and accountability to how the Government uses Gibraltar's money. This would
 1800 present a valuable opportunity for parliamentarians to monitor spending without over-taxing civil servants with tasks that may remove them from directly serving the public, and I trust that a Government that has always prized transparency will not hesitate to consider the idea.

But, for now, I would like to thank Government for providing this year's Budget book – this Budget book – but I feel compelled to ask: where is the other book, (*Banging on desks*) the one
 1805 with the details of borrowing and spending of all Government-owned entities and, most importantly, the spending that has been conveniently kept out of the public eye through financial engineering and legal opinions? Because, my hon. Friends, we are being asked to assess a Budget that is incomplete and presents only a part of the Government's borrowing and spending. There is an equally important budget of borrowing and spending that is never
 1810 reported, debated or accounted for. This must change. Otherwise, this can feel like a hollow process, and one that does not give the appropriate scrutiny to how Gibraltar's finances are handled. (**Hon. R M Clinton:** Hear, hear.) There is no real distinction between the Government's useable cash reserves and the pools of cash held by Government-owned companies. Similarly, there is no material difference between the debt held by one public entity and another. It is all
 1815 public debt, just as all Government spending is public spending. It should all be reported and accounted for to Parliament in *this* Budget. Pretending there is a difference and labelling some of the Government debt as unrelated to the public sector is doing a great injustice and the people of Gibraltar cannot be kept in the dark any longer. Across the community there is a growing demand for the Government to present the true picture of public finances and
 1820 spending.

It may be a tough fact to swallow, but public debt includes the borrowing of public sector entities. This is the case in the UK, in the EU and across the world. Otherwise, does it not show the budget process to be little more than a sham?

Mr Speaker, our Government taxes and borrows in order to meet planned expenditure, so
 1825 therefore I petition the Government to report on all current and planned Government expenditure. This is the only way to prevent our people feeling that they are being kept in the dark about what is being spent by Government-owned companies. It is wrong, Mr Speaker, to pretend that this spending is unrelated to the public sector, and I urge Government to rectify this issue in order to achieve the full transparency that this electorate deserves. (*Banging on desks*)
 1830

1835 It is illogical, Mr Speaker, that what is missing from this year's Budget is the largest financial transaction undertaken by the Government this past year: a £300 million loan, mortgaged over the lion's share of Government-owned housing – our prized assets; £300 million amounts to over 97% of net public debt forecasted for March 2018. It is hugely material to the Budget presented. As much as we may be lured to believe that this loan is an investment in Gibraltar, the cold fact is that it is not an investment: it is a mortgage on our estates. (*Banging on desk*) When the term 'investment' is used to describe a loan, people are being misled in a fundamental and diametrically opposed way. It is abundantly clear that the groups that lent the money to the Government did so in return for a first lien on 80 estate buildings and a Government guarantee to return the capital with interest.

1840 Let's be very careful about what we are doing and saying here. If we are saying that the London lenders who provided the capital are bearing the risk of the investment, then we are also saying that there is a chance that the Government will default on the £300 million loan and the estate homes repossessed.

1845 So, what are the Government's spending plans for the £300 million? How much has already been spent? What are the returns from this spending that our estates are collateralising? This is also the Budget that I would like to hear about, and I cannot sit idly by and watch the people of Gibraltar being presented with only half the story. (*Banging on desks*) We deserve more, Mr Speaker, much more. Government has said that this borrowing is earmarked for infrastructure and other profitable ventures, not manifesto commitments or ordinary Government spending. However, we are yet to receive in this Budget or elsewhere detail of the actual use of proceeds. Gibraltar has made a significant infrastructure investment in the east side that has been looking for a developer for several years. How does the Government plan to be more successful with additional infrastructure investments and land reclamations while the east side reclamation lies barren?

1850 Much of regular Government spending, such as roads, parks, health services, education-related spending and university fees, have no specific identifiable monetary return. Can the Government guarantee that the borrowed money will be used to invest in projects with a higher return than the return promised to our lenders? What is the planned timing for the undisclosed spending? If we are indeed headed towards harsher times, then we need to tighten our belts and take prudent measures rather than doubling down by borrowing large amounts at a time of increased Brexit-related uncertainty. We should be protecting our borrowing capacity, rather than burning straight through it.

1865 For the sake of transparency and accountability, Mr Speaker, it is important for a broad range of information on public sector liabilities, obligations and contingencies to be made readily available, whether or not formally included within Government balance sheets. Concerned Gibraltarians see the increase in off-balance sheet borrowing from the savings bank followed by the estates mortgage as clear evidence that the Government has over stretched financially, and, as a result, it is now having to mortgage the family silver. But how can Government reassure us to the contrary when we are not actually entitled to scrutinise them?

1870 Debt is highly addictive, Mr Speaker: the more you borrow, the more you need to continue borrowing to keep up with the increased spending levels. If the Government's first term spending was partially funded by the debentures of pensioners and savers, and the second term by the mortgage of our housing estates, how will the commitments of a potential third term be funded? When we increase borrowing and spending in an unsustainable way, we are selling off our future income – we are spending today our children's income of tomorrow.

1880 Mr Speaker, we live in a world that does not respond well to a lack of transparency. We have witnessed economies suffer and even collapse as a result of incomplete government reporting and unchecked spending. Typically, when the actual state of government finances emerges, addressing the problem becomes costly and painful.

We need Gibraltar to run a sustainable, responsible and fully transparent sector. There is no viable alternative, not even on a temporary basis. The stakes are too high. It is not important

1885 who started borrowing and spending off balance sheet; what is important is who has the courage to end it. I implore the Government to find that courage for the good of our democracy and for the security of our future.

1890 The Budget is also an exciting time for a politician because it sees the Gibraltarian public engage more directly with this House. To this end, I publicly invited Gibraltarians to submit issues and concerns that they would like raised in this Budget session. Their responses ranged from much anticipation about the long-awaited tunnel, which is causing chaos and mayhem on our roads, to much concern on general Government overspending, or even to an elderly gentleman telling me that he was denied use of the hydrotherapy pool due to lack of manpower, as was the excuse given. So, Mr Speaker, it seems we cannot even get our basic needs to run smoothly, and yet there we are borrowing £300 million that we cannot even ask questions about.

1895 The state of our schools was also a big worry for many parents who spoke to me about the deplorable condition of the toilets and walls, with classrooms suffering from lack of heating in the winter and air-conditioning in the summer. And even if, Mr Speaker, we have been promised five, six, seven state-of-the-art new schools within this electoral term, this does not excuse what our children and teachers are enduring in this day, every day. Unsurprisingly, I received a number of complaints from parents about the state of St Martin's School. These ranged from severely cramped conditions to the fact that portakabins seem to have been added to the most impractical of places. This is causing chaos at pick-up and drop-off times, particularly for children in wheelchairs, and I can only imagine what the situation must be like on rainy days. Even if a state-of-the-art new school is planned for St Martin's, Mr Speaker, the current building cannot be neglected in the meantime in this way.

1905 I also received concern about the shortage of businesses open on weekends, especially when cruises are in town, as well as the lack of tourist attractions open on Bank Holidays. This dents our tourist product and economy at a time when we should be looking to be more dynamic than ever, Mr Speaker.

1910 So, offering our citizens a chance to express their thoughts and ideas about the current state of our homeland made for an interactive exercise that reflected the anxieties of the average Gibraltarian. In addition to mentioning these issues at this stage, I would like to reassure the respondents that I will be drawing the Government's attention to their concerns over the course of the parliamentary year and hope to get helpful and purposeful answers over the course of these debates.

1915 Individuals from the finance sector, for their part, also reported some reflections. With reference to insurance firms, in Enterprise we have seen a failure that sent shockwaves across Europe, yet any introspectiveness has been slow to progress, and if there have been findings they have not been made public. If we see another failure on this scale, can we recover, is the question. And as for gaming, with Paddy Power and Betfair leaving Gibraltar, and 888 and others mulling their positions, can we continue to use our tax regime as the primary draw for gaming firms? Access to the EU is no longer on the table. Uncertainty prevails, yet the current administration has placed us in a position of debt, the extent of which we have never seen and cannot see at the moment. Is austerity their answer? Is this another sign of a dark budget that must be brought to light, Mr Speaker? We have also seen Barclays leave, and Newcastle Building Society recently announced its departure. Last year, NatWest revealed that 13 staff members are being made redundant, despite the high-profile departure of Barclays. Why are we seeing workforce being trimmed when there is more demand on their service? We should seek assurances that they would remain, Mr Speaker, because we need a global bank for our global marketplace.

1930 With reference to distributed ledger technology we must be cautious in our approach to the regulation of virtual currencies, which are still immature and subject to skirt money laundering laws and legislation relating to the financing of terrorist activities. We must ensure the same strong controls and diligence that we hold our financial services to should not be compromised

1935 in our attempt to attract these firms to Gibraltar, and no shortcuts to regulation should be put in
place. We should work with the early pioneers in these fields, while being bold in seeking to be a
global leader in this space. These are all valid questions and concerns from experts in this field,
Mr Speaker, and I look forward to raising their concerns more directly in Parliament and
receiving suitable clarifications and reassurances from the Government benches, because this is
1940 exactly what this Budget process should involve, Mr Speaker. This is a debate, an exchange of
ideas where we consider various views and form conclusions based on what is best for the
community we represent. As a Member of the Opposition it is my duty to challenge this Bill and
continue taking the Government to task. It would be remiss of me not to raise the many
concerns that are being expressed by members of the financial sector about the lack of clarity
1945 and transparency in this Budget.

I am disappointed that some of the issues I have raised about education, health, housing,
transport and many others are being neglected, and I worry about how sustainable these public
debt figures are for our community – and I pray that the Government is correct in all its
calculations and reassurances.

1950 However, I must say I find the Opposition's unprecedented decision to vote against this
Budget irresponsible, cynical and completely against the interests of Gibraltarians. (**Several
Members:** Hear, hear.) (*Banging on desks*) Irresponsible, because if it were to take full effect,
the consequences to the community would be devastating, paralysing our community in its
entirety from our schools to our economy and our essential services. (*Banging on desks*) None
1955 other than Sir Peter Caruana himself – who has been dubbed as the greatest Gibraltarian of all
times, although maybe I have a different view about that (**Several Members:** Hear, hear.)
(*Banging on desks*) – the own GSD's own erstwhile leader, once remarked that it was important
for all parliamentarians to vote in favour of a budget 'in order not to deprive the Government of
funding and civil servants of their pay'. I therefore find this move to be little more than a
1960 cosmetic and sterile marketing stunt that smacks more of desperation than it does a responsible
approach to politics.

I have decided, instead, to put the interests of Gibraltarians first, as did the greatest
Gibraltarian of all times. (*Banging on desks*) It has been a longstanding tradition for politicians in
this House, in an act of statesmanship and responsibility, to vote in favour of budgets, even if, as
1965 is the case with this one, they have honest doubts about them. I will not deploy gimmicks which
undermine the welfare of civil servants and basic public services, if only symbolically, and I will
not allow my vote, meant to represent *only* these interests, to be abducted in this way. I will
therefore honour this longstanding convention and vote in favour of the Budget,
notwithstanding the many criticisms I have already made. (*Banging on desks*) But this support,
1970 Mr Speaker, comes with a word of caution. I urge the Government to heed the concerns that
have been expressed from these Opposition benches on issues of transparency and rigour.
These concerns are not just from the mouths of opposing politicians, but also from financial
experts and members of our community who are genuinely anxious about our nation's spending.
The questions that are being asked are legitimate ones and the Government needs to address
1975 them, because if the Government does not heed these concerns it may find that it will not just
be Opposition votes that it will risk losing.

So, to conclude, Mr Speaker, we are coming to the end of an eventful period, both for myself
and for the political world as a whole. As I look back over these past 12 months, though, I find
myself increasingly secure in my role, a far cry from any doubts I may have had when I addressed
1980 this House at the last budget session. From what has been termed by some as this 'rocket chair',
where two former Chief Ministers have sat before, from the minority status that has in times
been enjoyed by the likes of Joe Bossano, Dr Joseph Garcia, Peter Montegriffo and Sir Peter
Caruana, I have been able to discern my role most clearly: to provide a constructive opposition,
one that challenges the Government when it is warranted but supports it when it is deserved.
1985 My role here is not to simply pick holes, but to help fill them and to provide Gibraltar with the
honest and productive democracy it merits.

1990 My position has given me an invaluable vantage point from which to obtain a true sense of the needs of our times. Mr Speaker, I have come to realise that this is a time for courage, not cowardice; a time to step forward and show face, not to hide behind fake profiles; a time for leaders, not mouthpiece activists; a time for stability, not disarray; a time for solutions, not problems; a time for criticism, not ridicule; a time for constructive proposing, not destructive opposing; a time for hope for a better future, not a craving for chaos in order to reach one's personal goals; a time for conviction, not indecision; a time for leading, not in-fighting; it is, Mr Speaker, a time for something new.

1995 People all over the world are crying out for a new kind of leadership, Mr Speaker, one that reflects the real hopes and aspirations of the people, built on the values of generosity and closeness, on honesty and on a bold, optimistic approach to politics. In response to massive global challenges, people are starting to vote not only with their minds but also with their hearts. I believe that here too, in Gibraltar, people want politicians who are close, honest and understand their real aspirations; politicians who work for their citizens, not for partisan visions, egos or agendas. (**Hon. Chief Minister:** Hear, hear.)

2000 I became an independent MP because I was not ready to let myself be dragged into the mire of mudslinging politics. (**A Member:** Hear, hear.) I will therefore not respond to insults and petty accusations thrown at me in this House. Nor will I engage with social media bullying, through fake profiles or not – not even, for example, with the Leader of the Opposition, who hides behind the profiles of members of our community to fight his battles against me. (*Interjections*)
2005 And you, Mr Speaker – (*Interjections*)

2010 **Hon. D A Feetham:** Mr Speaker, a point of order!

Hon. Ms M D Hassan Nahon: And you, Mr Speaker: stand up and be counted!

Hon. D A Feetham: A point of order! (**Several Members:** Hear, hear.) (*Banging on desks*)

2015 **Hon. Ms M D Hassan Nahon:** Stand up and be counted! Stand up and be counted! (**Several Members:** Hear, hear.) (*Banging on desks*)

Hon. D A Feetham: A point of order, Mr Speaker!

2020 **Mr Speaker:** May I ask –

Hon. D A Feetham: Point of order, Mr Speaker.

Mr Speaker: Order!

2025 **Hon. D A Feetham:** Point of order, Mr Speaker.

Hon. Ms M D Hassan Nahon: If I may finish –

2030 **Mr Speaker:** May I ask the hon. Lady to sit down, and I ask the Hon. the Leader of the Opposition to sit down – and they are not to shout at me. I have told him before that I am not prepared to have him shout at me. If you want to raise a point of order, you do so calmly, but you do not shout at the Speaker. If he is in doubt as to where that comes from, he can read through this, as I was doing yesterday afternoon, anticipating, as I was, some trouble.

2035 Now, what is your point of order – and tell me, what is the Standing Order? What is the rule from this book under which you are raising your point of order?

Hon. D A Feetham: Mr Speaker, the point of order is very simple. The hon. Lady has got to make herself responsible for any allegations that she makes before this House. She has said that I am hiding behind a fake profile or a profile from a member of this community. That is utterly false, and therefore if she has any evidence in relation to that she should bring it – or what she can do is not hide behind parliamentary privilege and therefore make the allegations outside, where at least I can then basically challenge her. *(Interjection)* **(Mr Speaker:** Order!) Mr Speaker, there is a rule in this House that you cannot make allegations without making yourself responsible factually for them, and what she has said is utterly not true.

Hon. Ms M D Hassan Nahon: Mr Speaker, I am grateful for that. I think it is very important for the Leader of the Opposition to demand clarification.

I actually know the person that the Leader of the Opposition hides behind and I met him in Irish Town and asked him why he was speaking against me about Calpe House – Mr Michael Bain – and he told me, ‘Well, you know, it’s the Leader of the Opposition, who uses my profile,’ and I told him, ‘There’s a very easy way’ – *(Interjection by Hon. D A Feetham)* Mr Speaker, can I speak now, because I did not interrupt him. I said, ‘There’s a very easy way to stop that by changing your Facebook profile,’ and he shrugged like he did not really feel like he wanted to ask the Leader of the Opposition to do that.

So I am very, very comfortable with what I am saying in Parliament –

A Member: It’s in *Hansard*.

Hon. Ms M D Hassan Nahon: – and I want the media to know that they are welcome to interview me outside whenever they want and I will repeat the accusations because I know that they are true and I was told by the very person; otherwise I would not be so irresponsible. And let me say, Mr Speaker, he also attacks you under the profile of Michael Bain. *(Interjection)* Anyway, if I can carry on –

Hon. D A Feetham: Outrageous, Mr Speaker!

Hon. Ms M D Hassan Nahon: Yes, what is outrageous is for the Leader of the Opposition to be using another member of the community’s profile instead of *dando la cara* as the Leader of the Opposition should. *(Banging on desks)* **(Hon. D A Feetham:** Outrageous!) Yes, it’s very outrageous – it’s never been seen before!

Hon. D A Feetham: You’re destructive!

Hon. Ms M D Hassan Nahon: Yes, yes, I’m destructive –

Mr Speaker: Would the hon. Member please sit down.

Hon. Ms M D Hassan Nahon: I’m destructive to your aspirations!

Mr Speaker: Since 9.30 this morning we have had an excellent debate in which very high standards have been achieved and in which elected Members have been doing the business for which the electorate have put them here and pay them, by and large, most handsomely. I would urge hon. Members to keep to that high standard. It is a pity that at the end of nearly four hours of excellent parliamentary debate anyone, by an injudicious word, should lower the standard and bring the House into disrepute.

I urge hon. Members for the rest of this session: keep your cool. Do not shout, keep your cool – if you do not, one of you may have to sit in this Chair because I am not prepared to allow this House’s standards to be lowered. I have always said that I am the Speaker of Parliament,

2090 dedicated to maintaining the dignity of this Parliament for the sake of the city and the nation that we all love. So keep your cool and let us see if we can finish the session, renewing tomorrow morning as we have done up until now.

The hon. Lady.

2095 **Hon. Ms M D Hassan Nahon:** Mr Speaker, as I was saying, I did not leave the comfort of a party bench for this, and I did not expose myself to attacks from both sides of the House to engage in a childishness that disappoints and alienates the electorate. This is the real toxic behaviour we suffer from, Mr Speaker, and I have moved away from this for good. My job is to propose and to be useful for the Gibraltarian electorate, and this is what allows me to stay relevant, even if I am on my own. So I will continue working for the good of the people of Gibraltar regardless of how this impacts on either of the parties in this House. I work for them now, not for any of you.

2100 I feel that this new direction is just beyond the horizon, that these uncertain times are calling for an end to a stagnant political scene that has been dominated by the same two parties for over 25 years. These 12 months have shown me that I am ready for the next challenge in my political career – to offer Gibraltar new options, new ideas and new directions. I have proved that there is room in this House for a different way of doing politics, and I hope that the people of Gibraltar feel excited, like I do, about the possibilities that this could offer. I face the next year with optimism, with energy and with an unshakeable belief that the next 12 months will see us all emerge stronger together.

2110 Thank you, Mr Speaker.

Mr Speaker: The Hon. the Chief Minister.

2115 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, I rise, to start my right of reply, to recess the House in order to do that tomorrow, but I would just ... I do not think I can recess the House immediately without saying that it looks like the countdown to ignition on the rocket chair has started. There is much that the hon. Lady has said with which I agree, much with which I disagree, and much which I just cannot believe; and as I pick my jaw up off the floor she has obviously taken off her rose-tinted spectacles and put on her Hassan-framed spectacles – I think she imitates her father in that respect.

2120

Adjournment

Chief Minister (Hon. F R Picardo): I adjourn the House, Mr Speaker, to tomorrow at 10 a.m., when I will exercise my right to reply in respect of the Bill.

2125 **Mr Speaker:** The House will now adjourn to tomorrow at 10, when we will hear the Chief Minister's winding-up speech.

The House adjourned at 1.37 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.00 a.m. – 1.50 p.m.

Gibraltar, Thursday, 29th June 2017

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The Gibraltar Parliament

The Parliament met at 10.00 a.m.

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

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

Appropriation Bill 2017 – For Second Reading – Debate continued

Clerk: Meeting of Parliament, Thursday, 29th June.

Mr Speaker: The Hon. Chief Minister.

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Chief Minister (Hon. F R Picardo): Well, Mr Speaker, what a year it has been since I last summed up a Budget in this House, in political terms at an international level but indeed in political terms at a national level, and some of the things that we are seeing played out on the benches opposite are really without precedent in the parliamentary history of Gibraltar. But the political history of Gibraltar is something that we shall look at now in some detail in the context of this debate, in the context of Budgets, Appropriation Bills, debates on the Estimates in this House since the 1969 Constitution, to understand what it is that has played out in the past 72 hours and the import of what it is that some purport to do in this House.

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Mr Speaker, perhaps it is because it is already summer that some of the debates get heated and people get hot under the collar, because it was not ever thus in this debate. It was not always an acrimonious debate, where people got hot under the collar and said things about their opponents that are really, although parliamentary, not designed to produce a Parliament working together. And of course I say all that under the spectre of the first time in the history of this Parliament – indeed, in the first time of the history of democracy in Gibraltar, going back before the lifetime of this Parliament and before the 1969 Constitution – that an Opposition has threatened to vote against the appropriation sought by the Government.

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But of course I say an ‘Opposition’ for shorthand. I should say an ‘official Opposition’, because the hon. Lady, although she has had a hammer-and-tongs go at the Government in some of the things that she has said, understands the importance of voting in favour of this appropriation. And I thought I might be able to say the ‘official Opposition’, and yet last night on the principal television news programme I find out that it is not even the whole of the official Opposition that is going to take that position. I know that Mr Reyes, for very good reason, which he has explained to me – he had the courtesy to explain to me in person yesterday – is not going to be here and is therefore not going to be able to exercise his vote, but it is the first time that a Leader of the Opposition has said, ‘I am going to lead such of my faction as might decide to follow me on this occasion to a negative vote on the Estimates.’

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If that is going to be a parliamentary change, Mr Speaker, we need to understand whether it is a good thing for Gibraltar that that is going to change or a bad thing for Gibraltar that the tradition is going to change. And if it is a bad thing for Gibraltar that it is going to change, Gibraltar will know how to deal with those that have brought about a bad change for Gibraltar, because all of us who are here are passionate about Gibraltar – and let me make space for one

of the persons who has been most passionate in his life and has demonstrated it with his contributions in this House for many years.

40 Mr Speaker, we are all passionate about Gibraltar and that passion for Gibraltar is supposedly what brings us here to make the effort to be in politics, to make the sacrifices that being in politics entails. We are not supposed to be here for our egos, we are not supposed to be here to give full vent to our political ambitions or indeed our accounting peccadillos; we should not be here for anything other than for Gibraltar. Wherever Gibraltar puts us, on that side or on this side, our first and guiding principle must be to do right by Gibraltar. We do that in an adversarial system and we have to therefore do it by way of confrontation. I defend the adversarial system, 45 I think it is a good thing for Gibraltar, but always with us in an adversarial system being advocates for Gibraltar, not for ourselves individually, as some appear to be. And yet in this debate some people have come apparently not caring about Gibraltar and not caring about the consequences, of the things they have said and of the things they have said they will do, on 50 Gibraltar.

Some people, Mr Speaker, seem to care more about the headlines they might grab than on the effects their words could have on Gibraltar, and I am going to focus on two. I am going to focus on Mr Feetham and Mr Clinton, because I think what I have to say about this subject has to do with them and not with the other Members – even of the official Opposition, let alone 55 Mr Llamas. Being rivals in an adversarial system should not seek to bring us into a situation where, in order to undermine each other, we forget about the interests of the client, although I know many instances where perhaps we might have that discussion about some on the other side and their client might not have been the most important thing in their minds.

So let's do this exercise, Mr Speaker, looking at the political history of Gibraltar, and let's see 60 what the political history of Gibraltar teaches us about debt, hidden debt, company debt, inflated accounts, flattered accounts, allegations of bankruptcy and allegations of potential bankruptcy. I am going to start in the administration of the IWBP in 1969-72. History, we all know, will teach us everything and it is a fool that thinks that history will teach us nothing, but history is sometimes a dense subject. If anybody thinks that this is going to be a dense exercise, 65 they would be wrong. This exercise I think is going to be very informative, and anyone who is even in the slightest a political buff or a political geek is going to enjoy it, and anyone who has the economic interest of the history of Gibraltar and the future of Gibraltar in mind is going to see how important it is to do this exercise.

Mr Speaker, I have pleasure in telling you that you are going to feature prominently in the 70 historical exercise I am going to do. Given the experience that we always refer to you having, you are therefore an important participant in the exercise I am going to do.

I cannot, I confess, find a good record of *Hansard* reflecting the debates on Estimates between 1969 and 1972; I can find the vote but I cannot find the detail of the debate. There is a much better *Hansard* available for 1973 onwards, which is the AACR administration, and so I am 75 going to be able to quote more extensively from there. But let it just be clear on the record that between 1969 and 1972, with Bob Peliza as Chief Minister, Sir Bob Peliza as he then became and Speaker of this House also, and Joshua Hassan as Leader of the Opposition, the fearsome political operator – you do not become Chief Minister of Gibraltar for 40 years without being a fearsome political operator and it is obvious there are people in this House who have his legacy, 80 Mr Speaker. On that occasion, in those three years, with Peter Isola as an independent Member of the Government, and Joe Bossano the king across the water at that time, on no occasion did the Opposition, the AACR, which had then been in government for 20 years and found itself for the first time in Opposition, did they ever vote against the Estimates or did they even threaten to vote against the Estimates. Probably nothing worse than being in Government and suddenly finding yourself on the other side, and yet they knew how to deal with that, raising points but 85 not threatening to vote against.

The record of *Hansard* starting in 1973 gives us a much better flavour of the debates that were ongoing, and I can see, reading it and reading those *Hansards*, this House comes to life

again with its old wood panelling that some so miss. It really comes to life, and I can see that the political rivalries in those days were not soured by personal animosity. There is a magnificent quotation from Joe Bossano speaking from the Opposition benches for the first time, doing an economic analysis that ... Maurice Xiberras said:

‘It is the first time we have had a Gibraltarian do such an economic analysis and not a Financial Development Secretary brought from the UK, and what a good thing this would be for the history of Gibraltar to have a Joe Bossano in this House.’

Nothing has changed there, Mr Speaker. Joe Bossano is your shadow but he speaks before you in the context of that debate because he shadows other people, and I think he spoke just after the Financial Development Secretary had presented. But he says something to you, Mr Speaker. He quotes something at you which you had said on television in a debate in the context of some industrial strife in 1972 in the run up to the general election, and these will be the watchwords for my reply during the course of this debate. This is what Joe Bossano says you said on television, and you then later in the debate accept it is what you said:

We have not been elected to preside over the liquidation of the society which, though admittedly imperfect, has been built over the years by Gibraltarians of goodwill. Gibraltar will not be destroyed, so help us God.

Bossano quoting Canepa and saying Canepa is right. We have not been elected to preside over the liquidation of a society which, although admittedly imperfect, has been built over the years by Gibraltarians of goodwill: Mr Speaker, I fully adopt your words and the quotation of you from Joe Bossano.

What was going on at the time? What was the debate about? What was the Opposition, then the IWBP before the Hattersley memorandum, saying in ... I see Mr Llamas has just arrived; I have never been so pleased to see him, Mr Speaker! (*Laughter*) Before the Hattersley Memorandum, what was the IWBP Opposition saying to the AACR that had just got back into government? Well, this is how you reflected, in reply to Joe Bossano, what Joe Bossano was saying of the AACR in 1973’s Budget:

Sir, ever since we resumed this evening at 9.30 p.m.

– late sittings in those days –

we have been hearing the Hon. Mr Bossano mainly on a very – for me, practically a layman in financial matters – very informative discourse on the finances of the territory. I do not think it is within my province to even attempt to answer many of those diverse weighty matters that he has raised.

It sounds like a Cabinet meeting, Mr Speaker!

A message, sir, that has, however, got through to me, has been that of –

– and this is what Bossano was saying –

muddy, hidden-away-somewhere estimates, particularly revised estimates, inflated, sinister transfers of money from the recurrent expenditure into the Improvement and Development Fund, underestimated revenue from a conservative Financial Secretary, or at least underestimated revenue expectations. This is the message, sir that has got through to me and I see it purely under the general heading, or under the general accolade that I expect to be levelled at this Government of being arch super cicutas. However, sir, considering myself, as I say, in these financial matters purely a cicutilla, I do not think I will comment on that.

Well, Mr Speaker, the things that Joe Bossano was saying in 1973 do not seem a million miles different to the things we have heard, apparently as new discoveries from the putative Accountant General opposite! (*Laughter*) But that was in 1973 – 44 years ago; I was one year old – and the Opposition were saying that the Government was hiding money, hiding transactions, that you were inflating the estimates, that there were sinister transfers of money from the

Recurrent Expenditure Fund to be flattered into the Improvement and Development Fund projects.

Mr Speaker, it is exactly the same thing Mr Feetham has been saying for the past five years. Maybe he is a better student of history than I thought. One of the degrees that he has – because
120 I do not know how he managed to get us to pay for more than one – is History, and he is saying the same thing to us that Joe Bossano said to you 44 years ago. So I suppose there is no point getting hot under the collar because of the things that they have said to us this week – Mr Feetham and Mr Clinton, and even Ms Hassan Nahon, although in a much more elegant tone – exactly the same things that Joe Bossano was alleging against you and Joshua Hassan 44 years
125 ago. You see, the only clear distinction, which comes across even then, is that Joe Bossano's position that there is nothing wrong with borrowing as long as it the right sort of borrowing designed for the right sort of purpose, not to pay recurrent expenditure and always in a way that can be repaid and the money invested in income-producing projects.

Mr Speaker, the most important thing to note about the debate in 1973 and the reason why I
130 went to the *Hansard* is that despite all of these allegations – hidden funds, inflated estimates, etc., all of the same things we heard this year – the Opposition voted with the Government to approve the Budget.

Mr Speaker, as history moves on the rows get worse. Usually we think that in the halcyon old
135 days people were just more polite to each other. Actually, what I detect is that the Budget seems to come later in the year from March, April, May, June, and by the time it gets to July there is very little elegance left in the House. I think it has got more to do with the temperature than it does with the age.

But having read what I read when I started the exercise, I am almost minded to sit down, allow them to do what they like and know confidently that our society will not be liquidated, we
140 will not be destroyed and it is very likely that in 40 years somebody called Hassan, somebody called Bossano, somebody called Feetham and perhaps even somebody called Isola and somebody called Picardo might get up and say the same thing, whoever is here, and yet society will not be liquidated, we will not be destroyed.

But let us cut forward 18 years. In that period there are absolutely no instances of the IWBP
145 voting against the AACR, the DPBG voting against the AACR, the Gibraltar Democratic Party voting against the AACR, or even the GSLP in the period 1984 to 1988 voting against the AACR; robust debates, the same sort of issues, but never a vote against. I wonder what it is that makes the hon. Gentlemen opposite think they are better than Bossano, than Hassan, than Peliza, than Xiberras, than Caruana, that they have come up with something that those giants had not
150 thought of.

In 1990, Mr Speaker, Joe Bossano is Chief Minister, you are Leader of the Opposition, and there is an independent Member in the House. Still, Mr Speaker, I find it remarkable when I look
155 at the *Hansards*, the relationship between you – although ideologically, for some reason not in the same party, dancing on a pinhead of differences, but still hugely affectionate. Now that you are Leader of the Opposition, Mr Speaker, this is what you have to say about the 1990 GSLP Estimates:

I shall be dealing not just with what the Estimates for 1990-91 reveal but, what is just as important, if not more so, in our view, with what they do not reveal.

Mr Speaker, we really need to think of something else to say to each other next year.

To finance this growth, the GSLP are taking a huge gamble with their economic plan, a plan which is dependent on investments from outside and investments from the Government by way of an unprecedented level of borrowing. The Government already has powers to borrow up to £100 million.

160 A huge amount in those days; £100 million must have seemed an impossible number in those days. Debt was then something like £6.4 million in 1988 when you left, and now it was going up to £100 million.

It is the taxpayers of today and not tomorrow who for many years to come will have to pay back these huge debts.

Twenty-seven years ago.

If the gamble does not come off and Gibraltar cannot pay back these loans, then our people, the most important resource we have, as Mr Bossano is so fond of telling us, will be the ones who are going to arrive at the crossroads where one of the signposts points to bankruptcy.

165 That was very robust, Mr Speaker; it was a very robust speech. It goes on. I wish I could read everybody the whole of it. It was well informed. I could see Bossano with his economic plan versus Mr Canepa with his view of how things should be done – a very robust debate, almost saying, Mr Speaker, you could take us down the road of bankruptcy. We have heard it all before, Mr Speaker. What did you do? Page 145 of the Estimates. Despite that very robust countering of the Estimates presented by the Chief Minister of the day, following tradition, Mr Speaker:

We will vote in favour.

Mr Speaker then put the question, which was resolved in the affirmative and the Bill was read a second time.

170 Well, Mr Speaker, as we all know, bankruptcy was not the result of those eight years of GSLP Government. You can have many differences of opinion about what the GSLP Government of 1988 to 1996 did, but what it did not do was lead us to bankruptcy. In fact, Sir Peter Caruana, in his own valedictory speech in this debate two years ago, said that those eight years, giving huge credit to Joe Bossano, are what enabled us to deal with the change from an MoD economy to a private sector led economy. And so, far from bankruptcy – although he kept saying that in the four years between 1992 and 1996, to only take it back in 2015 – what Peter Caruana found was pots of cash. This is exactly what he had to say in the *Hansard* of 2015. Talking about Mr Bossano in very affectionate terms, with Joe Bossano appropriately not here to hear him, Mr Speaker:

175 the great divide

– said Sir Peter Caruana of him and Joe Bossano –

in domestic economic terms was Joe's, I suspect, still held 'rainy day fund' mentality when it comes to economic stewardship versus our approach at the time which was that Gibraltar needed to spend, to grow, to reposition, to create an environment, to create a climate, a fiscal as well as a reputational environment, in which further investment would become more attractive to foreign investors and that way start a snowball rolling which only Government funding at that time could really do in sufficient measure.

180 So, GSLP rainy day fund. No longer allegations from Caruana versus Bossano of bankruptcy – a rainy day fund. Spending profligacy: GSD policy. So the idea that somehow today the GSD is telling us that we have to have something called a rainy day fund, as if that were something that we needed telling, Mr Speaker ... This is beyond a joke, and this is too serious now for jokes because we are spending, we are investing, but we are also maintaining rainy day funds, something they did not maintain, as we found out when we were elected.

185 Anyway, I have got to 1990, and 21 years after the 1969 Constitution no Opposition had ever voted against the Budget presented by a Government, even though the accusations flying across the floor of the House were as tough as they are today; perhaps more elegantly put and perhaps, until 1991-92, with less animosity injected into them.

190 So let's look at what happens when Sir Peter is first elected. Brace yourselves, Mr Speaker, if those who are watching think that they know what the relationship between Bossano and Caruana was like because they remember that it was difficult, but let me read you what Joe

Bossano said to Peter Caruana when he was first elected into the House in his first Budget debate – because I must say I found it to be in disappointingly fond terms, Mr Speaker! *(Laughter)* Joe Bossano, as Chief Minister, said this to the newly elected independent Member, Peter Caruana:

Mr Speaker, before I make my contribution on the Estimates of Expenditure, and indeed on the state of the economy, I would like to take the opportunity as Leader of the House to welcome our newly elected Member and to say that we look forward to his constructive contribution to the debates in this House.

195 He had not opened his mouth yet.

He occupies, of course, the seat that I had for 16 years,

– she knows which one that is, Mr Speaker, the rocket chair –

so he can now start getting used to how long it takes to move from that side of the House to this side of the House. We believe that the role of Parliament has to be not simply to try and trip up the Government but also to help the evolution of good government by making positive suggestions when Members on the other side see things that they in principle are not opposed to, which I think must be a fair proportion of the work that we do.

Exactly as you said Joe Bossano had behaved in the context of his contribution to the Estimates in 1973.

We understand that there are things where there are fundamental policy differences, but in principle, when they are opposed to it we would expect that we would be able to make contributions which would enable us to improve the quality of what we hope to be able to do for the benefit of the people of Gibraltar, and as I say, Mr Speaker, I look forward to his positive contributions.

200 So it was not just Sir Peter being fond of Joe Bossano; in the early days it might have gone a different way.

And then Peter Caruana started his analysis, Mr Speaker. This is the first GSD analysis of a GSLP Budget on record. It is in March 1991. It is essential that we look at what the GSD was saying in 1991, Mr Speaker:

Ministers in this Government, who in effect spend their time wheeling and dealing behind closed doors in relation to public assets that they are not willing to account publicly for what they are doing.

Exactly what we have been told today, or this week.

Mr Speaker, it is, in our view, incorrect and indefensible that public assets and money should be injected, invested or in any other way made available to private companies, whether they be Government-owned or joint venture companies, without public accountability of that fact. The fact of the matter is that hon. Members opposite should not forget that, unlike the practice in the United Kingdom, there is no filing of accounts by companies at the Public Companies Registry and that therefore if the Government is not prepared to give information the information simply never becomes available. Mr Speaker, joint venture companies are, in our view, not just joint venture companies but they are generally being used by this Government as a means of taking traditional areas of Government activity for which they were accountable out of the public political arena and into the commercial field, where they are politically unaccountable.

205 I just think that actually Roy Clinton is a much better student of history than the history graduate, Daniel Feetham, who just pulled this out, did not feel like coming up with new arguments and thought he would just adopt Caruana's.

210 Mr Caruana is saying the same thing we are hearing now about companies, but with the caveat, he says, 'It's because in Gibraltar companies do not file accounts and therefore I can't get my hands on the accounts.' What he did when he was elected was he passed a directive which required the filing of accounts, filed the first year of accounts and then never filed them again – and added to the companies. So what was a sin became a virtue.

He goes on:

I think, Mr Speaker, there is no precedent anywhere else

– I do not know whether I hear Clinton or Caruana speaking now, Mr Speaker –

and, to the extent that we are in Gibraltar, distorting the operation of traditional parliamentary democracy.

215 Is this Monday – or is this 16, 15 years ago?

I have not been able to find a single parliamentary democracy that allows elected Ministers of the Crown to sit as directors in a dual capacity in the commercial sense, Mr Speaker, and then, when asked to give information on companies in which public moneys have been invested, to say that as chairman of the company they cannot be revealed.

He did not change the practice when they took over, Mr Speaker; in fact, they did not even file accounts.

This is a serious distortion of the quality and nature of parliamentary democratic Government as it has hitherto been known everywhere else in the world. Of course, Mr Speaker, we are free in Gibraltar to invent new systems of constitutional government, and then of course it will be up to the people to express a view as to whether they want it or not.

220 So the hyperbole of the denial of democracy, the hyperbole that this only happens in Gibraltar and does not happen anywhere else, which we have heard again and again and again this week. But then also the constitutional argument: this is not allowed under our Constitution in 1969, the argument Clinton puts – Mr Clinton – in the context of this year's debate, unless we design a new Constitution. And yet, Mr Speaker, this Chief Minister, Peter Caruana, when he won, designed a new Constitution and the new Constitution that he designed allowed for everything that he was doing, which is what we have continued doing.

225 He went on:

There is a significant amount of public money in the Gibraltar Investment Fund

– Gibraltar Investment Holdings –

which presumably has been invested in private companies. Mr Speaker, the reality of the matter is that 24% of Government expenditure is now voted on the basis that this House does not know exactly how it is going to be used. The 24% of the money that this House will vote on this Appropriation Bill is in effect voted for, at least by the Members on this side, on a blank cheque basis.

Can they please come up with something different for Opposition, Mr Speaker?

I think that this House should know the full extent of the Government's borrowings either directly or through companies. Mr Speaker, on the question of Government borrowing generally – and of course I hasten to say that it is an entirely legitimate tool of Government economic management and planning, which I have not in itself criticised.

Mr Clinton does, it seems.

However, Mr Speaker, there is concern again, which I bring in from outside this House, as to the extent to which the present borrowings of the Government may become a burden to this and future generations of Gibraltarians if these policies do not work – and again I say that we all hope they will.

230 Well, everything is the same in the analysis from Caruana in 1991 as from Mr Clinton today, except for that last limb, that last important element where Peter Caruana says, 'I hope that these policies will succeed.' There is that underlying pointing out the problem but hoping that it is not a problem and that this works for Gibraltar. I detected that in the things the hon. Lady said. I did not detect an iota of that in the things that Mr Clinton and Mr Feetham said; I almost felt as if they were cheerleading for our failure, Mr Speaker.

235 Mr Caruana then said:

The jury is out on the question of Government borrowings and Government expenditure until such time as we know exactly what these borrowed funds are being applied to.

Exactly the same: tough – his first intervention already showing his ability to advocate in this House in a way that was then to become legend. Six hours he replied for on one occasion. Very tough from the first moment. You should not have welcomed him so graciously, in my view!

240 The Attorney General reported in those days under the 1969 Constitution. The vote was taken. Everybody in the House voted in favour of the Estimates. So, on exactly the same arguments, exactly the same level of gravity, but with a desire to see Gibraltar succeed, not fail, the GSD, then represented through an independent Member, votes in favour of the Estimates.

245 Well, Mr Speaker, the first thing to note about that extract, of course, is that this is a GSD that runs arguments about pots calling kettles black, because when they came into Government they did more of the Government borrowing, they did Government trading companies, they alienated a larger part of the Budget and they found not bankruptcy but pots of gold – but they always voted in favour of the Budget.

250 But that was in 1991. In 1995, in political terms, Peter Caruana was circling for the kill. He would be Chief Minister within a year. All of the same arguments, the raising of the temperature, the borrowing etc., all of the things he would start doing himself within a year and a month, Mr Speaker. But listen to this:

We will take no further part in the debate on the Estimates and the Appropriation Bill and the remainder of the speeches that we were going to make on a departmental basis will be brought to this House by us as substantive motions at the next possible opportunity, which is either this meeting if it is not now adjourned *sine die*, or in the next meeting if it is adjourned *sine die*.

255 They walked out. The argument for walking out was about directives, direct rule and sharing information on direct rule etc. – all of the arguments we have heard already – but even then, 1995 ... I cannot even imagine in my mind a time when I remember Gibraltar more polarised than in 1995, Mr Speaker. The confrontation between the GSD and GSLP was at its highest. People who had been friends were not talking to each other; it was affecting families. Peter Caruana walked out of the House but he did not vote against the Estimates of Expenditure of the Government. Peter Cumming was an independent Member, Mr Speaker, and he voted in favour of the Estimates. So the GSD has never voted against a GSLP Budget and the GSLP has never
260 voted against a GSD Budget, and every independent Member I can find a record of has never voted against the Government on the Budget.

265 But what is really remarkable, Mr Speaker, is that in this Second Reading when they are going to exercise this right to vote in a way that is to deny salaries to civil servants, to close schools and hospitals – and I will come to that in a minute – they have not said one thing about departmental expenditure, not one thing. They have not said, ‘You are going to spend too much in this Department and therefore I am voting against; you are going to spend not enough in that Department and therefore I am voting against.’ They just come up with this overarching constitutional argument, which we have heard a hundred times before deployed by every person who has been on that side of the House as if it were the Opposition tool book – except
270 for Joe Bossano, who made a different argument as Leader of the Opposition – and they say, ‘We are going to vote against.’ I do not know whether they have even bothered to understand the departmental expense.

275 In 1997 Joe Bossano was now Leader of the Opposition. He had been Chief Minister of Gibraltar for eight years, at that time the most powerful man in Gibraltar. Joe was a particular brand of Chief Minister who was seen by people as an impregnable intellect on issues of finances. He comes to a Budget debate where the person presenting to him clearly knows less about the Gibraltar economy than he does, although a very able advocate – what does Joe Bossano do? He says this:

if there were no doubt about the accuracy then we can only describe the effect on the future of our economy and the policy which is going to be implemented over the next 12 months in one sentence, Mr Speaker, never in the history of Gibraltar have so few spent so much in such a little time and on top of it expect to have so little to show for it. We will nevertheless support the Appropriation Bill.

In 2004, very concerned about some aspects of supplementary appropriation:

But we will be of course be supporting the Appropriation Bill as a whole.

280 In 2009, Mr Speaker, I found myself in the very difficult position of having to stand in for Joe Bossano and for Mr Licudi, who were not in the House, during the Appropriation debate. I supported the Estimates. I said this, which I said every year that I was in Opposition:

Gibraltar cannot be without an appropriation and we will therefore be supporting the expenditure proposed in the Bill and the schedules on the terms already identified by the Leader of the Opposition, and we predict that in the next budget there will be no increases in Social Security ...

– because we thought that was going to be the election year.

285 In 2010 the same thing, and in 2011, when I was Leader of the Opposition, I made exactly the same point but I said this:

Gibraltar cannot be without an Appropriation and we will, therefore, be supporting the expenditure proposed in the Bill and its Schedules with the observations that my fellow Opposition Members will be making in the coming hours and days ...

Mr Feetham is not the first Leader of the Opposition I have had to face from these benches. Peter Caruana went from being Chief Minister to being Leader of the Opposition. No sooner had he found himself on that side of the House, one of the things that he said to us in the context of the Budget debate that he was dealing with as Leader of the Opposition was this:

I have to admit, Mr Speaker, that I had forgotten how easy and different life looks from this seat. When one does not have the responsibility of governing, critical comment is absolutely free of charge.

290 My goodness, they have taken the lion's share of the free-of-charge in the past 72 hours!

Hon. Members on the Government benches who were in Parliament in Opposition before will, I am sure, already have discerned the difference – of course you do; you feel the sense of responsibility that there is in Government – but there is a sense of responsibility also to be had in Opposition. In that Budget debate, Mr Speaker, the Opposition led by Peter Caruana voted in
295 favour of the Estimates presented by Fabian Picardo as Chief Minister.

Something started to change, though, and in 2014 we saw the first fault line appear. In 2014, with a much stronger Opposition team – not the one that he has got today but what had been a team for government of the GSD, which they have now lost; not with novices around him, Mr Speaker – Peter Caruana finds himself as a backbencher and Daniel Feetham is Leader of the
300 Opposition, and for the first time there is a whisper that the Opposition is going to vote against the Government. But they all voted in favour. Why? Well, the party whip, then the backbencher, ensured that whatever the new leader might have thought, they were all quickly told, 'Ssh, vote in favour.' I had called a division because I had got the whisper that they were going to vote
305 against, and they all voted in favour because if you are going to vote against you have to put your name to it and not hide behind a crowd of nays. And this is what Peter Caruana said to explain the vote immediately after they had all voted yes despite Daniel Feetham wanting to vote against:

Mr Speaker, pursuant to the long-standing Parliamentary tradition that the whole House supports the Appropriation Bill in order not to deprive the Government of funding and the civil servants of their pay and thereby not meaning any more support for their spending plans than they meant when they used to support *our* spending plans, we have voted yes.

So the kernel of the idea comes into the head of the new Leader of the Opposition, but the general of the troops stops them from making the mistake of voting against.

310 We do not know what it is that the hon. Member meant now when he said the Opposition will be voting against the Budget, because it is not even the whole of the official Opposition that is going to be voting against the Budget if what we saw on television last night is true. It is not the whole of the Opposition benches. Ms Hassan Nahon has been very clear in her criticisms but will be following the tradition. She will be no less tough than some of the people I have read
315 extracts from, all of whom ironically went on to become Chief Minister. Mr Llamas has said what he has said. I congratulate him for it and I will be dealing with that in a moment. I do not mean to just throw him a bone, if you will excuse the pun. Mr Reyes is not here. So really, Mr Speaker, that just leaves four individuals. Is that what he meant when he said the Opposition will be voting against? In a Chamber of 17, four will be voting against? That is what he can muster on
320 this most important of issues that we deal with? Ask Mr Clinton whether he thinks appropriation is important or not. On this most important of issues that we deal with there has been no collective decision-making when an announcement has been made of how they are going to vote.

So that means that for the second time in the short life of this Parliament Mr Feetham is not
325 going to be followed by the people who are apparently in his party whip in Parliament. The first he argued was an issue of conscience. The second is not an issue of conscience; this is the whole underlying edifice of politics for the next year, the Estimates, the spending. Since he became Leader of the Opposition, Mr Speaker, not only has he lost two votes in this Parliament – or votes in this Parliament from the people around him; he loses most votes in this Parliament
330 when he goes against the Government – he has lost another Member. Before the election he had lost a Member, Mrs Isobel Ellul-Hammond, who made a statement publicly about what her views on him and his leadership were. She did not use the word ‘inspiring’ in the context of her explanation, Mr Speaker. Ms Hassan Nahon. Today we have heard that Mr Llamas is not voting with him. Ms Hassan Nahon mustered four votes, I think, out of seven on that side in respect of
335 the civil marriage matter. This is really quite incredible. This is not leadership; this is collapse. Peter Caruana built up from one to seven, from seven to eight and from eight to 10. He is managing to take the GSD from where it was at 10 – he got it when it was at seven and he has managed to keep it at six. I wonder whether it is going to stay at six, Mr Speaker.

I want to commend Mr Llamas for his statement last night, because Mr Llamas is a civil
340 servant when he has not been a parliamentarian, and so therefore, as a civil servant in the Tax Office dealing with revenue etc., he must understand the lunacy of putting at risk the salaries of the excellent public servants we have in Gibraltar, with all the consequent consequences; because if this Budget were not to pass – in other words, if what we are proposing were not to occur ... And this is a place called Parliament – we come to parlay and persuade each other – and
345 they have said vote no. So, far from failing to persuade their own people, imagine if they had managed to persuade our people, or imagine if a Minister had got ill. Albert Isola was travelling yesterday – he had to meet Treasury people in the United Kingdom. Joseph Garcia was in Brussels on an exhibition that had been fixed some months before and we could not change the date; we had to have it, unfortunately, on the same date as the Parliament. Eight-seven,
350 Mr Speaker. One Minister ill, and Steven was in Gotland if he had not been able to get back: what is the effect of what the hon. Gentleman was saying?

Perish the thought, Mr Speaker, that he should ever get his way in politics, but imagine if he had. We know what the effect is because we have seen it. In the United States, when budgets do not pass government shuts down. Civil servants stay home and they are docked their pay and
355 usually a compromise is done when they are about to close hospitals and schools. Or is it that they are saying that they were taking the luxury of voting no in the full knowledge that it was a gimmick that was not going to in any way affect the result of the Budget? Because, if what they had come here to do is gimmicks, I would seek to persuade them to do what Peter Caruana did in 1995 and just walk out. It is a gimmick, it never works for the people who walk out, but at

360 least it saves us time. Government shutdown led by Roy Clinton and Daniel Feetham – Roy Clinton with the new arguments he has found, which you can find by going just to any standard *Hansard* of the past 20 years (*Laughter*): schools would close, the hospital would close, people would *die*, Mr Speaker, (*Interjections*) because of the nonsense –

365 **Mr Speaker:** Order!

Hon. Chief Minister: Oh, Mr Speaker, no, if the hon. Member wants to clap when I say that the consequence of their actions would be that people would die, I think people will realise what it is that he is like and what it is that matters most to him. He is looking to shut down the Government, to stop the salary of every civil servant. He used to say that civil servant pay is not based on merit. (*Interjection*) That is what he said: Civil Service pay is not based on merit. Today he has gone a step further: he has tried to stop civil service pay, Mr Speaker.

370 Our elderly care homes would close. There would be no domiciliary care. There would be no police, there would be no ambulance, there would be no fire service, there would be, in effect, no security, Mr Phillips. This would not be a hole in the fence; this would be a *whole* shut down. (*Laughter*) That is what they were risking with the vote. They were risking Gibraltar becoming a failed state. They were risking Gibraltar becoming Venezuela, Mr Speaker. They would have brought about that which you said please God would never happen and Joe Bossano agreed. They would have liquidated the state, Mr Speaker. That is what the effect of Daniel Feetham having a majority in this House on this vote would have meant.

375 The political irresponsibility is legion, historic, and all because of an uppity accountant, retired banker, who thinks that a number should be on a different side of the line than on the other. Better and tougher inquisitors than them have taken governments to task more effectively without having to risk shutdown or lockdown, and every civil servant, teacher, policeman and fireman should know that the GSD voted not to pay them this month – well, some of the GSD, Mr Speaker, if Mr Llamas does what he told us he was going to do last night.

380 And they decided it even before they got here. They came with prepared speeches that said they were not going to vote in favour of the Budget. The Hon. the Leader of the Opposition said it in the first two paragraphs of what he said. Isn't this a Parliament? Aren't we here to persuade each other? As you rightly said, I come with a prepared speech because I come to persuade with the Bill, with carefully worked out costs and import duty reductions etc., and tax benefits that trickle down to the people who need to share in the wealth of our community. They have to come to listen and then make a decision as to what they are going to do. They came ready with one view only, at least some of them: they were going to vote against.

385 But, Mr Speaker, I am going to do the exercise now, in detail, of taking them through the numbers that Mr Clinton took us through – once I have dealt with Mr Feetham – to demonstrate that they are wrong even on the premise that they make the argument. But I will say this, Mr Speaker: as we continue in this debate I assume they are not going to be asking us questions in committee. (**Hon. N F Costa:** Certainly not.) They are voting against the Bill (**Hon. N F Costa:** Exactly.) because they say the Bill does not disclose expenditure. They say that this does not disclose what we are going to spend on. Every question they ask us in the Committee Stage legitimises the book and the spending set out therein and delegitimises the nonsense position that they have taken, (**Hon. N F Costa:** Hear, hear.) (*Banging on desks*) because we will be showing how much detail is before the House and it will be depriving of legitimacy the ridiculous notion that somehow we are not accounting to this House for the spending.

395 I am going to have to deal with Mr Clinton and Mr Feetham together in the context of some of the arguments that they have put, and then of course I will also deal with Mr Feetham in the context of the shocking revelations that we heard yesterday from Ms Hassan Nahon about Facebook.

400 Mr Speaker, that is, I suppose, where I have to start, where he started, on Facebook, because he started his reply to the Chief Minister on the Appropriation Bill 2017 –

Hon. R M Clinton: Mr Speaker –

Hon. Chief Minister: – in respect of a Facebook –

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Mr Speaker: Do you have a point of order?

Hon. Chief Minister: Let me finish the sentence – in respect of a Facebook post by me of 2011. I will now give way, Mr Speaker.

420

Mr Speaker: What is your point of order?

Hon. R M Clinton: Mr Speaker, I believe under the rules of debate there is a question of relevancy to the Budget.

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Mr Speaker: Relevancy?

Hon. R M Clinton: Yes: what has Facebook got to do with the Budget debate?

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Mr Speaker: There is a rule about relevancy: it is in the Speaker's discretion to decide what is relevant and what is not.

I can never recall an instance where the Speaker has ruled irrelevant any part of any speech made by a Member of this Parliament during the debate on the Appropriation Bill. If I am wrong – because I was not here between 1992 and 2012 – I would be grateful if that were to be pointed out. If I am correct in that no Member of Parliament has ever questioned the relevance of what some other Member of Parliament has been saying during a debate on the Second Reading of the Appropriation Bill, then it is because successive Speakers have felt that this is a debate on the state of the nation and that everything that arises during the course of debate should be allowed by them.

440

Hon. Chief Minister: Mr Speaker, I will tell the hon. Gentleman, in reply to the point of order, what is the relevance of Facebook. I am going to deal with the things that Mr Feetham said about my – (*Interjection*) No, I am putting my arguments on the point of order, Mr Speaker. The relevance of Facebook is that in the printed version, the fourth page of what Mr Feetham said, he dealt with my Facebook post of 2011 and I am about to deal with my Facebook podcast of 2011. It is a post – a podcast is a video post, Mr Speaker. He dealt with what I said on Facebook in 2011 and I am going to deal with what I said on Facebook in 2011, and therefore Facebook is relevant. But of course I recognise that they are in a very uncomfortable place when it comes to Facebook.

450

Mr Speaker: Now, Mr Clinton, yes.

Hon. R M Clinton: Mr Speaker, would you accept that the Appropriation Bill is no different to any other Bill and that you are still free to rule any way you please, regardless of what may or may not have happened in the past? I still make the point as to relevance and would ask you to keep an eye on relevance in the ensuing debate.

455

Mr Speaker: Well, of course I do keep an eye on relevance, and I had reason when I chastised Ministers the other day for the very lengthy speeches that they were making – three speeches taking three and a half hours. I made mention of relevance, of the need for relevance.

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I think the Hon. Mr Clinton said that this Appropriation Bill is different to other ... (**Hon. R M Clinton:** No different.) Is no different? Of course it is no different and relevance is applicable, but as I say, the attitude of Speakers over the years has been that they should be as liberal as

465 possible, and I certainly am not going to be the first Minister that tells a Member taking part in a debate to sit down because what he is saying is no longer relevant.

Hon. Chief Minister: Mr Speaker, I am exercising my right of reply. They raised my Facebook podcast of 2011 and the hon. Lady raised Facebook yesterday in the context of what she said, and I am going to reply to the things he said about Facebook and the things she said about Facebook and the things he said she said about Facebook and who he appears to be on Facebook, because I am exercising my right of reply, Mr Speaker.

Mr Speaker: May I say in that case what was irrelevant was what we were getting from Members of the Opposition; that must have been irrelevant. *(Laughter and banging on desks)* Before the Chief Minister's reply is irrelevant, exercising his right to reply, before what he says ... If what he says is irrelevant, it must be in answer to what Members from the Opposition benches were saying, and that must have been irrelevant – and I allowed it to be said and I did not intervene.

480 The Hon. Chief Minister.

Hon. Chief Minister: Thank you, Mr Speaker, for the logic, because they need that lesson in logic, in particular because in the 2017 Appropriation debate the first thing that the Leader of the Opposition wanted to talk about was the podcast on Facebook of 2011. How could the podcast of 2011 be the first thing he wanted to talk about, Mr Speaker? **(Hon. J J Bossano:** It's irrelevant.) I fail to see any abject relevance, except of course that I have not had time ... Because I try and treat this Parliament with respect and prepare for debates here as best as I can, I have not had time to check what Michael Bane had to say about that podcast. *(Laughter)*

485 Mr Speaker, the Hon. Leader of the Opposition tweeted yesterday, or retweeted, Mr Llamas's Budget speech and the following GSD tweet – the position of the GSD, one assumes:

The Budget is a fiction and farce. It is imperative that the GSD vote against it and retain credibility and not be tainted by supporting it.

490 So he was saying the GSD it is imperative vote against the Budget – the GSD. I do not think he had watched *NewsWatch* when he did that, Mr Speaker. But it must be great to be him – well, whoever he may be today. It must be great to be him because he obviously lives in a world where everything everybody does which is a good idea was his idea: his ideas for Bayside, his ideas for the Victoria Stadium, his ideas for Rooke, his ideas for Europa. He is the most deprecated person in history, he has the best ideas in Gibraltar and we do not realise how good he is – except I suppose we do not even know *who* he is anymore. People who are watching what is happening in Gibraltar can see that all he wants to do is claim credit for everything that goes right, and that is why, I assume, he started by saying that this debate had been turned into a farce. He said it was a farce because of borrowing by companies. Well, Mr Speaker, we know that he was a Minister in a Government that created the trading web of companies, and we know that other Leaders of the Opposition have said that before, but nobody has said it is a farce and nobody has decided to vote against as a result of that.

500 So it is a farce, I suppose, for the GSLP to continue the practices of the GSD. What a scratched record, Mr Speaker. I have not heard him say anything different in the past four years since he has been Leader of the Opposition in this debate. With him I always wonder whether he knows what he is talking about, but in grammatical terms does he know that the *Oxford English Dictionary* defines a farce as 'a light, humorous play in which the plot depends upon a skilfully exploited situation rather than upon the development of character', or 'humour of the type displayed in such works' and 'a foolish show, a mockery of a ridiculous sham'? I am guessing he was reaching for the third definition, because character is not something that people associate with him. And I think that is certainly the best way to describe what unfolded – after he got up,

not before: an utter farce, because no sooner had he started than he was talking about Facebook. Little can he have imagined, I assume, what relevance Facebook would have had by the end of the debate 48 hours later.

515 But it was my Facebook post that he was talking about, Mr Speaker, because I post on Facebook in my own name. It was six years ago, it was nascent technology. I put the video up on Facebook – I was the Leader of the Opposition then – and the House was already aware of the Facebook post because it was actually debated in this House. I posted on Facebook in July and the Hon. the then Leader of the House, the Chief Minister, Peter Caruana, put a motion down to
520 debate my Facebook post and nothing else in September. He called it a grubby Facebook post. (Hon. N F Costa: Hear, hear.) How could it be grubby? It was in my own name – it is grubby to do things in somebody else’s name, Mr Speaker! (Laughter) That is grubby, Mr Speaker. It is not grubby to do things in your name. And then we came here and I was told I was unfit to govern because of my Facebook post in my own name. I do not think Peter Caruana would say today
525 that I am unfit to govern, but I will not say that others are because I said then that I thought it was improper that somebody should say you are unfit to govern – it is up to the people of Gibraltar to decide who is fit to govern, not to the person who wants to continue governing. But the good thing about this post, which I put on Facebook in my own name, is that it is never going to go away. And I do not take it down, I keep it there, because it gets more likes every year. At
530 about this time of the year it gets a lot of likes and it gets a lot of views. At least it is me, Mr Speaker, that puts these things up and I do not do so in another name that might become the bane of his existence in the long term. I suppose for him these days when he powers up the PC and Windows says ‘Where do you want to go today?’ he just sees the words ‘Who do you want to be today?’ instead of ‘Where do you want to go today?’ Or maybe he uses Mac and those
535 issues do not bring a smile to his face.

But the surprising thing was that he was talking about issues of public finance but he has passed the portfolio on. Another one of the remarkable achievements that he has under his belt is that he is the first Leader of the Opposition not to deal with issues of public finance. He has passed that on to Roy Clinton. He is supposed to deal with health issues. The Leader of the
540 Opposition is supposed to deal with health issues and external relations – I guess the one thing that the Constitution says none of us is supposed to be involved in and we are all involved in all the time. He said a couple of sentences about the risk of Brexit, he was not here to hear Joseph Garcia, who is the Hon. Minister for Brexit, and he said a couple of sentences about Health, but nothing special – the things he had been saying for six months about morale etc., and the rest
545 was public finance.

Doesn’t Mr Clinton say that the chairman should not also be responsible for public finance? Or is it that he sees himself as First Lord of the Treasury, not the Chancellor of the Exchequer, but still with overall responsibility? Well, I do not know how he sees himself, because you see now my shadows on public finance are the hon. Lady and Mr Clinton. But on my Facebook post
550 never has so much been spoken for so long and for so often about something recorded so long ago. Therefore, I think he is probably now the first shadow Minister for social media, or the first shadow on social media. Some of the records he is breaking are magnificent for us, Mr Speaker – like, for example, when he has public meetings of his party and they have to remove chairs to pretend that they at least were able to get a few people into the room; or the fact that he has
555 lost two ladies in the context of two parliamentary terms; and he is the only leader in the history of Gibraltar to have had his whip defied twice.

But I think the important thing is that he has been the Leader of the Opposition – Leader of the Opposition, not Member; I will come to that in a minute – who has been absent for longest in the context of this debate. He has been here sporadically. Members can come in and out,
560 Mr Speaker, but if there is one obligation of somebody who says they are in leadership in this community, it is the Chief Minister’s obligation to hear every speech from Opposition Members to be able to exercise the right of reply and the Leader of the Opposition’s obligation to be here for the Budget debate if he is going to pretend to be able to deal with issues. I am guessing he

565 was professionally engaged and he had to be out of here. I understand that there were issues in
the court in which he was involved, Mr Speaker, maybe even important ones, but he always says
that his obligations here are more important than his obligations to his clients – that is in the
Hansard – when he wants to pretend to be the best leader of all time. But when it comes to not
the nation’s but his own, he has to be in court and not here. Sixty thousand pounds for a part-
time job is not enough to keep him here in the debate where we are going to vote him the
570 £60,000, Mr Speaker.

Anyway, their ostensible reasoning, after dealing with my Facebook post and everything else,
for voting against is that we have £772 million of borrowing via Government companies. We do
not accept those figures and I will deal with them in great detail in the context of my response,
but let’s just start with a couple of sets of facts.

575 The Government has secured an investment in Gibraltar of £300 million. The House and the
community know about it. Do they know about it because Inspector Columbo and Inspector
Clouseau have been able to unearth it? No, Mr Speaker, they know about it because I got up in
this House in the context of this debate last year, just after those agreements had been inked,
and told the House, and because I took them to a meeting where I explained the detail of it with
580 all the professional advisers present. So there is nothing hidden in companies. How can you
sustain the argument that something is hidden when the person you are alleging the hiding
against is the person who told you under the glare of cameras, Mr Speaker? It is not as if I told
them somewhere and they can pretend to have found out where we were not heard; I told them
here. So where is the hidden £300 million? And I told them that I will tell them when we are
585 going to invest that money, because it is going to profit Gibraltar – and I will come to the detail
of the numbers in a minute.

Second fact: the Government of Gibraltar has created Credit Finance Company Ltd to invest
the money of the Gibraltar Savings Bank. Why are we doing that: in order to produce the returns
to pay the depositors their interest of 6%, 5%, 4%, or whatever it is. How did they do it –
590 because they invented the pensioner’s debenture at 5%, Mr Speaker: they did it by taking the
interest out of the taxpayer’s pocket and paying it to the saver. We think a more prudent thing
to do, whilst always retaining the possibility of using the taxpayer’s pocket – because that is
what the law says – is to try and get the money to work for that 6%. We told them. How can it
be hidden? Neither Columbo nor Clouseau have worked that out: we told them.

595 Mr Speaker, they have come to this House – and Mr Clinton in particular, and I will take him
through it – to say, ‘I have discovered the secrets filed in the public register.’ If that is not a
nonsense, nothing is, but to use a nonsense as a pretext for the most reckless parliamentary act
in the post-war history of Gibraltar really demonstrates what must be bad faith, because if we
had sought to hide something we would not have filed public documents about it. We would
600 have done what they did. We would have said, ‘Well, the law says that we have to file things in
Companies House – let’s not file them,’ because the law said that they had to file accounts of
Government companies and we are still trying to reconstruct them, although I will come and tell
them a little bit about that in a little while, about the accounts that are ready.

So the idea that the Opposition is somehow being denied information is an utter joke of
605 Peter Sellers style proportions, Mr Speaker, and the idea that we are giving them less
information ... Not only do we come to the House every month, not only do we give them
information – our Budget Book, the Budget Book that they say discloses less information, has
256 pages of information; their last Budget Book has 190. I should be saying to them, ‘Where are
the other 60 pages of information that we should have had?’ Where is the hidden information
610 and all the statistics that we put online? They do not even have to ask the questions. We had to
ask for that information and sometimes we did not get it. We put it all online every month, and
if it is not put up in a particular month let us know and we will put it up. More information, more
detail, more transparency. Mr Speaker, we are putting online statistics since January 2012
dealing with everything that we used to ask about in this House on the Care Agency, on Credit
615 Finance, on culture and education, on electricity and employment. I could go on. I could read the

list – it is a whole page of information. They do not care, do they – they do not go and look at it, because they do not ask us questions based on the information. They do not crunch the numbers; they just want the numbers. Well, there they are, they can have them. They can have the additional information in the Estimates Book and they can have all of the statistics. We used
 620 to have three chances a year to ask a question, sometimes two in an election year. They say, ‘Well, no, this is a matter of principle.’ It is only the indignant middle class that can take that attitude, Mr Speaker.

So let’s look at the principle, borrowing via Government-owned companies, and let’s start with where the GSD would have taken this community if they had won the election in 2011 – the
 625 stated policy and the things they did not say in the election campaign that we found out later: £1.4 billion of borrowing, in a deal that was entered into with Gibraltar Land Reclamation Ltd which would have given them 1% of the value of the contract, which would have been indirect – in the way that Mr Clinton describes it – off balance sheet borrowing, added to the £520 million that the community already owed and the balance of car parks borrowing and the balance of the
 630 hospital borrowing which they had done in 2002-03, would have put this community, if the GSD had won the 2011 election ... goodness knows if they would have won the 2015 election after that as well ... and their power station deal with the 5% escalator ... £2 billion of borrowing by the middle of that term under the GSD. Work that out per capita if you want to panic and scare people, Mr Speaker. That is what they stood for in 2011. That is the mathematical equation that
 635 people need to have in their heads when deciding whether they are prudent or not. That is what was hidden and ready to be done, and the increase in the borrowing powers that they were going to come to this House for by a resolution.

But this book, Mr Speaker, that we are debating today is the recurrent expenditure of the Government. There is now some recurrent expenditure in Government companies – that is true.
 640 It did not start in 2011, it did not start in 1996; it started after 1996, Mr Speaker. There is recurrent expenditure in Government companies because the GSD created that, and Mr Clinton was in the executive of that party and Mr Feetham ... He was not in the executive of that party? Well, at some stage he was in the executive of the party, because I remember him being thrown out for rightly defending the *New People*, and Mr Feetham joined that party. They kept the
 645 Principal Auditor away from that Government company recurrent spending and they allowed those Government companies, what is worse, to accumulate huge losses: £100 million in 2011, the £87 million that were accrued by the time that we won the election and the additional amount by the end of that financial year, certified by the then Financial Secretary. You can add that to the £2 billion: £2.1 billion would have been outstanding under them. So companies with
 650 borrowing and companies with losses under the GSD.

All of the spending of Her Majesty’s Government of Gibraltar is in this book. That is why it is here, because it is the spending of the Government. The spending of the Bus Company is in the Bus Company. That is how they put it; that is how *they* designed it. They defended that in the election and they have the gall, having been about to put Gibraltar at £2.1 billion of direct and
 655 indirect debt, to say that we are taking Gibraltar to be like Greece. Mr Speaker, they must have been greased lightning, because if we want it to be £772 million of borrowing – wrong figure, but that is the number that they want to give through the companies – plus the £300 million, £1.1 million he said, and they were going to be at £2.1 million and we are Greece, what are they?

I suppose he is thinking, ‘Keep talking, oh, keep talking.’ Mr Speaker, we are not Greece. We are not about to fail. What they have said in the context of this debate is utter tripe and they know it, because Greece was in a situation where it could not pay civil servants – not because of a quirky vote in the parliament led by some beige accountant that decided not to vote the
 660 money to pay the pensions. They could not vote to pay the pensions because they did not have the money. They could not pay the civil servants and the pensioners because they did not have the money. They could not rescue their banks because they did not have the money. We are not
 665 the money. They could not rescue their banks because they did not have the money. We are not

Greece, Mr Speaker, and we are not Bermuda either, where costs spiralled in the whole of the economy and tourists would not come because the hotels became too expensive.

670 Everything they say is tainted with negativity in an attempt to negatively taint the
Government. It is clear that the hopes and dreams of the Opposition are not for Gibraltar's
success, they are for Gibraltar's failure. They have tried it with the Savings Bank. They have done
everything in their power to create what is known as a 'run' on the Savings Bank. They have
done everything in their power for people to lose confidence in the Savings Bank, a 130-year-old
675 institution, and in Joe Bossano, a 78-year-old institution and a very robust one at that,
Mr Speaker.

Minister for Health, Care and Justice (Hon. N F Costa): Safe as houses.

680 **Hon. Chief Minister:** Every time the hon. Members speak you can detect the deepest of
desires to see the failure of Gibraltar's financial system and to try and ride that to glory, to
political victory. And yet the only thing that they have told us that we should not have done is
the refurbishment of No. 6, which was a capital project four years ago. But he must realise that
in making the arguments they make about the information in the book, the credibility of the
685 numbers etc., they are not attacking me; they are attacking the Treasury, the civil servants in the
Treasury, the civil servants in the Income Tax department who report the income from the
Income Tax Department, the civil servants in the Customs department who report the income
from the Customs department. They are challenging the credibility of the Financial Secretary and
of the people who work with him. Mr Speaker, the work that goes into producing the Estimates
of Expenditure for Gibraltar every year is huge and the people who do that work under the aegis
690 of the Financial Secretary – this one and the previous one, whom I have had the pleasure to
work with – are the most dedicated, most stalwart defenders of the veracity and credibility of
the numbers that go in that book that one could imagine. They take their responsibilities
seriously. They give up family time, they come in at weekends, they stay very late at night. They
get stressed about making it right. To come here and to be told that the numbers are lacking in
695 credibility ... These are good people, Mr Speaker; they do not deserve to be spoken of in this
way. This is not an attack on me. I receive the book. With Ministers we look at the expenditure
we are going to do, we look at the policies to create more revenue – but I receive the book. I
sign for it as well. It is my political responsibility but it is the work of some of the most dedicated
people that you can imagine, Mr Speaker. And then trying to say, 'Well, our attacks are just
700 political attacks on Picardo, not on the civil servants,' does not wash. It does not wash. They are
calling that work unreliable, they are calling the numbers fictitious, they are calling everything
about this debate on the Estimates fake. Well, the only thing that is fake is his Facebook profile.

Let's just get a flavour of how made up, contrived and contradictory they are when it comes
to the arguments that they put. The Leader of the Opposition has said that we need to invest
705 more in jobs and less in suspension bridges, and Mr Llamas says we need to invest more in
tourism as that will create more jobs. So which is it to be? The suspension bridge is a new tourist
attraction. We agree investment in tourism creates more jobs. That is why we have spent a
collective £7 million in the last five years on the Upper Rock as a combination of recurrent
expenditure and capital expenditure. But there are sometimes such differences between the
710 things that hon. Members on the other side say when they are supposed to be representing one
point of view that you could drive a land rover between them, Mr Speaker. That is how divided
they are.

He tells me that he meets so many people who break down in his offices, crying because they
have not got jobs. Mr Speaker, the figure for unemployment as at the close of business last night
715 in Gibraltar is 84 people. It is only the quarterly average, which we think is an accurate reflection
of the position – that is the number that tells us where unemployment is going – but the number
of people registered unemployed in Gibraltar last night is 84. I guess there might be 84 people
coming to see him to cry – and I am the one who says whilst there is one Gibraltarian

720 unemployed I will be fighting to ensure that he has a job – but there were 1,300 when they were
in Government, some of those in a scheme, some of them not in a scheme, the ones in a scheme
earning half the minimum wage, 400 completely out of a job, with Luis Montiel, then the
Minister for Employment, spending his days at the Lunchbox at Europort smoking, not going into
the office. That explains it. So when it comes to unemployment he should not pretend to be
teaching us any lessons. I remind him that he used to say that 300 was full employment. It would
725 be nice if he congratulated us for reaching the figure that he said was full employment, whilst
urging us to continue to look for a job for absolutely everyone, which is what we think should be
the case because we do not believe in the concept of the unemployable, which was a principle
introduced into Gibraltar politics by them.

But pull the other one, Mr Speaker – it has got a fake profile on it – that there are people
730 coming to see him in tears. Or is it that we should believe the things that he says about
unemployment, about the Estimates and even about the media? He says that there is a ring of
steel around the Government, that the media does not ask me difficult questions, that they do
not report the things he says. Well, there are some media in Spain with which they have become
very friendly recently. They report everything they say and none of what we say. Maybe they
735 have got a ring of steel around that media. I understand that the ownership of that particular
media goes all the way up to the top in Spain, and they collaborate with it so effectively and so
frequently. What have the journalists of Gibraltar done to them? They report what is going on.
Sometimes they do not issue press releases. There are days when they do not issue press
releases and they complain about the ring of steel. Well, the Government is 5,000 people
740 working for Gibraltar. There might be three or four press releases in a day; they might be
reported in all the media. *They* do not issue anything, so there is an item of Government press
release in a piece of media and they say this is evidence of the ring of steel.

Mr Speaker, he gets paid £60,000 – he should do a bit of work, although I really believe that
the more the media give him an opportunity to speak, the better. Jonathan Sacramento
745 interviewed him and that is where he said that £60,000 is not enough, it is a part-time job and ...
The more we see of him the better it does for our re-election chances, Mr Speaker. But between
him and Mr Phillips, both of whom have hardly been here, there is £100,000 of spending in this
book. Do a bit of work, issue more press releases and you will get in the media – and maybe less
photographs of the frontier fence or of any other security issue that you might come across.

750 Mr Speaker, I am about to move on to dealing with issues relating to the few things that the
hon. Member said about the GHA, so if this is a convenient moment I might offer people a
comfort break.

755 **Mr Speaker:** Yes, I think the House will now recess for about 10 minutes to have a comfort
break.

The House recessed at 11.30 a.m. and resumed its sitting at 11.45 a.m.

**Appropriation Bill 2017 –
Debate concluded –
Second Reading approved**

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Thank you very much, Mr Speaker.

760 I was saying that the unemployment last night was 84 – before I came to the ring of steel. Of
course, we think that the only figure that is reasonable is the quarterly figure – that is the figure
that we give and the figure we will continue to give – but I thought it was important in the

context of the snapshot of the moment in time, given the rivers of tears that we are alleged to have to suffer in College Lane.

765 Mr Speaker, the Gibraltar Health Authority is the highest spending Department in the book. It is almost one fifth of the Government's recurrent expenditure. All of the expenditure of the Gibraltar Health Authority is contained in the book, nobody suggests that it is not, and yet the Shadow Minister for Health has not raised one number in respect of the expenditure that the excellent Neil Costa is going to be presiding over in the context of the provision of health services in Gibraltar, not one. But they are going to vote against the book. They are going to vote
770 against giving people cancer care. They are going to vote against A&E. They complain about waits at A&E: imagine how long the wait at A&E would be if they voted against the Estimates and they were able to succeed in persuading people to vote with them. That would really do, Mr Speaker, for morale in the GHA, wouldn't it, if you shut the GHA down?

775 It was really quite something to see the leader of the political party where morale is obviously lowest amongst the troops – and, Lawrence, do not let them intimidate you behind the door, you do what you think is right – the party where morale is lowest - talk about morale in the GHA and to use as the crutch for that argument a survey that a doctor organised amongst other doctors. Well, okay, I think I could organise a survey that said that morale was high in this House, or I could organise a survey that said morale was low in this House; it depends on the
780 question etc. If you do things scientifically, then it has a different sort of effect. There has been a survey on morale in the GHA. The Hon. Mr Costa referred us to it in passing, but the important thing is that it was an objective survey of morale in the GHA conducted by Unite when *they* were in Government – in fact, in 2006, just before he took to the airwaves to defend the GSD Government and everything they did and became a candidate for them for the first time – and that demonstrated the lowest possible morale in the history of the GHA under the GSD.
785

Mr Speaker, the pay scales for nursing in Gibraltar for a staff nurse start £4,500 up from where they are in the UK. The pay scales for a staff nurse in Gibraltar end £7,000 up from where they are in the UK. The pay scales for a nursing assistant start £2,000 up from where they are in the UK and end £2,000 up from where they are in the UK. Morale is not just about money, but if
790 you ask people at the GHA objectively where morale is, you will not get the results that you would get if you conducted the survey in the GSD.

Mr Speaker, given that he is the Shadow for Health and he said almost nothing, given that he is not able to keep a team together because the hon. Lady has gone, given that he is not even able to muster a vote of the people who sit with him in this Parliament on something that he has
795 said is imperative, I find myself in the very difficult position of having to say to him that he must consider his position. It is unfortunate, because every day that I meet people they tell me that whilst he is the leader of the GSD we are safe in Government. In fact, so many people tell me, it is starting to ring true. The man is demonstrating that he has the inverse Midas touch. He has taken a party that was an election-winning machine and turned it into a machine that cannot
800 even vote together.

I came into this debate wanting him to stay as leader of the GSD – until he did the ridiculous thing that he did in saying that they should vote against – because people tell me I am safe whilst he is leader of the GSD; but I hear, sometimes from those who sit very close to him, that they do not want him for leader and that they are marking time to circle for the kill. I hear that
805 there are people coming back to the GSD – people who sat with him on GSD benches and people who sat before him on GSD benches – not to support him but to use him as a prop. As people colloquially say in Gibraltar, *para que pierda la siguiente y darle el hachazo y ponerme yo de Leader*. Well, until we came into this debate I had his back. I was the person who would have done all the machination necessary to stop anyone from removing him, (*Interjection*) but given
810 what he has done in the context of this debate and his disregard for the interests of Gibraltar, the sooner they replace him the better, even if they replace him with somebody who has better electoral chances than he ever will, because of the irresponsibility that he has demonstrated in the context of the introduction of his speech.

815 But going back to Facebook, the attempt to get people to vote no and the failure to listen to the advice of Peter Caruana in 2014 and allow himself to be persuaded by Mr Clinton demonstrates, if not a bad faith and a disregard for Gibraltar, then a deep lack of judgement in following the views put to him by Mr Clinton.

820 Moving on to Mr Clinton, Mr Speaker, the whole argument that he puts is not whether something is good or bad; it is about where that thing is. In other words, Mr Clinton is not saying – because he is not developing the argument – debt is good or debt is bad. I assume that he takes the position that Joe Bossano takes, that debt can be good or debt can be bad – debt to pay recurrent expenditure as a noose that gets tighter round your neck Debt to invest, as Joe Bossano has always said – the golden rule of the GSLP – is not a bad thing. He just says, ‘That debt, on which I do not comment, should be on this book, not on that book.’

825 That is what the argument is about. It is actually just a technical argument, because Roy Clinton has not told us, ‘The things you are investing in, schools etc., are bad.’ They always talk about No. 6 Convent Place, he talks about the concert, but they do not talk about the rest of the investments. Of course not, because they want to make an argument but they do not want to tell the people who are beneficiaries of the investment that we are making – in schools, in the hospital, in all the things that the Government is investing in – that they are saying that we should not invest in them. They just want to say, ‘There’s debt: it’s here, here and here, and therefore it should all be here.’ The debt is the direct debt, the debt in Gibraltar Capital Assets and the debt in Credit Finance Company Ltd, the debt I told them about. And he just says, ‘The debt you told me about, Chief Minister, should be in the white book; it shouldn’t be in the separate books that you’re going to file for the company.’ That is what it is all about, and on that basis he is prepared to come here to recommend to his putative leader that they should vote against the estimates.

840 Mr Speaker, his contributions in this debate and in the year and a half that he has been in this House have been so grey that I am almost minded to start calling him Mr Grey, but anybody who has read or watched *Fifty Shades of Grey* might think that that is a bit too racy for him, (*Laughter*) so instead of calling him Mr Grey I am going to call him Mr Beige, because I think he is better represented as 50 shades of beige than he is as 50 shades of grey. Beige brings to mind that blancmange feel, that neither here nor there, that no clear distinction, because he does not say, ‘That debt is bad,’ he says, ‘That debt should be here, but vote against every penny of spending.’

850 There have been some great politicians with the surname Clinton, Mr Speaker. He is really letting the family tree down. (*Laughter*) Gibraltarians are world class at everything that we do – and once again, congratulations to the team in Gotland, who are doing a magnificent job and I look forward to seeing what they are going to do in Gibraltar in the 2019 Island Games when they are at home, with the investment we are making in sport, (**Several Members:** Hear, hear.) (*Banging on desks*) an investment Mr Beige might not like – but when it comes to producing Clintons, we are not producing world class. He is no Bill Clinton. The Hon. the Leader of the Opposition used to accuse me of having Clinton moments. Well, he has had a Clinton year, Mr Speaker, and look at where it has got him: one less vote. The game of politics is of getting more votes in the Parliament, not less.

855 Mr Clinton started in this debate this week with the constitutional point: ‘I’ve found a constitutional point which means we must vote against.’ Well, Mr Speaker, I am quite happy to let him have copies of the constitutional point exactly the same developed for the past 35 years, or 44 years, in this House, none of which led to the hubris of suggesting that people should vote against the Estimates.

860 He wanted me to give him a copy of the ruling that a Speaker had made in respect of conflicts of interest at the time that Sir Joshua was in Government and Sir Joshua had asked for a ruling, as if I had to give it to him, and he said, ‘You are not transparent because you won’t give me the ruling.’ I am not transparent because I will not give him the debt, although I am the one who told him the debt of the Government companies, and I am not transparent because I will not recess

the House, go in there, photocopy for him the book that lies in the antechamber with all the rulings, bring it to him on bended knee and say, 'Here you are, Roy – is this beige enough for you?' That is not lacking on transparency. That is him having to get off his posterior and get it done because that is what he is paid for, and if he has to go to the public register to find things
870 which are public, he has to go to the public register to find things which are public. He is not entitled to ask for things which are public. We are not his lackeys, Mr Speaker. We are here to govern Gibraltar for the good of all of Gibraltar, not to fetch and carry for him. He is not a bank manager anymore, who presses the button and asks for a coffee and a copy of whatever document he might like, or to be brought his daily beige friend, the *Financial Times* – a perfect
875 camouflage for him, Mr Speaker.

And then he launches into a tirade where he accuses us of lack of transparency, but goes further. He says that we are not operating by the rules or the rules do not work, although it is the Constitution that Peter Caruana said in 1991 could be moved by the people of Gibraltar to change things. It is the GSD Constitution. They accuse us of not having supported it enough
880 when it was put to referendum. It is *their* Constitution which allows these things which *they* were doing. But he says – and this is where it starts to get very nasty indeed, Mr Speaker – that there is some alchemy or sleight of hand. Those are accusations, veiled accusations of dishonesty, Mr Speaker. In case he did not watch the magnificent episode of *Black Adder III* that dealt with alchemy, it is a truth universally accepted now that alchemy is not possible, and so
885 therefore if we are reporting gold it is because there is gold, not because there is coal that we say is going to be turned into gold and not because we have civil servants or a Treasury that allow us to deposit coal and report to us that there is gold. These are real results, not deserving of the shoddy treatment that he has purported to give them and the attempt at casting them as somehow dishonest.

But the quantum leap that the GSD have taken in the context of this debate is not just to say that they will vote against the Estimates – 'they' such as they may be. It is to move from the Canepa, Bossano, Caruana position, perhaps even the Picardo position in the context of the analysis that they do, although I do not accept it, that we *could* go bankrupt because of certain policies – it is part of the lexicon of political debate and, as we have seen, it has been since 1971;
890 they have said that we *are* bankrupt. They have said there is no surplus. Let me do a calculation to show you there is no surplus. I will demonstrate, Mr Speaker, that the calculation is wrong and that there is surplus, but I will not allow them to get away without having the spotlight put on the effect of what they said, which is that they reported to Gibraltar that their interpretation of the Estimates Book of Gibraltar is that Gibraltar is currently bankrupt. Their well-connected
895 Spanish press friends will report that with glee, I have no doubt. They would be wrong to gloat, as they so often are in relation to Gibraltar.

That nonsense argument is followed by an idea that we should be prudent. Well, the first prudent thing to do in an economy is not to talk it down. (**Hon. N F Costa:** Hear, hear.) The first prudent thing if you want Gibraltar to prosper is not to say that Gibraltar is bankrupt. He talked
905 about his article in *The Chronicle* where he famously accused me of cheating. Rightly, Members of the media said to him, 'Well, look, you talk about the level of discourse in Gibraltar and you have just accused the Chief Minister of cheating. How can you complain when he comes harder back at you?' That is what his style is, Mr Speaker, his pernicious pen writing mendacious articles on beige paper, and he says in the context of that, 'It's that the Principal Auditor cannot audit
910 these companies. That is absolutely terrible. It cheats the system.' Well, look, if it does, can he please, instead of giving me a hard time, write Her Majesty the Queen a letter and ask her to remove the knighthood from Sir Peter Caruana, because he invented it and one of the reasons for which it was brought was for the prosperity that he ushered in. Or maybe it is that, because of that day he threw him out of Europort for the *New People*, he does not just dislike me, he also
915 dislikes him and he is not actually just talking about the GSLP in the context of the way that he attacks us, he is actually attacking also the old GSD.

920 He said that our public finances are like an iceberg. Well, it is funny that one of the people on the bridge of the *Titanic* should finally have seen the iceberg, Mr Speaker. It does not feel to me like Gibraltar is the *Titanic* – Gibraltar is steaming ahead; it seems to me that there are more titanic problems in the GSD than there are in Gibraltar.

He is so presumptuous that he even called Mr Feetham his ‘learned friend’. That is an unfortunate preserve of those of us who are learned in the law, Mr Speaker. I am not posh and I do not stand on ceremony, but only other lawyers call lawyers their learned friends.

925 The disrespect to the Estimates Book, to the people who prepare it, this Parliament, this nation and the history of this Parliament and this nation in denigrating the work done and arguing that it should not be supported by the House is incredible. Let me be clear, Mr Speaker: there is no artificial income in this book, our accounts are not flattered, the surplus is real and tangible and it is reflected in the available cash reserves, and we have very clear plans to deal with what they are now calling direct and indirect borrowing, our indirect borrowing as they

930 term it and their indirect borrowing. Or is it that he wants to forget the amount of indirect borrowing that we found when we were elected, let alone the indirect borrowing that they were going to enter into, leading to £2.1 billion in total of borrowing?

Mr Speaker, you would have thought that he had forgotten that our manifesto commitment – and he seems to be a bit of a worm when it comes to making sure that he is in the detail of our

935 manifesto – is to have a net debt of zero by the time of the next election. It is not theirs. (*Interjection*) Yes, indirect borrowing, zero. He has forgotten that. He says, ‘We don’t know what your plans are.’ Well, look, our plans are designed to be self-financing, like in any loan that is taken.

Let’s look at this idea of the artificial surplus and the Government flattering the books. In fact,

940 all he did was really analyse the surplus. He could not debunk it, however hard he tried. You can do anything with numbers, if you like, as he knows; and so, faced with a magnificent performance of the Gibraltar economy as reflected in this book, he says, ‘Right, what can I do to try and get from £78 million down to zero?’ It is a bit like that lady on countdown, Mr Speaker, where you put a number on the board and you try and get it to another number, and he needed

945 to get 78 down to zero: divide by 34 ... How did he do it? Well, he had to become pot calling kettle black because he had to go against all the things that they had done themselves. But he did something which I did not expect an accountant to do. He confused recurrent expenditure and capital expenditure, and the attack was on the basis of us doing what they had been doing by continuing the practices that were there at the time that we were elected – and all of it on

950 the veneer on a lack of transparency. The credibility of that I have already shown is not to be taken too highly.

He forgets that Parliament is here to deal with issues which are not public. In other words, things which are public he has to go and get, things which are not public are to be debated here. And all of that is relevant, all that I am bringing back which I have said before is relevant,

955 because when we were in Opposition we did not find out about the borrowing of the car parks company, because they did not file anything. We found out accidentally. (**Hon. J J Bossano:** Yes.) We did not criticise that. We found out what it was for and ... What we criticised was that the money they took when they mortgaged the Treasury was to invest in a private project, not a public project – to invest in a project of a company that was well known to be close to the then

960 administration: the purpose of the loan, not the existence of the loan, Mr Speaker.

And so when he is doing the account that he tries to do, he does not say – and that must be disingenuous because he wants to pull the wool over people’s eyes – that part of the numbers that he is adding are numbers of borrowing taken when they were in Government. So he says it is terrible the borrowing the GSLP have today in Government but he ignores that part of that

965 was taken by them. Forget the system, which I have shown is a system inherited from them, the numbers actually reflect numbers taken from them at not very attractive rates. And then he criticises us because I said that we were going to invest as a Government in the Shell project and now it transpires that the investment has been done in a different way. Well, what is it that he

wants: he wants me to tell him early on when we are thinking of doing things or he only wants
 970 me to say things once they have been inked, which is what he has said in the House today, or
 yesterday when he spoke? Because if I speak early on and the final legal structure of ownership
 is not determined but it is the Government that is considering these issues, and in the end we
 decide to interpose an SPV to own our shareholding, he says, 'Ah, you said the Government and
 you've done it another way'; if I tell him once I have just done things – like I told him in the
 975 context of this debate last year, 'We have just entered into a transaction for £300 million and
 this is the first meeting of the House after we have inked it,' – he says, 'You should have told me
 before.' I just do not know. The goal posts move so much that it is impossible to have a rational,
 intellectually valuable debate. Zero logic. But look, we will deal with it on the basis of what his
 last statement has been: only tell me things once they are inked. When he asks me next time
 980 about any of the projects that he asks me about every few months, I will say. 'Not inked yet,
 Mr Speaker.' That is it, because that is what he has asked me to do.

But in coming up with the figure of £246 million, which is the amount that he said was the
 flattering of the accounts that had been undertaken, he has given this snapshot over the past
 few years but he does not have the decency to say, 'This amount was incurred in this year and I
 985 am reflecting it against a surplus in the current year, and so therefore it is not related.' So the
 £246 million is a cumulative amount and it is not something therefore that is directly related to
 the £78 million surplus. So he must know that he is being disingenuous. But he fails to identify
 that the movement of money has not just been in the direction of the Government from
 Government companies, which he says is the sin – he says the sin is flattering the accounts of
 990 the Government by taking money from the companies; he fails to identify just how much money
 has gone from the Government to the companies, therefore unflattering the accounts.

I think people in this community, Mr Speaker, are clever enough that when they have it
 explained to them they will understand exactly what it is that has gone on, because, as the
 Chairman of the GSD said, the electorate in Gibraltar is very intelligent, exactly the same
 995 electorate that left him out of this House, I suppose – very intelligent indeed, Mr Speaker.

But the reality that they do not like to admit is that when we were elected in 2011 there was
 an advance of around £87 million on 9th December due to the Consolidated Fund by the
 Government-owned companies. That is to say there was a hole in GSD Government company
 funding of £87 million, because in that way the Government of the GSD had spent money in the
 1000 companies without having to put any Government money in and therefore flattered the
 accounts as at 9th December 2011 by £87 million. So they had £520 million outstanding of gross
 debt plus £87 million of company debt – plus the borrowing of the companies, which is different.
 The companies owed the Government £87 million and the companies had taken loans. So, when
 we found that, Mr Speaker ... and Mr Bossano spent a very bad Christmas that year when he
 1005 found that hole. If you just take that figure, the £87 million – you forget about the GSD
 Government company borrowing, just that figure wipes out the surplus of the GSD for the three
 years before, if you were doing it in the nonsensical way that the hon. Member was doing it, of
 taking surpluses in the year and taking all of the cumulative amounts of the other years and
 trying to create some link. But he knows that it was nonsense. I had intellectual respect for him
 1010 until he came up with the ruse of voting against the Budget and managed to persuade the
 character to his right to follow suit. That would have completely wiped out the surpluses. I have
 the doomsday memo from the Financial Secretary to show it.

What did we have to do? We had to deal with the position, and in order to deal with the
 position we had to give funding to the companies. So we had to take money from the Estimates
 1015 Book and put it in the companies. He is complaining that there is money from the companies
 coming into the Estimates Book and he is saying it is £246 million. It is not in one year, but he is
 pretending that it is. So let's do the exercise of demonstrating to him what has gone the other
 way, what has gone from the Government to the companies. I reckon he knows, because despite
 him saying that there is nothing in here, he has read every figure, I am sure, and he has read
 1020 every figure for the year before and the year before and the year before. And if he has done

that, which he should have done if he has pretended to do the exercise that he has told us that he has done, then he would have seen what we have pursued as a prudent policy to get rid of the hole in the companies – in other words, to fill the £87 million, which was £100 million by the end of that financial year, and to not let it accrue again by giving the companies annual
1025 payments. It is in here, it is the £25 million by which we reduced the surplus. If I wanted to flatter the surplus GSD style, the first thing I would do is I would stop giving the £25 million, then I would have declared a surplus this year of £103 million, but I give the £25 million to the companies. How much have we given? I know he is getting nervous now, because this is the big
1030 reveal, this is the moment when I will show that what he was saying was the case was actually the opposite. In 2011-12, at the end of the financial year after we had been elected, we gave £72 million of capital to the companies and £28.3 million of recurring; in 2012-13, £40 million of capital and £17.7 million of recurring; in 2013-14, £40 million of capital and £20 million of recurring; in 2014-15, £9.1 million of capital and £25 million of recurring; in 2015-16, £16.9 million of capital and £25 million of recurring, and £6.8 million to the University; and in
1035 2016-17, £1.8 million to the University and £25 million in the recurring. Not the numbers here, what we have given already.

Has he done the numbers? Has he done the maths? Or are his fingers shaking too much? £326,600,000 more money has flown from the Government to the companies than from the companies to the Government, so his attempt at a purported alchemist is demonstrated to turn
1040 to coal because the argument with which he must have excited the Leader of the Opposition a lot to persuade him to change the practice of every Opposition since the 1969 Constitution at least, is utter nonsense. It is wrong. The numbers are in the books and he should have seen it, and if he did the exercise one way he surely has seen the numbers there. Is he going to give me a credit of £326 million when he was trying to take away the £246 million? Or shall we just agree,
1045 in a collegiate style across the floor of the House, to net it off? I am quite happy to net it off, because it is £80 million net for me. It is £80 million net gone in the wrong direction: £80 million net has gone from the Government to the companies. It is £80 million unflattered in the Government accounts, and therefore the calculation is wrong. But he did it. He said £246 million extinguishes the £75 million. Add £80 million to the £75 million, if he wants to do that futile
1050 exercise, which is irrelevant.

Mr Speaker, then he went on to this business of transferring properties of Government companies, so transferring properties to Government companies, and the value that we get for that and the stamp duty that we get for that. Let me deal with the value first. The correct thing to do, in keeping with general accounting principles, in keeping with the rules, is to transfer for
1055 value, not for nil value, but it was the GSD's practice to transfer at zero value. But if you transfer at zero value, the transaction is invisible. And then imagine, Mr Speaker, if I were to take a Government property and alienate it into a Government company at zero value, there would be nothing seen in the accounts. And then if I were to take that Government company and that asset and either alienate the asset again or transfer the company to a GSLP supporter, it would
1060 be invisible. We did not do that, we did things at real value; they did it at zero value. And why did the Principal Auditor have no oversight of these things, Mr Speaker: because the Constitution that they created did not give him that oversight. With the assets transferred at zero value from the Government to a company, the company can then use the asset to raise money and spend that money. And you can guess what happens then: that money is spent by
1065 the company without parliamentary oversight. That is the ruse the GSD created. If you transfer Government property for value, the value comes into the Parliament and the Parliament then decides what happens to that money.

So what is it that they are complaining about? We discontinued the transfers at nil value and we introduced transfers at real value, with the consequence that stamp duty is payable because
1070 that is what the law requires – but we will come to what the law requires and what the GSD did in relation to the law. This was not a bending of the rules, you will see, Mr Speaker. And as an accountant he should understand that when you transfer an asset, if you continue to have use of

1075 it you have to pay a real market rent for it. They must understand it, Mr Speaker, because if
 there was a Government that introduced that concept, it was the GSD. The Government of the
 GSD introduced the sale and leaseback principle when they sold the hospital for £8 million and
 rented it back. I think the running total is closer to £54 million we have paid now for an
 £8 million property. I will come to the numbers – I have them here. I would still like to know, and
 I have not found out yet but I am looking, who earned a commission on that sale of £8 million of
 1080 the hospital. I am still looking hard, Mr Speaker. And they did it again with car parks, so they sold
 the car parks and paid rent for the car parks. Sale and leaseback. They now seem to think that
 this is a huge sin – well, they should say at least a few Hail Marys themselves. So, if anything, we
 are paying rent and that unflatters the recurrent expenditure budget of the Government; it
 makes it bigger, therefore the surplus goes down. The capital goes to the pink pages, to the I&D.
 He was confusing all of that. And, of course, all of this they did without auditing the accounts of
 1085 the companies that they transferred Government property to at nil value. Having said, as I have
 shown, that they would when elected, they then omitted to do so.

This week, after much effort, with many more to come, the directors have signed the
 accounts for Gibraltar Residential Properties Aerial Farm Ltd, Gibraltar Residential Properties
 Bishop Fitzgerald Ltd, Gibraltar Residential Properties Coach Park Ltd, Gibraltar Bus Company
 1090 Ltd, for 2014; and for 2015, for Gibraltar Co-ownership Company Ltd, Westside Two Co-
 ownership Company Ltd, Brympton Co-ownership Company Ltd, and many more which are
 being completed. At last, after so many years of the GSD failing to compile accounts, all of the
 company accounts are going to be put on a proper footing, something which they denied the
 public – all of them.

1095 So, doing things at proper market consideration is not to flatter accounts; it is to comply with
 the law. It is to put the money in the capital account, where it should go; it is to allow this House
 to see what is happening. It completely skews his allegation that we have done anything which
 avoids transparency, quite the opposite – they were avoiding transparency with these transfers
 at nil value and then they did whatever they liked in the companies. This is complex, it is
 1100 sophisticated, but, whether they like it or not, Gibraltar is a £1.91 billion business and it has to
 be run in a sophisticated way. Otherwise, if we just do things in a linear way, it is not going to be
 positive for the taxpayer because this is a sophisticated society. He was a banker – I assume he
 was involved in sophisticated finance. Or is he the only banker in financial services in Gibraltar
 who did no sophisticated finance? I can think of one sophisticated thing he did which then
 1105 ended up in the courts, Mr Speaker.

Anyway, compare and contrast. The GSD transferred properties to companies at nil
 consideration, paying no stamp duty. Once in the companies, they then mortgaged these
 properties and raised funds. They did whatever they liked, but it was all hidden from the
 Parliament. Compare and contrast the GSLP. The GSLP sells the properties to the companies at
 1110 real value. The real value comes into the book and the spending of that money is subject to the
 control of Parliament. Simple, Mr Speaker. If it were not that case, he would not have been able
 to come up with the figure of £246 million. It is a case of *res ipsa loquitur*: the thing speaks for
 itself, Mr Speaker. The fact that he is able to do the numbers demonstrates that the numbers
 are there, which he says they are not. Everything that he says he has found has been hidden in
 1115 plain sight. The next thing he is going to find is the Pink Panther diamond, Mr Speaker!
(Laughter).

Now let's move on to stamp duty. When it comes to stamp duty, what we have done is to
 fully comply with the law. Where properties have been sold by the Government to Government-
 owned or controlled entities, by paying the stamp duty, by doing the real value, we are being
 1120 transparent with the valuations, with the proceeds, with the rental charges. We told him about
 the £300 million – that led to stamp duty, that is why it is in the book. We told him about the
 stamp duty when we met him, so who is hiding anything, Mr Speaker? Even in this post-Brexit
 year, if you take out that transaction from the equation and the Government's own transactions,
 stamp duty is still up year on year without the Government transaction. So what is it that he was

1125 trying to do: of course, create a veneer of things going wrong in order to try and cause the panic that he has been trying to cause since he started making financial arguments for the GSD in the run up to the 2015 General Election.

I do not know whether he knows, but the 2005 change to the Stamp Duty Act was moved by the then Leader of the House, and it suited the Government of the day just fine to require the Government to pay stamp duty because in effect they took 80 pence in every pound towards being able to raise more debt – because it inflated the GDP and it also resulted in more income for the Government. They invented that, not us.

1135 But do they know that when the sale of the hospital happened they paid no stamp duty, although the rules required that they should? Are they listening? The GSD paid no stamp duty on the transfer of the hospital. I do not know whether the hon. Member is posting as Michael Bane or somebody else, but I do not want to disturb him when he is going through this schizoid Facebook moment.

1140 If they listen carefully, they paid no stamp duty at the time that they alienated the hospital to Europort Holdings, on the basis that the Stamp Duty Act says that Government Departments are exempted. But it was owned by the Gibraltar Development Corporation, which is not a Government Department, Mr Speaker: a failure to comply with the rules. But at least by putting the spotlight on stamp duty I have an opportunity to come here and, it being relevant in the debate, I can highlight that to the general public: a GSD failure to comply with the rules on stamp duty. So, far from using stamp duty to flatter our accounts, we are complying with the law.

1145 And on pensions, far from being a Government without a plan, I think we are the only Government that has a plan. We are the only Government that has had the courage to introduce the commutation principle. The former administration stopped the final salary scheme, but how do you deal with all those who are in the final salary scheme? We have introduced the commutations. They were against it initially. Now they say it is a jolly good idea, but they do not say whether they would continue to do it or not, because they criticise the way we are doing it – so they have to put up or shut up. Are you going to continue with the commutations as we do them, are you going to do the commutations in a different way, or are you going to stop the commutations? If you do not talk about that, then you are not telling us what your plan is to deal with pensions. We have paid £180 million in pensions in the last five years since 2011. We have to deal with this, Mr Speaker. The cost of pensions has increased 320% over the 16 years that they were in Government. It started at around £7 million and it was £21.5 million by 2011. That is why we did not go against the decision of the Chief Minister then to end the final salary scheme. If we had taken a leaf out of their books, we would have jumped up and down on that, we might have made an issue of it and tried to get civil servants' votes. We thought it was the right thing to do. But now you have to deal with the problem that you have. You are pregnant with the problem. You do not just deal with the problem going forward, you have to deal with the problem that you have, and that is why we introduced the commutations using Credit Finance Company Ltd. And by the way, Credit Finance Company Ltd paying the commutations is the best possible business that the Savings Bank can do, because it has the Government paying the pension, Mr Speaker. It is incredible. And they seem surprised that I say the Savings Bank. Is it that they do not hear me every time I say that Credit Finance Company Ltd is investing the money of the depositors in the Savings Bank to produce the return, and the return is the payment of the pensions by the Government? We have given them all the detail, and I commend to them the things that Peter Caruana said about this, because in the end he was persuaded that this was actually a very good thing.

1165 Is he saying, Mr Speaker – because I think that he is seriously, with a straight face, saying this – that there is something risky about this potential asset? How can it be risky? For 30 years the Government of Gibraltar has paid pensions without fail, probably for longer. How can the Government of Gibraltar fail to pay those pensions, which is what Credit Finance needs in order to be whole in respect of the commutations over the long period that it needs to be able to

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1180 provide returns to investors? This is probably the most saleable asset that Credit Finance has. In fact, Mr Speaker, I have said it before and I will say it again: Joe Bossano's design of the payment of commutations out of Credit Finance is one of the many things this community will realise is an absolutely ingenious solution to a huge problem that, years from now, people better able to assess it than the hon. Gentlemen opposite, will say was one of the saving graces of this Government, one of the ways that we really averted the big issue that would have hit this community in respect of pensions.

1185 I know that he does not like to be praised – he has just come in at the wrong time then, Mr Speaker. (**Hon. J J Bossano:** Deliberately.) To stop me! (**Hon. J J Bossano:** To stop you!)

1190 Mr Speaker, the idea that we have no plan to repay the amount that is what he calls indirect borrowing – and I am borrowing his definitions for the purposes of this debate to counter the things that he says – is nonsense. The initial amount borrowed in respect of the hospital and the sale and leaseback was £54 million in 2002-03. If you adjust for revenue etc., the amount is huge. It is huge. We paid back £15 million in the capital. Do you know how much that has cost us to date, the GSD deal: £61.7 million. So, paying back £15 million out of the £54 million has cost us £61.7 million. With car parks, they borrowed £24.5 million in 2008-09, a 25-year loan maturing in 2034. By the end of last year, eight years after the loan was taken, the £24.5 million loan – do you know how much was outstanding after all the payments? Twenty four million. 1195 Those are the loans they left us with. Not good, Mr Speaker, compared to what we have today, but you have to judge a loan on the day that it is granted; it may have been the best available then.

1200 But look at what we have done with the power station. Forget comparing it to what they were going to borrow on the power station, with the 5% accumulator that they were going to saddle us with. We have got a loan, not for 25 years like theirs but for 10 years. It is £60 million. And by the way, Mr Speaker, their loan would not have been on the balance sheet either. This was another off balance sheet loan that they were going to do. We are going to pay back £8 million per annum starting now, we can fix whenever we want, but we are paying £9 million per annum in the temporary generators, so the net effect of us taking the loan to pay for the new power station is we are going to save £1 million a year because we do not have to take the temporary generators anymore because we have got the new power station which will be paid for by the full amount of the loan. 1205

1210 Will he at least perhaps congratulate Mr Mena for having done such a magnificent job of securing that borrowing on much better terms than anything that happened when the people who wear his label were in government? I certainly congratulate him for the magnificent job he has done just in that respect for this community, let alone everything else he has done. It is a brilliant plan, because he is a brilliant Financial Secretary and a brilliant financial engineer, and I cannot think of anybody more brilliant than Albert Mena and Joe Bossano to be doing this work alongside me and delivering these sorts of excellent results, where we borrow but we save a million in the context of the cost of the borrowing. What a deal, Mr Speaker! But then again, Albert Mena was always much more highly regarded than Roy Clinton as an accountant. 1215

1220 That leads us to the £300 million investment. It is incredible to hear. I will deal with the hon. Lady at the same time as I deal with the hon. Gentleman. Both of them pretend in their presentations that there is everything wrong with the loans. They both said at the time that we shared the information with them, 'This is not a bad transaction.' She said it in her press release at the time, in very fulsome terms caveated with 'but I think this should be on the balance sheet and I think we should have more information', which I will come to now. He said it in the teeth of a cross-examination by Jonathan Scott on *Viewpoint*. It was his ninth answer, where Scott said, 'Well, would you have done it? Is it a good deal?' ... 'Well, it's not a bad deal – we'll see how it goes.' I have got the transcript, Mr Speaker. (*Laughter*) He says he did not say it. I have got the transcript. If the hon. Gentleman would just give me a moment, I will read his words back to him. It is towards the end, of course, because it took Roy Clinton a lot of time to be able to say this. 1225

1230 Jonathan Scott: Your mind is open to the possibility that the Government might present some projects, reclamation and others, which have, you know, a good possibility, a likelihood of giving you or the Government that return? You are open to the possibility that in that scenario this would have been a good arrangement to make?

Roy Clinton: Well, look, if the Government doesn't utilise this money in a way that is economically sensible, then they would be negligent, grossly negligent, if they didn't do that with this money. This is a huge amount of money we are talking about: £300 million. So it's an additional amount which the Chief Minister likes to say gives him more firepower, but I don't ever want to come back to the people of Gibraltar saying that the borrowing has come down. If he's had to borrow this money and we're using it for the community, it's fine. It's fine if the money is used properly. History will tell whether it was a good decision or a bad decision, but it has to be used correctly and properly for the benefit of the people in Gibraltar, in the manner that sort of Joe Bossano would have done. He would have invested this in a reclamation project or something to generate a return.

1235 Mr Speaker, *exactly*. So I do not know what it is that, a few months after that *Viewpoint*, has led him to get back on his white charger and start to pretend again that there is anything wrong with this borrowing.

1240 But it is going to cost money; of course it is going to cost money. He keeps calling it a loan, he keeps calling it a mortgage, a borrowing. What is wrong with it? It is a mortgage and it is a loan in the car parks company and in the hospital, isn't it? And he does not think there is anything wrong with that. He now says it is a mortgage, it is a loan, it is a borrowing in relation to this £300 million. So what is wrong with it, according to him?

1245 Well, if we look at where the Bank of England's inflation calculator would put what a £100 million was in 1986, about 1988 it would be about £300 million in today's money. So what Joe Bossano did in the time of the AACR – which Mr Speaker was then complaining about as the Leader of the Opposition, which was about £100 million of borrowing – is exactly the same ratio that we are dealing with here.

1250 Let's go forwards. By the time we end up repaying the capital etc. in 30 years' time, depending on the rate of inflation this £300 million is likely to be more like £80 million or £100 million. It is obvious, Mr Speaker, and he knows that, but he does not want to give those figures. He does not want to give the good side of this transaction. Maybe he just feels he is in opposition and he has to say everything in the worst possible way and put it in the worst possible light. But he knows that, Mr Speaker, the amount reduces. You enter into a mortgage today to buy your home for a million, say, and you think, 'My goodness, it's a million!' Thirty years from now when you finish, the same home is probably selling for £100 million and you think that you got a very good deal then. It is about investing, understanding how inflation is going to move. It is sophisticated, but this is a sophisticated society, Mr Speaker. If he is not sophisticated enough to understand this as an accountant, then he is not the man I thought he was.

1260 Anyway, Mr Speaker, in the last 30 years, the period going forward of this loan – but let's look at the past – Government income has increased 750%, so I do not know what it is that he thinks could lead, impossibly, to suggest that people should be voting against these Estimates. All of the things I have demonstrated we are doing, we are doing in the same way that they were doing them. They cheered when their leader got a knighthood for doing them and they are saying that I am taking Gibraltar to rack and ruin and bankruptcy for doing them myself in exactly the same way that has been said from those benches before.

1265 One of the things that they attack us for is investing Savings Bank money and not Government money in GibTelecom. Is it that he thinks that it makes better sense to put our hands in our pockets to pay the debentures, or does it make better sense to take something like GibTelecom into the ownership of the Savings Bank, which then produces the returns through Credit Finance? But in the context of doing so, what he should have said, if he were honest, in his calculation of £246 million – such a pernicious and mendacious calculation which he did, 1270 which I have shown was £80 million off and in the wrong direction – is that we have also

unflattered the accounts of the Government because the dividend that GibTelecom would have paid is not here. So we have not got the dividend from GibTelecom.

1275 Mr Speaker, the same is true of Shell, so the Government is not taking the Shell opportunity; we are taking it in another way. Well, look, it produces an excellent return if we decide to do that. What could possibly be wrong with that? What is it that he does not like about the fact that we tell him things are going to happen and then, when we decide exactly the legal structure that they may happen, they may be different? We talk about the Government and then the Government has a company structure that we all know about and we do things through the
1280 company structure. What could possibly be wrong that he cannot ask questions about it in this House?

Mr Speaker, we talk more about the things that he says we do not talk about in this House than we do about the things that we do talk about, because we have talked about the expenditure of all of the Government companies but they have not raised one issue about the
1285 expenditure of the Government, all of which is before the House. It is nonsense! He has asked to speak about the expenditure of the Government companies because it is not in the House, and ignored the expenditure of the Government that is in the House. Why has he done that? Did he forget that he had 254 pages of Government expenditure to go through?

If he is going to ask us questions about it in the Committee Stage, Mr Speaker, so be it, but he will completely delegitimise his argument that there is no spending to vote in favour of or
1290 against, and we might just take the view that, frankly if he is voting against ... He is voting against: why should he look at the detail, Mr Speaker? (**A Member:** That's right.) Because it is nonsense? He has not, in the Second Reading, addressed any of the expenditure in detail. It is really quite incredible, Mr Speaker. I think he just forgot. Maybe he is more of a novice than he is
1295 an expert, and maybe next year they will approach this debate in a different way.

Caution, they said, was important, Mr Speaker. That is why what they should be doing is celebrating the surplus and not saying that it is not there and that it does not exist. At least the Hon. the Leader of the Opposition said, 'I agree that the Chief Minister has presented a prudent
1300 Budget.' (*Interjection by the Hon. D A Feetham*) The Hon. Mr Clinton, apparently trying to usurp the role of leadership – because I think he might be one of the ones who sees himself in his place; it is incredible, Mr Speaker, how the biggest people see themselves as rock stars sometimes – is trying to take his place by suggesting there should be more trickle-down measures. Look, you have just said 'Be prudent, be cautious, but now that I want to catch the public's attention, give as much as possible – why haven't you given more in rebates, why
1305 haven't you given more in tax cuts?' He did not seem to realise the allowances had increased in the prudent way as we thought was appropriate. And we will redress the issue of the mess that they left the tax rebates in – I already explained how to do that – but in a way that is sophisticated, Mr Speaker, proper, worked out. I have already demonstrated that 19% is the value of the rebates that we are at and 90% is the value of the rebates that they were at in the
1310 context of the tax revenue.

But Brexit is happening and he is telling us to give more money away whilst telling us that we have no money. He is saying, 'You've got the surplus, give more of it away; but you don't really have the surplus because you've just flattered the accounts.' Brexit is happening. Do they expect us to fiddle whilst the Treaty of Rome burns? Really? Is that the sort of banker that he was – that
1315 whilst Brexit is happening we should be fiddling with these trifling arguments? The public would not tolerate it, Mr Speaker.

They are not going to fall short in Spain of being delighted to report some of the things that they have said, as I suggested earlier, Mr Speaker. Who needs people like Margallo when we have got 'The Roy and Danny Show'! But what they need to do is to stop playing politics. They
1320 need to go home and think carefully about the maturity that they need to show in this debate. They need to think carefully about the fact that the Government had a company structure before we were elected, that it was their company structure, and to think carefully about not sowing panic or even concern amongst people where it is unnecessary. And we have to be clear,

1325 Mr Speaker, related party transactions are not sleights of hand; and if they are, then they did many related party transactions when they were in Government and they flattered their accounts greatly if this is a flattering of accounts, and they failed to chase arrears, leaving us with a huge amount to chase, which the hon. Lady has made a valiant effort of recovering.

1330 They talk about the culture of entitlement, but look, again I am delighted when he is on television because in the same interview with Johnathan Sacramento the Hon. the Leader of the Opposition did not just say that he thought £60,000 was a part-time salary; he, who represents the people and the working classes, he also recognised that the culture of entitlement was created by the GSD. He recognised that in the context of the interview.

1335 And then, if we raise parking fines, or if we raise speeding fines, they make the argument that this is designed to punish the motorist. No, it is designed to stop offending, Mr Speaker. Or is it that motorists are entitled to speed and endanger and entitled to park in a place where prams cannot pass and they think that that is the right thing to do and we should not be fining them?

1340 They said that this is all in the context of £50 million of waste, which is the argument they have been putting for so long, and yet they do not identify one item of waste – well, they identified No. 6, which was a capital project three years ago, and the pop concert because Mr Clinton does not like pop, ignoring the magnificent job that Steven Linares has done in bringing MTV to Gibraltar and the huge value that will have, this year in particular, of putting the word ‘Gibraltar’ on channels around the world, including the United States, and attracting people to our shores. I would have thought this was an excellent thing: £1.7 million of advertising value, Mr Speaker. Or is it that Mr Clinton knows the cost of everything and the value of nothing?

1345 The drama that we have seen played out here, Mr Speaker, in the presentations of Mr Clinton and Mr Feetham ... I know that he has just gone on Twitter to say that I am being theatrical, but it is just absolute drama. Mr Phillips talked about the Globe and all of that, but at least when Sir Peter was here we were transported to a Mansion House speech by a Chancellor of the Exchequer in the style of Peter Caruana, or maybe even a Chancellor in Westminster. But with them there, Mr Speaker, this is not the Globe; this is the theatre of the absurd. It is almost like ‘Tales of the Comedic Unexpected’, Mr Speaker.

1350 There is no failure of transparency here; there is a failure of humility, a failure to appreciate that he has just arrived in this House, a failure to appreciate that he does not understand how Government accounts work and a failure to appreciate that the things that he is complaining of are the things done by the party that he represents.

1355 He is now given to complaining about delays on affordable housing – I guess because we have not made the announcements that we will shortly expect to make; we want to make them as soon as possible. If we had made them ... it is like a flowchart, isn’t it, for Mr Clinton: if they announce the houses, complain that they are going to have to pay for them; if they do not announce the houses, complain that they have not announced the houses. If x opposite is y, if y opposite is x. It is not real politics, Mr Speaker. You can play like that for a little while, but you will be found out very soon – and I am going to do my damndest to ensure that they are found out. Real politics is what Albert Isola was talking about: getting on a plane in the middle of a debate, going to London, having meetings with the Treasury, coming back, bringing more financial services business to Gibraltar, bringing more online gaming business to Gibraltar. Look at the numbers of jobs: that demonstrates that the work is real. This is not fiction. *That* is real politics. What they are doing is what I identified would happen with the GSD after Sir Peter left, and of course after the hon. Lady left, all of the *mala leche* and none of the brains of the teams that won them so many elections, Mr Speaker. If Mr Clinton believes all of these things that he is saying, he has got a very simple thing that he has to do to be credible: pick up his chair and go and sit next to her, because whilst he is sitting with the GSD initials he is infected by everything that they did and everything that he is complaining about is everything that they did.

1365 And so, Mr Speaker, what the Government has presented in this House in the context of this debate and in the context of this Estimates Book is not a failure of democracy and it does not fail

the smell test. What is a failure of democracy is to tell people how to vote without consulting them, and that is apparently what has happened, we were told on *NewsWatch* last night, on the other side. What fails the smell test is the stink coming over from the irresponsibility of Members opposite talking about voting against this Budget. That fails the smell test, and they should really reconsider what they are going to do. I even, in an attempt to avoid what they have said they are going to do, I invite them to walk out of the Chamber like Sir Peter Caruana did, in order to avoid having to vote against the Budget – to abstain, to walk out, or even to reconsider and vote in favour, but not to take the step over the precipice to vote to close hospitals and not to pay civil servants, to close schools and not pay teachers. I invite them to do that. It will not be a U-turn if they do not vote in favour – although they do that without a problem; they have done a U-turn on their attitude to Government companies and borrowing – but if they, the pair of them, because they are the architects of it ... I do not know who is the greater fool, the fool or the fool who follows him, but I assume that Mr Feetham is being tutored by Mr Clinton, having averted the bullet when Sir Peter was here. They should hang their heads in shame if they walk out of here having voted against the Budget. It would have been a first and I hope it would be the last that we ever see in an Opposition vote against the Budget. But it is obviously Mr Clinton who is the architect of this nonsense, Mr Speaker, and this is a step as much beige as it is ridiculous and he will be hoist by his own malicious petard if he decides to take this step, and that will be the judgement of history.

He says that there is no project coming to fruition in Gibraltar because the Eastside has not taken off, for reasons that I have explained – I should not have talked about it until it was inked, he said – and the Coaling Island reclamation has not started yet. But what about the World Trade Centre, which started and finished in our time in office? What about the Mid-Town Project that started in our time in office and is ongoing? What about the two new Ocean Village towers that are in progress? What about the Waterside Villas at Ocean Village that are about to start? What about the Gardens of Beauty that are about to start up at the old casino site? What about the Eurocity project, which has got final planning permission? What about King's Wharf II, that has just broken ground? Yes, there are three projects that have not taken off already, but what about all of these? This is again like the £246 million, 'Ha, ha!', but what about the £346 million? It just demonstrates that there is no thinking through of arguments when they are put.

In relation to Newcastle Building Society, of course we lament the fact that it is going. Newcastle were my first lender when I bought my first home, so I am very sorry that they are going. We are constantly trying to bring other banks, we have created our own bank, we hope there will be something in the future which will be more modern as well, but he is a director of a bank still, isn't he – why doesn't he persuade his fellow directors to open another branch? Perhaps he would like to arrange a meeting with me and we can talk about it with his fellow directors. I promise not to tell them what I really think of him, or even to show them how I have had to correct his homework on his mathematics.

How do we grow financial services in Gibraltar with the support of the Opposition by an allegation that we are cooking the books? How do we create the environment for people to come and set up more banks here by saying that Gibraltar is bankrupt? No, that is not the route to prudence, to caution and to helping the Government to grow the financial services business; that is the route to liquidation and destruction, the very thing you said would not happen and will not happen, Mr Speaker.

But look at this hypocrisy: the World Heritage status. I think all of us are justly proud of the work done by Clive Finlayson, of the work done by Steven Linares, John Cortes and Joseph Garcia in respect of the Government aspects of the World Heritage status, although the work was exclusively of Clive and Geraldine – but that required funding and they complain about the cost of things. That required that we put back the bid for World Heritage status which the GSD had stopped. That is how much they care about heritage. That is how much he cares about the heritage of the GSD: he does not go back and bother to find out what it was that they were doing on a particular issue before standing up and making them look ridiculous because they

have said one thing when they were in office and done another when they are in Opposition. They did not pursue the World Heritage bid – we pursued it.

1430 Mr Speaker, the fact is that these Estimates contain all the information from Government spending. I have demonstrated how the companies money also comes in here and all of the things that the hon. Gentleman said really do not go to his final sentence of saying that for lack of transparency he could not support the Bill. I have demonstrated the transparency. I have demonstrated he has not bothered to make a point in the Second Reading in respect of the things that are here.

1435 But finally, in respect of the point of whether the CEO should be the chairman or not, is it that he was a lonely voice from 1996 telling Sir Peter that he should not be Minister for Finance, or is it just that he thinks that this particular barrister should not be Minister for Finance? As I have said before, maybe it is because I am from El Calpe and he does not like people from El Calpe, or maybe it is because he might not have liked something I said to him when we were both in the Students' Association, but he thought it was absolutely fine and proper and defensible and he defended and voted for the GSD when the chairman was the CEO and it was Sir Peter Caruana and he was Chief Minister and Minister for Finance, but he just does not think I am up to it. So be it, Mr Speaker – perhaps it is from what he sees on his side of the table.

1445 When it comes to prudence, you have to look at how things are actually developing: the jobs; you have to look at the performance of the economy and not just at these arguments. And if you are going to be prudent in the way you present an argument, you have to look at what you did yourself, because in the same way as when you drink you are in *vino veritas*, when you are in power you are in *poder veritas*, Mr Speaker, and in *poder* we have seen what they as a GSD do: all of the things that they now complain about.

1450 Mr Hammond is the former Deputy Leader who fell from grace – I am told he had designs on the post but it did not quite happen – but I think a better description of him, Mr Speaker, is 'the panic-monger who couldn't scare a fly', because in the same way as Mr Clinton has tried to create panic in relation to the Savings Bank, Mr Hammond is well known for the attempts at creating panic in relation to LNG. My children watch an excellent movie, called *Monster's University*, that has a school for scaring, where people are taught how to scare – and I commend to the hon. Gentleman that if he wants to try and create panic again he should go back to the school for scaring because his attempts to create panic in relation to LNG failed and I think his attempts now to create panic in relation to the environment and air quality are also going to fail because they are going to come up against reality, against the lowest PM10 in our history. In fact, Mr Speaker, as he was speaking I thought that there is a fantastic song by Albert Hammond which I thought I would dedicate to the Minister for the Environment: *All I need is the air that I breathe* when John Cortes is Minister for the Environment. Steven Linares: *Let me entertain you*, (Laughter) and in the case of the Leader of the Opposition that excellent song by the Who, *Who are you* on Facebook today?

1465 But he complains, Mr Speaker, that we exclude them from policymaking committees. Well, I have no intention of excluding Mr Hammond from policymaking committees. We have always said there is only one person we would not welcome back in the GSLP: Mr Feetham. But if Mr Hammond wants to join the GSLP and he wants to come to our annual general meetings, where we make policy, or to our executive meetings, where we make policy, he is very welcome. We hold our annual general meetings every year – that is why we call them annual, Mr Speaker (Laughter) – and we hold them in the big room next to the little room where they sometimes meet. (Laughter) He can find us there as soon as we get an allocation and he can come and make policy with us.

1475 He went through the STTP in the most ungenerous possible way, pretending that the 15-page document that they had in 2011 was better than the substantial document that Paul Balban has spent so much time and detail and attention preparing. And he said that we have ... It is true that they have become synonymous with succinctness. They think that their plan, which was a few pages, was better than our plan, substantial, and they think that their pamphlet was

1480 better than our manifesto. Well, it did not get them very far. Back-of-a-fag-packet plans do not work anymore. This is not a Gibraltar where we can just do things because we think it is a good idea; we have to work at them and we have to demonstrate that they work. And so he is not going to be able to get on to the STTP as his new panic pony now that he has got off the Shell LNG panic pony.

1485 Neither is he going to be able to show that the GibiBikes are not working magnificently well and that they are not the right thing to have done and to have undone the old GibiBikes that they had, Mr Speaker – the Redibikes are now working very, very well. But he says to us, ‘You should have continued with the GibiBikes and not replaced them, because that was not a good use of money, and you should not have done the Redibikes,’ – although the Redibikes did not cost us any money, they were sponsored independently – ‘but you should change every bus in Gibraltar immediately.’ It is ridiculous! And he then creates a spectre that somehow somebody made a killing on the old buses. We could not get rid of them, Mr Speaker. If he can find somebody who would have bought the old buses from us at real value, we would be very happy to allow him to flatter our accounts for next year by telling us how to sell them.

1495 And then he blames us – this is now the limit of credibility – for the ponds in the road, Mr Speaker. Well, is it that the water was not wet when the GSD were in office and it splashed out of exactly the same ponds? Except that we have done much more road resurfacing than they did in their time. Perhaps in the Jaguar that he drives you do not get so wet, Mr Speaker.

1500 Anyway, I think that it is clear that you can have different policies to promote electric vehicles. Norway has a very good policy and he was telling us that our policy does not work. I think the Norwegian policy does not work in Gibraltar, but if he wants he should be a champion of getting up there and doing something that definitely works. If you put zero duty on fully electric vehicles and on top of that we give a cashback of £1,750, and you put a 100% duty on every vehicle that is propelled by a combustion engine, nobody will buy vehicles with combustion engines. That is the Norwegian policy and it works. Is that what he is saying we should do, Mr Speaker? Does he suggest that as a matter of policy I should put 100% duty on every vehicle that is imported into Gibraltar? Maybe he wants to tell us his idea of that policy, given that he wants to be involved in policymaking with us.

1510 And on parking, Mr Speaker, again it is run with the hare and hunt with the hounds. Problems with parking – ah, well, we have to do something about it, so we increase the parking fines and we police it more effectively: ‘This is disgraceful! People are being clamped, people are being fined!’ Whose side are you on? Are you on the side of the woman pushing the pram who cannot get on to the pavement, or are you on the side of the guy who parks on the pavement irrespective of the fact that the pram and the wheelchair cannot get on it? If you are on the side of law and order you have to say put up the fines and the success of the policy is that there are no fines paid. *(Interjection)* But whose side are they on? Are they on the side of those who speed by trying to tell them where the speed cameras are and how they work, or on the side of those who want to ensure that for the first time in the history of Gibraltar we have speed cameras and we are going to get more – and this was a trial – and we have displays that tell you what the speed is? I want to commend Paul Balban, Mr Speaker, although he has not shaved, *(Laughter)* for having been the Minister who has introduced speed cameras in a way that will save lives. I think he is presiding over a very prickly issue on traffic, on parking, on residential services, very prickly indeed, but he is having the courage to do it and they should have the courage to support it – unless they are on the side of those who park illegally.

1525 To take on John Cortes in relation to the environment is a mistake, Mr Speaker. Well, finally, just on traffic, one point. He said again that we had done nothing for parking. I suppose that it may be that he thinks Commonwealth Park extends all the way down to the end of Regal House because we put magnificent designs of trees on the car park and he walks through and just thinks he has reached Commonwealth Park. It is not a park, it is the parking. There are 1,000 spaces, Mr Speaker. In town it is now much easier to park and it is free if you have a Gibraltar ID card. But to take John Cortes on in relation to the environment, when he even insisted that we

1535 plant trees on the side of the car park, (*Laughter*) is very brave indeed, Mr Speaker. It is risky. He should have done a risk assessment – he would have failed it. He just completely betrayed an utter lack of nous for the environment by saying ‘What is little Gibraltar going to do?’ It is the attitude of Peter Caruana. On that I commend him for GSD consistency, Mr Speaker, because the one thing that we have always been for is think local, act global. The thing that they are for is ‘Let’s do whatever we like in Gibraltar, we’re too little to affect the environment.’ But it is impossible to divert away from the magnificent work that John Cortes has done. Even by trying to no longer ever mention the LNG facility, as the hon. Gentleman is clearly trying to do, we are producing a power station that will produce clean energy. We are very pleased that this is going to be something that by next year will be on track and I think John Cortes has to be commended for the work he has done in respect of ensuring the compliance of that power station with all environmental initiatives and with the relevant environmental groups. And I always have to think, Mr Speaker, when I talk about the power station, that it was Joe Bossano who said, ‘Look, we’re doing the wrong thing with this power station – the right thing to do is to go to gas and not to do it at Lathbury, which would be a blight on the Upper Rock Nature Reserve.’ He was absolutely right, and with his tenacity he was able to demonstrate that it was actually the right thing to do.

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1550 Mr Speaker, would you like to recess for a few minutes, or shall I carry on?

Mr Speaker: Carry on.

Hon. Chief Minister: Mr Speaker, when Mr Phillips came into the Chamber for a while, because he has not been here most of the –

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Hon. E J Phillips: Mr Speaker, a point of order. The Chief Minister –

Mr Speaker: What Standing Order are you referring to?

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Hon. E J Phillips: 32A(3).

Mr Speaker: Rule number?

Hon. E J Phillips: 32A(3).

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Clerk: 32A(3).

Mr Speaker: 32A(3)?

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Hon. E J Phillips: Yes. Mr Speaker, in –

Mr Speaker: I will read it out, shall I:

After all other Members who wish to do so have spoken to the Bill, the Minister of Finance shall have the right of reply. In exercising the right to reply the Minister of Finance shall be restricted to dealing with matters raised during the debate and shall not introduce any new matter.

Hon. E J Phillips: Mr Speaker, the matter that the Hon. Chief Minister is raising was not germane to any Members’ introduction of any matter that they introduced. The Chief Minister attempting to introduce this matter is a new matter, and therefore, Mr Speaker, I would urge you to rule that he cannot raise it.

Mr Speaker: What is the new matter?

1580 **Hon. E J Phillips:** The matter of my absence from the Chamber during the last few days.

Mr Speaker: I see.

1585 **Hon. Chief Minister:** Mr Speaker, speaking to that point of order, the view I would take is that what happens in the debate ... I am just speaking to the point of order so Mr Speaker can rule on the point of order. What happens in the debate is relevant to the reply in the debate, and you were not here – or rather Mr Phillips was not here for most of the debate and therefore that is relevant to my reply, as is the absence of the Leader of the Opposition and the fact that we are about to vote £40,000 for Mr Phillips to be here, Mr Speaker, especially during the course
1590 of this debate, not necessarily at the time when he is not here to hear Members who are making speeches which are not relevant to him, but he was not here for the speeches of the people he shadows and yet he came here and delivered a speech in respect of the things that they had said. That is why it is relevant, Mr Speaker.

1595 **Mr Speaker:** The hon. Member thinks that it is correct for a Member of the Opposition to make a speech early on in the debate and then absent himself for the rest of that debate and that the mover does not have a right because he infringes that rule, he does not have a right to make reference to the fact that the Member has not been present. That is what you are saying?

1600 **Hon. E J Phillips:** I am ... Mr Speaker –

Mr Speaker: To make a reference – I am not saying enlarging on it, but to make a reference.

1605 **Hon. E J Phillips:** Well, he has already made it in the beginning, Mr Speaker, and then continued to amplify it. That is why I jumped to my feet. But the rule is clear. You can read it again, Mr Speaker, but it is quite clear that he is introducing a new matter into the debate on the Appropriation Bill.

1610 **Hon. Chief Minister:** No, Mr Speaker, it is not new. He is not absent now; he was absent during the debate, so I am dealing with his absence from this Chamber during the course of the Appropriation debate, although he is paid £40,000 to be here and the Leader of the Opposition is paid £60,000 to be here. If they do not have to be here because they are professionally involved in something else, that is no problem, that is perfectly understood, but they should be here to hear the people that they shadow, and in the context of the Leader of the Opposition he shadows as Leader – he should be here for all of the debate.
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But look, it does not matter. I am not taking it up with him, I am not taking it up with whoever the Leader of the Opposition may be now; I am taking it up with Mr Phillips, who was not here, although he earns that amount of money. I will go on to explain why I think it is relevant, Mr Speaker. It is relevant for a simple reason. The hon. Gentleman got up to tell us that he feels that he is transported to Bayside or to the Globe Theatre when he is here. Well, I am surprised that he feels transported to Bayside or to the Globe Theatre, because most of the time he transports himself to the Supreme Court or wherever else it is that he was.
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He has a brief to deal with issues relating to security, and when he –

1625 **Mr Speaker:** May I? The problem where a Member, having made a speech, absents himself for a considerable amount of time in the rest of the debate is that he or she may not hear the counterarguments, the points that other Members in the debate are making. That, I think, is of relevance to the general tenor of a debate.

For me, new material would be that ... There are a number of heads of expenditure in the Budget Book. If the Chief Minister were, in his right to reply, to introduce an item, something
1630 which is not in the Budget Book, that is not relevant. A comment to the effect that a Member

has not been present here for much of the time, one way or the other, I do not think is new material. It is a fact that something has happened. Material is injecting something in the Appropriation Bill of a financial nature – that would be new material – and to do so when exercising the right to reply.

1635 That applies to this debate or to any other Bill or any motion where, having introduced the motion, the mover not having brought to the attention of Parliament some matter in his opening speech, then chooses to do so when exercising his right to reply and no one can then take him up on it. That, I think, is the established practice of debating. (**A Member:** Hear, hear.)

1640 That is how I have understood it over the years.

Hon. E J Phillips: Mr Speaker, I do not want to continue to labour the point on this; it is quite clear that you are not with me on the point.

1645 **Mr Speaker:** In reality, I think it would be in his interest not to labour it. (*Laughter and banging on desks*)

Hon. E J Phillips: Mr Speaker, the reason why I say that is I am looking at the rule and it is not about material; with the greatest respect, it is about matters, dealing with matters. It is a question of interpretation of the rules. But, Mr Speaker, if you are not with me, you are not with me.

Hon. Chief Minister: Well, now that he is with us, Mr Speaker, (*Laughter*) although he has only been with us for about one eighth of this debate, despite being paid for all of it, he might like to think that he is not somebody to crow about being transported anywhere because he has not been here for most of what we have had to say. Yet he is the person with responsibility, apparently, for security and justice and he starts by telling us Opposition politics is not easy. Well, I have just read him a quote where Peter Caruana says ‘Opposition politics is very easy compared to what it is like to sit over there’, and he has demonstrated that Opposition politics is easy because he has got up and gone whenever he has wanted to in the course of the three days that the rest of us have been here to listen to our shadows and to listen to the people that we are involved in dealing with.

1655 The least he should do, Mr Speaker, being out of the Chamber as much as he wants next year, is to be here to listen to the people he shadows as a matter of courtesy, and if there is an overwhelming issue, a personal issue, as a result of which he cannot be here, and he says, ‘I am sorry I cannot be here,’ and he explains to the Chair, it is explained to all of us and that is all right. Edwin Reyes has told me he cannot be here today for a very good and compelling personal reason. I made no comment about that and I have told him that I will deal with the issues that relate to my response to him so that they are on *Hansard* and he can see them when he returns, but I made no comment about his absence.

1665 But the hon. Gentleman deserves to be pulled up on the fact that he was not here and he deserves to be pulled up on the swathes of young unemployed people that he sees, I suppose ... that there have never been so many tears cried by so few at College Lane than the unemployed that cry on his shoulder, on the shoulder of Elliott Phillips. I do not know whether he knows whether it is a young person or whether perhaps it is the Hon. the Leader of the Opposition in one of his Facebook disguises crying on his shoulder. (*Interjection*) Where are these swathes of young people? Where is the progressive politics that the GSD leads on and leads us on when we were the ones who had civil marriage in our manifesto, when we were the ones that had civil partnerships in our manifesto? They are not leading us anywhere. *We* are leading this community and it is obvious to anybody who takes a step back and looks at it. So nobody is going to believe that he is going to be the person to save all young apprentices. Nobody is going to believe that he is going to save our security. Nobody is even going to be able to believe that

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he did anything that was rational or sensible when he published that photograph of the hole in the fence, which he thought was still there.

1685 And when it comes to T-Levels, these are not new apprenticeships on which the Government has done a U-turn because we are now going to force Mr Bossano to do something he said he was not going to do. Didn't he listen to what I said? I think he was here for that, Mr Speaker. What I said was that the school system is changing in the United Kingdom, and in education we follow the school system in the United Kingdom. Apart from A-Levels, they are going to
1690 introduce T-Levels in schools, and schools, Education, is going to follow that – not anything that Joe Bossano is going to be doing any U-turns on. He needs to understand that, so he needs to be here even when he is here. In other words, his head must not be at Bayside or at the Globe Theatre; it must be here at least when he is here, Mr Speaker. Otherwise, if he is going to criticise the Future Job Strategy he is going to do so and crash and burn again because he is
1695 going to forget that under them, as I told them before, the Minister for Employment used to just go to Europort to sit outside a café to smoke as many fags as he could and not bother to employ anyone – and that is when there were real tears as a result of unemployment. And remember the figure I have given today of the number of unemployed last night.

So there are no U-turns, there is no lack of care for our young people – quite the opposite. I
1700 have shown him that there is more investment in tertiary education for our young people than ever before. There is more to do for our young people. There is even a concert that we organised because it was what we thought young people needed here, although it has grown to be an important part of what corporate Gibraltar does.

So, Mr Speaker, to suggest that we are somehow following them is nonsense. To suggest that
1705 nothing is happening on the secure unit for young children when he knows the work that Neil Costa is doing in that respect, the legislative work that he is doing and the physical work that is being undertaken, is utter nonsense.

And to try and curry favour with the GTA saying that the GTA and teachers are all desperate because the Government is doing nothing is nonsense. Because he can say it if he likes – he
1710 might have a mate who is a teacher, who because he is a mate of his might tell him that we should do more – but the reality is that we have a social partnership with the GTA, we are working *with* the GTA, we are making things happen and we are building seven new schools, seven, *siete* new schools, Mr Speaker. (*Laughter*) Mr Speaker, that is the reality of investment in education, investment in young people and delivering on employment.

1715 The same is true of the Police and security. I told him in my main speech – although he was here, he might not have been here listening – we have increased the investment in our Police, Mr Speaker, by £5 million, and in our Customs by even more. So, if there are major fraud cases outstanding, it is because they are very complex and they require detailed work and it is fraud and it has to be undone.

1720 But on security, Mr Speaker, I want to be clear that I am not the only one who thinks he was acting irrationally when he published that photograph. I read an excellent article by Carmen Gomez, in the *Panorama* on 27th June, setting out exactly how badly the hon. Gentleman had done in the context of that publication. It is on page 7 of the *Panorama* for that day. I do hope he takes it, Mr Speaker; it is a riveting good read, in particular Carmen Gomez's column. I am not
1725 going to read the whole of it, because it bears reading but it is a little late in the day, although I have got a second wind now as he allowed me a few moments sitting down as he made that silly point about relevance. It starts by saying:

I was horrified to see the same photo which the opposition had supplied GBC TV with the night before, on their news programme [in a Spanish magazine]

It goes on to say:

Bravo gentlemen! Who do you think you are helping? You must have the nous not to do these things.

1730 If he does not want to take it from me, he should take it from Carmen, Mr Speaker, one of our most accomplished actors, who would do a much better job at the Globe Theatre than he ever would, however much he fancies himself.

1735 Mr Llamas started this debate with one complexion, as far as I am concerned, and is ending it on another if he ends it like we were told he would. I wanted to thank him for coming, because there is a very good dog show in Texas this week, there is an excellent one in Lawrenceville in Georgia and another one in Greece and one in Turin.

1740 I do not believe, Mr Speaker, that the things he told us about subcontracted staff make sense. I think if he goes back and reads his contribution he will find that much of what he was saying is inherently contradictory. But the one thing that I will not let him get away with is the idea that we are not somehow prioritising St Martin's School. Let's be very clear: they said in 2015, 'It is not one of our priorities, we will not do a new St Martin's School.' We said we would and we are in the process of delivering it – and we will deliver it, Mr Speaker. He might like to say, 'Well, I wish the first thing you did the day after you won the election was to do St Martin's School.' He would be wrong to think we did not. We immediately started the consultation process, the work necessary to be able to deliver a new St Martin's School, not a school that we hope will be obsolete in five years, and that therefore requires planning – it requires planning to build a school that can be relevant for the next 20 years. The school we have is 30 years old. They did nothing to build a new St Martin's School when they were in Government and they said last time that they sought to be returned to Government that they would not do anything in relation to St Martin's School.

1750 I have told them already that we have invested £7 million in the Upper Rock. I could go through all of the areas of growth in tourism but I have done it already, so everything that the hon. Gentleman is saying, really ... Look, he needs to look at the tourist expenditure survey, he needs to look at the tourism survey, the hotel survey, the air, everything is up. So tourist expenditure is a bit down: does he know how tourist expenditure is calculated? It is a finger in the air. But you look at all the other indicators, and they are up and it must be that the calculation in this respect is not really the most reliable. We know it is not, because it is a finger in the air calculation, but everything else is up. So, if Main Street was down, if profits were down, then you might say tourist expenditure is down, Main Street is closing down, there are problems here; but if everything is up, then we need to look at another way of doing our tourist expenditure, which is just an indicator, Mr Speaker.

1755 And on domiciliary care the work that we are doing is really quite magnificent. We have invested so much more: 263 members of our community are receiving domiciliary care. That is a 611% increase. I commend him, Mr Speaker, for voting in favour of this book in order to provide that care, I really genuinely do.

1765 The other issues he deals with I do not agree with, in terms of the terms and conditions of employment of subcontracted staff and how we need to do things. We have had that debate 100 times. The hydrotherapy pool I think he raised, or maybe somebody else raised – Ms Hassan Nahon raised, so I will deal with it in a moment. But I disagree with him on all of that and I disagree with him on the playgrounds and I disagree with him on the Disability Bill, he knows what we are doing in that respect. It is coming and it is going to be a great Bill and it is important that it comes as soon as possible. And if he is right, then it should have come before. Absolutely right, it should have come before, we all think it should have come before, but it has required a lot of work and it is coming.

1775 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** And they had 16 years in which to do it.

Hon. Chief Minister: And you had 16 years in which to do it, although Mr Llamas did not because he was not here, but the GSD did.

1780 But where he is right, Mr Speaker, is that he is not going to put at risk his children's schooling – they go to the same school as mine – the domiciliary care, the care of our elderly, the pay of civil servants. He is not going to put at risk the fabric of this community. He is not going to vote to liquidate the community, he is not going to vote to destroy it, and I genuinely commend him for it because I know that it must have been difficult to issue the statement that he issued last
1785 night but it will define him politically. It is anecdotal that he was not here one day when he was somewhere else and we have chided him on it etc., but when the time has come he has dressed himself by his feet, as we say in Spanish, and he has made a decision which I commend him for because I think it is the right decision for this community. (*Banging on desks*) He has fought for Gibraltar, assuming he does today what *NewsWatch* said he would do, but he has fought for this
1790 community as a whole.

Mr Speaker, Mr Reyes and I have been political opponents in this House – we were both elected in the same year – for many years, but he and I have never had a cross word, even though we have had some very difficult political moments in relation to some matters. But he raised issues of delay in the refurbishment of the estates and he has no legitimacy in doing so
1795 because it is our project and we are delivering it. But look, it is something that we have said before we also regret. We wish it could have been dealt with in another way, but there have been technical problems with electricity etc., and that just cannot be done any more quickly.

He challenges the work at Beachview Terraces but does not challenge the work at Mons Calpe Mews. I think they are both of the same very high standard. We are going to ensure all snagging issues are dealt with and the residents of Beachview Terraces and Mons Calpe Mews have the absolute guarantee of this Chief Minister and of this Government and this Minister for Housing that we will ensure that all the snagging issues are dealt with.

Mr Speaker, Mr Reyes also raised the issue of the Housing Works Agency. I have said that I am working very closely with the unions in respect of the future of the Housing Works Agency, but the future that they left us for the Housing Works Agency was that the Housing Works Agency was a deal that was reducing to zero and that is the Housing Works Agency that they now say we should be somehow reviving. We are working with the unions to deal with it. The plan is not yet settled but it is very clear in my view that it is not something that the GSD can legitimately complain about.

1810 He complains that Gibraltar General Construction Company Ltd is not subject to the Ombudsman. Well, that is because they left us rules where the Ombudsman was not responsible for Government companies; neither is GJBS. And they said there is little faith amongst tenants that Government will fulfil its obligations. Well, when they were in office they had 15,095 outstanding jobs. We have 365, so I am very confident that we are doing a better job than they were and I commend all of the individuals at Gibraltar General Construction Company Ltd, at the Housing Works Agency, at the Housing Ministry etc. who have been responsible for the work that has brought down those figures as they have.

1820 We have constructed already 900 affordable homes and 142 flats for the elderly in five years. Our ratio is better than theirs ever will be and we are saying that we will continue to build, and when we have inked the new deals we will set that out. I am very much looking forward to making the announcement in respect of Bob Peliza Mews and Hassan Centenary Terraces – although if the hon. Lady carries on as she is, we will be building an ... some of my children will be living in another Hassan estate in the future if we carry on like this.

1825 Mr Speaker, the hon. Lady dealt with a number of issues. I have dealt already with the issue of the £300 million loan, although it is very clear that her attitude is a different one and it is put in a different way, but I hope that I have explained to her how it is that we intend to deal with the information in respect of the £300 million. It is clear we have a difference of opinion as to how it should be dealt with but, we do not have a difference of opinion as to substance. In other words, there will be clear statements as to the use of that £300 million and how it is going to

1830 produce profit in order to return the money, because I believe the community should have the
 information in relation to that, even though I do not share her view that it should be in this
 book. Perhaps it might be in a different sort of book, Mr Speaker, but I take from her a good-
 faith view that this is good money, properly obtained, and that we just need to make sure the
 whole community knows what we are doing with it. She said last year we need to find a better
 1835 way of presenting the Budget and this year we have presented it with slides that I hope also
 make it easier for people to understand what it is happens with their money.

Mr Speaker, she also talked about a hydrotherapy pool. She should know that there has
 never been a hydrotherapy pool. There was one created when the expensive sale and leaseback
 of the hospital was entered into – or it was designed as a hydrotherapy pool but it has never
 1840 been used and the previous administration turned it into something else, another hole in the
 ground, a store for something. She stood with the GSD, so I will allow myself at least the slight of
 telling her that at the time that she stood for election she was standing with a party that had
 undone a hydrotherapy pool and had created a pool of cash for the companies in the
 Government, which is how we now deal with that expenditure.

1845 Mr Speaker, I think on education she was a little ungenerous to the hon. Gentleman,
 Mr Cortes, and a little out of touch with the reality of what is happening in education. There is a
 dynamic move forward in a social partnership with the GTA in the building of the new schools, in
 the introduction of co-education, which I think is a continuation of the six years of huge progress
 that we have made in respect of education and in particular in the security of our schools.

1850 She knows that we have a difference of opinion in respect of the legalisation of cannabis and
 we have an agreement in respect of the medical use of cannabis which the hon. Lady, Samantha
 Sacramento, has dealt with at length in the context of constructive debates that they have had
 in this House on the motion and on the television programme in which they both appeared. We
 do not think that we should have plantations of cannabis in Gibraltar to convert into medicinal
 1855 use of cannabis – but you never know, Mr Speaker, if the rocket chair propels her in this
 direction Commonwealth Park might be a wholly cooler place to be if she becomes Chief
 Minister!

Mr Speaker, coming to the end now of my reply, it is clear that those who sit on the benches
 opposite under the GSD banner are suffering from political Tourette's. They will say the first
 1860 thing that comes into their mind and they will not think through what the consequences of
 saying that is, for Gibraltar. Sometimes they might actually be realising that, and that might be
 why I have been provided with extracts from one particular social media platform where a
 person named yesterday in this House, who might turn out to be the bane of the Hon.
 Gentleman's existence going forward, praises the hon. Gentleman to high heaven, denigrates
 1865 me and the Hon. Mr Costa ... The hon. Lady told us she also denigrated you, but I have not been
 able to quite spot the occasion when he does that, Mr Speaker. Perhaps with longer time I will
 have a chance of seeing what it is that is said in the name of that individual about all of us, and I
 will smirk to myself picturing the face of this young man.

But the Tourette's that they suffer leads them to an argument that Gibraltar is bankrupt, that
 1870 it is a place of absolute and utter nepotism, where the media is bought by the Government and
 they cannot get a word in edgeways. Mr Speaker, this is a society in which no one would want to
 live, let alone return a Government with 68% support. This is a society in which one would not
 want to bring up one's children, and yet this is the society that hon. Members tell us Gibraltar is.
 And in saying so, the hon. Members opposite for the GSD are not just insulting me in a debate,
 1875 they are insulting Gibraltar, they are insulting the media, they are insulting civil servants, they
 are insulting all of the people of Gibraltar who go to work every day to deliver these magnificent
 results in a non-nepotistic, non-bankrupt, non-media-controlled society. But it is true that a bad
 workman always blames his tools, so I guess that is why it is that they blame Gibraltar for their
 own undoing politically.

1880 The hon. Member opposite is the boy who cried wolf. He has been crying wolf since
 November 2011: 'If the GSLP wins, you're going to bring the whole edifice crashing down.' When

1885 he became Leader of the Opposition: 'Everything's going in the wrong direction. Gibraltar's finances are going to ... We'll be bankrupt before you know it.' Just before the election: 'We'll be bankrupt after the election.' Now at least they are saying we are bankrupt, but of course as long as this Bill passes we will not be bankrupt. Civil servants will receive their wages, teachers will receive their wages, the hospitals will open and the schools will teach our children.

1890 He should know, Mr Speaker, that in a conversation with a contractor to the Government we were talking about payment terms and the man was praising the fact that the Government of Gibraltar pays within 90 days of certification of building work. He said to me the only places where a Government actually pays within 90 days are the United Kingdom, Germany and Gibraltar. Nowhere else does a Government pay within 90 days, and this Government pays within 90 days, this Government pays at the end of the month, this Government pays its interest on savers' deposits. This Government pays its way because we are not bankrupt, because we are a very solvent society, because we are doing very well, because we are very prosperous – and 1895 the boy who cried wolf got it wrong over and over again.

This is not the case of Bermuda, where some were saying things could go wrong and were proved right in the end, although I see him on his knees praying that things go wrong for Gibraltar so that he can say that he was the only one in the wilderness predicting it. I sometimes think, when I see how things turn out for him, that instead of just being the boy who cried wolf 1900 he is actually a lamb in wolf's clothing because he is so ineffective. He is not even able to keep his team together, he is not even able to get them to vote how he wants them to vote, so he is the Leader of the Opposition, Daniel Feetham, but actually in the end he is just a lamb in wolf's clothing or a boy crying wolf. He was supposed to shadow health, not public finances, but he said only a few sentences, Mr Speaker.

1905 I cannot believe that having told us all the things that he told us about, wanting more involvement in relation to Brexit etc., he did not turn up to hear the Hon. the Deputy Chief Minister explain the excellent work that he has done this year alongside me and the Attorney General in helping me in relation to the issues of Brexit. He said to me in the context of his winding up that I needed to travel less and I needed to invest more in jobs. Well, I do not travel because I want to, Mr Speaker. I have got to the age in life where I do not want to travel unless I 1910 am travelling with my wife and my children – and that is no slight on the Deputy Chief Minister and the Attorney General, with whom I travel often. I travel because I have to, because in this time in our history the political leader of Gibraltar has to travel a lot to make Gibraltar's point. At this time in our history we have the biggest number of jobs in our economy but we have got a challenge that we have got to face effectively. I do not travel for fun, Mr Speaker, I travel to get 1915 things done and I will continue to do that and not take his advice.

And I will not be able to say that Victoria Stadium was a fantastic idea of his. His idea was to spend taxpayers' money building a stadium there for all sports, something that is not going to happen. And I will not give him the credit of saying that everything that is good in this 1920 community is his idea, because it is not. And everything that is bad is not of our doing – like S&K, which they also created, by the way, and I just do not have time to deal with all of that. But the arguments we are left with are intellectually bereft, politically moribund and economically illiterate, Mr Speaker.

1925 They are about to do something which I hope they will reconsider. We have now heard their views for voting against this Bill. We have heard our views for voting in favour. I really believe that if they were to think carefully they would reconsider taking the view that they cannot support these Estimates and they would support the Bill. They would do so in the context of everything that they have said in their speeches. That would be on the record. Then there is no need even for an explanation of vote because of what they have said. I disagree with it but they 1930 have said it. They could even have an explanation of vote: yes, but with all the caveats that we have set out. They could even abstain. They could even – and I invite them to do so – walk out, instead of voting no. But the historic mistake that they will make for their own political careers and for this community in deciding to vote against this Bill is absolutely the wrong decision to

1935 make. To be prudent they should not vote to stop patient care. They should not vote to stop the great men and women of our law enforcement agencies from having their wage, from having their equipment. They should not vote to require Neil Costa to decant the hospital and to stop the wages of nurses and of doctors. We have such magnificent nurses and doctors, but I am sure they would carry on working even if the Opposition stopped their wages.

1940 Mr Speaker, this is a sad day if they move on to vote against these Estimates, because it will show that there are people elected to this House now, for the first time in our history, who will be reckless as to whether our society is liquidated and destroyed.

I commend the hon. Lady for having set out the position that she has set out. I disagree with much of what she said.

I commend the hon. Gentleman for what he said last night.

1945 Mr Speaker, I commend the Bill to the House. (*Banging on desks*) Needless to say, I call a division.

Mr Speaker: Okay. I now put the question, which is that a Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2018 be read a second time. A division will now be taken.

Clerk: P J Balban. (**Hon. P J Balban:** Aye.) J J Bossano. (**Hon. J J Bossano:** Yes.) R M Clinton.

1955 **Hon. R M Clinton:** Excuse me, Mr Speaker, I really do not understand what this vote is about. Is it about going to the Committee Stage or the Bill itself?

1960 **Hon. Chief Minister:** Mr Speaker, I commend that the hon. Gentleman does go on that CPA training, because all we are doing is voting on a Bill. We have voted on many Bills since he was elected. This is the Second Reading. This is the substance of the general principles and merits of the Bill and he needs to vote yes or no. This is the vote; this is the moment. (*Interjection*)

1965 **Mr Speaker:** Of course. The hon. Member has to say whether he votes in favour, abstains or is against the Bill now before the House. It is the Second Reading. We are on the Second Reading of the Bill. It is so simple.

Hon. D A Feetham: Yes, Mr Speaker. No, the confusion has been in the way that ... and technically, in fact, Mr Speaker may be right. Mr Speaker phrased it 'We are now voting on whether to go on to the Committee Stage'. That is the way that –

1970 **Mr Speaker:** No –

Hon. Chief Minister: I now put the question –

1975 **Mr Speaker:** No, I said I put it that the Bill be read a second time. That is what I put.

Hon. D A Feetham: This is the vote on the Second Reading and it is on the principles of the Bill, absolutely.

1980 **Mr Speaker:** That is it, absolutely. So how is Mr Clinton voting?

Hon. R M Clinton: No, Mr Speaker.

A Member: Shame!

1985 **Mr Speaker:** Order, please! Let's have an element of decorum.

Clerk: J E Cortes. (**Hon. Dr J E Cortes:** Yes.) N F Costa. (**Hon. N F Costa:** Aye.) D A Feetham.

Hon. D A Feetham: No. Account for the £772 million.

1990 **Hon. Chief Minister:** Disgraceful, that. Mr Speaker, on a point of order –

Mr Speaker: That remark is unnecessary. When we have a division, you just say aye, nay or abstain. Any other remark is totally out of order and therefore the hon. Member must withdraw it.

1995 **Hon. D A Feetham:** Absolutely, Mr Speaker.

Mr Speaker: Thank you. We can be carried away in the moment. I can understand that passions are running high. I will make allowances for that, obviously. (*Interjections*)

2000 **Clerk:** J J Garcia. (**Hon. Deputy Chief Minister:** Yes.) T N Hammond. (**Hon. T N Hammond:** No.) M D Hassan Nahon. (**Hon. Ms M D Hassan Nahon:** Yes.) A J Isola. (**Hon. A J Isola:** Aye.) G H Licudi. (**Hon. G H Licudi:** Aye.) S E Linares. (**Hon. S E Linares:** Aye.) L F Llamas. (**Hon. L F Llamas:** Yes.) (*Banging on desks*) E J Phillips. (**Hon. E J Phillips:** No.) F R Picardo. (**Hon. Chief Minister:** Aye.) S J Sacramento. (**Hon. S J Sacramento:** Yes.)

2005

Voting resulted as follows:

FOR

Hon. P J Balban
Hon. J J Bossano
Hon. Dr J E Cortes
Hon. N F Costa
Hon. Dr J J Garcia
Hon. Ms M D Hassan Nahon
Hon. A J Isola
Hon. G H Licudi
Hon. S E Linares
Hon. L F Llamas
Hon. F R Picardo
Hon. Miss S J Sacramento

AGAINST

Hon. R M Clinton
Hon. D A Feetham
Hon. T N Hammond
Hon. E J Phillips

ABSENT

Hon. E J Reyes

Mr Speaker: There is one Member absent. There are 12 votes in favour and 4 against. The motion is carried.

We now recess until 2.30 this afternoon.

2010 **Hon. Chief Minister:** Mr Speaker, I think I have to say the words about the ... [*Inaudible*]

Clerk: The Appropriation Act 2017.

COMMITTEE STAGE AND THIRD READING

**Appropriation Bill 2017 –
Committee Stage and Third Reading to be taken at this sitting**

2015 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken this afternoon? (**Members:** Aye.)

Mr Speaker: The House will now recess until 2.30 p.m.

The House recessed at 1.50 p.m. and resumed its sitting at 2.30 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.40 p.m. – 4.47 p.m.

Gibraltar, Thursday, 29th June 2017

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The Gibraltar Parliament

The Parliament met at 2.40 p.m.

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

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

Order of the Day

BILLS

COMMITTEE STAGE

Clerk: The Hon. the Chief Minister.

5

Hon. F R Picardo (Chief Minister): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause, namely the Appropriation Bill 2017.

In Committee of the whole Parliament

10

Appropriation Bill 2017 – Clauses considered and approved

Clerk: A Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2018.

Clause 1.

15

Mr Chairman: May I ask how the official Opposition are voting on clause 1? Does it stand part of the Bill? I have to say, given how you have voted ... and then I will take it ... If you give me an indication, I will then say 'Stand part of the Bill' and do not have to ask you, but I need an indication.

20

Hon. D A Feetham: No, Mr Chairman. Yes, of course.

Mr Chairman: Fine, okay. So clause 1 stands part of the Bill. Thank you.

25

Clerk: Clause 2.

Mr Chairman: Stands part of the Bill.

Clerk: Head 1, Treasury; subhead 1, Payroll –

30 **Hon. R M Clinton:** Mr Chairman –

Chief Minister (Hon. F R Picardo): Are hon. Members voting in favour of the clauses?

35 **Hon. D A Feetham:** Mr Chairman, we have made our position clear. We have voted against on the general principles of the Bill. Now we are at Committee Stage –

40 **Mr Chairman:** They are in Committee. I think they are entitled to give an indication as to whether they want clause 1 of the Bill, which is going to average whether that clause should stand part of the Bill. That, I think they are entitled to do, and with any other clauses, and then when it comes to the Third Reading of the Bill they can have whatever attitude they want. I think that is the correct position.

May I remind the Chief Minister that I think it would be useful if he were to give the Members an indication regarding the sitting.

45 **Hon. Chief Minister:** Thank you, Mr Chairman, so what is happening in relation to the Bill is that they are voting against it but they are voting in favour of the clauses standing as they are – okay. We will get our heads round that procedurally when the time comes.

50 The indication I have suggested I would give, Mr Chairman, is that I have got the honour of hosting the First Minister of Wales this evening for dinner at No. 6 at 7.30. The Bill needs to pass and I am unable to come back to the House in the context of the next 48 hours, so therefore I propose to continue, if necessary, until approximately quarter to seven, so that I can receive the First Minister at the entrance to No. 6, and then, if we have not dealt with the business of the House, I intend to return this evening after dinner, at approximately 9.30 or 10, to continue the process of the Bill through Parliament.

55 **Mr Chairman:** And the position tomorrow?

Hon. Chief Minister: I am unable to attend in the afternoon. I know, Mr Chairman, you have a longstanding appointment.

60 **Mr Chairman:** I am unable to be present tomorrow morning. Therefore, after today the House would not meet until ...?

Hon. Chief Minister: I think that the date that is convenient is 12th July in the afternoon.

65 **Mr Chairman:** Right, we back then to head 1.

Clerk: Head 1, Treasury; subhead 1, payroll.

70 **Hon. R M Clinton:** Mr Chairman, I would just like some clarification. I note that the establishment numbers in Treasury are going up from 89 to 91 – and I am excluding the Central Arrears Unit, which I can see has a separate subhead within Payroll – but I just wonder why it is that salaries are actually decreasing although the headcount is increasing.

75 **Hon. Chief Minister:** Mr Chairman, I am surprised that hon. Members are going to engage us in a detailed debate in the context of this part of the proceedings, because they have indicated that they are voting against these numbers and they have said the things that they have said.

80 Frankly, it is very strange indeed to have an Opposition vote against an Appropriation Bill. It is even stranger that the Opposition that is voting against the Appropriation Bill on the basis that it does not disclose any detail is now going to go into detail in the context of what it is that the Appropriation Bill is appropriating money for. It just serves to highlight further the illogicality of

the position that I dealt with in the context of the debate on the general principles and merits, Mr Chairman.

85 The answer is very simple: we have not put provision in in respect of vacancies because, as the House knows, we are engaged in a process of assessing how Departments should be, although respecting the complement of the Civil Service, reorganised in the context of more modern efficiencies, and therefore there is not likely to be any direct recruitment which would incur further costs than the establishment set out already.

90 **Hon. R M Clinton:** Mr Chairman, I am grateful for the Chief Minister's explanation – in which case, why the action to increase the headcount by two?

Hon. Chief Minister: Because those are actually there, Mr Chairman.

95 **Hon. R M Clinton:** Forgive me, Mr Chairman, but if they are actually there, how is it the payroll has gone down?

100 **Hon. Chief Minister:** Mr Chairman, the information that I am being given by the Financial Secretary is that the payroll goes up, not down, and the numbers that I am looking at on page 20 show £2.911 million actual in 2015, £3.164 million estimate 2016-17, which came in at £3.066 million with an estimate of £3.286 million.

105 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Chairman, the answer is quite simple. If there are two extra bodies there – for example, one of whom is supernumerary – then clearly that supernumerary body is not a vacant body, otherwise it would disappear. So the HEO that is there, which increases it from 89 to 90, is somebody who has been somewhere else and has been brought to this place and brings his salary with him.

110 **Hon. R M Clinton:** But, Mr Chairman, this does not explain why the salary has actually gone down. Or is it that this supernumerary is being paid under a different head?

115 **Hon. J J Bossano:** The salary has gone down because not every job on that list ... The jobs that are on the list are the jobs that were there before – the 89, okay? It does not mean that each one of those 89 people are working on 1st April this year. The money that would have been there to employ those people is not there because the job may disappear from this complement and appear somewhere else. So, where there is a movement from another complement to this complement the money will appear here and will have disappeared somewhere else. Where there is a vacancy here that depends on any changes that may happen, the money has not been put here or anywhere else. It would be in the supplementary vote of the £9 million.

120

Mr Chairman: Any other question on payroll? Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

125 **Mr Chairman:** Other charges stand part of the Bill.

Clerk: Head 2, No. 6 Convent Place. Subhead 1, payroll.

130 **Hon. T N Hammond:** Sorry, Mr Chairman, just one question on a relatively minor issue, I believe. I just noticed under payroll, temporary assistance, that is (d) 00 with a forecast for this last year of £12,000 and then a jump to £70,000. Is there any particular reason for that? Is there any particular assistance being drafted?

135 **Hon. Chief Minister:** Mr Chairman, this relates to an individual whose name and salary has been ventilated across the floor of the House, who retired and is for a short period dealing with assisting the Government in a number of matters. We have had a public debate about that.

Hon. R M Clinton: Mr Chairman, would the Chief Minister clarify that that was under the head of Financial Secretary – am I correct?

140 **Hon. Chief Minister:** No, this is temporary assistance in No. 6.

Hon. R M Clinton: Yes, but the debate we had I think was, last year, under a different head and it would appear under temporary assistance for the Financial Secretary. Is that correct?

145 **Hon. Chief Minister:** No, Mr Chairman. This is about a gentleman who we have recently talked about in exchanges of press releases during the course of this financial year.

Mr Chairman: Payroll stands part of the Bill.

150 **Clerk:** Subhead 2, Other Charges.

Hon. R M Clinton: Mr Chairman, under subhead 2(2)(c), the Mount expenses, I am just curious as to what those expenses might be, seeing as the Government sold the property.

155 **Hon. Chief Minister:** It is electricity and water costs, Mr Chairman, I am told – provision for electricity and water costs.

Hon. R M Clinton: Mr Chairman, why would the Government still be paying water and electricity costs if they do not own the property?

160

Hon. Chief Minister: Because somebody has to maintain it, Mr Chairman. Even if it has been alienated to a Government company, somebody has to maintain it.

165 **Hon. T N Hammond:** Mr Speaker, on other charges, grants, in subsection (b) I note the forecast outturn is significantly higher than the estimate and the estimate going forward is significantly lower than the forecast outturn. Could one of the Ministers explain the reason for such a high forecast outturn this year?

170 **Hon. Chief Minister:** Yes, Mr Chairman. I think this related to an unexpected meritorious request for funding which was agreed to by the Government, which was not anticipated and is not in the yearly requests for funding that the Government usually accedes to.

175 As the hon. Gentleman knows, I have said repeatedly we do not disclose the list of those grants across the floor of the House, but I am quite happy to let hon. Members see what those grants relate to. It is just that if we start talking about who we give money to, others who identify themselves as similar to those who request funding might think that they might knock on the door as well. So we are careful about who we give to and we are careful about advertising who we give to, but we are quite happy to share the information with the hon. Gentleman later if he likes.

180 **Hon. T N Hammond:** Mr Chairman, that is understood, but can I just confirm then that the difference is largely based on one single additional grant rather than multiple grants.

Hon. Chief Minister: From what I can see, it is, Mr Chairman, one large additional grant.

185 **Hon. R M Clinton:** Mr Chairman, just a question about head 2(16), ex-gratia payments, estimate £50,000, actual £790,000 – if we could have some idea as to why there was such a large increase.

190 **Hon. Chief Minister:** Mr Chairman, that one is to a very great extent demand led. It depends what ex gratia payments are paid in the year, it depends what settlements are done and it depends how those pan out. You always have an average and then some years there are more that become crystallised for settlement.

195 **Hon. R M Clinton:** Would he be able to give an average number of people who have been paid ex gratia payments?

200 **Hon. Chief Minister:** Not that it means anything, Mr Chairman, because you could have one ex gratia payment of £1 million and then three ex gratia payments of £10,000, but the number is or two, four, six ... seven.

205 **Hon. T N Hammond:** Mr Chairman, following on, on line 10, so actually going backwards of course, again a similar question: the estimate of £½ million, the forecast outturn of £800,000 for research development studies and professional fees. Obviously that is quite a significant percentage increase on the estimate. I note the estimate going forward remains £800,000, presumably in line with expectations. What has changed during this last year to generate that extra cost?

210 **Hon. Chief Minister:** Mr Chairman, he will see that the actual in 2015-16 was £800,000. I think we anticipated less of that work being done in the context of this head, but in fact the work has been done in the context of this particular head and therefore we think it probably likely now to continue to be done in respect of this particular head.

215 **Hon. T N Hammond:** I thank the Chief Minister for that answer, Mr Chairman, and would ask a very similar question based on line 14, media monitoring services, and again the significantly higher than estimated cost.

Hon. Chief Minister: We all thought the United Kingdom was going to vote to stay in the European Union, Mr Chairman.

220 **Mr Chairman:** Other charges stand part of the Bill.

Clerk: Head 3, Customs; subhead 1, Payroll.

225 **Mr Chairman:** Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Other charges stands part of the Bill.

230 **Clerk:** Head 4, Income Tax; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill, Payroll.

Clerk: Subhead 2, Other Charges.

235 **Mr Chairman:** Stands part of the Bill.

Clerk: Head 5, Parliament; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

240

Clerk: Subhead 2, Other Charges.

Hon. R M Clinton: Mr Chairman, I am just curious about the register of electors expenses. Are we planning to refresh the register of electors next year?

245

Hon. Chief Minister: Well, Mr Chairman, after their conduct today, I am thinking of a snap election.

Hon. R M Clinton: Was that a yes or a no? Mr Chairman, I do not think I had an answer: is it because we are going to refresh the register of electors this coming year? I guess that must be the case.

250

Hon. Chief Minister: We may be in the process of establishing the rolling register, Mr Chairman, I think.

255

Mr Chairman: Any other questions?
Other charges stand part of the Bill.

Clerk: Head 6, Human Resources; subhead 1, Payroll.

260

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Stand part of the Bill.

265

Clerk: Head 7, Immigration and Civil Status; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

270

Clerk: Subhead 2, Other Charges.

Hon. T N Hammond: Mr Chairman, just with respect to line 5, contribution to Borders and Coastguard Agency, there is quite a significant rise from the estimate and indeed for next year's estimates. Is there an explanation for that?

275

Hon. J J Bossano: ... *[Inaudible]* money has gone. There has been an increased employment, I think, as a result of more passengers coming in and recommendations from the CAA inspector team that came out here, which are more or less binding.

280

Hon. T N Hammond: Thank you, that is understood. So it is a salary-driven increase.

Mr Chairman: Other charges stand part of the Bill.

Clerk: Head 8, Government Law Officers; subhead 1, Payroll.

285

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

290

Hon. T N Hammond: Mr Chairman, with respect to legal advice, under line 7, consultancy services, I do note that the forecast outturn is double the estimate and yet the estimate for next year is back down to close to the amount of the 2016-17 estimate. Again, all I ask is: is there a particular reason why this year was particularly expensive in terms of legal advice, or why so many presumably unexpected costs cropped up in this area?

295

Hon. Chief Minister: Well, a lot of this is Brexit driven, Mr Chairman. There is a lot of advice required in relation to a lot of the detail of what we are doing, and therefore we are taking some of the top legal advice in respect of the matters that we are dealing with. Of course there are ongoing cases and we have an idea of what legal fees are going to be, but we can incur legal bills which we do not expect. We can also seek legal advice that we do not expect to seek, and that has been the main driver in respect of the growth this year – the fact that we have had to go out and get additional pieces of advice that we would not otherwise have expected or wished to have to get.

300

305

Mr Chairman: Other charges stand part of the Bill.

Clerk: Head 9, Financial Secretary's Office; subhead 1, Payroll.

310

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

315

Clerk: Head 10, Office of the Deputy Chief Minister; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

320

Clerk: Subhead 2, Other Charges.

Hon. R M Clinton: Mr Chairman, under 2(2), overseas offices, I note the list of offices and I just wonder do we have an office in Washington that we should be paying for here.

325

Deputy Chief Minister (Hon. Dr J J Garcia): No, Mr Chairman, there is no office in Washington.

Hon. T N Hammond: Mr Chairman, with respect to 2(7), frontier monitoring expenses, there is an increase of about £110,000 estimated for this next year. Is that due to the introduction of new technology or just maintenance of older technology?

330

Hon. Deputy Chief Minister: Yes, Mr Chairman, it is a combination of both. There is an introduction of new technology at some entry points and there is also a series of maintenance charges that need to be paid for that technology.

335

Hon. T N Hammond: Mr Chairman, I thank the Minister for that answer. When he says 'new technology at some entry points', because this is the Frontier I assume there is, theoretically at least, a single entry point – and therefore what other entry points might he be alluding to?

340 **Hon. Deputy Chief Minister:** Mr Chairman, yes, it also refers to equipment which has been installed at the Port and it includes finalising the IPS maritime system as well as two ANPR cameras at the Port. There has also been further equipment requested by Customs at the Port container park as well.

345 **Mr Chairman:** Other charges stand part of the Bill.

Clerk: Head 11, Civil Aviation; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

350

Clerk: Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

355

Clerk: Head 12, Environment; subhead 1, Payroll.

Hon. T N Hammond: Mr Chairman, just in the cemeteries section, I know there are two sections devoted to salary. Can I just confirm that would be industrial and non-industrial salaries?

360

Hon. J J Bossano: On page 55 at the top it says 'industrial wages' and that covers all the sections that follow, one of which is cemeteries.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
365 Mr Chairman, I am grateful to my hon. Friend for confirming that. The first one is salaries, which is non-industrial; and, I think as said, in the second one it comes under (2) industrial wages, and then that is industrials over the page.

370

Hon. T N Hammond: Thank you. So the non-industrial are office staff largely? I am not clear on that.

Hon. Dr J E Cortes: The non-industrial will be not necessarily ... The PTOs would be non-industrial. They tend to be monthly paid and the industrial tend to be weekly paid. So the gravediggers and so on will be industrial and the management would be non-industrial, as a general rule.
375

Hon. T N Hammond: I note the discretionary overtime for non-industrial therefore is ... The outturn was £190,000, whereas salaries are £125,000. That is quite an eye-watering, in normal terms, overtime bill for a non-industrial grade, I would have thought.

380

Hon. Dr J E Cortes: Remember, Mr Chairman, that the cemetery is operational seven days a week at all hours and has to be because of the tradition we have in Gibraltar of having funerals very quickly, and obviously when the cemetery has to prepare for a funeral you have to have the managers present, and hence the high levels of overtime.

385

Hon. T N Hammond: But, Mr Chairman, the hospital, the Police, the fire brigade, many areas of society run 24/7 and they structure themselves in a way that would not incur quite such an overtime bill – an overtime bill perhaps closer to 20% or 30% of salary, rather than what is approaching 100% above salary.

390

Hon. Dr J E Cortes: I do not think that is logical, because if you look at the hospital there are going to be many grades; some of them will attract overtime and some of them will not. When you look at the overall pro rata it is going to be lower than when you have three people doing all the overtime. It is a mathematical argument.

395

Mr Chairman: Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

400

Hon. R M Clinton: Mr Chairman, I was curious about the running of the Alameda Gardens. Estimate to outturn is about 12% higher and there is a 5% increase forecast for this coming year. Is this not a fixed contract, or is there an element of percentage increases each year or additional costs that can be charged under the contract?

405

Hon. Dr J E Cortes: There are additional costs that add up. For example, in the opening of a tropical greenhouse the spend on water goes up considerably – and when new areas are prepared, particularly on water, and that will put up the bill considerably. And this encompasses all. It is not just a contractual sum, but it is other expenses that are related to, which may not be predicted at the time of the contract.

410

Hon. T N Hammond: Mr Chairman, can I just confirm for 3(h), it says 'control of seagull GONHS'. I have been in touch with GONHS and they insist they are not part of the gull culling programme. Can the Minister clarify what the position is there?

415

Hon. Dr J E Cortes: That has stayed on. It has not been the GONHS contract for about three or four years now. It has just stayed on in the book. I suppose you could call it a typo. It is no longer GONHS, but it has been there and I suppose it has not been picked up.

420

Hon. T N Hammond: It is just that obviously I am sure GONHS would very much enjoy that contract in terms of the finances it brings in, but it seems inappropriate to have them standing by as responsible for control of seagulls when it is clearly not their role.

425

Hon. Chief Minister: Mr Chairman, what we can do is take that out of the final version of the book and put whatever the correct reference is if we obtain it.

430

Hon. T N Hammond: Thank you.

Moving on to other charges, (m) environmental security services, again I note quite a substantial rise from the estimate to the forecast outturns – something like four-times increase. Is that due to the purchase of a particular piece of equipment or a project?

435

Hon. Dr J E Cortes: No, that was due to the Department taking on a considerable amount of security work, which included Commonwealth Park and some work on the Upper Rock. We have since streamlined the operation and we are providing now the service for ... You will see it has gone back down, so it is now being provided for a smaller amount.

440

Hon. T N Hammond: Presumably, taking on that extra work did not involve taking on extra personnel – so I am wondering how the costs actually arise.

445

Hon. Dr J E Cortes: Yes, at the time of the estimates we provided for only a quarter of the year, but then it was felt that we would benefit from extending that, and that is why we had the higher actual outturn. We have since considered that it was probably more than we needed to,

so we streamlined the operation and it has gone back down to a more realistic figure for this year.

445 **Hon. T N Hammond:** Can I just confirm then, environmental security services are – that is salary-driven cost rather than a cost of investment in a particular item or project?

Hon. Dr J E Cortes: It is a contractual cost. There is a contractor that deals with the security and it goes to the contractor.

450

Hon. R M Clinton: Mr Chairman, just to confirm, head 2, subhead 3(o) upkeep of cemeteries – I presume that is the new contract that the Minister mentioned during the Budget address.

Hon. Dr J E Cortes: That is correct.

455

Mr Chairman: Other charges stand part of the Bill.

Clerk: Head 13, Utilities; subhead 1, Payroll.

460

Mr Chairman: Head 13, Utilities, stands part of the Bill.

Clerk: Subhead 2, Other Charges.

465 **Hon. R M Clinton:** Mr Chairman, I am just curious. Under 2(3), on the water contribution in lieu of water tariff increases, I notice that 2015-16 was £743,000, the estimate for 2016-17 was £500,000, and the outturn was in fact lower, £320,000. Can the Government explain whether that is because water charges have gone up per unit, or is there some other reason?

470 **Hon. Dr J E Cortes:** Yes, Mr Chairman. At that stage we carried out an exercise in which we closed one of the desalination plants and the costs decreased, and therefore there was less cost and therefore it was not necessary to pay that much back.

475 **Hon. T N Hammond:** Mr Chairman, under (1)(a), contribution from revenues received, there is a £3½ million increase from the estimate to the forecast outturn. Is there a reason for that?

Hon. Dr J E Cortes: This is an increase in the revenue. *(Interjection)* Yes, I can only assume that it is a greater amount of consumption. There are more houses, **(A Member:** More gardens.) more gardens, so it is obviously an increase in consumption that this reflects, as well as obviously the fact that – and we are talking about electricity here – there is ... Yes, I think I mentioned in my Budget speech there has been an increase in the number of consumers, which will have resulted in that, and there are obviously more residential areas. Also, the GEA is particularly good, as are other people not far from me, at ensuring that arrears come in, so there may be an element of that.

485 **Hon. T N Hammond:** Thank you. Just to be clear, it was not a criticism; it was purely to try and understand why there is such a variance from one column to the next.

Moving on from that, the additional contribution for the estimate this year is down by about £4 million from the forecast outturn of the year just complete. Is there a reason for that?

490 **Hon. Dr J E Cortes:** Yes, the Electricity Authority is obviously running very efficiently. There has been, for example, a decrease in the consumption of fuel due to more efficiency. The non-use of the South District power stations is one example. Also, the fuel hedge which we have just completed was maintaining prices higher. Now prices are considerably lower than the price we

495 were tied up with the hedge, so we are expecting less cost in view of the result of the hedge having been completed.

Mr Chairman: Other charges stand part of the Bill.

500 **Clerk:** Head 14, collection and disposal of refuse; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

505 **Hon. T N Hammond:** Mr Chairman, what I hope is a fairly straightforward question: can the Minister just explain what the difference between disposal of refuse as opposed to other items is? Is it a case of other items being things like refrigerators and such?

510 **Hon. Dr J E Cortes:** Yes, exactly. Refuse is the people who do our bins day to day, and the other is refrigerators, mattresses and other things.

Hon. T N Hammond: Okay, thank you.

515 **Mr Chairman:** Other charges stand part of the Bill.

Clerk: Head 15, Upper Rock Tourist Sites and Beaches; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

520 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

525 **Clerk:** Head 16, Education; subhead 1, Payroll.

Hon. R M Clinton: Mr Chairman, I just have one question in relation to 1(1)(f), pension contributions. That seems a decrease from the outturn of £880,000 to £570,000 – I was just wondering why.

530 **Hon. Dr J E Cortes:** That will have been an estimation of the teachers retiring. It was probably ... That is, unless I am advised otherwise, it will just reflect the real situation and the expectation of –

535 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** And the move to the Provident Fund as well.

Hon. T N Hammond: Mr Chairman, it is about £310,000 lower. It is 30-odd per cent, if not more, 35%, compared to the outturn, and in previous years it has been at about the £800,000 mark. It just seems out of the ball park as such.

540 **Hon. Dr J E Cortes:** Yes, there was an arrangement whereby teachers ... It is a reflection of what is actually expected. Teachers on the contributory pension scheme were given the option of moving into the pension non-contributory scheme, and therefore that had a readjustment and a recalculation. That is the reason.

545

Hon. T N Hammond: Mr Chairman, under Payroll (d)(iv), temporary cover, I do note the estimate for last year was £744,000. The estimate for this year is almost £1.4 million. I assume that is purely because more supply cover is anticipated, or the requirement for more supply cover is anticipated. Is there any particular reason why we might be anticipating or expecting that to happen?

Hon. Dr J E Cortes: Yes, again this is based on the expectation of a number of teachers who are going to go on maternity and paternity leave. We are expecting more this year than last, so we have to cover. So this is actually based on a calculation of providing cover for maternity and paternity leave. There are rather a lot of teachers who are pregnant at the moment.

Hon. T N Hammond: Mr Chairman, I presume we have enough supply teaching resource available to cover the anticipated requirement.

Hon. Dr J E Cortes: We certainly do.

Mr Chairman: Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Hon. R M Clinton: Mr Chairman, on 2(5)(b), discretionary scholarships, I note there is a very large increase, but I also note from the analysis that in appendix P that we have an amount of £450,000 going towards Washington internship, which in turn is about £140,000 increase. May I ask why the increase? Is it because you are going to be sending more people, or is it higher expense? And also, in terms of it being half of the discretionary scholarship bill almost, do students get any kind of qualification out of this?

Hon. Dr J E Cortes: Well, as I said in my Budget speech, Mr Chairman, education is more than just qualifications and it is preparing our citizens to take a larger part and be better able to contribute to society. Therefore, although this is not the place to justify the scheme, I think it is well recognised, particularly by the young people, so this is to allow the possibility of an increase in the number.

Mr Chairman: Other charges stand part of the Bill.

Hon. L F Llamas: Mr Chairman, I just have one question –

Mr Chairman: Yes, the Hon. Lawrence Llamas.

Hon. L F Llamas: – on other charges, 14, Project Search. I believe this was in last year's estimate for the same amount, and the same amount has been estimated for this year. Does the Hon. Minister predict that this will be used, expanded? Is he in a position to give details at this stage of what this estimate will entail?

Hon. Dr J E Cortes: The book shows zero for previous years, so unless this was done by another Department –

Hon. L F Llamas: It was. It used to be under No. 6 in last year's Budget. Unfortunately, I think there is a footer on it.

Hon. Dr J E Cortes: Sure. Obviously I was just looking at my own particular Department.

No, this is running well and we feel that this, for the moment, can cover this. If it expands and develops, then obviously we would have to deal with it accordingly, but there is enough provision, I think, at the moment. Obviously this is something that the more you throw at it the more you can do with it, but we feel that this is a reasonable amount for this year.

Hon. Chief Minister: Mr Chairman, the hon. Gentleman questions us with the legitimacy of somebody having voted in favour of this Bill, but I note that the footer he has rightly picked up is on the wrong line and in the final version it will be moved to line 14, which is where he has rightly identified it should be.

Mr Chairman: Other charges ... No, sorry. Is the Chief Minister providing an answer?

Hon. Chief Minister: Can I just, for assistance ... I am told by the Financial Secretary there actually has to be a footer on postage expenses as well, so there is a footer missing which will have to be added to show the No. 6 reference.

Mr Chairman: Other charges stand part of the Bill.

Clerk: Head 17, Gibraltar University; subhead 1, Payroll.

Hon. R M Clinton: Mr Chairman, obviously payroll is zero, but I have just one general observation – and the Government may or may not wish to consider this – and that is in respect of the controlling officer, because I note the current controlling officer identified is actually on the board of the University – it may be more appropriate to identify somebody else, i.e. maybe the Financial Secretary or some other individual as a controlling head.

Hon. Dr J E Cortes: I do not think there is any need to reply to that. It is not relevant to the Bill.

Hon. Chief Minister: Mr Chairman, we hear what the hon. Gentleman says. It is not a million miles from some discussions that we are having about how to ensure that there is independence in the board versus the way it is structured at the moment, so on that subject it may be that we are not a million miles away from the conclusion that the hon. Gentleman is inviting.

Mr Chairman: Other charges stand part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Still payroll for University ... *[Inaudible]* we are... really, Gibraltar University – it is other charges, £½ million. Any questions on that?

Hon. Chief Minister: Mr Chairman, the hon. Gentleman wants to reduce that one? I am quite happy if he wants to move a motion to reduce that head of charge, which he wanted to do last year.

Mr Chairman: Other charges for the University stand part of the Bill. Heritage, head 18.

Clerk: Head 18, Heritage; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

650

Hon. R M Clinton: Mr Chairman, contractor services, heritage, £1.490 million – I believe that was shown under Culture, or part of Culture, in previous years as part of a much larger number. Can the Government confirm that is for the running of the museum, or are there other charges in there?

655

Hon. Dr J E Cortes: Yes, that is for the running of the museum and there is also provision for, linked to the museum, the World Heritage site. Yes, Mr Chairman, when it was together with Culture, there was also the Gibraltar Cultural Services, which clearly was higher. That is now under the Ministry for Culture and this therefore has been split up. Now we are only showing the contractors who run the museum. The Culture one will appear later when we look at the Ministry for Culture. This is why it is now split between two.

660

Mr Chairman: Other charges stand part of the Bill.

665

Clerk: Head 19, Technical Services; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

670

Mr Chairman: Stands part of the Bill.

Clerk: Head 20, Driver and Vehicle Licensing; subhead 1, Payroll.

675

Hon. R M Clinton: Mr Chairman, subhead 1(1)(a) salaries – in this case I have the reverse of a previous situation, where we have salaries going up from the actual £700,000 to £806,000, and yet the complement seems to be going down.

680

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Chairman, the reason why it has gone down is due to a vacant technical post due to the retirement of one of the technical grades.

Mr R M Clinton: Mr Chairman, it is counterintuitive – your headcount goes down but your payroll goes up. Is it because there is some kind of change in pay structure?

685

Hon. P J Balban: Mr Chairman, there were vacancies in there last year which were not filled, hence the decrease. There were also four members of staff on maternity – unpaid maternity.

Mr Chairman: Stands part of the Bill.

690

Clerk: Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

695

Clerk: Head 21, Town Planning and Building Control.

Mr Chairman: Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

700

Mr Chairman: Stands part of the Bill.

Clerk: Head 22, Statistics Office; subhead 1, Payroll.

705 **Mr Chairman:** Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

710 **Mr Chairman:** Stands part of the Bill.

Clerk: Head 23, Procurement Office; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

715 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

Clerk: Head 24, Economic Development; subhead 1, Payroll.

720 **Mr Chairman:** Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

725 **Hon. R M Clinton:** Mr Chairman, I would be grateful, under subhead 2(1)(g), audit fees, for what audit fees this particular Department is paying for.

Hon. J J Bossano: These are the audit fees in relation to the returns that have to be made by the EU funding.

730 **Mr Chairman:** Stands part of the Bill.

Clerk: Head 25, Housing Administration; subhead 1, Payroll.

735 **Mr Chairman:** Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

740 **Hon. R M Clinton:** Mr Chairman, under subhead 2(2)(h), service charges, Government leaseholds, I note that the outturn was £11,000 last year and they now project £58,000. I was just wondering why.

745 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Chairman, we pay service charges on the stock and we have greater stock this year through Seamaster Lodge and Charles Bruzon House.

Mr Chairman: Other charges stand part of the Bill.

750 **Clerk:** Head 26, Equality; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

755 **Hon. R M Clinton:** Mr Chairman, I just note under subhead 2(7) £920,000. Is that an entirely new item or a reallocation from another area?

Hon. Miss S J Sacramento: Mr Chairman, that is as a result of a restructure, and this encompasses the Ministry for Drugs, so this, in the last Estimates Book, came under the Care Agency because this is the Drug Rehabilitation Services. So it is not an increase; it is just represented on a different page of the book this year.

Mr Chairman: Stands part of the Bill.

765 **Clerk:** Head 27, Health; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.
Other charges.

770 **Clerk:** Subhead 2, Other Charges.

Hon. R M Clinton: Mr Chairman, in grants I notice two specific grants for cancer. Were these under No. 6 last year or somewhere else?

775 **Hon. Chief Minister:** Mr Chairman, only one of them was, as I understand it, which was the first one. The second one is not something that has started yet. It is anticipated it will start this year and we thought it more appropriate that it be set out in the context of the Health grants rather than in No. 6, because there is going to be a lot of synergy between the GHA and the magnificent Cancer Relief Centre people, and particularly in the running of their hospice they will need a lot of support from GHA and vice versa.

780

Mr Chairman: Stands part of the Bill.

Clerk: Head 28, Gibraltar Health Authority Elderly Residential Services Section; subhead 1, Payroll.

785

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

790

Clerk: Head 29, Care Agency.

Chairman: Stands part of the Bill. Payroll. Other Charges.

795

Clerk: Subhead 2, Other Charges.

Chairman: Stands part of the Bill.

Clerk: Head 30, Policing; subhead 1, Payroll.

800

Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

805 **Hon. R M Clinton:** Mr Chairman, I notice under subhead 2 (2) ... hang on ... It seems to have changed number. At the top of page 107, 2(6), there is a finance repayment there for £15,000. I was wondering what that is in relation to.

810 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Chairman, it is for a piece of equipment that is called 'Life Scan'.

Hon. R M Clinton: Mr Chairman, could the Minister advise the total cost and the term under the financing?

815 **Hon. N F Costa:** Mr Chairman, the terms of the financing have not been finalised yet. The total amount is going to be £164,000, so we are looking at financing over a period of five years.

820 **Hon. R M Clinton:** Mr Chairman, I just have one perhaps generic question but it is related to this: when does the Government decide as to when something should be financed as opposed to purchased outright through the Improvement & Development Fund?

825 **Hon. Chief Minister:** It is a decision driven, Mr Chairman, by the type of item we are dealing with, the longevity of the value of the item and the urgency in obtaining it. In some instances the Financial Secretary tells us that he thinks it makes sense to finance the item, and in other instances we are advised it is better to finance than an outright payment.

Mr Chairman: Other charges stand part of the Bill.

830 **Clerk:** Head 31, Prison; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

835 **Mr Chairman:** Stands part of the Bill.

Clerk: Head 32, Gibraltar Law Courts; subhead 1, Payroll.

840 **Mr Chairman:** Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

845 **Clerk:** Head 33, Justice; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

850 **Mr Chairman:** Stands part of the Bill.

Clerk: Head 34, Tourism; subhead 1, Payroll.

855 **Mr Chairman:** Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

860

Clerk: Head 35, Employment; subhead 1, Payroll.

Hon. T N Hammond: Mr Chairman, as with some of the other queries about the salaries, as opposed to the headcount, I note under Employment headcount remains 31 for both 2016 - 2017 and the year 2017 - 2018, and yet the salary dives from just over £1 million for 2016-17 in the estimates, albeit down to £755,000 in the outturn, by another £100,000 drop in the estimate for 2017-18 to £652,000. I just wonder how we arrive at that figure, bearing in mind the headcount in total remains unchanged.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Chairman, the relevant figure for this year is the forecast outturn, how much it has actually cost us, and it is now estimated that for next year it is going to cost us a little bit less for the reasons which have already been espoused on this side of the House.

Hon. T N Hammond: What were those reasons? Forgive me.

Hon. G H Licudi: There are jobs that have not been filled and may not be filled and are being looked at throughout ... This is a consistent item throughout the book and it is a matter that is being looked at.

880

Hon. J J Bossano: ... *[Inaudible]* I think that Members opposite will welcome, I hope, and that is that if they actually count all the numbers they will find that the total number is down on last year, not up.

Within the Departments the standard practice in the past has been to provide throughout the Departments for the filling of all the vacancies on the basis of making a provision of 50% of the salary, irrespective of whether they were likely to be ... An estimate was made that, on average, if there were 100 vacancies you provided for 50 on the premise that on average it would take six months to get them all filled. Since we are looking at where the efficiencies are going to happen, what we have now got is that that 50% that would have been included has not been included and therefore where the vacancies come, instead of there being an amount in the personal emoluments already there for people who do not exist, it will come out from the combined supplementary head that we have got at the end. We may find that in some cases the final figure, hopefully, will be the reduced figure that we have got. In other words, it will be up.

Mr Chairman: Payroll stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

900

Clerk: Head 36, Commercial Aviation; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

905

Clerk: Subhead 2, Other Charges.

Hon. R M Clinton: Mr Chairman, I do not know if this is a typo, but under subhead 2(5) we have tribunals, income Tax, development appeals, housing tribunal and previously, it says, that

910 was under Justice. I am just a bit mystified as to what it would be doing under commercial aviation.

Hon. G H Licudi: I am not sure that it answers the hon. Member's question, and we may need to find further information for that specific question, but I should say 'commercial aviation', essentially what it encompasses is the office of the Minister. Whereas previously my Ministry came under Justice, following the reshuffle it had to be put under some other head, and the head that has been found this year to put the whole of my Ministry, the Ministry office itself, is commercial aviation, and to that you have to add the running of the Airport, including the Gibraltar Airport and the Fire and Rescue Service. *(Interjection)* Yes.

915
920 A separate issue is the tribunals, which involve Income Tax, development appeals and housing tribunals, which as far as I am aware do not come under my Ministry and the hon. Member may be right. It is not something I had spotted and the hon. Member may be right. I have given the explanation as to why commercial aviation is structured in that particular way, but on this particular item the hon. Member may be right and we probably have to put it somewhere else and it has not been spotted previously.

925
Hon. Chief Minister: The hon. Member will see that this has a nominal amount of expenditure in it, so we will see where it would be ... I think it may be left over from the head as it was, the old head.

930
Hon. N F Costa: In any case, Mr Chairman, perhaps to just provide some further elucidation, the Development Appeals Tribunal, of which I am the chair, does not cost any money to the taxpayer, so it will not go anywhere near £1,000; it has always been zero p.

Hon. R M Clinton: No, Mr Chairman, I think my comment was just in terms of where it appeared in the book, but I have no comment about the level of the amounts.

Mr Chairman: Other charges stand part of the Bill.

940
Clerk: Head 37, Port; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

945
Mr Chairman: Stands part of the Bill.

Clerk: Head 38, Maritime Services; subhead 1, Payroll.

950
Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

955
Clerk: Head 39, Social Security; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

960
Clerk: Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

Clerk: Head 40, Civil Contingency; subhead 1, Payroll.

965 **Mr Chairman:** Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

970

Clerk: Head 41, Fire and Rescue Service; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

975

Clerk: Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

Clerk: Head 42, Culture; subhead 1, Payroll.

980

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

985

Mr Chairman: Stands part of the Bill.

Clerk: Head 43, Broadcasting; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

990

Clerk: Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

995

Clerk: Head 44, Youth; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

1000

Mr Chairman: Stands part of the Bill.

Clerk: Head 45, Sport and Leisure; subhead 1, Payroll.

1005

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

1010

Clerk: Head 46, Financial Services; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

1015 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

1020 **Clerk:** Head 47, Gambling Division; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

1025 **Mr Chairman:** Stands part of the Bill.

Clerk: Head 48, Commerce; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

1030 **Clerk:** Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

1035 **Clerk:** Head 49, Postal Services; subhead 1, Payroll.

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

1040 **Mr Chairman:** Stands part of the Bill.

Clerk: Head 50, Gibraltar Audit Office; subhead 1, Payroll.

1045 **Mr Chairman:** Stands part of the Bill.

Clerk: Subhead 2, Other Charges.

Mr Chairman: Stands part of the Bill.

1050 **Clerk:** Head 51, Gibraltar Regulatory Authority; subhead 1.

Mr Chairman: Stands part of the Bill.

1055 **Clerk:** Subhead 2, Other Charges.

Hon. R M Clinton: Mr Chairman, I do not have the accounts in front of me, but from memory I think the Gibraltar Regulatory Authority has been showing a surplus. I was just wondering if the Government could explain why there is a contribution, unless this is under a particular law.

1060 **Hon. Chief Minister:** Mr Chairman, the submission from the GRA reflected a reorganisation and, as a result of that, some increased salaries for some officers, which required this contribution.

1065 **Hon. R M Clinton:** Mr Chairman, I am grateful for that. Perhaps the Chief Secretary can advise the Chief Minister: is my recollection correct that the Regulatory Authority actually has a healthy surplus before this contribution for next year?

Hon. Chief Minister: Mr Chairman, the advice that we have is that the surplus is taken into consideration when determining the figure that has to be given to them.

Mr Chairman: Gibraltar Regulatory Authority other charges stand part of the Bill.

Clerk: We now move to clause 3 of the Bill and we go to page 165 of the book.

1075

Mr Chairman: Clause 3?

Clerk: We move to clause 3, which is at page 165 of the book.

1080 Head 53, Contribution to Government-owned Companies; subhead 1, Contribution to Government-owned Companies.

Mr Chairman: Stands part of the Bill.

1085 **Clerk:** Head 54, Transfer from Government Surplus; subhead 1, Payment to Social Assistance Fund Import Duty Transfer from Government Surplus.

Mr Chairman: Stands part of the Bill.

1090 **Clerk:** Head 55, Contribution to the Improvement and Development Fund; subhead 1, Contribution to the Improvement and Development Fund.

Mr Chairman: Stands part of the Bill.

1095 **Clerk:** We now move to clause 4 of the Bill. This is at page 170 of the book. Improvement and Development Fund. Head 101, Works and Equipment; subhead 1, Works and Equipment.

Mr Chairman: Stands part of the Bill.

Clerk: Head 102, Projects; subhead 1, Roads and Parking Projects.

1100

Hon. T N Hammond: Mr Chairman, if I may, just to check the costs for the highway resurfacing programme under subhead 1: is that specifically and only in relation to the area of the tunnel and the associated roads?

1105 **Hon. P J Balban:** Mr Chairman, the highways resurfacing programme, no; that is to do with roads generally.

Hon. T N Hammond: Can I just confirm then the entire budget for road resurfacing next year is estimated to be £300,000?

1110

Hon. P J Balban: Mr Chairman, that is correct.

1115 **Hon. T N Hammond:** Mr Chairman, I am just slightly confused because under head 101, number 1 (0) (iv), there is road maintenance and resurfacing, which comes in with an estimate of £815,000, so if that is ... I am slightly confused as to the Minister's response in that respect.

Hon. P J Balban: Mr Chairman, that head includes all the ongoing maintenance to our roads – potholes and mainly works that come out as a result of rain and damage and storms. So that is the lion’s share, if you like, of the money’s being asked for this year.

1120

Hon. T N Hammond: I am just trying to draw a distinction here, or understand the distinction between what constitutes road maintenance and resurfacing, and why resurfacing appears in two separate heads – which is why I asked originally why one was particular to that area of North Front, whereas the other is a more general maintenance and resurfacing programme.

1125

Hon. P J Balban: Mr Chairman, the £300,000 under subhead 1(3) is for the specific project, the highways resurfacing programme. The other subhead, which is 1 (0) (iv), is for general maintenance and repair works. As a result of bad weather, if roads are in a bad state then that is where the money is derived from. The £300,000 is specifically for roads that we feel need to be resurfaced but not as a result of damage caused by storm or wear and tear.

1130

Mr Chairman: Is there a question? Yes, the Hon. –

Hon. T N Hammond: We are still on 102, yes? Head 102, I believe, yes? Under subhead (4)(d), climate change and renewables –

1135

Mr Chairman: We are on head 102, Projects; subhead 1, Roads and Parking Projects. Any questions on roads and parking projects? Stands part of the Bill, then.

1140

Clerk: Subhead 2, Reallocation Costs.

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 3, Reclamation Projects.

1145

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 4, Other Projects.

1150

Mr Chairman: The Hon. Elliott Phillips.

Hon. E J Phillips: Mr Chairman, insofar as (4)(q)(iii), repairs to the fence, in light of the recent commitment by the Government to reconstruct and fortify with a no-climb fence, and also given the fact that in 2013 the Government spent £130,000 on the fence itself, surely the figure of £10,000 is going to increase substantially. Can the Government give any indication as to the amounts that would be spent to reconstruct and refortify, including the building of a no-climb fence?

1155

Hon. Chief Minister: Mr Speaker, the cost in respect of that fence, the fence that the hon. Gentleman photographed, is dealt with under the tunnel project because it is part of the tunnel site.

1160

Hon. E J Phillips: Just one further question in relation to subhead (4)(z)(w). I understand there is an earmark of £1,000. Again, I would have expected that to be a lot higher, the provision ... new schools.

1165

Hon. Chief Minister: Well, Mr Chairman, it is the opening of the head which has to happen for the purposes of the work that will commence. He will see how that project develops. There is

1170 a clear indication from the Minister of a target date for completion, so he will see how the cost is accounted for.

Hon. R M Clinton: Mr Chairman, if I could ask, under (4)(g), Wellington Front 1 development: the estimate was £810,000 and we came in at £1.5 million – I was wondering if there is something special about the overspend.

1175

Hon. S E Linares: Mr Chairman, yes, there were many other works as we got into Wellington Front. We had a fixed contract, as in tender process, but when we went into Wellington Front there were many vaults that needed things like sandblasting inside, which was not part of the contract. Therefore, that is the overspend as such, because when we went there many of the tenants were complaining about the consequences and the things that were happening underneath the vaults, which was not part of the contract. That is why. We went there and we took the decision of doing the vaults as well.

1180

Hon. T N Hammond: Mr Chairman, on the same subhead, and indeed the same sub-clause, I notice the Wellington Front development remains open with a £1,000 estimate. I was under the impression that the project was complete. Presumably there are still some works to be completed there.

1185

Hon. S E Linares: The project is complete but we have left a sum there in case, because it is an old building ... That is the problem with refurbishing old buildings. Because it is an old building, sometimes things crop up like water ingress from places you never envisaged water ingress coming from, so we left £1,000 just in case, when the winter comes, if we have to do any other works that need to be done we have a head there.

1190

Hon. R M Clinton: Mr Chairman, if I could reference item (u), Commonwealth Park, £450,000 estimated for this year – if I could ask what that would be in relation to.

1195

Hon. Dr J E Cortes: Yes, Mr Chairman, final payments. There were funds – as is often the case in major projects – retained for a period of time to ensure that all was well, and now that is due for payment.

1200

Mr Chairman: Stands part of the Bill.

Clerk: Subhead 5, Equity Funding/Funding.

1205

Mr Chairman: Stands part of the Bill.

Clerk: We now move to clause 5 of the Bill.

Mr Chairman: In respect of clause 5, the Hon. Roy Clinton has circulated an amendment which I invite him to move.

1210

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

1215

The amendment I propose is that clause 5 be amended by the addition of the following words at the end of that clause, namely, 'no supplementary appropriation is to be allowed to head 52', so that the revised clause 5 would read as it stands at the moment with just those words added at the end, i.e. 'no supplementary appropriation is to be allowed to head 52'.

1220

The reason for suggesting this amendment is that I have noticed it has become the habit when we come to the supplementary appropriations that this particular head 52, which is generally described as 'supplementary provision' and more specifically within the book as being

1225 'to generally fund pay settlements and supplementary expenditure which can be reallocated to other heads of Department as a provision for the year ended 31st March 2018' ... When it comes to supplementary appropriation, a habit seems to have developed whereby rather than, as I believe the Constitution envisaged, the supplementary appropriation be by head ... instead of which we seem to be getting into the habit where a lump sum is appropriated into head 52 and then reallocated out from there, which I do not think was the intention of the rules surrounding supplementary appropriation, especially since this particular head is in the form of a provision, which in my mind you either expend or you do not, but I do not think it is appropriate that it should be added to thereafter.

1230 Therefore, Mr Chairman, what I am suggesting is we add this wording at the end of head 52 so that there can be no doubt in anybody's mind that £9 million is the amount in the head – you can spend that amount and reallocate it but you cannot come back to this House and ask for a further allocation to that head. If you do need supplementary appropriation on other heads, you do it as it was done in the past where you do it head by head, Department by Department, so as to give full visibility when you come to appropriate for the supplementary expenditure.

1235 I believe, Mr Chairman, that is what was done in the past and I believe that is probably what was intended by the Constitution and the Public Finance (Control and Audit) Act. What we have is a situation where you have a general account, and I can accept it where it is for use within the year but to add to it after the close of the year seems counterintuitive. That is why I am proposing this amendment. It has no impact whatsoever, as the Members of this House will realise, it has no impact on expenditure, it does not increase any charges, does not decrease any charges. This is purely a question of process and the mechanism by which future appropriations to this Appropriation Bill would be affected. So, in future if there is, for example, an overspend on the Port or education or health, it would come with a specific head attached to it with a specific number, rather than a total that goes into the generic account supplementary provision. I trust that hon. Members of the House will appreciate this is not in any way, shape or form trying to score points, but is just, I think, the proper mechanism by which supplementary appropriation should occur.

1245 Thank you, Mr Chairman.

1250 **Hon. Chief Minister:** Mr Chairman, the Government will not be supporting this amendment.

The hon. Gentleman has said, in the context of the presentation, that the intention, when the Public Finance (Control and Audit) Act was done, was that the appropriations which are supplementary should be dealt with in the way that he suggested and not as has been the case.

1255 Of course, I have had to look at what the practice has been. The practice that he is complaining of first arose in 1997-98 when the former Chief Minister was the Minister for Finance. The former Chief Minister, Sir Peter Caruana, amended the Public Finance (Control and Audit) Act and led the negotiations on the new Constitution and the presentation of the new Constitution in referendum to the general public – and of course, as he knows, all of these things are linked. Therefore, it is clear that the intention of the person who passed the Bill and who therefore devised this structure is the intention that we are seeing here.

1260 I have looked back at a number of Appropriation Bills. I have looked at the 2008 Bill – it has a similar provision to the one we have today, without the caveat in words the hon. Gentleman has referred to; the 2005 Bill; the 2004 Bill. Mr Chairman, I wanted to look before the new Constitution and after, because of course that affects the Public Finance (Control and Audit) Act. I think it is very clear that the introduction of the head was a matter which was brought about by hon. Members' party when they were last in government. It was introduced when the former Chief Minister was Minister for Finance and clearly intention of the legislature has to be inferred from the fact that the person who brought the legislation to the legislature at the time and interpreted the legislation after 2006 acted in the manner that I am setting out.

1270 And so therefore, Mr Chairman, the Government will not be supporting the proposals set out by the hon. Gentleman in his amendment, although I must say it is remarkable that he is

1275 presenting an amendment to a Bill that he intends to vote against; (**A Member:** Exactly.) so we
are going through the Committee Stage, but when we come to the Third Reading they are going
to vote against, just like they voted against in the Second Reading. And so they want to amend
the Bill that they then allow us to approve on our own.

1280 Well, look, Mr Chairman, we are going to approve it with our votes – and with the votes of
the hon. Lady and the Hon. Mr Llamas, if they vote as they voted in the Second Reading – and
we are going to approve it on the basis of the Bill presented to the House, not with the
amendment that he proposes.

1285 **Hon. R M Clinton:** Mr Chairman, just to clarify for the record, whereas I do not dispute that
the form of provision or head had been correct, certainly under a previous GSD administration,
what we have not seen under the previous GSD administration is a supplementary appropriation
to that particular head. I have gone back and looked at the Appropriation Bill for 2010-11 and
certainly there was a supplementary appropriation but it was by individual head and not to this
supplementary provision head. It is a practice that his Government has fallen into the habit of
doing, whereby there is a reallocation of the supplementary provision after the year is ended by
bringing to this House a Bill to supplementary appropriate to that head and not to the individual
1290 other heads.

It is regrettable, Mr Chairman, that the Government does not feel able to support this
amendment which I think would be useful in future, but I do believe that the manner in which
this provision is being used in respect of supplementaries in my view is not what was intended in
terms of its original use; and the reason for its creation, as the Father of the House has told me
1295 in the past, was for supplementary pay awards during the year, but certainly not to top it up at
the end of the year once you have overspent in Health and Education, and other areas perhaps,
and to reallocate out of that. I think that is a use of that particular subhead which runs contrary
to what the Constitution says. Indeed, the Constitution, under 69(3)(b), says:

If ... any moneys have been expended on any head of expenditure in excess of the amount appropriated for the
purposes included in that head by the appropriation law or for a purpose for which no amount has been
appropriated by the appropriation law, the Minister ... shall cause a supplementary estimate showing the sums
required or spent to be prepared and laid before the Parliament ...

1300 But if he just gets a lump sum and puts it into this provision and then reallocates it himself
and gives us a schedule after the event, there is no way this Parliament has any way of knowing
what it is or which heads he is putting a supplementary appropriation to, which is why I was
suggesting by all means keep the clause and keep the head but cap it at the amount of the
provision as provided in the Bill, and that no further appropriation should be allowed to it.

1305 If the Government is not minded to support my amendment, so be it, but I will have more to
say on this when we do debate the supplementary Appropriation Bill.

Thank you, Mr Chairman.

1310 **Hon. Chief Minister:** Well, Mr Chairman, I look forward to see whether he actually comes up
with anything persuasive at some stage when he talks about Appropriation Bills, but for now the
Government's position is clear and if you put it to the vote we will express our views by voting in
the appropriate way.

Mr Chairman: Does anybody else wish to speak on this amendment?

1315 I will therefore put Mr Clinton's amendment to the vote. Those in favour? (**Several Members:**
Aye.) Those against? (**Several Members:** No.) Carried. The amendment is defeated.

Clerk: We move to page 164 of the book. Head 52, Supplementary Provision; subhead 1,
Supplementary Funding.

1320 **Mr Chairman:** Stands part of the Bill.

Clerk: We now consider clauses 6 and 7 of the Bill and we move to page 182 of the book. Gibraltar Development Corporation, Appendix B.

1325 **Mr Chairman:** This is all Appendix B. Does anybody have any question?

Clerk: Borders and Coastguard Agency, Appendix C.

Mr Chairman: Stands part of the Bill.

1330

Clerk: Gibraltar Electricity Authority, Appendix D.

Mr Chairman: Stands part of the Bill.

1335 **Clerk:** Housing Works Agency, Appendix E.

Mr Chairman: Stands part of the Bill.

Clerk: Gibraltar Health Authority, Appendix F.

1340

Hon. T N Hammond: Mr Chairman, just with respect to salaries, again I am not detecting any substantial change in the overall headcount of the Health Authority. I see there are slightly fewer part-time jobs but overall the numbers are, in percentage terms, almost identical – and yet there appears to be a £3.2 million increase in the salaries. Is it understood what the reason for that is?

1345

Hon. N F Costa: Yes, Mr Chairman, if the hon. Gentleman would go to relief cover, he will see that there is a drop from £5.6 million to £2.5 million. That is because we have been advertising posts, which will therefore make them salaried officials rather than locum cover.

1350

Hon. R M Clinton: Mr Chairman, in respect of line 16-17, prescriptions and drugs, I note there is quite a large increase on Group Practice Medical Scheme prescriptions for this coming year, but there seems to be almost a compensating drop in drugs and pharmaceuticals. I would be grateful if the Minister could explain the variation. Are we looking at reallocation or is there some kind of different methodology?

1355

Hon. N F Costa: Mr Chairman, I did set out the reasons during the course of my Budget speech. I explained to the hon. Gentleman that the new finance team has implemented a series of controls. We are confident that as a result of the measures being taken and direct negotiations with the different companies that provide the drugs and pharmaceuticals to the GHA we will be able to come lower than we did in this financial year. Of course we will see at the end of the financial year whether we have been successful in that or not.

1360

Hon. R M Clinton: Mr Chairman, I am grateful for that, but can he explain why the large increase in Group Practice Medical Scheme prescriptions?

1365

Hon. N F Costa: Mr Chairman, as the hon. Gentleman may recall, the GHA has been introducing a new electronic system as a result of which there have been some payments to pharmacies that we are catching up on, and that is the amount that will take into account the payments to the pharmacies.

1370

Hon. R M Clinton: Sorry, Mr Chairman, there was a problem with the prescriptions system and this is catch-up payment?

1375 **Hon. N F Costa:** The GHA introduced during the tenure of my predecessor a new system called EMIS Health – I am sure that my hon. predecessor made comments about it at the time during the course of the Budget speech – and as a result of the change from one system to the other we are just adjusting and pharmacies are being paid as a result of that transitional period.

1380 **Hon. Dr J E Cortes:** If I may assist, during the time of the transition, because the system was changing, there was a time lag in which the figures actually owed to the pharmacies could be reconciled, so I believe, if memory serves me right, there was a calculation done on 85% of the previous year and that was what was paid, and when the system was implemented it was then adjusted to reflect the actual costs. So there is a backlog there that has to be caught up.

1385

Hon. R M Clinton: Mr Chairman, on more mundane things, laundry and cleaning on line 24, I am just curious as to how they are going to achieve such a large saving on what is such an essential item.

1390 **Hon. N F Costa:** Mr Chairman, the Financial Secretary reminds me that this was as a result of an internal rationalisation and this was the figure that the finance team has arrived at, and we think that we will be able to provide the laundry services that are provided to the GHA at £300,000 as opposed to £450,000. Once again, as I said to the hon. Gentleman during the course of my Budget speech, we are holding monthly financial control meetings, so we will know, I daresay within six months, whether or not we are on track with the estimates that we are making during the course of this financial year.

1395

Hon. D A Feetham: Mr Chairman, in relation to sponsored patients, the hon. Gentleman may recall that there have been exchanges during Question Time in relation to ... I asked whether there had been a change in practice in relation to sponsored patients. That was in March and the hon. Gentleman told me that there was no change in sponsored patients. But this appears to indicate that in fact there is a substantial decrease in sponsored patient expenditure from £19.5 million to £14 million. Presumably there has been a change in practice. Could the hon. Gentleman explain that?

1400

1405

Hon. N F Costa: Mr Chairman, to answer the various questions that the Hon. the Leader of the Opposition has put to me, if you were to consider the estimate that was made for 2016-17, you will see that the amount that was actually spent was almost £8 million more, which means that it has been very much demand led. He says that I mentioned in an answer to a question to him there had been no change in the policy, and I stand by that – there has not been a change in the policy.

1410

I also mentioned during the course of the Budget speech to the hon. Gentleman opposite that – I think it was on 4th May – there has been a committee set up comprised of the most senior physicians in the GHA, where referrals now are checked by this committee and they are either confirmed or otherwise, and after having looked certainly at this subhead significantly, we are confident that we will be able to, as a result of this new committee, which has not changed the policy in terms of when persons are sent to Spain or to the UK but rather it provides a quality assurance that the right decisions are being taken by a wider field of consultants rather than just the one referring consultant ... We think that the £14 million will be the right amount, but once again we will see within the course of the financial year whether we are correct in our estimate or we are not.

1415

1420

1425 **Hon. T N Hammond:** Mr Chairman, line 27, motor vehicle and fuel expenses, again I note from the forecast outturn of £250,000 for this year a reduction to £150,000 for next year. I know we were discussing fuel prices earlier. I do not think they are down that significantly to indicate a reduction of £100,000 in the costs. Is there another reason why we may expect that particular cost to go down so dramatically?

1430 **Hon. N F Costa:** Mr Chairman, once again this is an attempt internally by my Ministry and the new finance team at rationalisation, and in an attempt to save money. I would hope that the hon. Gentleman will in due course – if we are correct in the estimate of being able to spend less on motor vehicle and fuel expenses – that he, at the appropriate juncture, congratulate us for being able to do so. But, as I say, where we estimate less expenditure than in the course of this financial year, it is as a result of internal controls that we are implementing. During the course of
1435 the Budget speech I gave indication of the major heads of which we think we will be able to be more financially prudent, and motor vehicle and fuel expenses was one of those subheads.

Hon. T N Hammond: I would be more than happy to congratulate the Minister should he achieve his targets.
1440 Can I just get an assurance that that rationalisation does not involve any reduction in the ambulance fleet, for instance, or in any other mission-critical vehicle, shall we say?

Hon. N F Costa: Mr Chairman, the hon. Gentleman also was not listening to the course of my Budget contribution. I appreciate that it was probably one of the longest ones, but I did say there that as a result of the increase to the staff of the complement of the Ambulance Service, which was increasing by eight ambulance care assistants, we would actually be taking a new emergency ambulance in July, we will be taking an additional emergency ambulance in December and we will be taking over the ambulance that the Gibraltar Fire Service provides, so there is no question of us spending less. In fact, we are spending more in terms of human resources and resources to be able to service the community, and the Financial Secretary has very helpfully reminded me that with solar panels that should also reduce the fuel spend on the generator.
1445
1450

Hon. T N Hammond: Can I just confirm? So the cost of those new vehicles, which are very welcome indeed ... They obviously do not feature in this head. Did I miss them in the capital expenditure head? Where might I find them? If the Minister could provide guidance.
1455

Hon. N F Costa: Mr Chairman, they will be in the capital account: receipts and contributions from the I & D Fund.
1460

Hon. T N Hammond: Mr Chairman, moving on from that point to line 42, disposal of clinical waste. Again, I know, quite a substantial reduction – I am sure the Minister will say it was in his speech, but it was a very long speech – (*Interjection by Hon. Chief Minister*) It is a reduction of £730,000, almost halving the overall bill from the outturn expected. Can the Minister explain how that will be achieved?
1465

Hon. N F Costa: Mr Chairman, in the first place, the hon. Gentleman should thank the Chair for the fact that it was only an hour and a half; it was probably more like three hours, but after the Chair's admonition I sought to reduce the speech substantially. I still did not escape a ticking off, however.
1470

In respect of the waste, this is something again that the finance team and I have looked into and we actually think that the money being spent is too high and there are ways in which, by proper education and more robust protocols, we can ensure that the bins, the way that they are used, are used properly, because every time they are taken from the GHA, from any areas of the

1475 GHA, we need to pay a fee, and unfortunately sometimes those bins are full before they ought
to be because they are not being used clinically as they ought to be. So we are in the process of
issuing entirely new and more robust protocols to make sure that the bins are used properly and
the matrons, part of their job will be to make sure that clinicians and nurses use those waste
bins properly in order to reduce cost. It is actually, as the hon. Gentleman rightly noted, quite a
1480 high item of expenditure which we think we can greatly reduce.

Hon. T N Hammond: And I promise to congratulate the Minister should he achieve that target also.

1485 One more: going down to security, Mr Chairman, again I note – and in the first instance I do congratulate the Minister in, already, the reduction of the actual to the forecast outturn, but I do notice that again we are reducing the estimate by about 25%, by £90,000. Is there a reason for that? Clearly I am not assuming it is a reduction of security. Is it new technology being introduced, or anything like that, at the hospital?

1490 **Hon. N F Costa:** Mr Chairman, the Director of Finance of the GHA is outside and they are going to ask the question now, so perhaps if we can move on I will move back as soon as I have the answer for the hon. Gentleman.

1495 Mr Chairman, this is an item of expenditure that I certainly have no recollection of discussing trying to reduce, so it may well be that this slipped the net and it should be exactly the same; but as I say, I will confirm with the Finance Director and get back to him.

Mr Chairman: Any other questions? No. Then Gibraltar Health Authority stands part of the Bill.

1500 **Clerk:** Gibraltar Health Authority Elderly Residential Services Section, Appendix G.

Mr Chairman: Stands part of the Bill.

Clerk: Care Agency, Appendix H.

1505 **Mr Chairman:** Stands part of the Bill.

Clerk: Gibraltar Port Authority, Appendix I.

1510 **Mr Chairman:** Stands part of the Bill.

Clerk: Gibraltar Sports and Leisure Authority, Appendix J.

1515 **Hon. T N Hammond:** Mr Chairman, line 24, hosting of special sports and leisure events: I note quite a substantial rise in the estimate from the forecast outturn for this year, and indeed last year's estimate, to the tune of about £300,000. Is that because there is a particular event envisaged to happen in the next 12 months that would cover that cost?

1520 **Hon. S E Linares:** Mr Chairman, it is to do with certain events that we are hosting and therefore we have increased the amount this year. We are hosting more events. Remember that the more events we do, the more tourism we get and the more benefit to the economy generally. For example, one of them is the Pool Masters that we do, and there are other events that we have increased during the year.

1525 **Hon. T N Hammond:** Yes, I am certainly not judging as to the value; I was only wondering as to the increase in costs. Mr Chairman, thank you.

Mr Chairman: Gibraltar Sports and Leisure Authority stands part of the Bill.

1530 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

BILL FOR THIRD READING

**Appropriation Bill 2017 –
Third Reading approved**

Mr Speaker: The Hon. the Chief Minister.

1535

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Appropriation Bill 2017 has been considered in Committee and agreed to with no amendments, and I now move that it be read a third time and passed.

1540

Mr Speaker: I now put the question, which is that the Appropriation Bill 2017 - 2018 be read a third time and carried.

Hon. Chief Minister: Mr Speaker, I call a division on the Third Reading.

1545

Mr Speaker: Call the division, please.

A division was called for and voting resulted as follows:

FOR

Hon. P J Balban
Hon. J J Bossano
Hon. Dr J E Cortes
Hon. N F Costa
Hon. Dr J J Garcia
Hon. Ms M D Hassan Nahon
Hon. A J Isola
Hon. G H Licudi
Hon. S E Linares
Hon. L F Llamas
Hon. F R Picardo
Hon. Miss S J Sacramento

AGAINST

Hon. R M Clinton
Hon. D A Feetham
Hon. T N Hammond
Hon. E J Phillips

ABSENT

Hon. E J Reyes

Mr Speaker: There is one absent Member. Four Members have voted against, 12 have voted in favour, and therefore the Appropriation Bill 2017 – 2018 has been approved.

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

1550

Hon. Chief Minister: Mr Speaker, I rise now to adjourn the House, satisfied that Gibraltar will not be liquidated, that we will not be destroyed, that we will have an appropriation, that the schools will stay open, that the hospitals will stay open.

I want to thank the people sitting behind me who produced this magnificent book (**Several Members:** Hear, hear.) (*Banging on desks*) which sets out all of the detail of the spending of the Government of Gibraltar, and I want to specifically thank, on behalf of the whole of the

1555 community, Lawrence Llamas, Marlene Hassan Nahon, Steven Linares, John Cortes, Samantha Sacramento, Neil Costa, Joseph Garcia, Joe Bossano, Paul Balban, Gilbert Licudi and Albert Isola for joining me in voting this appropriation.

I move, Mr Speaker, that the House do now adjourn, still in Bills, for I have no intention of calling a fresh meeting of the House until Wednesday the 12th at three o'clock in the afternoon.

1560 **Mr Speaker:** I am delighted to propose that the House do now adjourn to Wednesday, 12th July at three in the afternoon. Those in favour? (**Members:** Aye.) Those against?

The House will now adjourn to Wednesday, 12th July at three in the afternoon.

The House adjourned at 4.47 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.06 p.m. – 5.10 p.m.

Gibraltar, Wednesday, 12th July 2017

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The Gibraltar Parliament

The Parliament met at 3.06 p.m.

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

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

Personal Statement by Hon. D A Feetham

Clerk: Wednesday, 12th July, continuation of the meeting of the House.

Mr Speaker: The Leader of the Opposition has asked for leave to make a Personal Statement.
5 The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, today will be my last day as Leader of Her Majesty's Opposition in Gibraltar and I ask Mr Speaker to recognise my hon. Friend Mr Clinton as Leader of Her Majesty's Opposition as from close of parliamentary business today.

Personal Statement by Hon. L F Llamas

10 **Mr Speaker:** I have also been asked for leave by the Hon. Lawrence Llamas also to make a Personal Statement.

15 **Hon. L F Llamas:** Mr Speaker, further to my Personal Statement last week and for the purposes of recording my change in status in *Hansard*, I shall be sitting as an independent Member of this Parliament as from today and therefore no longer represent the official GSD Opposition. It is without saying that I will endeavour to discharge my responsibilities with the same vigour and respect as when I started.

20 **Mr Speaker:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I rise as Leader of the House to acknowledge both of those Statements.

25 In relation to the first statement in this House from the Hon. Mr Feetham and the statements outside of this House by Mr Feetham in respect of his relinquishing of the position of Leader of the party opposite and Leader of the Opposition, he and I had an opportunity to speak on the morning when he made the announcement and I have already said publicly that I call for respect for the decision that he made. But on the last occasion that we faced each other across the notional dispatch box, can I just, perhaps, reflect for a moment that he and I started our political discussions as fierce friends and we ended up as fierce foes, but always in a political sense,
30 certainly as far as I was concerned. We have also been partners, politicians and parliamentarians together, so as he leaves his post as Leader of the Opposition I wish him, of course, the very best at a personal level. He is going to remain a Member of this House, so we will continue to have an opportunity to spar, no doubt, at a political level; and I sincerely hope that at a personal level,

35 given that that was what he expressed was the driving motivation for his decision, I wish him all the best, of course.

Mr Speaker, I recognise that Mr Llamas is now sitting, although not where the other independent Member sits but as an independent Member also, and I applaud him for having had the courage of his convictions during the course of the debate on the Appropriation Bill and recognise that he is now not a Member of the official Opposition.

40

**Suspension of Standing Order 7(1)
in order to lay report**

Mr Speaker: Could I now call upon the Chief Minister to move the suspension of Standing Orders for the purposes of laying on the table a report.

45

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with the laying of a report on the table.

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

50

PAPERS TO BE LAID

Clerk: Papers to be laid – the Hon. the Minister for Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I have the honour to lay on the table the Crimes Act (Schedule 4 Amendment) Order 2017.

55

Mr Speaker: Ordered to lie.

Order of the Day

BILLS

FIRST AND SECOND READING

**Proceeds of Crime (Amendment) Bill 2017 –
First Reading approved**

Clerk: Bills – First and Second Reading.

60

We commence with the Proceeds of Crime (Amendment) Bill 2017. A Bill for an Act to amend the Proceeds of Crime Act 2015. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, before this Bill proceeds, Members of the House will know that the publication of the Bill has not enjoyed six weeks – (*Interjection by Mr Speaker*) The Proceeds of Crime Act, Mr Speaker, amendment ... has not enjoyed six weeks of publication before the House is asked to proceed in respect of consideration of it. I have written,

65

Mr Speaker, to you this morning certifying that this Bill is too urgent to await six weeks of publication before the Parliament considers it.

70 I understand that the Hon. the Minister for Justice has been in touch with Members opposite in respect of this and that we are able to proceed to consider this Bill, not just on the basis of my certification of its urgency but also on the basis that that is broadly agreed. And so, Mr Speaker, I consider that the provisions of the Constitution in respect of the period of publication required before the Parliament can proceed upon the Bill have been satisfied.

75 **Mr Speaker:** Having received the necessary notice from the Chief Minister in respect of the urgency of this Bill, we can now proceed with it.

I now put the question, which is that a Bill for an Act to amend the Proceeds of Crime Act 2015 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Clerk: The Proceeds of Crime Amendment Act 2017.

Proceeds of Crime (Amendment) Bill 2017 – Second Reading approved

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I have the honour to move that the Bill for the Proceeds of Crime (Amendment) Act 2017 be read a second time.

85 Mr Speaker, I have received representations from the Office of Criminal Prosecutions and Litigation regarding the need to introduce the amendment contained in this Bill. Without wishing to reveal any information regarding any ongoing matters, I have been satisfied that all the changes are warranted and need to be made expeditiously.

The Bill amends the Proceeds of Crime Act 2015 (POCA) in order to achieve a limited but important number of amendments.

90 New section 1T is an interpretation section. It provides for the interpretation of certain provisions common to Parts II and III. Previously these were found in section 2 of POCA and could have given rise to some confusion as section 2 is a substantive provision. By removing those parts of section 2 which relate to interpretation and placing them in the new section, 1T will introduce clarity and prevent possible confusion.

95 Sections 2, 3 and 4 provide for the main money laundering offences and these have been recast in the Bill. They are, therefore, not new offences and their origins can be traced back to the UK's Criminal Justice Act 1988. That Act was subject to amendment and later was replaced by the Proceeds of Crime Act 2002.

100 The UK's legislative intent in the 2002 Act, as demonstrated by the explanatory notes to that Act, was to simplify the offences, thereby making them easier to present to a jury. Mr Speaker, in the recast form the offences are aligned to the UK criminal law and, as a result, case law from the United Kingdom will be of assistance in this jurisdiction in the future.

105 For the sake of clarity, the three money laundering offences that are set out in clauses 2 to 4 are: clause 2, entering into an arrangement on behalf of another person to facilitate the acquisition, retention, use or control of criminal property; clause 3, acquiring, using or possessing criminal property; and clause 4, concealing, disguising, converting, transferring and removal from Gibraltar of criminal property. The maximum sentences available for these offences remain unchanged.

110 New section 4A was recently introduced as section 3A, but with the amendments proposed by this Bill it more logically sits after the main money laundering offences. The section is concerned with the consent that the GFU may give to a person making a disclosure to it. Where such consent is given, a person may do an act that is otherwise prohibited. This may arise in

cases where there is an interest in a transaction being completed so as not to indicate to the criminals concerned that there is an investigation afoot.

115 Sub-clause (5) introduces a moratorium period, which is 60 working days, and that period applies where the GFIU have refused consent to a particular transaction.

Sections 4B to 4E are new provisions that build on the moratorium period that is permitted in section 4A in cases where the GFIU do not consent to a particular course of action and provides for the court to extend the moratorium to a maximum of 336 working days or, in other words,
120 two years.

Section 4B(8) provides for appeals to the Court of Appeal in connection with points of law.

The Bill retains references to working days, with a maximum permitted period following extensions granted by the Supreme Court to effectively two years. The period of two years is also in line with the maximum permitted period for the detention of cash that has been seized
125 pending investigation as to the source of funds by the law enforcement agencies.

Sections 4G and 4H provide protection from liability where certain disclosures have been made in accordance with the requirements of the Act. In particular, 4H provides for protection for a breach of a restriction on the disclosure of information where the information is obtained in the course of a trade, profession, business or employment.

130 Clause 3(4) inserts a new section 6B. The section restates the offence applicable to relevant financial businesses, having been formally set out in sections 2, 3 and 4. The maximum sentence remains unchanged.

Clause 3(6) inserts a new section 35A. The section enables the Magistrates Court to commit a defendant to the Supreme Court where a confiscation order is being sought, and section 35B
135 builds on that section.

Clause 3(9) amends section 58. In paragraph (a), subsection (1)(c) so that the requirement of belief is amended to suspicion. Paragraph (b) introduces section 58(3A), the effect of which is to open the possibility for restraint and charging orders to be sought at the investigation stage, again in line with the UK. The purpose of a restraint order is to prevent the dissipation or
140 possible dissipation of assets. At present the law is that a restraint order can only be sought effectively following a charge or immediately preceding the charge, and this may well be far too late as many fraud investigations by their very nature take some time to complete and the alleged fraudster may well become aware of the investigation. This power in the UK to restrain during the investigative stages has been in existence for many years.

145 Clause 3(10) confers a power on the Supreme Court to enable it to make provision inter alia for reasonable costs of living, legal expenses and to provide for a person to carry on his trade, business, profession or occupation. These exceptions are not exhaustive. In addition, this sub-clause introduces certain safeguards, now subsections (7A) to (7C), including reporting to the Supreme Court on progress and a duty on the court to discharge an order where a reasonable time has passed and proceedings have not been commenced.

Clause 3(11) inserts a new section 59A for the enforcement abroad of restraint orders.

Clause 3(12) introduces certain safeguards where a charging order has been granted in connection with the criminal investigation, as is the case with restraint orders.

The remaining provisions relate to a number of amendments that are for housekeeping and clarification. They seek to improve on the clarity of the Act and the associated procedures, and
155 state in which court should be seized of particular matters. From these, clause 3(25)(b) is worth highlighting, as it amends the definition of criminal conduct to restore the definition as it had been in section 2(9).

160 Finally, I wish to take the opportunity to thank the Hon. Shadow Minister for Justice, Mr Elliott Phillips and also Mr Roy Clinton for making themselves available at very short notice yesterday to discuss the content of the Bill and its urgent nature.

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

165 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Elliott Phillips.

Hon. E J Phillips: Mr Speaker, this Bill will enjoy the support of the official Opposition in respect of this matter.

170 I welcome the comments by the Hon. Minister for Justice. Indeed he did reach out to the Opposition yesterday to explain some of the more sensitive matters surrounding this piece of legislation, of course, when our international obligations are certainly important to all Members of this House and the reputation of this jurisdiction.

175 This enjoys the entire Opposition's support insofar as it will progress through Parliament. I am grateful.

Mr Speaker: Any other contribution?

I now put the question, which is that a Bill for an Act to amend the Proceeds of Crime Act 2015 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

180 **Clerk:** The Proceeds of Crime (Amendment) Act 2017.

**Proceeds of Crime (Amendment) Bill 2017 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

185 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members: Aye.

**Markets, Street Traders and Pedlars Act (Amendment) Bill 2017 –
First Reading approved**

190 **Clerk:** We now move to a Bill for an Act to amend the Markets, Street Traders and Pedlars Act. The Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Markets, Street Traders and Pedlars Act be read a first time.

195

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Markets, Street Traders and Pedlars Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

200 **Clerk:** The Markets, Street Traders and Pedlars (Amendment) Act 2017.

**Markets, Street Traders and Pedlars Act (Amendment) Bill 2017 –
Second Reading approved**

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, I have the honour to move that the Bill be now read a second time.

205 In the course of considering amendments to the Markets, Street Traders and Pedlars Rules,
itself a part of a broader project that my colleague the Hon. Albert Isola is overseeing to
modernise Gibraltar's business legislation, it came to our attention that any such amendments
would have to be made by His Excellency the Governor by virtue of his powers under sections
10, 11, 12(2) and 15 of the parent Act. Moreover, beyond his exclusive rule-making power, His
210 Excellency enjoys various powers under section 16 of the Act – for example, to make
designations as to the location of street traders or to impose certain requirements on the type
of equipment they can use.

These matters self-evidently do not fall within the Governor's special responsibilities under
section 47(1) of the Constitution, but are instead the responsibility of Ministers. The Bill is
therefore essentially a tidying-up exercise. It ensures that the Act, which was commenced in
215 1954 and last amended in 1982, conforms to the constitutional distribution of powers as
between the Governor and Ministers and that the Government can then proceed to make such
amendments to the Markets, Street Traders and Pedlars Rules as are necessary.

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

220 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general
principles and merits of the Bill? The Hon. Roy Clinton.

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

225 From this side of the House, the Official Opposition, obviously we understand the reasoning
for this Bill and it will certainly enjoy our support. I look forward to hearing in due course what
the further wider-ranging amendments are going to be.

Thank you, Mr Speaker.

Mr Speaker: Does any other hon. Member wish to speak? None.

230 I will put the question, which is that a Bill for an Act to amend the Markets, Street Traders
and Pedlars Act be read a second time. Those in favour? (**Members:** Aye.) Those against?
Carried.

Clerk: The Market Street Traders and Pedlars Amendment Act 2017.

**Markets, Street Traders and Pedlars Act (Amendment) Bill 2017 –
Committee Stage and Third Reading to be taken at this sitting**

235 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**
Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken
today, if all hon. Members agree.

240 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the
Bill be taken today?

Members: Aye.

**Law Commission Bill 2017 –
First Reading approved**

Clerk: A Bill for an Act to provide for the constitution of a Law Commission for the reform of the law and for connected purposes. The Hon. the Minister for Health, Care and Justice.

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Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I have the honour to move that a Bill for an Act to provide for the constitution of a Law Commission for the reform of the law and for connected purposes be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to provide for the constitution of a Law Commission for the reform of the law and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Law Commission Act 2017.

**Law Commission Bill 2017 –
Second Reading approved**

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Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I have the honour to move that the Bill be now read a second time.

In the light of the comments in my Budget speech, I propose to add very little today.

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The Bill provides for the Constitution of a Law Commission for the purposes of promoting reform of the law. The Commission shall be comprised of no fewer than six members appointed by the Government by notice in the Gazette and shall include the Attorney General, the Minister, no fewer than two commissioners who are barristers or solicitors of at least seven years' post-qualification experience, and no fewer than two commissioners appearing to the Government to be suitable for the role. A quorum of the Commission shall consist of three members. Each member will be appointed for a renewable term of three years.

265

The function of the Commission can be summarised as follows: to receive and consider proposals for the reform of the law made or referred to them by Government; to undertake, pursuant to any such recommendations approved by Government, the examination of any particular branches of the law and the formulation of proposals for reform; to consider and prepare proposals for consolidation or statute law revision in such areas as may be referred to by Government; to provide assistance and information to Government and other authorities on proposals for reform; and to obtain such information as to the legal systems of other countries as appears to the Commission is likely to facilitate the performance of the functions.

270

The Bill also states that the Government and the Commission may agree a protocol regarding the Commission's work. The protocol, among other things, may include matters such as the principles and method which will be applied in deciding the work to be carried out by the Commission and the administrative support which is to be provided to the Commission by the Government.

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I commend the Bill to the House, Mr Speaker.

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Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? The Hon. Elliott Phillips.

Hon. E J Phillips: Mr Speaker, Her Majesty's Opposition will support the Bill for the creation of a Law Commission.

285 We understand that it is Her Majesty's Government's intention that the Law Commission will
have a very wide remit and will, amongst other things, consider proposals for the reform of the
law, undertake examination of areas of the law with a view to formulating proposals for reform,
codification and elimination of the anomalies. It is also envisaged that the Law Commission will
generally provide advice and information to the Government on reform and amendments of our
290 laws.

We on this side of the House note that the first task of the new Law Commission will be to
review our local sentencing guidelines to ensure that they cater for the needs of Gibraltar. I
know that the Hon. the Minister for Justice did indicate in his Budget speech that that would be
the first task of the Law Commission. I, for one, agree that we should create a body of
295 sentencing guidelines which are Gibraltar-centric and entirely relevant to sentencing and the
imposition of penalties by our courts. But a word of caution: in our view there may well be
some overlap with sentencing practice of England and Wales. Sentencing practice in England and
Wales, of course, is developed over a considerable amount of time and in changing
circumstances. As the Minister for Justice is aware, sentencing of offenders is not an easy task. It
300 balances the need to punish offenders, crime reduction, protection of the public, the
rehabilitation of offenders and society's need that the offender makes reparation to the
community. Sentencing is not therefore an exact science. It balances a number of significant
interests with hundreds of years of evolving sentencing law. Whilst I agree that we should
review sentencing, I believe that there is a risk that to tinker at the edges of an already well-
305 established body of guidance may unravel a number of issues which will later need to be dealt
with by the judiciary. I would urge that we exercise a degree of common sense when it comes to
that review.

We on both sides of this House who have practised at the Bar will no doubt recall areas of
sentencing practising guidance which have little relevance to Gibraltar practice and it is right
310 that the Law Commission are tasked with recommending those changes.

We also suggest that when the Law Commission is formally constituted that it widely consults
with stakeholders at the criminal Bar and the Bar Council generally, who will be able to add
value to the work of the Law Commission.

We on this side of the House support and welcome each of the Law Commissioners who the
315 Minister of Justice has indicated he will be appointing and we are sure, as part of a wider remit,
this will also add value to this important work.

We in the Opposition also suggest that, insofar as the Commission's first task of reviewing
our sentencing guidelines is concerned, that some further thought be given to extending the
composition of the Law Commission to the chairperson of the Bar Council – whoever that may
320 be at the time – the Superintendent of Prisons, the Drugs Co-ordinator and respective
representatives from the Probation Service; and, as I have stated in this contribution, the
possible participation of regular criminal law practitioners, who can also add a level of depth of
their experience to this process. It may well be that when it comes to addressing other areas of
law reform, the Law Commissioners will also be ably assisted by other members of our
325 community who will have valuable contributions to make.

In summary, Mr Speaker, we support this Bill and also commend it to the House.

Mr Speaker: Does any other hon. Member wish to speak on the Second Reading of this Bill?
I call on the mover to reply.

330

Hon. N F Costa: Mr Speaker, very briefly to thank the hon. Gentleman for indicating that the
Government will enjoy the support of the official Opposition in respect of the creation of the
Law Commission.

I take note of what he says in respect of applying common sense to the endeavour that will
335 be undertaken. In that respect I think that, as he rightly says, the Law Commissioners are
supremely suitable to undertake this work, and of course the work of the Commission will very

much be underpinned by the evidence and by the advice that will be provided by stakeholders who are actively engaged in this field – such as, for instance, the RGP in terms of criminal sentencing.

340

Mr Speaker: I now put the question, which is that a Bill for an Act to provide for the constitution of a Law Commission for the reform of the law and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

345

Clerk: The Law Commission Act 2017.

**Law Commission Bill 2017 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

350

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members: Aye.

**Children (Amendment) Bill 2014 –
First Reading approved**

Clerk: A Bill for an Act to amend the Children Act 2009. The Hon. the Minister for Health, Care and Justice.

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Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Children Act 2009 be read a first time.

360

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Children Act 2009 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Children (Amendment) Act 2014.

**Children (Amendment) Bill 2014 –
Second Reading approved**

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Children Act 2009 be read a second time.

365

This Bill inserts a new section 156A into the Children Act 2009 to allow minors over the age of 16 but under 18 years of age to consent to surgical, medical or dental treatment as if they were of full age.

370

There are a couple of typographical errors in the Bill as published which are subject to a letter containing amendments to be taken at the Committee Stage. The amendment replicates the equivalent UK provision which previously existed in local law as section 41 of the Minors Act.

However, this provision was repealed by the Children Act on 14th January 2010 and no equivalent provision was included in the new Act. The reasons for its omission are unknown.

375 The change is important if children are to be treated with equality and as autonomous beings, especially once they have reached the age of 16. The Government is of the opinion that making this statutory change, together with our adherence to the common law in the area following the UK case of *Gillick*, advocates the rights of every child to self-determination, dignity, respect, non-interference and the right to make informed decisions.

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

380 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principle and merits of the Bill? The Hon. Elliott Phillips.

385 **Hon. E J Phillips:** Mr Speaker, this is an important amendment to the law, and in fact a consent, as the Hon. Minister knows, in respect of medical treatment, be that dental, surgical or otherwise, is a hugely complex area of the law.

One matter that I would recommend that the Minister look at, at a later stage when we are looking at possibly mental capacity amendments to the law ... is that we remember these provisions and where there is any crossover reference that needs to be made in relation to mental capacity. I do not know. I flag that as an issue now. I also flagged it in previous Bills that were brought before this House last year. But it is an important amendment to the legislation and I welcome the Minister's intervention.

390

Mr Speaker: Does any other hon. Member wish to speak on this Bill?

Does the mover wish to reply? No.

395 I now put the question, which is that a Bill for an Act to amend the Children Act 2009 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Children (Amendment) Act 2014.

**Children (Amendment) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

400 **Hon. N F Costa:** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

405 **Members:** Aye.

**Medical (Gibraltar Health Authority) (Amendment) Bill 2017 –
First Reading approved**

Clerk: A Bill for an Act to amend the Medical (Gibraltar Health Authority) Act 1987 and the Care Agency Act 2009 and to make consequential amendments to the Medical and Health Act 1997, the Mental Health Act 2016 and other subsidiary legislation. The Hon. the Minister for Health, Care and Justice.

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Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Medical (Gibraltar Health Authority) Act 1987 and the Care Agency Act 2009 and to make consequential amendments to the Medical and Health Act 1997, the Mental Health Act 2016 and other subsidiary legislation be read a first time.

415

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Medical (Gibraltar Health Authority) Act 1987 and the Care Agency Act 2009 and to make consequential amendments to the Medical and Health Act 1997, the Mental Health Act 2016 and other subsidiary legislation be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

420

Clerk: The Medical (Gibraltar Health Authority) (Amendment) Act 2017.

**Medical (Gibraltar Health Authority) (Amendment) Bill 2017 –
Second Reading approved**

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I beg to move that the Bill for the Medical (Gibraltar Health Authority) (Amendment) Act 2017 be read a second time.

425

The principal aim of the Bill is to make amendments to the Medical Act in order to introduce structural changes to the Authority.

For instance, the position of Chief Executive of the Authority has been replaced with a new position, the Medical Director. The Medical Director shall be the executive officer of the Authority and shall perform such functions and exercise such powers as are from time to time conferred upon him by the principal Act or any other Act. He also takes the position of Chairman of the Management Board.

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A new position of Deputy Medical Director has been introduced as well as Human Resources Manager, which replaces the Personnel Officer; and Hospital Operations Manager, which replaces the Hospital Manager. The position of Primary Care Manager has also been removed.

435

These changes are also effective vis-à-vis the composition of the Management Board. The main function of the Management Board has changed so that now it is their duty to advise and assist the Authority rather than the Chief Executive.

The Bill introduces a regulation-making power which allows the Minister to amend the Act by subsidiary legislation in order to remove, replace or rename any of the posts listed under sections 3(1) of the establishment of the Gibraltar Health Authority; 6(2)(b), duties of the authority, specifically the duty to employ certain positions; or 11(1), Management Board. This is to facilitate future structural changes that may be desired. The regulation-making power also allows for consequential amendments to be made as required in other Acts or subsidiary legislation strictly as a result of any changes made to the principal Act.

440

The Bill also amends the Care Agency Act by removing duties regarding elderly residential services from the remit of the Care Agency, as the duties now come under the remit of the GHA.

Lastly, the Bill introduces several consequential amendments to primary and secondary legislation to ensure that all newly named positions are referred to correctly in the wider context of the legislative landscape.

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Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Medical (Gibraltar Health Authority) Act 1987 ... Sorry, before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. Mr Roy Clinton.

455

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

I do have some difficulty with this Bill from a structural corporate governance point of view. The role of the chief executive, which the Government are seeking to substitute, is historically very different to that of a medical director. My understanding, as a non-medical man, is that the
460 medical director is usually in charge of the quality of care, the delivery of care and also the ...
well, the medical doctoring side of the hospital; the chief executive, certainly in the United Kingdom, has a very different, more holistic role in terms of the overall administration of the hospital.

I fail to see how substituting one title for another actually resolves anything in respect of the
465 GHA. Making the medical director de facto the CEO is just really a change of title, but I do not see how the medical director, as a doctor, is going to necessarily have the skills or the experience to run a hospital in the way that a CEO would have to, and also, of course, be accountable for not just the performance of the medical staff but also in terms of delivery of the service and the overall effectiveness of the service and responsibility to the GHA board, and also
470 in terms of cost and development and expenditure. They are very different strategic roles and you need very different mind-sets overall in order to achieve these objectives, which is why it is usual, certainly in the United Kingdom, that these are two distinct functions and they are not mixed in this way.

I understand the Government's political objective in, as it were, removing the role of CEO,
475 but I do wonder whether overall strategically this will actually deliver the Health Service that Gibraltar needs and deserves.

Also, Mr Speaker, I have attended the various GHA board meetings, as the former Minister will testify and the current Minister will testify, but I did not see anywhere on the agenda any discussion about the restructuring of the Health Service. You would have thought the GHA
480 board, which is the ultimate body responsible for the delivery of healthcare in Gibraltar, would have had at least some discussion about such a major restructuring. Certainly to my knowledge there has been no discussion at the board level as to what it is that the members of that board would think would be expedient. Of course I stand to be corrected by the Minister, because obviously I am not privy to the entire discussions and deliberations of that board, but certainly
485 the public elements of those board meetings and from the agenda that is circulated in advance I am not aware of any extraordinary item saying 'major restructuring of the GHA'. It is the responsibility of the GHA board to deliver our medical services, and so they are the ones who really should have had an input as to this level of restructuring.

And so, in the absence of something that will convince me otherwise from the Minister that
490 de facto combining the role of medical director and CEO in this manner will deliver a better Health Service, I am afraid I really cannot advise my colleagues to support this Bill in this form.

Thank you, Mr Speaker.

Mr Speaker: Before I call on the mover to reply, does any other Member wish to ... The Hon.
495 the Chief Minister.

Chief Minister (Hon. F R Picardo) Mr Speaker, I do not know whether I welcomed him as Leader of the Opposition today or not, but given it is his first intervention since it has been announced that he will be taking the role, at least whilst a leadership election occurs in the
500 context of the other party, I rise to welcome him to that role and to say that, as far as this side of the House is concerned, politics does not have to be a bellicose endeavour and I very much look forward to the opportunity that we might have to work together on aspects that are in the common interests of all of the people of Gibraltar who elect us and who put us here to work in their common interest.

I am disappointed, however, that the first words he utters in this House in the context of the
505 new role are to lead that Opposition into a 'no' vote – something which he appears also to have

convinced them to do in relation to the Appropriation Bill, which did not go perhaps as well as they might have wanted.

510 Dealing with the substance of what he said are the reasons for voting against the measure, can I just ask him to reflect on this. The Gibraltar Health Authority was created before the GSLP was elected in 1988 – I think in 1987. (**Hon. N F Costa:** 1987.) That’s right, and in 1987 the Health Authority did not have a CEO. (**Hon. N F Costa:** That’s right.) Before 1987 there was a Department of Health – which did not have a CEO; it would have had an SO who then became the new incarnation of management in the GHA absent a CEO. The CEO was introduced by the
515 former administration under Sir Peter as Chief Minister, and the first CEO was a doctor – Dr McCutcheon, to remind us all of who it was. So I think that, to an extent, kills the point that a CEO is not a doctor, because the first CEO was a doctor. So I do not think that the medical profession is excluded from the role of chief executive.

520 Was it a good idea that there should be a chief executive at the head of the GHA? He is, above all else, I detect from the contributions he makes in this House, a money man. What did the CEO’s advent in the GHA do? It led to a steady increase in the costs of the GHA, they say today not matched by the service given to patients – unless they are saying that the service given to patients was magnificent on 8th December 2011 and dreadful on 10th December 2011, where the only thing that changed was the chief executive of Her Majesty’s Government of
525 Gibraltar, not the Chief Executive of the Gibraltar Health Authority.

We have analysed whether or not the advent of a chief executive into the GHA led to better value for money, whether it led to better healthcare or whether it led to reduced cost, and it did none of that. So the decision has been taken that it is possible to have a medical director atop the hierarchy of health in Gibraltar, who has responsibility for medical matters and some matters in administration, without having to have a separate strand of administration which is simply the chief executive, who has become a cost centre, because it is a new liability in salary, a very large one indeed – he will recall that we had the debate about how the salaries of the Principal Auditor and the Chief Secretary had risen, and it was in relation to that – and second, a cost centre because, under the auspices of a chief executive, the increases in cost in the Health
530 Authority were not driven by the increase in salary. So you could not say, ‘Well, of course it’s costing more because we have the same number of staff and they are getting pay rises’; it was an exponential growth in cost, which we do not think necessarily equated to an exponential growth in value for money for the taxpayer or better service.

540 So, in the circumstances, Mr Speaker, I think it is right that we have taken the decision that the hon. the mover has put to the House as eloquently as he has. In particular, just dealing again with the point of whether a doctor can be a CEO of an organisation, the second CEO – which they did not complain about – was a nurse. So I do not think any of the points that he has made raise any issue for the Government in continuing to be persuaded that the course set out by the Hon. the Minister for Health is the right course for this community. It is the right course for
545 healthcare in this community. It pursues an agenda of value for money in respect of the healthcare that we provide for the community and it pursues an agenda of ensuring that a medical director is in charge of decision-making alongside those politically responsible for decision-making.

550 So, in the circumstances, Mr Speaker, I am disappointed that his first act as Leader of the Opposition will be to take us where the last act of the former Leader of the Opposition took them, which was to negative votes on things which are very good for our community. One was to pay for the schools, the hospitals and the civil servants, and the other one now is to reform how we ensure that those atop the structure of Health provide the best possible value healthcare for our community. Nonetheless, I still welcome his appointment and look forward to
555 working with him on other matters.

Mr Speaker: Does any other hon. Member wish to speak on the Second Reading of the Bill? Does the mover wish to reply? The Hon. Neil Costa.

560 **Hon. N F Costa:** Mr Speaker, I am also disappointed that the hon. Gentleman will not be voting in support of the Bill, and I will tell him why.

He has said that the reason why he finds difficulty in supporting the Bill is because the roles of the chief executive and of the medical director are quite different, to his mind, and that strategically it makes sense to have a chief executive separate from a medical director. But will he not agree with me that if under the present structure where we have had a chief executive since 1997 there has been an overspend of £89 million over 20 years in the GHA, the CEO is in fact self-evidence of catastrophe? (**Hon. Chief Minister:** An indictment.) It is an indictment of their structure. (*Interjection*) But it is absolutely – (*Interjection*) Yes, but not so soon, Mr Speaker.

570 **Hon. Chief Minister:** We all know it's a relaunch, not a resignation.

Hon. N F Costa: Therefore, there is an inverse relationship to success in having a CEO at the top of the GHA, proven by the fact that there has been an overspend of £89 million over 20 years under a CEO.

575 Mr Speaker, the hon. Gentleman says that the Medical Director will de facto become the CEO. The Medical Director will *de jure* as from today become the Chief Executive, or the CEO, because the Medical Director will be subsuming the powers of the CEO.

580 He refers us to the UK NHS as an example as to why we in Gibraltar should also have a CEO – again, in my estimation, precisely the wrong example. He has read, surely, in the newspapers in the UK the black alerts in many trusts about doctors kicking their heels because, as a result of bed shortages, operations are being cancelled. Cancer operations are being cancelled. Old people are being kept waiting on trolleys for hours on end. The NHS in the UK – unfortunately, Mr Speaker, because it is not something to be gleeful about – is in a state of wreckful disrepair. It is in a very, very bad way. So, if I am going to take an example of a healthcare system, it will unfortunately – and it does pain me to say this – will not be from the NHS, from where we do get guidelines in terms of NICE guidelines and so on. Because, in fact, they are running a huge deficit and also because of the experience of nurses who have not received a pay rise in six years in the UK, which has led to allegations of nurses having to go to food banks to be able to receive food, and all of the instances where there has been a shocking lack of care, medical, surgical and otherwise, in the NHS, the hon. Gentleman really should not be pointing me to the NHS as a model – (*Interjection*) yes, he did – from which to emulate in order to be able to justify the Opposition's decision not to vote for the Bill.

595 Mr Speaker, clearly the reason for not voting is political and not based on reason, because if it is based on reason, and given that I have just told him that the model to which he refers me to, is run by chief executives, and he knows, because it has been printed in UK press, that it is falling to bits, then surely he has to admit that the CEO is not necessarily the best thing since sliced bread because the NHS is not providing the healthcare that the UK citizens surely deserve.

600 Mr Speaker, we would not be introducing these changes by way of legislation if we did not think that they were appropriate. Does it not make sense to him intuitively that there should be a senior consultant leading a healthcare service? Doesn't it make sense to him, in the same way that you have a Director of Education who is – (**A Member:** Not necessarily.) Well, Mr Speaker, they say not necessarily ... All right, let me take them through it. It may not necessarily make sense to always have a professional at the top of every single Government Department. You do not necessarily need a person with a tourism masters to run the Gibraltar Tourist Board – a business masters may do, an MBA – but surely for medical services you would expect that a person who has been on the patient side of care, who understands the needs of patients, should be the best person possible to be able to direct from the top how to run a health service. And they keep nodding their heads, so then perhaps maybe we should have a Chief Justice in the courts who is an engineer rather than a lawyer (*Laughter*) and we should have perhaps some kind of professional actor running the GHA if it is not necessary to have (*Interjection*) a senior –

610 *(Interjection)* Mr Speaker, it is not without importance that before the GHA there was a medical department and every single ... Can you believe this, Chief Minister: every single top person – *(Interjection)* Mr Speaker, sorry. Every single person at the top of the medical department was a senior surgeon, and of course it was a senior surgeon because it makes eminent sense that the person running the Health Service should be a senior practitioner.

615 Mr Speaker, simply to conclude, the hon. Gentleman who does attend the boards, I readily admit. He did, however, miss the fact that I did say in conclusion that we would not be discussing the changes that are taking place in the Bill because the period covered up to March of this year, and that we will be covering the changes that have been brought about by the Bill because we will be covering the relevant period in the next board meeting.

620 Thank you, Mr Speaker. *(Banging on desks)*

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Medical (Gibraltar Health Authority) Act 1987 and the Care Agency Act 2009 and to make consequential amendments to the Medical and Health Act 1997, the Mental Health Act 2016 and other subsidiary legislation be read a second time.

625 Those in favour? **(Several Members: Aye.)** That is Government Ministers and ... Anybody else from the Opposition benches voting in favour? No. Those against? **(Several Members: Aye.)** That is the official Opposition. And the two independent Members – how are they voting? The Hon. Marlene Hassan Nahon? **(Hon. Ms M D Hassan Nahon: In favour. In favour.)** In favour. Sorry, I
630 did not get that initially. So the Government and the Hon. Marlene Hassan Nahon voting in favour. The official Opposition against. **(Hon. L F Llamas: In favour.)** The Hon. Lawrence Llamas also in favour. Therefore the Second Reading is carried.

Hon. Chief Minister: By a substantial *(Inaudible)*

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Clerk: The Medical (Gibraltar Health Authority) (Amendment) Act 2017.

**Medical (Gibraltar Health Authority) (Amendment) Bill 2017 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

640 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of this Bill be taken today?

Several Members: Aye.

**Disability Bill 2017 –
First Reading approved**

645 **Clerk:** A Bill for an Act to make provision for persons with disabilities modelled on the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities; and for matters connected thereto. The Hon. the Minister for Housing and Equality.

650 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision for persons with disabilities modelled on the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities, and for matters connected thereto, be read a first time.

655 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for persons with disabilities modelled on the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities, and for matters connected thereto, be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Clerk: The Disability Act 2017.

Disability Act 2017 – Second Reading approved

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, I have the honour to move that the Bill be now read a second time. In fact, I beg to move that this Bill, the Disability Act 2017, also known as Agnes's Law, be read a second time.

665 Mr Speaker, our Government is one that truly represents equality and diversity, and our track record shows that we recognise the duty of society to treat people of all backgrounds with dignity and respect. There are times when we need to legislate to ensure that there are sufficient protections in place. As a Government, we have an established track record of protecting rights, and this Bill is another milestone in respect of equality. It takes determination and courage of conviction to take action and make real change when it comes to achieving equality in our society, and I am honoured to be Gibraltar's first Minister for Equality.

670 This Bill implements one of our manifesto commitments. The purpose of this Bill is to legislate to further protect people with disabilities using the terms of the UN Convention on the Rights of People with Disabilities as a model. Indeed, the Chamber of Commerce, in its February edition of *Chamber News*, referred to this Bill as possibly one of the most significant pieces of legislation introduced by the GSLP Liberal Government. This, Mr Speaker, speaks volumes.

675 This Bill is particularly important for me, as it transcends my time as a Minister and has been quite a personal journey for a long time. While in private practice as a barrister, I first met with the Disability Society in January 2006 and offered to help them in their mission to achieve legislation for disability rights in Gibraltar, given the vacuum that existed. I have a very vivid recollection of that meeting over 10 years ago, where I was presented with a draft piece of legislation that had been prepared by the late Mrs Agnes Valarino. Mrs Valarino had previously been the Chairperson of the Disability Society, and at that meeting, when the Committee presented me with a draft, they referred to it as Agnes's Law because they wanted a fitting tribute to a lady who had worked so hard to progress the rights of people with disabilities in Gibraltar. In 2006 I promised to help. Little did I know then how literally this would happen. A true pioneer and champion of the rights of people with disabilities, I felt it only right and fitting that Mrs Valarino's wish to legislate be honoured by referring to the proposed Disability Act in her memory.

680 Members of this House will be aware that a Command Paper was presented and published in October 2015. Responses to that Command Paper were received and the views of the public were taken on board. My Ministry and I have met with everyone who responded to the consultation process, and charities and representative groups. I have also had the opportunity to discuss this with the hon. Member opposite, Mr Llamas, who held this portfolio. I am grateful to

695 everyone involved in the consultation process, which was very favourable and helped to clarify certain points. This is why we introduced the consultation process when we came to office in 2011.

Historically, disability legislation has been an area of law which has been overlooked. The existing Equal Opportunities Act 2006 is specific to employment-related matters alone. The
700 Disabled People Act 1992 is outdated and fails to meet the demands of a modern and inclusive society such as the one that this Government is building. For this reason, we have decided to repeal the Disabled People Act 1992 and instead publish this new modern piece of legislation which aims to create an equal playing field in all aspects of society for people with disabilities.

I can say with confidence that since we have come into Government equality and inclusion
705 have gained more importance. This I daresay is because of what we have invested in changing our policies and all the work that we have done on delivering training and creating awareness of disability equality principles. It is clear that on this subject we have been leading from the front.

On to the Bill itself, it introduces a standalone piece of legislation for people with disabilities, setting out several principles and obligations that should be considered by any person taking
710 policy decisions or actions, the ultimate purpose being to promote, protect and ensure the full and equal enjoyment of all fundamental rights and freedoms by people with disabilities, and to promote respect for their inherent dignity.

The Bill is modelled on the UN Convention in a way that is relevant to our community. The Bill is not intended to create new rights; these already exist in our law. The fundamental right not to
715 be unfairly discriminated against is already enshrined in our Constitution. This Bill clarifies existing obligations and legal duties and provides a framework to give practical effect to the Convention's aim, which is to provide equal enjoyment by all people with disabilities. This Bill is a significant step forward and will make important changes to the lives of people with disabilities and their families.

720 Mr Speaker, turning to the Bill itself, I do not propose to go through each individual section, as these are quite self-explanatory; but I will only refer to some of the more pertinent ones.

Sections 4 to 7 introduce the definitions and the general principles and obligations of the Act, and in relation to section 6 we will be producing guidance notes to promote understanding of obligations and facilitate the introduction of these.

725 Section 12 sets out a power to introduce policies, strategies and initiatives on awareness raising. While not yet a legal obligation for us, we have nevertheless been leading on this for the last five years. We have invested heavily in training and awareness. We have not only made this widely available to the public sector but also through our hugely successful Equality Means Business seminars for the private sector, which have also been embraced by the Chamber and
730 the GFSB, and finally our Understanding Autism seminars for parents of people on the autism spectrum. The uptake and interest in all of these have been wonderful, and by delivering this intense programme of training we have been setting the groundwork for the implementation of this legislation.

Sections 13 and 14 relate to accessibility and implement a requirement for people
735 undertaking the provision of public buildings or premises to consider and cater for the access and use of facilities by people with disabilities. Again, a lot of work has been done in preparation for this and it is, of course, a continuous process. This, in fact, will be the first section that will have practical implementation almost immediately, as we will introduce the part R regulations of the building rules, which will mean that all new buildings, alterations or change of use of
740 existing buildings must take account of people with disabilities. This will give legal effect to what already exists as a Government policy for the last five years and has been applied to all our Government projects. Again, another example of the Government leading from the front.

Section 23 deals with the collection of useful data and statistics to enable the formulation and implementation of successful policies to cater for people with disabilities. This is something
745 which has always been lacking in Gibraltar and will assist us in making even further improvements in the future for people with disabilities in all aspects of their daily lives. At this

point I would like to thank not only my Ministry and the Government Departments who have been working on compiling the disability register, but also the Data Protection Commissioner and his staff at the GRA for their guidance to ensure that we do not fall foul of the data protection legislation in so doing.

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Mr Speaker, stigma, prejudice and discrimination against people with disabilities is unfortunately still prevalent. Although we still have a long way to go in changing cultural norms, perceptions and attitudes, this law aims to make those rights real by building on and giving effect to the right not to be unfairly discriminated against on the grounds of disability and put the rights of people with disabilities on an equal footing to everyone else.

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Mr Speaker, if you may indulge me to make the point that a new law is not enough and my work does not stop here ... In order for the rights and the framework to become meaningful, I consider that continuous education and awareness is essential to ensure that the community can properly understand and become more responsible in ensuring that people with disabilities are no longer treated less favourably. We will therefore continue our work at every level in the public sector, particularly in the training of professional staff who work with people with disabilities, those in management and those who work on the front line, the private sector, and of course support parents and families. We need everybody to embrace the principle that, while we provide a statutory framework, we each have an individual and collective responsibility to go beyond this and make Gibraltar more inclusive of people with disabilities. This is about embracing the principles and is about changing hearts and minds.

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I would like to acknowledge the work that has been done by the strong and extremely motivated team at the Ministry for Equality on this legislation and, importantly, on the implementation of these principles, and in particular, to Mr Tito Garro, from the Government Law Office, who was responsible for drafting the legislation, and for his advice throughout; and, of course, special mention to the Disability Society, who last year celebrated their 50th anniversary and whose advice and guidance has been very welcome. The Disability Society inspired me when I met them in 2006 and they and the values that they represent continue to inspire me today. Equally, of course, I must refer to all the individuals and other representative organisations who have worked with us and who also represent these goals and values, including the Chamber of Commerce, the GFSB and the new Unite Equalities Committee as well. I will continue to work with all the stakeholders who share these ideals in the implementation of the legislation and the development of Government policy.

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Finally, Mr Speaker, I again refer to a very special person in respect of whom this legislation is in honour, the late Mrs Agnes Valarino. I said at the beginning of my intervention that in December last year, when I published this Bill, I announced that it would be referred to as Agnes's Law as a tribute to her and her dedication to championing the rights of people with disabilities. I did not know Agnes personally, but I have always heard great things about her. I have had the pleasure of working with her husband Mr Maurice Valarino in my current role, her son Bernard in my previous role, and also have the pleasure of knowing her other son, Matthew, who among other attributes is a wonderful artist, and a beautiful abstract painting of his hangs in my office.

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Together with my ministerial colleagues and the rest of the community, we will work together to break down barriers, promote equality and achieve a more inclusive society. Mr Speaker, I am honoured to commend this Bill to the House. *(Banging on desks)*

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Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? The Hon. Lawrence Llamas.

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Hon. L F Llamas: Mr Speaker, I would like to contribute to this debate. The Bill presented before us adopts more principles of the UN Convention 2006 than the Command Paper issued in October 2015. I must say that it will reinforce some of the basic human rights enjoyed across

society as being rights equally to be enjoyed by anyone with a disability. I therefore extend my support to the Government for bringing this Bill to the House.

800 The name given to the piece of legislation, Agnes's Law, is extremely appropriate given the lobbying led by the late Mrs Agnes Valarino, carried out in her life. I did not have the privilege of knowing the late Mrs Agnes Valarino; however, her legacy and those of all involved in bringing this legislation to this House will be known for generations to come.

805 When the Bill was published back in December last year, I wrote to the Minister for Equality with my concerns and those of constituents who had expressed and identified areas where further clarity and detail was required. In my email I included what I felt would consolidate and fulfil the principles of the UN Convention. Last month, in reply to my email, the Minister and I had a discussion covering these areas, where her arguments and those of Her Majesty's legal experts were conveyed, and therefore I have taken those on board in good faith but will reserve
810 the right to return to these in the future, depending on the implementation of the Act. The practical effect of the Act as it stands today extends sufficiently enough to give life to the relevant aspects of the UN Convention.

The UN Convention on the Rights of Persons with Disabilities is an international human rights treaty which has been developed extensively and in great detail. Its principles and objectives are
815 the cornerstone to extend equal rights to persons with disabilities. The Convention has served as a catalyst in shifting the perception of people with disabilities with its charity-based approach to treatment and services to a human rights based approach in which people with impairments are no longer considered medical problems, totally dependent on the generosity of non-impaired people in society, but has fundamental rights to support inclusion and participation in all areas
820 of the community. This is a fundamental basis that I will seek to ensure is taking effect in Gibraltar.

The Government have embarked on a series of awareness-raising campaigns, through seminars and booklets, which appear to be good initiatives as education is key. These campaigns have focused on the public sector, the private sector and parents.

825 My first area of concern is the omission of the amendment to section 38 of the Equal Opportunities Act 2006 to include persons with disabilities within the demographic of society against whom one cannot discriminate against. I am assured by the Government's legal experts, through the Minister, that there is no need, given our Constitution, and I shall not be proposing an amendment on this understanding, even though personally I do not see any harm in simply
830 including it.

Secondly, the UN Convention model includes an independent committee which monitors and reports the implementation and compliance of the Treaty. This differs in the proposed Bill with the responsibility being assumed by the Minister for Equality. It would seem appropriate to follow suit from the UN Convention and designate this responsibility to a committee composed
835 of independent and experienced individuals who hold no conflicts of interest, and with stakeholders. I feel that is particularly necessary in light of the introduction of the term 'as far as reasonably possible', which has been included a total of 17 times in this Bill. It would therefore make complete sense to have a non-partisan, fully independent committee to evaluate and assess all the areas of ambiguity and oversee the implementation of this legislation with
840 absolute autonomy. The Minister has assured me that she is happy to keep an open mind to the creation of an independent committee in the future if needs arise. I shall therefore keep this issue very much alive and shall apply pressure if I feel that the requirement of such a committee is required.

845 The Bill adequately deals with accessibility issues and successfully promotes the rights of those with physical disabilities. However, it is my view that it does not go far enough to legislate in a clear manner what the rights and protections for persons with disabilities are. I had intended to move amendments in three key areas which I feel are missing. However, the Minister has assured me that the issues which I shall be raising are already satisfied in domestic legislation for a considerable time and therefore would mean duplicating legislation, which

850 would be against the advice given by law draftsmen. She has assured me that she will be publishing directive guidelines under the Disability Act provisions. Naturally, I respect her approach and will await a timely publication of guidelines, which I have been assured will commence as from September.

855 The areas which I am concerned about regard clause 19, which covers health. As it currently stands, all this Bill says is that persons with disabilities are entitled to healthcare and are not to be discriminated against. It fails to deliver and legislate as to how the health sector should function, work and interact with persons with disabilities. In future guidelines, I expect the guidelines to set out that the health sector will, as per the UN Convention, which is extensive and detailed in nature, to ensure systems and rights are protected.

860 The Bill does not mention anything to do with work and employment or equality before the law. It is important to transpose all Gibraltar-relevant articles of the UN Convention into domestic law and not cherry-pick parts of the UN Convention or even parts of the articles themselves. If the article is relevant to Gibraltar it should not be omitted. Thus we should ratify them and publish them pending effect so that the community can read and understand where we are aiming and what targets we expect in the near future. I am assured once again that these issues already exist in our legislation. I would therefore expect to see on paper and in practice 865 the commitment and detailed clarification as to what our law should be achieving, as it should be easy to read for all concerned.

870 With regard to work and employment, I will expect the Government to recognise in its guidelines the rights of persons with disabilities to work on an equal basis with others. This includes the right to the opportunity to gain a living by work freely chosen and accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities and extend the full details of the Convention.

875 With providing guidelines to provide equal recognition before the law, the Government must reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law. The Government must recognise that persons with disabilities enjoy legal capacity on an equal basis with others on all aspects of life.

880 The Government must take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity. This is to include an independent advocacy service. The Government must ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse, in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercising of legal capacity respect the rights, will and preferences of the person, free of conflict of interest and undue influence, proportional and tailored to the person's 885 circumstances, subject to a regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests. I feel that this will give persons with disabilities a well spelt out, easy to follow detailed overview of what their rights and protections within our jurisdiction are. It will empower them with the armour and artillery to ensure they are truly 890 equal to freedom of choice and equal in voice.

Mr Speaker: Any other hon. Member wish to reply? The Hon. Marlene Hassan Nahon.

895 **Hon. Ms M D Hassan Nahon:** Mr Speaker, this Parliament has a proud record of standing up for groups who may have previously felt underrepresented in terms of their civil rights, from single-sex couples to mental health patients. Both sides of this House should feel proud that we have helped advance the status quo of minority groups in Gibraltar.

900 While I may have argued on a number of occasions that many of these measures perhaps do not go far enough in terms of fully eliminating the inequalities of our society, it is encouraging to see that progressive voices have an ear in this Chamber. I have no doubt that these groups now feel that they are a part of a more inclusive Gibraltar, and that is a testament to how we as a

House have recognised these inequalities and embraced proposed solutions. This Disability Bill takes this notion a step further. It recognises the difficulties that some of the most vulnerable members of our community face and examines how to resolve them. It also acknowledges the equal contribution that many of these individuals can make to society and gives them an opportunity to realise their full potential. It makes those affected aware of their rights and entitlements whilst clarifying the procedures to enable them to access those rights. This acts as a significant development for those the Bill represents, for it is only by recognising these difficulties, this potential and these rights that we can start to do justice to those who may have felt let down by society. I hope that these individuals will now see that we have listened to their concerns and identified with their plight.

As far as I feel this Bill might go, though, I cannot, nonetheless, question a few of its aspects in the hope of obtaining some clarifications and reassurances from Government. I note, for example, that the Bill makes no reference to advocacy, a crucial need for families of disabled persons.

I would also like to express concern at the implications of some of the wording of the Bill. I refer, for example, to the repeated use of the phrase 'as far as reasonably possible' in the descriptions of the responsibilities of the relevant Minister and the individuals with statutory duties as indicated in the Bill. 'Reasonably' is an elastic term that is subject to interpretation, and I would like to ask what criteria the Minister will be using for ascertaining the parameters of this word insofar as the obligations detailed in the legislation are concerned. Will the onus of challenging any interpretation of such a term be placed on vulnerable members of our community, or will this provide relevant parties with opportunities to renege on their responsibilities by protecting themselves behind flexible wording? What safeguards are in place to prevent the abuse of this elasticity, and who will take responsibility for this? It is my view that legislation can only be as effective as the obligations it imposes, and any possibilities for these to be sidestepped through ambiguous interpretations should be kept to a minimum. The fact that this Disability Bill uses this phrase 17 times casts some reservations on its efficacy and I am sure the House and the community as a whole would appreciate some clarification on this matter.

These are the valid concerns of interested and affected parties, not just mine; and while we all naturally, both sides of the House, welcome this Bill and the recognition of the rights of the disabled, reasonable questions have nonetheless been raised that I feel deserve to be answered at this stage. It is my full intention to vote in favour of this Bill, as I feel that it represents an important step in Gibraltar's maturity into a progressive and inclusive society, but I would like to yield to the Minister in the hope that she will provide some answers and reassurances to the issues that have been raised and implement them in a timely manner.

Mr Speaker, I take this opportunity to pay tribute to the late Mrs Agnes Valarino, because it is thanks to benevolent and strong souls like Agnes that societies like ours here today take note of these much-needed steps towards enhancing social justice.

Thank you.

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, today we are debating a significant piece of legislation which is indeed a landmark, no matter how you look at it. My only regret – and I think perhaps this House owes a collective apology to those in Gibraltar who are affected by this legislation – is that it was not passed sooner, and I think for that both sides of the House must take equal responsibility. **(Two Members:** Hear, hear.)

I am aware of the level and degree of consultation that has been undertaken by the Minister in bringing this legislation to the House and certainly this side of the House, the Official Opposition, will of course welcome it and support it. Having said that, the contributions of both the independent Members have corroborated the observations I made in going through the draft legislation, in that it is peppered indeed with, as the independent Members have pointed

955 out, 17 references to language that says ‘as far as reasonably possible’. The question has to be, of course – and of course the Minister will no doubt enlighten us in her response, is – who makes that determination: is there an independent body or commission which will determine what is reasonably possible? Also, there is a degree of discretion by the Minister on a unilateral basis without, it would appear to be, advice from independent bodies or commissions or committees, which perhaps would be preferable.

960 Mr Speaker, the GSLP undertook in 2011 to legislate this within the first year, but as I have said already, both sides of the House have to take equal responsibility for the delay. In the manifesto it said it would be using the terms of the UN Convention as a model and further on introduce legislation in Parliament to give effect to the terms of the UN Convention on the Rights of Disabled Persons and the protocol in Gibraltar.

965 Mr Speaker, at the risk of repeating what has already been said, what has been brought to my attention and the main concern is that yes, this is perhaps a very good first step towards addressing the needs of the disabled, but what we have here is a degree of cherry-picking, unfortunately, of the UN Convention. And certainly, as has already been mentioned, there is no mention in here as to the rights of advocacy for the disabled, which my understanding is it is critically important, especially for those who may not be able to have the capacity to make decisions for themselves. Also, Mr Speaker, there is no mention in here of independent monitoring of implementation and there is a large degree of ministerial discretion.

970 Those are the concerns on an overall basis as to some areas of the Act that may need clarification for us this side of the House to at least understand what the Government’s thinking has been in introducing certain wording into the legislation.

975 Mr Speaker, I have to also pay tribute to Agnes Valarino, who unfortunately I never met or knew, but I know the Disability Society are present in the Chamber and I thank them and all the people who have been a force in ensuring that this legislation is before us here today. I am proud, of course, to be able to support the legislation, albeit with those reservations which we have raised and indeed the independent Members have raised. And I congratulate the Disability Society for achieving this legislation today.

980 Thank you, Mr Speaker. *(Banging on desks)*

985 **Mr Speaker:** Is there any other contributor to the Second Reading? The Hon. the Chief Minister.

990 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it is a pleasure to rise in the context of this debate and that the Bill is finally on the floor of the House enjoying its Second Reading. It is a Bill that has been, as Members have reflected, foreshadowed for some time; it is a Bill that has taken a lot of work. Would we have wished to pass it earlier? Of course we would have wished to pass it earlier, Mr Speaker, as we might have wished to do many things earlier in this Parliament, but we just have to get on and do the things that we have to do as soon as we can.

995 So I am surprised that on a Bill of this nature the hon. Member has decided that he wants to talk about blame, because of course the world did not start on the occasion of the first GSD Government being elected or indeed on the occasion of his arrival in this House. But if he wants to talk about blame – which I do not think is what we should be talking about in respect of a Bill as important and ground-breaking as this – then at least if the world had started in May 1996 I trust he would accept that they have to share $\frac{16}{21}$ of the blame for this Bill not having been brought earlier, with us sharing only $\frac{5}{21}$ of the blame for this Bill not being brought earlier, given that they had, 21 years ago, the opportunity to bring a Bill of this sort.

1000 He says this is a first step. Well, Mr Speaker, it is the only step that has been taken in the direction of travel today by this House and it is a step which I think we should all be welcoming. This is a pioneering piece of legislation which this Government is bringing to the House, and I have not heard them congratulate the Government for doing so.

1005 Mr Speaker, the hon. Members opposite who have spoken about more of the substance of
the legislation than the Hon. the Acting Leader of the Opposition, have raised points about the
phraseology – and both of them are the independent Members, ironically – ‘as far as reasonably
possible’. This is not unusual language in legislation, but we need to understand what it is that
that provision provides for perhaps by looking at what the opposite would be.

1010 So, if something is not reasonably possible, is that what hon. Members think the House
should be embarked on dealing with? In other words, should we commit the community to
things which are not reasonably possible?

For the first time, Mr Speaker, I am going to be dealing with a Leader of the Opposition who
is not a lawyer and two independent Members who are not lawyers, so I will forgive them for
1015 not having at their fingertips the concept of reasonableness. The concept of reasonableness in
English law is the most established concept of English law. It is not, if I could put it this way, like
the concept of ‘soon’ or ‘shortly’. It is a concept which is much more subject to objective control
than the concept of ‘soon’ or ‘shortly’, which we have had occasion to debate amicably across
the floor of the House in the past.

1020 If I marry that with the concern the Member opposite has raised about whether there is an
independent monitoring system, well, of course there is, because we live in a society which has
three branches of Government and one of them is the judiciary, and when we create a law we
subject performance under that law to the third branch of Government, which is the judiciary.
So there is an independent monitoring system, as there is for constitutional rights – it is the
1025 courts. The courts determine what is or is not reasonable and therefore we are imputing a
control to all of the responsibilities and obligations which are taken by the Government for itself
and for other citizens by the creation of this law.

Mr Speaker, quite unlike all of the Members who have spoken in this debate so far, I have the
honour to say that I did know Agnes Valarino. She was very active already when the Hon. the
1030 Deputy Chief Minister and I were taking our nascent steps in politics and was a great advocate
for those with disabilities even at that time, and so when the hon. Lady approached me to say
that she thought it appropriate to nickname this law the Agnes Valarino Law, I thought it was
absolutely right that she should do that because we knew from our own experience that Agnes
had been a great advocate for those with disabilities.

1035 Mr Speaker, if I may say so, this is another pioneering step for this House, as the hon. Lady
has said, but is another pioneering step for this Government, for this administration, not over
the past year and a half but over the past five and a half years, and in each of the steps that we
have taken in respect of civil liberties it is abundantly clear that the charge has been led by
Samantha Sacramento, whose record, if judged objectively, can only be seen to be an
1040 extraordinary and exemplary one. She has been the most committed advocate for the
advancement of civil rights of all the Members of this Parliament in the past five and a half years
– and if anybody cares to work out what those letters stand for, they might work out they stand
for AACR. So the GSLP Minister in the GSLP Liberal Government has done a magnificent job in
that respect. *(Interjection)* He can speak. *Tiene el derecho de hablar ahora.*

1045 I therefore, Mr Speaker, commend the Bill to the House. I commend the work of the Hon.
Minister in this respect and I commend the work of those advocates outside this House who
have fought so hard for this Parliament to legislate in this way.

1050 **Mr Speaker:** Does any other hon. Member wish to contribute before I ask the mover to
reply? The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, in relation to some of the points that the Chief Minister has
made ... because I think they are important, but it is important that we examine some of what he
has said because it is all very well and good to actually say ... and I would appreciate if the Hon.
1055 the Minister for Equality were to perhaps address this ... It is all very well for the Hon. the Chief
Minister to say the courts know what reasonableness is and they determine what reasonable

actions are every day of the week in court cases, but the reality is that, in the first instance, what you cannot do here is basically say that the duty of what is reasonable or what is unreasonable is the courts', because that assumes that effectively everybody is going to have access to the courts, that people who are aggrieved at any decision that is made by a Government Minister in relation to what is reasonable or unreasonable are just simply just going to go off to court and challenge the decisions. That is not real life for you. At the end of the day you are talking about some of the most vulnerable members of society. For us as a Parliament to basically say to those people, 'If you have got a grievance about what is reasonable or unreasonable you go to the courts and you ask for a judge to determine that', that cannot be right, Mr Speaker, and it cannot be within the spirit of what is a major piece of legislation for the benefit of disabled people.

Therefore it must follow that it is for the Government to provide some kind of guidance, either, as the hon. Gentleman to my right or the hon. Lady to my left have said, some kind of committee, some kind of objectively justifiable body that will come to objectively justifiable reasons as to why something is not reasonably practicable ... Otherwise, what we have is a situation where the Minister just simply says, 'This is not achievable, this is not reasonable: if you don't like it, you go to court.' Quite frankly, I think it is important that some comfort comes from the Government in relation to this aspect of the Bill, so that those out there are satisfied that effectively there is at least an overlay on top of Government decisions in terms of somebody determining what is reasonable, who is not the Minister himself, without those people having to go to court. That is the only contribution that I wish to make.

Mr Speaker: The Hon. Samantha Sacramento.

Hon. Miss S J Sacramento: Mr Speaker, in reply to the interventions, I think I will start with the last one first. The hon. Gentleman did round off by saying that he would hope that it would be without reference to the Minister himself. Well, at least for the time being it will be to the Minister *herself*, but I am sure that ... Mr Speaker, he knows what I mean.

In relation to what the Hon. Mr Feetham has said on recourse to the courts, I am sure that he must understand that the reference that the Chief Minister made when he referred to the courts was obviously not that people are expected to refer to the courts in cases of ambiguity as to the definition of reasonableness. What the Chief Minister meant – and I think most lawyers here understood what he meant – was that the courts have dealt with these matters before and the courts have issued standard guidelines as to what reasonableness means, and that is what we are referring to. For a piece of legislation to say that something is to be done when it is reasonably practicable or reasonably practical is quite standard and guidelines as to what is reasonable or not are usually provided in the courts through case law. This is the test of reasonableness which applies to many circumstances, and there are tried and tested cases in relation to disability and guidelines that have been established in the cases of disability.

So, because this is a point that has been raised by everybody opposite, I wish to allay everybody's fears in this respect as to the definition of reasonableness. I am sure that there was no mischief intended or any undue scaremongering, but if I can provide clarification as to what that means, there is plenty of clarification as to what it means in case law. It is not a get-out clause in any way; it is just a very standard approach to this. And in any event, I think that the Hon. Mr Feetham must have missed when I ... I did not go through each section of the Bill – I said that I would only refer to the most salient points, and I did start off by referring to section 6, which is the one that gives us power to provide guidance. So his invitation for us to provide guidance has already been catered for and the intention, as I explained in my speech, is that my Department will from time to time be issuing guidance notes.

The Hon. Mr Llamas referred to a conversation that we had where I hoped to issue the first guidance notes in September. In fact, it will probably be earlier than that because the guidance note in relation to access to buildings, the guidance note explaining the effect of the part R

1110 regulations, will be issued sooner. And in fact, Mr Speaker, we hope to, by the end of the week, have a guidance note on the Disability Act itself. I think within a month we will have two guidance notes issued pursuant to section 6 of the Act, so I hope that that allays anybody's concerns.

1115 Going back to the intervention before Mr Feetham's intervention, that of Mr Clinton – and it is ironic that it is only Mr Clinton who says that this could have been passed sooner, when Mr Clinton is the only one who represents a party that was in Government and could themselves have done this sooner. It is very telling that neither of the independent Members have raised this as an issue. Of course, as the Chief Minister said, we would all have wanted this to have been done sooner. When we were very idealistically and happily drafting the manifesto before 1120 the 2011 election – because of the importance that we gave this, we wanted to ensure that we did this as soon as possible – we thought it would have been easy to have done it by 2011. Because of the complexity and volume of the issues involved, that was not possible, but that is not to say that a lot of the groundwork has not been undertaken since then, because, as I referred to in my speech, of course this legislation is important but we ... Mr Speaker, shall I pause a second so we can maybe ...? I hear an echo in the microphone. (*Interjection*) Of course 1125 the legislation is important, but it goes beyond the legislation, and that which goes beyond the legislation is work that we have been undertaking very intensely and very tirelessly since 2012 by way of reviewing our policies, investing in our services, investing in training and investing in the delivery of awareness training for other groups as well.

1130 Dealing with the issues raised by Mr Llamas and Ms Hassan Nahon, which were quite similar, in relation to the omission of reference to employment, as I mentioned to Mr Llamas in our conversation, if protections exist in other pieces of legislation then they will not be replicated in this Act because then that would make for bad law. And that, Mr Speaker, is protected under the Equal Opportunities Act, which in my initial speech I explained refers to protection from discrimination in the field of employment.

1135 They also referred to the UN Convention, which refers to a committee that monitors the Treaty. The way that conventions are ratified is not the same as when European directives are transposed into domestic legislation. I know that this may seem like technical legal jargon, as Mr Reyes always affectionately refers to me because I am a lawyer, but because I am a lawyer I know what the difference is, and to me it is very clear and the difference is important in these 1140 circumstances because what this Act does is provide for a model of legislation based on the principles of the UN Convention. It is not intended to be and it is not a wholesale replica of the UN Convention; it has to be relevant to our community. There are sections which do not appear in this piece of legislation because they appear in others, and because we are not transposing a UN Convention there is no need to have a committee to ensure that we are complying to report 1145 back to the UN. Mr Speaker, the way that it works is that we need to first have legislation in place that would satisfy the extension of the UN Convention to Gibraltar, and in fact that extension is not in our gift; it is something that we would apply to be extended through the UK and that is a process that takes an extremely long time, but this is how it stands. I hope that explanation as to how the process works is useful.

1150 I hear comments as to who will monitor the legislation. I am perfectly satisfied that appropriate safeguards are in place, because of course at this point I make the point that there is obviously recourse to the courts, and that is always available but obviously recourse to the courts is always used as a last resort. But there will be many independent organisations who are free to make representations and to speak out on behalf of people with disabilities. For the last 1155 five and a half years this Government has operated an open-door policy, where we always listen to and, on the whole, always consider representations that are made by third parties. At this stage, I do not see that there is a need for an external body to check the implementation of the legislation, because there is no suggestion that the legislation will not be implemented to the full effect of the law – literally, Mr Speaker. But again, like everything else, legislation is fluid, and if 1160 there is a genuine need for such safeguards, then if an issue were to arise it is something that we

would consider at the appropriate time – but at this point there is no evidence that that would be necessary.

1165 In relation to the point made for advocates, this is already covered to a different extent, depending on the individual concerned and on the mental capacity of the individuals concerned. Advocacy can be made and will be accepted if made on behalf of an individual by parents or by representative groups. Concerns are always heard and considered very seriously. Certainly when I was responsible for disability services I always took on board representations made to me by individuals, by parents and by representative groups, including the Disability Society, and I know that my hon. and learned Friend Mr Costa equally continues that practice. In the case of a person with disabilities, we will always have a social worker as an advocate for them, so that is a further safeguard, and in the case where someone falls within the remit of our new Mental Health Act there will be provision in that Act, where appropriate, for there to be guardians for these individuals, so this is also already covered.

1170 So, Mr Speaker, while points have been made, I am sure I am satisfied that there are procedural safeguards and I am sure that the implementation of this legislation, which we have all long awaited, will be very effective.

1175 Once again, I commend the Bill to the House. *(Banging on desks)*

Mr Speaker: I now put the question, which is that a Bill for an Act to make provision for persons with disabilities modelled on the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities, and for matters connected thereto, be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1185 **Clerk:** The Disability Act 2017.

**Disability Bill 2017 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Housing and Equality (Hon. Miss S J Sacramento): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1190 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members: Aye.

1195 **Clerk:** A Bill for an Act to amend the Housing Act 2007. The Hon. the Minister for Housing and Equality.

Chief Minister (Hon. F R Picardo): Mr Speaker, can I move that the House recess for five minutes so that the Government can deal with a particular issue – not for long, just for five minutes?

1200 **Mr Speaker:** We will now have a short recess.

*The House recessed at 4.55 p.m.
and resumed its sitting at 5.00 p.m.*

COMMITTEE STAGE AND THIRD READING

In Committee of the whole Parliament

Clerk: Committee Stage and Third Reading.

1205 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Proceeds of Crime (Amendment) Bill 2017; the Markets, Street Traders and Pedlars Act (Amendment) Bill 2017; the Law Commission Bill 2017; the Children (Amendment) Bill 2014 – obviously 2017; and the Medical (Gibraltar Health Authority) (Amendment) Bill 2017, as well as
1210 the Disability Bill 2017.

**Proceeds of Crime (Amendment) Bill 2017 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Proceeds of Crime Act 2015.
Clauses 1 to 3.

Mr Chairman: Stand part of the Bill.

1215

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Markets, Street Traders and Pedlars Act (Amendment) Bill 2017 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Markets, Street Traders and Pedlars Act.
Clauses 1 and 2.

1220

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

1225

Mr Chairman: Stands part of the Bill.

**Law Commission Bill 2017 –
Clauses considered and approved**

Clerk: A Bill for an Act to provide for the Constitution of the Law Commission for the reform of the law and for connected purposes.
Clauses 1 to 6.

1230

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

1235 **Mr Chairman:** Stands part of the Bill.
The Hon. Roy Clinton.

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

1240 I just have one question and that is in relation to the composition of the Law Commission in clause 4(2). In terms of the composition – no fewer than six and the various members, and looking at the two barristers or solicitors and then two commissioners appearing to go on to be suitable for the role – I was wondering if there is an intention on behalf of the Government to maintain that proportion in the sense of ... It would appear from the reading of this that there is nothing stopping the Commission from having, for example, 20 commissioners appearing to be suitable and just having two lawyers. I know it may sound a ridiculous suggestion, but is there anything perhaps that the Government may want to put in to just tighten it to make sure that that proportion is maintained?

1250 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Chairman, to answer the hon. Gentleman's question, the appointment of the law commissioners was quite a gruelling exercise for us, in terms of choosing persons we thought would be suitable to cover the various purposes contained in the Bill, and so we ended up with a list which we thought reflected eminent members of society who would be suitable to be law commissioners. As the Hon. Mr Phillips said, in respect of any particular subject matter then we would be inviting other stakeholders to either provide evidence or to provide advice to the Law Commission, but not as law commissioners. So, in short, the answer is that we do very much anticipate that this ratio will be kept moving forward.

Clerk: So, just for the sake of *Hansard*, clauses 1 to 6.

1260 **Mr Chairman:** Stand part of the Bill.

Clerk: The long title.

1265 **Mr Chairman:** Stands part of the Bill.

**Children (Amendment) Bill 2014 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Children Act 2009.

Mr Chairman: There are two very simple amendments, of which notice has been given. One of them is to change the date from 2014 to 2017.

1270 The other one is a typographical error, really: in clause 2, substitute the word 'undertaken' for 'undertake'.

Do all hon. Members agree that those amendments be inserted?

Clerk: Clause 1 as amended.

1275 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 2 as amended.

Mr Chairman: Stands part of the Bill.

1280

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Medical (Gibraltar Health Authority) (Amendment) Bill 2017 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Medical (Gibraltar Health Authority) Act 1987 and the Care Agency Act 2009 and to make consequential amendments to the Medical Health Act 1997, the Mental Health Act 2016 and other subsidiary legislation.

1285

Clauses 1 to 10.

Mr Chairman: Stand part of the Bill.

1290

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Disability Bill 2017 –
Clauses considered and approved**

Clerk: A Bill for an Act to make provisions for persons with disabilities, modelled on the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities and for matters connected thereto.

1295

Clauses 1 to 26.

Mr Chairman: Stand part of the Bill.

1300

Clerk: Schedule 1.

Mr Chairman: Stands part of the Bill.

1305

Clerk: Schedule 2.

Mr Chairman: Stands part of the Bill.

1310

Clerk: Schedule 3.

Mr Chairman: Stands part of the Bill.

Clerk: The long title.

1315

Mr Chairman: Stands part of the Bill.

**Proceeds of Crime (Amendment) Bill 2017 –
Markets, Street Traders and Pedlars Act (Amendment) Bill 2017 –
Law Commission Bill 2017 –
Children (Amendment) Bill 2017 –
Medical (Gibraltar Health Authority) (Amendment) Bill 2017 –
Disability Bill 2017 –
Third Readings approved: Bills passed**

1320 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Proceeds of Crime (Amendment) Bill 2017, the Markets, Street Traders and Pedlars Act (Amendment) Bill 2017, the Law Commission Bill 2017, the Children (Amendment) Bill 2017, the Medical (Gibraltar Health Authority) (Amendment) Bill 2017 and the Disability Bill 2017 have been considered in Committee and agreed to with amendments and I now move that they be read a third time and passed.

1325 **Mr Speaker:** I am now going to put the question in respect of five of the Bills together, leaving the Medical (Gibraltar Health Authority) (Amendment) Bill to be voted on separately.

So I now put the question that the Proceeds of Crime (Amendment) Bill 2017, the Markets, Street Traders and Pedlars Act (Amendment) Bill 2017, the Law Commission Bill 2017, the Children (Amendment) Bill 2017 and the Disability Bill 2017 be read a third time and passed. All in favour? (**Members:** Aye.) Those against? Carried.

1330 I will now put to the vote the Medical (Gibraltar Health Authority) (Amendment) Bill 2017. Those in favour? (**Several Members:** Aye.) Those against? (**Several Members:** Nay.) The Bill is approved. The Third Reading is approved by the Government voting in favour and the two independent Members with the Official Opposition voting against.

1335 **Hon. Chief Minister:** Mr Speaker, I now move that the House should adjourn to Wednesday, 26th July at 3 p.m.

Mr Speaker: The House will now adjourn to Wednesday, 26th July at three in the afternoon.

The House adjourned at 5.10 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.10 p.m. – 4.26 p.m.

Gibraltar, Wednesday, 26th July 2017

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The Gibraltar Parliament

The Parliament met at 3.10 p.m.

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

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

Order of the Day

BILLS

FIRST AND SECOND READING

Social Security (Miscellaneous Amendments) Bill 2017 – First Reading approved

Clerk: Meeting of Parliament, Wednesday, 26th July 2017.

Order of Proceedings: Bills.

5 A Bill for an Act to amend the Social Security (Insurance) Act, the Social Security (Employment Injuries Insurance) Act and the Social Security (Open Long-Term Benefits Scheme) Act 1997; and for connected purposes. The Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

10 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Social Security (Insurance) Act, the Social Security (Employment Injuries Insurance) Act and the Social Security (Open Long-Term Benefits Scheme) Act 1997, and for connected purposes, be read a first time.

15 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Social Security (Insurance) Act, the Social Security (Employment Injuries Insurance) Act and the Social Security (Open Long-Term Benefits Scheme) Act 1997, and for connected purposes, be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

20 **Clerk:** The Social Security (Miscellaneous Amendments) Act 2017.

Social Security (Miscellaneous Amendments) Bill 2017 – Second Reading approved

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, I beg to move that the Bill for the Social Security (Miscellaneous Amendments) Act 2017 be read a second time.

This Bill gives effect to two Budget measures relating to Social Security, announced in 2015, to encourage and assist small businesses and start-up companies.

The first measure was the abolition of the employer Social Insurance contributions on a second employment. Before this measure was announced, where an individual had a second employment both employers were required to pay Social Insurance contributions. With the introduction of this measure, once a maximum contribution is paid by an employer in respect of an employee no further contribution by an employer is required to be made.

The second Budget measure was the introduction of a credit of £100 per employee in respect of the employer's contribution for Social Insurance for companies with 10 or fewer employees. This Budget measure is given effect in this Bill by way of a regulation-making power enabling the Minister to provide for the granting of a credit to employers who employ a prescribed number of employees, subject to such terms and conditions as may be prescribed. The draft regulations will be published once this Bill is published as an Act and these will provide that the credit will be made against the final payment of the year and companies will only be eligible if they have made the required Social Insurance and tax payments on time throughout the year of assessment. For a new company the credit applies to companies with up to 20 employees in the first year of operation.

Mr Speaker, the Bill, given that it gives effect to Budget measures announced in 2015, will apply retrospectively, if approved, to 1st July 2015.

I commend the Bill to the House.

25 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I will now put the question, which is that a Bill for an Act to amend the Social Security (Insurance) Act, the Social Security (Employment Injuries Insurance) Act and the Social Security (Open Long-Term Benefits Scheme) Act 1997, and for connected purposes, be read a second
30 time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Social Security (Miscellaneous Amendments) Act 2017.

**Social Security (Miscellaneous Amendments) Bill 2017 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):
35 Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

40 **Members:** Aye.

**Housing (Amendment) Bill 2017 –
First Reading approved**

Clerk: A Bill for an Act to amend the Housing Act 2007. The Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): I have the honour to move that a Bill for an Act to amend the Housing Act 2007 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Housing Act 2007 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Housing (Amendment) Act 2017.

**Housing (Amendment) Bill 2017 –
Second Reading approved**

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, I beg to move that the Bill be read a second time.

This Bill introduces an amendment to the Housing Act 2007. Its purpose is to inter alia provide for the variation of rent charged for Government rental housing stock. The Housing Act does not make specific provision for this.

Section 30A of the Act grants the Minister with responsibility for housing very wide powers to make regulations. Among various other matters, such regulations may prescribe the conditions of occupation of premises of tenants in public housing. The Bill introduces a statutory definition of 'conditions of occupation of premises'. The House will note that this definition includes a wide spectrum of matters, including the terms of any tenancy agreement with the tenant, the levels of rent and other charges payable, the method of payment and recovery of arrears of rent, and the use of public housing, including, without limitation to, the number of occupiers. The Bill clarifies, therefore, the reach of the powers available to the Minister as currently contained in section 30 of the Act.

This House is very well aware of the Government's commitment to public sector housing. We are justly proud of our unprecedented investment in public sector housing and of the significant improvement of facilities to tenants. We remain committed to protecting and enhancing our public housing stock. At last year's Budget speech, the Chief Minister noted that Government would continue to invest in the upgrading of our public housing stock. Indeed, in my own Budget intervention this year I outlined the continued plan of refurbishment works in our housing estates this year and beyond.

You may also recall, Mr Speaker, that the Ombudsman called for a review of the housing rents in his annual report last year. Since the announcement was made, the step has been widely accepted and indeed welcomed, perhaps more on a matter of principle than because of the value of the income that rent increases will generate. Mr Speaker, the House will know that public sector rents have not been adjusted for a considerable period of time – in fact, since 1983 – not even to reflect inflation over the last 34 years. The increase itself is relatively minimal.

In his 2016 Budget address the Chief Minister announced that Government residential rents would be increased – in fact, for the first time in 34 years, rather than 32 years, as he then said – by 3%, which will amount to an average of 60p per week. The increase will amount to 39p for a two-bedroom property at Alameda Estate, or 46p a week for a two-bedroom property at the Mid-Harbour Estate, namely less than half the price of one edition of the *Gibraltar Chronicle*. I indicated then that this very modest adjustment should continue on an annual basis; and even if

this measure were applied annually over the next three decades, rents at that point will nevertheless remain considerably below what they would have been if 1983 rents had increased consistently in line with inflation over the 34-year period between 1983 and 2017. This Bill allows for this to be given effect.

Furthermore, I have also instructed for there to be further amendment to legislation to allow for similar increases to be made to other Government charges, to be increased annually in accordance with inflation. Notice of such inflation will be provided in the Gazette.

This measure is long overdue. The Members opposite have already indicated their support to this principle and I expect, therefore, that this Bill will be supported by all Members of the House as fiscally prudent and sensible. The adjustment is extremely fair to our tenants, but it also provides some rebalancing in favour of the general taxpayer, even though, because of the very modest adjustment, it does not even correct the effects of inflation over the period.

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

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? No.

45 I will now put the question, which is that a Bill for an Act to amend the Housing Act 2007 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Housing (Amendment) Act 2017.

**Housing (Amendment) Bill 2017 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Housing and Equality (Hon. Miss S J Sacramento): I beg to give notice that the Committee stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of this Bill be taken today?

Members: Aye.

COMMITTEE STAGE AND THIRD READING

In Committee of the whole Parliament

Clerk: Committee Stage and Third Reading.

Mr Speaker: The Hon. the Chief Minister, will you please move that the House resolve itself into Committee.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should now resolve itself into Committee to consider the following Bills clause by clause, namely the Housing (Amendment) Bill 2017 and the Social Security (Miscellaneous Amendments) Bill 2017.

**Social Security (Miscellaneous Amendments) Bill 2017 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Social Security (Insurance) Act, the Social Security (Employment Injuries Insurance) Act and the Social Security (Open Long-Term Benefits Scheme) Act 1997; and for connected purposes.

Clauses 1 to 4.

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Housing (Amendment) Bill 2017 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Housing Act 2007.
Clause 1.

50 **Mr Chairman:** Stands part of the Bill.

There is notice being given of an amendment. It is really a typographical error. Clause 1 should properly be renumbered clause 2, and that is the amendment that is being moved by the Hon. Minister – notice has been given. Do all hon. Members agree that clause 1 be renumbered correctly as clause 2? (**Members:** Aye.) Carried.

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Clerk: The long title.

Mr Chairman: So clause 2 as amended stands part of the Bill and the long title stands part of the Bill.

**Social Security (Miscellaneous Amendments) Bill 2017 –
Housing (Amendment) Bill 2017 –
Third Readings approved: Bills passed**

60 **Chief Minister (Hon. F R Picardo):** Mr Chairman, I have the honour to report that the House has considered in Committee the Housing (Amendment) Bill 2017 and the Social Security (Miscellaneous Amendments) Bill 2017 and has passed them with one amendment.

65 **Mr Chairman:** I now put the question, which is that the Social Security (Miscellaneous Amendments) Bill 2017 and the Housing (Amendment) Bill 2017 be read a third time and carried. Those in favour? (**Members:** Aye.) Those against? Carried.

GOVERNMENT MOTION

**Ombudsman for Public Services –
Dilip Dayaram Tirathdas MBE appointed**

70 **Clerk:** We now move to Government motions. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

This House approves by Resolution pursuant to section 3(2) of the Public Services Ombudsman Act 1998, the appointment of Mr Dilip Dayaram Tirathdas MBE JP as the Ombudsman for Public Services for all the purposes of that Act with effect from Monday 26 June 2017 for the term of three years.

75 Mr Speaker, Mr Dilip Dayaram Tirathdas is well known to all Members of this House, and indeed to all members of the community. He is a person who has been involved, at times, with the running of elections – both in terms of European elections and parliamentary elections – in the background and in assisting the preparation for that, and he has been involved in the Civil Service since 1974. Indeed, it is really a career that has spanned 40 years in Government services, and in that time Mr Tirathdas has sought qualification in areas beyond just the areas in
80 which he practised in Government.

Dilip started as a clerical officer in the Treasury and his career has really been related to Government finances. He spent a lot of time in the Treasury, in the Secretariat and in the Income Tax Office. No doubt some of that time, Mr Speaker, he may have come into contact with you in your time in Government. He ended up being a very senior officer in Government
85 finance. He was a senior executive officer in the Treasury department, a senior accountant. He then became Accountant General in 1995 and then Financial Secretary from 2007-14. Mr Speaker, a person who has been in Government service since 1974, has served five Chief Ministers at different times, and Dilip ended his career in Government service working very closely indeed with my predecessor, Peter Caruana, and then with me as Chief Minister. He has,
90 of course, also the great distinction of being the first Gibraltarian Financial Secretary, the first Financial Secretary who was appointed after the 2006 Constitution, not as an *ex officio* member of this House but as one of the appointees directly appointed by the Chief Minister at the time in February 2007.

He is a person who everyone who knows him will say is of a friendly and mild demeanour.

95 The qualifications he sought, as I was saying, when he was dealing with these financial matters in the Treasury went beyond simply the sort of qualifications that one would associate with that. Dilip qualified with a Bachelor of Science from the University of Manchester in Financial Services in 2002, having previously become a Fellow of the Chartered Institute of Bankers in September 2001. He took a Bachelor of Arts degree from the Open University also in
100 December 2002 and a Bachelor of Law degree in December 2008, and Dilip was called to the Gibraltar Bar on 20th September 2013, having previously been called to the Bar in the United Kingdom in October 2011.

Mr Speaker, that is the background of Dilip Dayaram Tirathdas, and therefore, when the Government was looking to see who would be a good successor to Mario Hook, who was
105 Gibraltar's second Ombudsman, we were looking for somebody who had a deep understanding of the workings of Government, who had the ability to understand people's rights and who had the maturity and the manner with people that one would expect an ombudsman to have. Indeed, if I may say so, the sort of role that Henry Pinna, as our first Ombudsman, and Mario Hook have carved out for ombudsmen in Gibraltar requires that level of maturity, that level of
110 approachability and that level of impartiality which few in our community can muster.

115 And so, with that in mind, the name of Dilip Dayaram Tirathdas was proposed to the Government and we thought it was absolutely the right sort of characteristics that he represented that would make for a good Ombudsman. Dilip has been holding the post of Ombudsman, as the legislation provides for, for a short period pending the decision of this House by way of approval of this motion, and I can think of no one better to fill this role now going forward, to fill the very big shoes that Henry Pinna created and Mario Hook filled and that are left now in that office of Ombudsman to continue to do the sterling work that that office does, than Dilip Dayaram Tirathdas, and I therefore commend the appointment to the House as set out in the motion. *(Banging on desks)*

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Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

The Hon. the Leader of the Opposition.

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

I must, first of all, declare that I have counted Dilip Tirathdas as a friend for many years and I have to admit that I truly admire his dedication and commitment to all things to which he turns his mind.

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He entered the Civil Service at the age of 17 in 1974 and indeed reached the pinnacle of Financial Secretary upon his retirement in 2012 after 38 years of service. As the Chief Minister has already remarked, he has worked in the Government Secretariat, the Income Tax Office and the Treasury before being appointed as Accountant General and our first Financial Secretary. His dedication and contribution to the Civil Service was quite rightly recognised with the award of an MBE in 2015 for public service in Gibraltar.

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Dilip has thirsted for knowledge and self-improvement and in his own time he has obtained an honours degree in financial services and an honours degree in law, no mean achievement. He is also a qualified barrister and is a Fellow of the Chartered Institute of Bankers. To have achieved all this while also undertaking what was an onerous full-time job is merit indeed and evidence of the commitment Dilip applies to any task at hand. And not content to enjoy his well-earned retirement, Dilip continued his civil duty in having volunteered to be appointed as a Justice of the Peace. And so, Mr Speaker, in summation, Dilip is, by all counts, a jolly fine fellow and a model citizen for us all.

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Today the Chief Minister is requesting this House to approve the appointment of Mr Dilip Tirathdas as the Ombudsman for Public Services, pursuant to section 3(2) of the Public Services Ombudsman Act 1998. The Public Services Ombudsman Act 1998 in its title describes itself as, and I quote:

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An Act to make provision for the appointment of an Ombudsman for the investigation of administrative action taken by or on behalf of the Government of Gibraltar and providers of certain services to the general public, to regulate the functions thereof, and for purposes connected therewith.

A bit of a mouthful!

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Mr Speaker, the Ombudsman is also an officer of this Parliament under section 25(3)(b) of the 2006 Gibraltar Constitution, and as such the expense of the office is quite rightly a charge on the Consolidated Fund.

The role of Ombudsman is a very important one, in that they report to Parliament and also have wide-ranging powers of investigation as to fair administration by Government. The key to undertaking this duty is the requirement for impartiality and independence, so that public confidence in the office of Ombudsman may never be undermined.

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It is our understanding on this side of the House that the previous two holders of the post of Ombudsman did not have any significant record of employment as civil servants, having pursued their careers in the private sector. We have a concern that, given the Ombudsman covers such a wide range of entities, that as Financial Secretary, or indeed during his long career as a civil

160 servant, Mr Tirathdas may have had some direct or indirect involvement such that the potential
for conflicts of interest, whether real or perceived by the public, is unfortunately greatly
increased.

165 Mr Speaker, an extract from the schedule to the Public Services Ombudsman Act lists the
following as areas which would be subject to investigation by the Ombudsman. It is broken
down into three areas. Firstly, Government:

1. GOVERNMENT.

1.1. All Gibraltar Government departments and agencies, including, but without prejudice to the generality of the
foregoing, the Royal Gibraltar Police.

2. STATUTORY BODIES.

2.1. Gibraltar Health Authority.

2.2. Gibraltar Broadcasting Corporation.

2.3. Gibraltar Development Corporation Limited (GDC), including the Employment and Training Board (ETB), the
Tourism Board and any other Sections of the GDC.

2.4. The Development and Planning Commission.

2.5. The Transport Commission.

2.6. The Traffic Commission.

2.7. The Care Agency.

2.7A Gibraltar Electricity Authority.

2.8 The Gibraltar Sports Authority.

2.10 The Gibraltar Culture and Heritage Agency.

2.11 The Borders & Coastguard Agency.

2.12 The Housing Works Agency.

And then, thirdly:

PUBLIC UTILITIES AND CONTRACTORS.

Any person, company or other entity providing one or more of the following services to the Government of
Gibraltar or to the general public under the terms of a contract with or a licence issued by the Crown or a
statutory body.

In short, anything that has any Government involvement or control.

170 Mr Speaker, apart from the general financial responsibility for Government Departments, the
Financial Secretary also has, by way of example, sat on the boards of both the GHA and Gib
Telecom. It could perhaps be reasonably argued, as indeed the Chief Minister already has, that
Mr Tirathdas, because of his intimate inside knowledge of the workings of the Civil Service and
other Government entities, is perhaps best placed to consider complaints against them. On the
other hand, we have received representations that the office of Ombudsman may perhaps be
seen to be undermined as regards a perceived lack of independence by the general public. On
this point the jury is really still out and only time will tell whether the office of Ombudsman
should best be undertaken by a retired senior civil servant or not.

175 The other area of concern to us on this side of the House is in fact the manner of selection of
the candidate for Ombudsman. At no point that I am aware of has the Chief Minister discussed
the appointment of this parliamentary officer with anyone on this side of the House, even if only
by way of courtesy, as to our opinion. If such an opinion had been sought, we would have urged
that the post be advertised as widely as possible and an independent committee be created to
180 shortlist candidates. Even if the law currently as drafted makes no provision, we think that
would be only best practice.

185 According to the 2017 Estimates, the post of Ombudsman currently attracts an annual salary
of £83,483, which in itself, if the numbers are correct from the 2016-17 Estimates, is a 16.4%
increase on last year. Last year's salary was £71,716 at the maximum level – or it would appear
to be an increase of £11,767 from last year. We would be interested to hear from the Chief
Minister as to the reasons for such a generous increase, albeit admittedly not his usual 28%. It is
a well-remunerated position which no doubt could have attracted interest from inside and

outside the Civil Service. We will be interested to hear from the Chief Minister as to what process was followed in selecting the candidate being proposed to this House today.

190 Mr Speaker, given our current reservations as expressed, whereas we have full confidence in Mr Tirathdas as a man of integrity and ability, we do have concerns as to whether a retired senior civil servant is perhaps the best person to be appointed Public Services Ombudsman, and we would have welcomed the advertising of the post within both the public and private sector. And so, unless the Chief Minister in his reply can provide some compelling reasons for the
195 appointment of Mr Tirathdas as opposed to any other potential candidate, either inside or outside the Civil Service, we this side of the House are minded to exercise our right to abstain on his appointment.

Thank you, Mr Speaker. *(Banging on desks)*

200 **Mr Speaker:** Before I call on the mover to reply, does any other hon. Member wish to speak on this motion?

I will then call on the Chief Minister to reply.

Hon. Chief Minister: Well, Mr Speaker, I am very pleased indeed that the passing of the
205 baton has not meant that there is a passing of the page to a more progressive and positive GSD that might therefore more engage with or be in tune with people's views as to how this community should be run, because nothing could be better for us on this side of the House.

I am sorry that the hon. Gentleman's first real substantive intervention as Leader of the
210 Opposition will be to march his troops all the way to the top of the hill, get them to do nothing and march them back down again. But so be it, although I will counsel the hon. Gentleman that that approach and that even mild-mannered belligerence, if I may put it that way, is not really what this community is looking for at this time in particular. People are looking for us to work together and constructively in order to take this community forward. In doing so we each have a role, and the role that is ascribed to me under section 3 ... If the Hon. Mr Phillips cares to listen,
215 given that he at least is here today, he might learn something of the law.

Mr Speaker, section 3 of the Public Services Ombudsman Act sets out what my role is in this, and my role, because the people of Gibraltar have decided it should be, is to appoint a person from time to time to discharge the responsibilities of Ombudsman, and then for this Parliament to make a decision as to who should discharge that function for the period of appointment of
220 three years. So let us be clear about what it is that the law requires before suggesting that even in circumstances when appointments are made by the House we should be going out to advertise. Under section 3, I appoint from time to time but only for a short period and then I bring to the House and the House decides – and I brought a motion.

The hon. Gentleman has not proposed another name. He has not been in touch with me to
225 propose another name, and the fact is that in all of the instances when an Ombudsman was appointed before, there was no phone call from the greatest Gibraltarian of all time to Mr Bossano. Well, I understand that there was not, Mr Speaker. I understand that there was not, and in fact I will tell the hon. Gentleman more: if there was ... And this is now obviously a difference of opinion between a man who is not here and a man who is as to what might have
230 happened 15 years ago.

I shall tell him that when there is in the law an obligation to consult, like for example on the appointment of Speaker, the consultation amounted to, 'Joe, I am going to appoint x as the Speaker,' not 'Joe, what do you think? Have you a name? Should we advertise?' So, even when consultation is required, the GSD definition of consultation is, 'I'm telling you that,' and where
235 consultation is not required there was not even that, and this is does not require consultation.

This is different. This is an appointment by the House, Mr Speaker. The appointment is going to be made by us here today. The notice of appointment done under the Gazette is only a short-term appointment. The job is given by the people in this House through their elected representatives.

240 It is all very well to say that somebody is highly qualified, to go through the qualifications that
Mr Dayaram Tirathdas has and say that he is a jolly good fellow, and then to lay into the man –
which is, in effect, what the hon. Gentleman has done by saying he is not able to discharge the
functions of the office of Ombudsman, despite the qualifications that he has because they
impugn his ability to be impartial. How can the hon. Gentleman opposite get up and say that
245 simply because someone has been a civil servant they cannot be impartial? How can he say
that?

Mr Speaker, as I understand it, the former Ombudsman did a short stint in the Civil Service as
a Crown Counsel defending the Government in court. So, is it that it is only possible to be
independent in the assessment of claims about whether the Government has acted
250 administratively properly or improperly – their Government or our Government, because the
Ombudsman considers cases sometimes going back seven years, 10 years – if one comes from
outside the Government and not from within? Is it that they have forgotten that the person who
was Gibraltar's first Ombudsman was the Chairman of Action for Housing? And is it that they do
not look at the Ombudsman's report and see that the majority of the complaints relate to
255 housing? So, they do not impugn the impartiality of somebody coming from outside who has
taken a position in relation to housing – in fact, they propose them – and yet when somebody
comes from the Treasury department they impugn the ability of the individual to be impartial.

Mr Speaker, I understand that they are gasping for political breath and they are looking for
any point to take. They should take the good ones, not the bad ones. The crisis in the GSD
260 should not become an issue that leads them, simply in an attempt to stay alive politically –
(*Interjection*) not until I have finished the sentence – to impugn somebody's impartiality and
integrity, Mr Speaker.

Mr Speaker: The Hon. the Leader of the ... It has to be on a point of order. He is not just
265 asking the Chief Minister to give way. It is on a point of order.

Hon. R M Clinton: Absolutely, Mr Speaker.

Mr Speaker: What Standing Order are you referring to, please?
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Hon. R M Clinton: The question of relevance to the debate, Mr Speaker.

Mr Speaker: Relevance?

Hon. R M Clinton: Relevance to the debate. What is the debate –
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Mr Speaker: You want me to rule on relevance?

Hon. R M Clinton: Relevance to this motion.
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Mr Speaker: I want to hear you: what is irrelevant? What do you consider to be irrelevant in
what the Chief Minister is saying?

Hon. R M Clinton: Any references to the GSD or its future, Mr Speaker.
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Mr Speaker: Any reference?

Hon. R M Clinton: To the GSD or its future, Mr Speaker. What has that got to do with this
debate? (*Interjections*)
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Mr Speaker: We have two parties – three parties, sorry – represented in this House amongst the Members. We have two independent Members. Are you asking me to rule whether any references to the future of those parties is relevant? A passing reference? One thing is to enlarge on a point which can be introducing new material when the Chief Minister exercises his right to reply. Enlarging on a point, developing a point, can be new material. A passing reference – is that new material or is that irrelevant?

Hon. Chief Minister: Mr Speaker, may I deal with the point, because –

Mr Speaker: Having heard the Leader of the Opposition, I now want to hear what the Chief Minister's view is on this question of relevance.

Hon. Chief Minister: Mr Speaker, my position – my political position as Leader of the House – is that their party's fracture, the destruction of the fabric of the Opposition –

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Hon. R M Clinton: I really must object to him carrying on.

Hon. Chief Minister: – of the GSD –

Mr Speaker: I have invited the Chief Minister –

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Hon. R M Clinton: But, Mr Speaker, this is going well beyond explaining his point.

Mr Speaker: I think the new Leader of the Opposition is not going to make my life easy (*Laughter*) if apart from raising a point of order he is also going to instruct me as to how I should judge the issue. I hope that he will give me an opportunity to listen to both sides and then perhaps take a view.

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Hon. Chief Minister: Thank you, Mr Speaker.

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On the issue of relevance in debate of the complete fracture of the GSD, of the political crisis that there is in College Lane in respect of the party that was the Government and is now not able even to keep the seats in opposition under its whip, the issue is of course simply this, and it is immediately relevant: they need to be politically somehow relevant to this community, and my case is that they are taking a position against Dilip Dayaram and they are taking other political positions simply to try and remain politically relevant.

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In this House, when I am addressing how people should vote – and I am addressing 17 Members, two of whom used to take the whip of the GSD and do not any longer – I wish to develop the point that part of what is happening in this House, and perhaps happened in other debates, is that the political crisis in the GSD is infecting the political debate that is put by the leader of that party in this House, who is, for now at least, the Leader of the Opposition.

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I have read today in one of the local newspapers that there is even an attempt to interpret the Constitution, which they published with great fanfare in 2013, in such a purposive way that it makes it difficult for people no doubt to have confidence in how they interpret everything else.

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That is why, Mr Speaker, I think that the complete breakdown of a party – that held government for 16 years but now is unable even to hold the seats that it was elected to represent in this House – is relevant to this debate, as it has been relevant in debates in this House in the past to mention many things which might not be directly relevant to the issue of a motion or an Act but which are politically relevant. I will put it to hon. Gentlemen opposite that if they try to restrict what a person can consider to be politically relevant to an argument that they make, they, even from the Opposition seats, will seek to gag debate in Gibraltar – they are even attempting to stop the Chief Minister of Gibraltar from expressing his view.

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God forbid that they should ever hold government again, because then we would lose once again freedom of speech in this community in the same way as they excluded *The New People* from press conferences of the Government whilst they held that office because it simply did not share their views and criticised them. So let us hope that those who represent that attempt to stop political debate do not in the future hold office in this nation. (**A Member:** Hear, hear.) (*Banging on desks*)

Mr Speaker: I take the view that a passing reference made about the future of a political party is not irrelevant. Had the Chief Minister attempted to develop the point in the manner in which he has done now, (**Several Members:** Ah!) (*Laughter*) I would have called him to order, but that has happened as a result of the point of order which the Leader of the Opposition has raised. (*Interjections and laughter*) (**Hon. Chief Minister:** I love it!) But as part of his substantive speech I would have called him to order, but as a passing reference it is not irrelevant. Development of it is outside the scope of the debate.

Please carry on.

Hon. Chief Minister: So, Mr Speaker, as I was saying in passing, the hon. Members appear, because of the political crisis affecting the GSD, to look for any – (*Interjection*) No, I am just picking up where I left off; I am not going to continue with it. I have explained why I think the political crisis in the GSD has become so relevant, but what I was saying was that they are taking any point they can in order to try and paper over not the crack but the cavern that is appearing in the GSD. That is now affecting Dilip Dayaram Tirathdas. Let's see who it affects next. Let's hope it is not something which goes to Gibraltar's national interest. Let us hope it does not, Mr Speaker. I hope that they take the summer to reflect on where they are and where Gibraltar would expect them to be.

It is true that Dilip Dayaram Tirathdas has not been appointed to a post that requires impartiality by the GSLP/Liberal administration. First, he was appointed by the GSD administration, by the former Chief Minister, to a post that certainly requires impartiality: the post of Financial Secretary, which carries with it statutory obligations, and he discharged that – and I made the point in my speech – in an exemplary fashion both from 2007 to 2011 under the GSD and from December 2011 to 2013 or 2014 under the GSLP/Liberal administration.

This is a man who has demonstrated his impartiality and his ability to be impartial to a GSD administration and to a GSLP/Liberal administration, and so therefore his qualification as a civil servant enables him to understand the very system that he will be involved in looking at and showing is operating in the right way. Can that be done by somebody from outside the Civil Service? Absolutely it can be done: Henry Pinna did it very well. Can it be done by somebody who has less experience of the Civil Service? Absolutely it can be done: Mario Hook did it very well. Can it be done by somebody who has experience of the inner workings of the Civil Service? Well, arguably, it can be done better because he may be able to understand better what it is that needs to be fixed when a complaint comes in. The jury is out, but what is certainly not true and what we think is very uncharitable is the suggestion that he cannot do it because he has been a civil servant.

Mr Speaker, it is a good thing that Mr Llamas no longer sits with the GSD whip; otherwise, he might have something to say about it. If Mr Llamas were in the future to retire as a civil servant, is it that he can no longer ever make a fair decision about the Civil Service and whether they have acted properly or not?

Mr Reyes has been a teacher and in part a civil servant. Is he saying that civil servants are not able to make fair determinations about other civil servants and how to behave themselves? I am sure he is not, Mr Speaker. It is not Mr Reyes's style to take that judgemental approach against people, and yet that is what is happening in this case.

The hon. Members opposite are saying that they do not believe, or they are not prepared to have the confidence that Mr Dilip Dayaram Tirathdas will be able to impartially determine and

395 resolve disputes that people might have with the Civil Service. I will give them all a little bit of a
lesson on how speakers are appointed in parliaments. In most parliaments, the speaker is taken
from the benches of the parliament and the speaker sits in judgement over the implementation
of the rules of the parliament fairly, even though he comes from one side or the other. Hon.
Members may know that John Bercow, the current Speaker of the Parliament in Westminster, is
400 a member of the Conservative Party elected as a Conservative Member of Parliament; he
becomes the Speaker and Labour Members have the confidence that he is going to discharge his
obligations.

In Gibraltar we have had a tradition of appointing individuals sometimes from outside the
House, and in the case of Mr Speaker, somebody who was the Chief Minister and a member of
the AACR. But we have also had instances of somebody being appointed Speaker who was not
405 overtly political and did not have that experience but who had indicated his preference for a
particular point of view: Mr Haresh Budhrani, Mr Speaker, who explained when he took the
Chair that he had had a GSD sticker on his bumper.

Mr Speaker, we have to take people at face value and we have to expect that people will
discharge their obligations. What makes it impossible for Dilip Dayaram Tirathdas to discharge
410 his functions as Ombudsman simply because he has been a civil servant, and yet all hon.
Members opposite are able to discharge their functions simply by dint of their election? I know
that when they stood for election there were some who were left out of the slate who felt that
they could do a better job than the seven who were elected – I can think of one in particular, Mr
Speaker.

415 People actually do discharge their obligations. The theory of Members opposite, Mr Speaker
– and I am talking about what is left of the official Opposition, the GSD ... The theory of what is
left of the official Opposition in respect of the GSD is that nobody has integrity, nobody
discharges their functions properly, the media just completely allow themselves to be ridden
roughshod by the Government, everybody is lacking in integrity except them; the only people
420 who do a fair job for a day's wage is them, everybody else is taking Gibraltar for a ride, has not
got integrity etc.

Well, look, Mr Speaker, the success of this nation demonstrates that people go to work, do
their jobs and discharge their functions and they put distance between themselves and their
friends because we are a small community and they make fair determinations. And when they
425 do not, there are mechanisms to deal with that because sometimes people just make mistakes,
but not through a structural lack of integrity that only appointments by the GSD can fix – which
is what the Hon. the Leader of the Opposition has suggested. I must tell hon. Members that by
the standard that they are seeking to judge others they would have failed tremendously if they
looked at the appointments that they made when they were in office in the application of those
430 sorts of standards to the appointments they made to boards etc.

Therefore, Mr Speaker, the Government is very confident indeed that Dilip Dayaram
Tirathdas is not just a jolly good fellow, he is not just a person who has rightly been honoured by
Her Majesty the Queen by the recognition of a state honour for the work that he has done, he is
not just rightly also a person appointed by the Chief Justice as a Justice of the Peace to sit in
435 judgement over people, with the power, when he is sitting on the bench, to imprison people; he
is absolutely the right person in this community today to be able to discharge the obligations of
Ombudsman and resolve issues which might relate to maladministration as somebody who
knows how the system works and will be able to assist claimants to fix problems when they
arise.

440 Therefore, Mr Speaker, I deprecate the things that the hon. Member opposite has said and I
commend the appointment of Mr Tirathdas to the House. *(Banging on desks)*

Mr Speaker: I now put the question in the terms of the motion proposed by the Hon. the
Chief Minister. Those in favour? **(Members: Aye.)**

445

Hon. R M Clinton: Can we have a division?

Mr Speaker: There are eight Government Members present, two are absent, so there are eight votes in favour.

450 The Hon. Marlene Hassan?

Hon. Ms M D Hassan Nahon: Yes, in favour. Sorry, I haven't asked to speak, Mr Speaker. *(Interjection by Hon. Chief Minister)*

455 **Mr Speaker:** How are you voting?

Hon. Ms M D Hassan Nahon: In favour.

460 **Mr Speaker:** In favour nine votes in favour.
The Hon. Lawrence Llamas.

Hon. L F Llamas: Mr Speaker, I shall be abstaining.

465 **Mr Speaker:** You are abstaining and the official Opposition are also abstaining.

Voting resulted as follows:

FOR	AGAINST	ABSTAIN	ABSENT
Hon. P J Balban	None	Hon. R M Clinton	Hon. Dr J E Cortes
Hon. J J Bossano		Hon. L F Llamas	Hon. D A Feetham
Hon. N F Costa		Hon. T N Hammond	Hon. S E Linares
Hon. Dr J J Garcia		Hon. E J Phillips	
Hon. Ms M D Hassan Nahon		Hon. E J Reyes	
Hon. A J Isola			
Hon. G H Licudi			
Hon. F R Picardo			
Hon. Miss S J Sacramento			

Mr Speaker: The motion is carried by 9 votes and 6 abstentions – **(Two Members: Five.)** five, sorry, yes, five. And there are, I should have said, two Members of the Government absent and one Member of the Opposition also absent, which explains five and not six.

PRIVATE MEMBER'S MOTION

Bill to amend Financial Services (Moneylending) Act – Leave to introduce not granted

470 **Clerk:** Private Member's Motion. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

Leave is requested of the House to introduce a Bill for an Act to amend the Financial Services (Moneylending) Act in the form attached so as to make provision for the Minister with responsibility for finance to publish in the Gazette details of moneylender licences in issue annually and also to publish notice of revocation and issue of new moneylending licences in the Gazette.

475 My motion, in seeking leave to amend the Financial Services (Moneylending) Act, is not one that this House should have any particular difficulty with, since its objective, being to publish the details of holders of moneylending licences, in fact already enjoys the implicit support of the Chief Minister, who in December 2016 stated he was, and I quote, 'happy to consider making provision to publish the list generally in future'.

480 Mr Speaker, we all recognise that the Financial Services (Moneylending) Act has its origin in legislation and dates back a hundred years to 1917, and that, despite subsequent amendments, it is still, in areas, perhaps out of date or lacking in respect of concepts of modern transparency and disclosure.

485 This piece of legislation has, in recent years, become of increased public interest and importance since the date the Government revealed that Credit Finance Ltd had been issued with a moneylending licence, and yet to this day there is no official register where the public can verify this information. Indeed, other Government-owned entities, such as Gibraltar Home Loans Company Ltd, have also apparently been granted licences by the Chief Minister in his sole discretion, which again cannot be independently verified.

490 Mr Speaker, the question of confidentiality or otherwise of a list of the moneylending licence holders has indeed been discussed in this House for now well over a year. The Hon. Damon Bossino raised it in Question 389/2015 in May 2015 and again subsequently in Question 442/2015 in June 2015, and I myself raised it in December 2016 in Question 921/2016. In answer to all those questions the Chief Minister indicated that he was indeed open to the publication of a list of licence holders, but that in the absence of specific provision to disclose, despite the silence of the Act as to publication, he would not disclose the list openly to Parliament.

500 In my view, this is a nonsensical position for the Chief Minister to adopt, since under the Moneylending Rules made under section 9 of the said same Act there is, in fact, a very specific requirement for any applicant for a moneylending licence to advertise the fact in the Gazette. And so it is patently absurd that the application for a licence has to be made public, and yet the grant of a licence is not. If the application is of such public interest that it needs to be gazetted, then so more should its granting.

505 Mr Speaker, the Chief Minister did, in December 2016, offer to discuss this matter with me behind the Speaker's Chair as to how the list might be published. I politely declined this offer because I could see no point in discussing a subject that was manifestly so simple to resolve and I saw no advantage to the public interest to engage in discussions behind the Speaker's Chair.

Mr Speaker, it is subject matter so simple that the Chief Minister himself said in May 2015 that he would:

happily look into whether this should be something that can be provided for publicly in the future in this House or even perhaps on a register which is maintained on a website. For some reason this is still done by the Ministry for Finance, not by any other entity, but it is something that, at first blush, I agree with him – there is no reason why it should not be made public.

510 Mr Speaker – and I wrote this speech some time ago – in two months, whenever that was ... That was an exchange that happened in this House two years ago and yet nothing has been done to address the matter.

I appreciate the Chief Minister and the Government are busy with Brexit and other matters, and thus, in order to assist the business of this House, I have proposed this simple amendment to the Act, which, if this House agrees, will modernise the Act and will settle the question of disclosure once and for all.

515 Mr Speaker, it cannot be right that the public cannot see who has been granted and holds a moneylending licence, or indeed whose licence has been revoked. It is a matter of public interest.

I will be very surprised if the Government finds itself unable to support my motion as drafted, but if they have some technical difficulty with the wording I have used, in this instance I am open

520 to them amending my draft Bill and motion as they see fit, providing of course that the overriding public interest principle of transparency and disclosure is met.

And so, Mr Speaker, for all the reasons I have just set out, I commend my motion to the House. *(Banging on desks)*

525 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Leader of the Opposition.

The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am pleased that the hon. Gentleman has at least gone back and looked at what I said in 2015 and 2016, and that I gave him the opportunity to talk to me about how we might deal with this issue short of having to amend the legislation. I was of course going to remind him of that, given that he moved the motion without even the courtesy of a phone call or writing to me to say, 'Look, Fabian, I'm minded to do this in this way. Would this find support? Does this deal with the manner in the way that you might have felt, if I had taken you up in that discussion, that you could support?' He would have found, Mr Speaker, that my answer would have been that I do not support doing things in this way.

Mr Speaker, I am Minister for Finance and I have responsibility for signing these applications, they are vetted by the Financial Secretary, but of course it is also an area of relevance for the Minister for Financial Services. I have once again checked, just in case, but it has been confirmed to me that Mr Clinton has not raised the issue with the Minister for Financial Services, and you would have thought that if there was a genuine desire to act in a way that is in concert and in the interests of the community then a phone call would not have been amiss as an attempt to try and find a common way forward. Otherwise, one is left thinking that this is just an attempt to score a political point – a political point that may not have appeared relevant to Members when they were in Government. For 15 years they had the chance to change this Act. It would have been easy for them to do – they did not do so. Ah, but the Government has now taken moneylending licences – that is why it is relevant now. Is it, Mr Speaker? Is it relevant because the Government has taken moneylending licences? The Government has said when it is taking moneylending licences, has explained why it is taking moneylending licences and is probably the most generous when it comes to determining how to lend money and ensuring – of course, as long as that is secure – that loans should be granted in the parameters that have been explained to this House.

So the issue is really those others that have moneylending licences. It is true they have to advertise that they apply for moneylending licences. It is true. So there is no secret that people are holding moneylending licences, because they have to advertise for that, and so do those who apply for licences to the OFT – the old trading licences, as they used to be called – and yet there is not a list published of those who succeed to obtain licences, and that is exactly the same model that there is here.

I remain open to considering genuinely whether this is something that can be done in some way short of requiring a legislative change, but I am not going to be minded to agree to the Opposition driving the cart on this simply because they have decided that this is an issue that they want to pursue, whether it is Mr Bossino – who, from what one hears, might be one of the people who has decided to try and come back to the fray, although it is all about people coming out of the fray and coming back to the fray, as far as I can see – or he, now as Leader of the Opposition, decides that he wants to continue to promote this matter which he had dealt with before when he was not Leader of the Opposition.

What does it matter that the grant of licences is in the sole discretion of the Chief Minister? Or is he also imputing bad faith to the Chief Minister of Gibraltar when his identity changes on 9th December 2011? Because I will remind him that it was the people of Gibraltar who sacked the previous incumbent.

Mr Speaker, it makes very little sense even to do something potentially sensible in the way that he has done it, which is to present a motion to amend a Financial Services Act without speaking to the Minister for Financial Services or accepting the olive branch of the Chief Minister to have a discussion behind the Speaker's Chair. It really is quite something, Mr Speaker. I say to
575 him, 'Let us discuss it,' and he says, 'I'm not interested in discussing it – you either do it my way or the highway.' That is what he says before he is Leader of the Opposition. That is the attitude he continues to take as Leader of the Opposition. Woe betide us if he ever becomes the Chief Minister of Gibraltar. Woe betide us! But that is the GSD way.

We saw St Peter ruling from St Peter's chair and now we are seeing Roy of the Rovers trying
580 the same. *(Laughter)* It is incredible that at a time when we should be trying to work together on a simple issue like the Financial Services Act, but which can have consequences ... We should do a consultation with those who hold licences. My inclination, like his, as I have said repeatedly, is that we should publish a list, but to impose that without discussing it with those who hold licences is not the modern way of doing things. It is the GSD way of doing things: imposition of a
585 view, despite an invitation to a discussion.

I remain of the view that this is something that potentially could be a good thing to do and perhaps should be done. I am convinced that this is not the right way to do it, and so I am afraid that the hon. Gentleman is not going to have support from this side of the House when it comes to his proposal. I do not think that the issues that he has raised in the context of his presentation
590 of this motion advance matters any further.

The fact that Credit Finance Company Ltd has a moneylending licence is a matter disclosed by the Government and defended by the Government as a matter of policy, and publishing the name of Credit Finance Company Ltd on a list is not going to change that. It is not going to add to transparency; quite the opposite. We have been more transparent than they ever were about
595 the workings of Government companies.

And so, Mr Speaker, the hon. Gentleman is going to find that his motion is not going to enjoy a fair wind. But I will say this: it is a pity that although he moved this motion when he was not Leader of the Opposition, he has decided to continue in this vein as Leader of the Opposition. I hope that as the warmer months kick in – some have called it the Silly Season – that he enjoys
600 more than one glass of warm prosecco and reconsiders his style.

Mr Speaker: Does any other Member wish to speak on this motion?

I will then call upon the mover to reply.

Hon. R M Clinton: Mr Speaker, as those of us who love wine in this House will know, prosecco is best drunk cold, but the Chief Minister will have his own tastes for wine and how he
605 wants to drink it.

Mr Speaker, all I have heard from the Chief Minister this afternoon is that he wants to vet everything that this side of the House presents to Parliament. It is our right to present motions
610 to this House in any way, shape or form that we this side of the House determine is appropriate, and not that we have to phone the Chief Minister every time we have a motion we wish to present to this House that is, of course, valid with the Speaker's permission.

He raised a couple of interesting points and I am, of course, disappointed that he cannot see it in himself to relinquish the driving of a cart, as he so graphically puts it himself, in that he
615 cannot let go of driving the cart for a minute to perhaps consider the wider public interest, which he himself admits – look, there is merit in publishing this list – but he just does not want the idea to be coming from the Opposition benches. Well, that is fine, Mr Speaker, I will let him take full credit for it. I will let him take full credit for any initiative in respect of publication of a register of moneylenders and I will leave the ball in his court. I certainly expect within the
620 lifetime of this Parliament, as he is so fond of saying, to undertake this consultation with holders of moneylenders' licences, and at the end of that period – hopefully, by the end of this Parliament – find a method other than by legislation, which frankly I find hard to find any other

way of doing it. But of course he is the Chief Minister, he is the oracle, he will know better than I, a mere non-lawyer, as to how these things can best be done.

625 Mr Speaker, in the course of his intervention he actually raised perhaps a more important point which is tangential to my motion, and that is the question of public registers. He raised the example of the Office of Fair Trading, where people will apply for licences but there is no way of determining whether licences have been granted. Surely he should make that a matter of urgency to address that, because how else are the public to determine whether someone they are dealing with is validly licensed?

Hon. A J Isola: Will the hon. Member give way?

Hon. R M Clinton: I will.

635

Hon. A J Isola: Mr Speaker, the hon. Member should be aware that, by statute, any premises which is operated under a business licence is obliged by law to have that licence on show. So that is not really a comparable that he should be making.

640 **Hon. R M Clinton:** Mr Speaker, I am grateful to the hon. Member for his intervention, but of course the –

Hon. Chief Minister: Will the hon. Gentleman give way?

645 **Hon. R M Clinton:** No. *(Laughter)*

A Member: No, don't give way.

650 **Hon. Chief Minister:** In that case he will be deprived of a method of implementation of the system that he is thinking of.

Hon. R M Clinton: Well, fair enough. He is free to do that as he pleases, Mr Speaker.

The point I was going to make to the response of the Hon. Minister who has responsibility for small businesses is there are businesses that necessarily have business waivers and of course there is no way of looking up a name in a register to see are these individuals registered. Again, Mr Speaker, this is tangential to my original motion, but he does raise the point about public registers, which is what the Chief Minister was referring to, and I would urge the Government, if it is not doing so already, to consider this as part of a wider exercise to ensure full public transparency in any form of licence granting.

660 If you go and apply for an insurance licence or any other type of licence, you can quite easily go on to the website of the Financial Services Commission and look it up. You do not have to go to somebody's premises and say, 'Ah, look, there's a licence on the wall.' You can go and look it up quite easily. I am sure this will be something that perhaps the Government will consider in their e-Government programme, to ensure that everything that involves a licence is published. But then again, Mr Speaker, I would not want the Chief Minister to feel that he was losing control of his cart.

670 Mr Speaker, he talked about the GSD imposing things on people, when nothing could be further from the truth. They are the New Dawn Government. Remember, they are the ones who were going to have more transparency than anyone else. Well, Mr Speaker, if they do have it, why haven't they introduced this yet? Why do we have to keep on reminding them to do it? Why is it the Chief Minister says, 'Oh, no, this is too difficult for me to do – I can't publish a list, it's far too difficult'? *(Interjection by Hon. Chief Minister)*

And so, Mr Speaker, there really is not much more for me to say, other than trying to speak louder than the Chief Minister when he is making his snide comments, **(Mr Speaker: Order.)** is

675 that the ball is fairly and squarely in his court and he can keep on driving the cart, but somehow
it may overturn one day, Mr Speaker.

Thank you very much. (Interjection by Hon. Chief Minister)

Mr Speaker: I now put the question –

680

Hon. R M Clinton: Mr Speaker, I will call for a division as well.

Mr Speaker: You are calling for a division. Very well.

685 I now put the question in the terms of the motion proposed by the Hon. the Leader of the
Opposition and we will now have a division.

A division was called for and voting resulted as follows:

FOR

Hon. R M Clinton
Hon. T N Hammond
Hon. Ms M D Hassan Nahon
Hon. L F Llamas
Hon. E J Phillips
Hon. E J Reyes

AGAINST

Hon. P J Balban
Hon. J J Bossano
Hon. N F Costa
Hon. Dr J J Garcia
Hon. A J Isola
Hon. G H Licudi
Hon. F R Picardo
Hon. Miss S J Sacramento

ABSENT

Hon. Dr J E Cortes
Hon. D A Feetham
Hon. S E Linares

Mr Speaker: There are 3 Members absent, 6 have voted in favour, 8 against. The motion is
defeated.

690 **Hon. Chief Minister:** Well, Mr Speaker, it has been a long session, a session which has
included the debate on the Appropriation.

If the hon. Gentleman had given way, I would even have shared with him an opportunity to
have, during the course of the debate, asked me to look at section 9 of the Financial Services
(Moneylending) Act, which allows the Chief Minister to make rules, without the need for
changes in primary legislation, to do the things that he wanted.

695 I say that, Mr Speaker, as I start the process of wishing hon. Members a pleasant summer. I
know for them it will be a very political time, but I do hope that all of us will be able to enjoy
with our families a longer break, and that the musical chairs that we have seen on the other side
do not lead to anyone else losing their chair and that we come back ready to work together for
Gibraltar, that we come back ready perhaps to leave this behind us – a style of politics that has
700 not been in the interests of Gibraltar – where we are less bellicose and follow more often than
not Mr Speaker's entreaties to work together in the best interests of our community.

I therefore now move, Mr Speaker, that the House do adjourn *sine die* and that, in keeping
with the comment in the British newspapers, people do not enjoy more than one glass too many
of warm prosecco, because that can lead to the leadership of a party changing even once again –
705 but I do not know whether they are reading the papers.

I move the House now adjourn *sine die*.

**Procedural –
Procedure re leave to introduce**

Mr Speaker: If I may, there is a point on which I would like Hon. Members to reflect on, particularly those who are hopefully someday to be involved in the resurrected Committee on Electoral, Political and Parliamentary Reform.

710 There is a fundamental difference between what happens here in this Parliament and what happens in the House of Commons when a Member seeks permission – or leave, shall I say – to introduce a Private Member’s Bill.

715 In the House of Commons, because of the exigencies of the time element, and also because there is a separation of the office of Leader of the House and the Prime Minister, there is a Leader of the House who spends a great deal of time in the House of Commons and who is basically responsible for the agenda, for what Parliament discusses, and therefore any Member wishing to introduce a Private Member’s Bill must ... It is not that they have to have the approval of the Government, no; what they do need is that the Leader of the House will make time available. If the Leader of the House does not make time available for a motion seeking leave to introduce a Private Member’s Bill, then that cannot be done. Time is of the essence in the House.

720 Here, hon. Members have a great advantage in that all they need to do is to give notice of the motion, which if I, as Speaker, find is perfectly acceptable, then goes on to the political agenda. But the difference also is that in the UK it does not go on the agenda until the Leader of the House of Commons knows about it and has seen it, and the Government takes a view whether it is going to be proceeded with or not. Here, the difference is any Member – it does not have to be a Member of the Opposition ... There have been Members of the Government who have introduced – the Hon. Danny Feetham I think did so, asked leave of the House. But if you do not have the approval of the Chief Minister of the day – I do not mean, by that, agreement with the essence of it, but that it should go on the agenda – then it would not proceed.

730 So reflect on that. Consider whether if ever the Rules of the House are amended, how they should be amended. I would like them to reflect because it occurred to me that there is that difference. Here, the Chief Minister is also the Leader of the House. That is not the case in the House of Commons and that can introduce a divergence of procedure.

735 The House will now adjourn *sine die*.

The House adjourned at 4.26 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.33 p.m. – 5.50 p.m.

Gibraltar, Friday, 15th September 2017

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<i>The House adjourned at 5.50 p.m.</i>	45

The Gibraltar Parliament

The Parliament met at 3.33 p.m.

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

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

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 10th, 17th, 29th and 30th March, and 21st, 22nd, 26th, 27th, 28th and 29th June, and 12th and 26th July 2017.

5

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

Mr Speaker signed the Minutes.

COMMUNICATIONS FROM THE CHAIR

Display of new Mace and polished stalactite

Clerk: (iii) Communications from the Chair.

10 **Mr Speaker:** Hon. Members, I think that it is appropriate that I should draw attention to and highlight that at this meeting of Parliament, just five days after the celebration of the 50th anniversary of the 1967 Referendum, we have on display and are using for the first time the beautiful new Mace. 2017 is a very auspicious year in Gibraltar's history and the new Mace commemorates in a most tangible manner both this 50th anniversary and the bicentenary of this building. The Mace has two dates engraved on it – 1951, when the first Legislative Council
15 was inaugurated by Prince Philip on behalf of His Majesty King George VI, and 2017 – together with the cyphers 'EIR', in lieu of 'GVIR' as in the case of the old Mace.

We are also displaying here in Parliament, for the first time in its new home, the other half of the polished stalactite presented by the late Mr Speaker, Sir Robert Peliza, to Madam Speaker Betty Boothroyd in 1994. I am reliably informed that it is prominently displayed in Mr Speaker's
20 house in Westminster. This other half had been on display in the Gibraltar Museum since then. Engraved on both halves in letters of gold is the preamble to the 1969 Gibraltar Constitution, in itself a direct consequence of the 1967 Referendum. (*Banging on desks*)

I call the Chief Minister.

25 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I say that I think that this is an entirely
appropriate way to have commemorated the 200th anniversary of the erection of this building,
but also, in particular, a way of representing the importance of this Parliament and its history in
the Mace. In 1951 we were not a Parliament, but it is right that we show the longevity and the
stability that democracy in Gibraltar has enjoyed in the way that we now have a Mace with us
30 something to think that Her Majesty the Queen has already become the longest-serving British
monarch and that the Mace in this place did not have her initials on it but her distinguished
father's initials on it.

If I may say so, Mr Speaker, I think that is an entirely fitting way of ensuring that the 200th
anniversary of the building in which the Parliament finds itself is commemorated, as is your
35 initiative, if I may say so, of displaying the other half of the stalactite with the preamble of the
Constitution in a prominent place in the Chamber. I think that will be a fitting reminder that the
sovereignty of Gibraltar is in effect in its people and this is the place of debate and democracy of
its people.

40 So the Government entirely associates itself with the things that Mr Speaker has said about
the new Mace and the display of the stalactite, and thanks Mr Speaker for having the idea of
displaying the stalactite in this place and entirely supports that it should stay there for as long as
Parliament is sitting.

45 **Mr Speaker:** Before I call on the Hon. Roy Clinton, the Leader of the Opposition, may I take
this opportunity on behalf of all of us to wish you a very happy birthday. (*Banging on desks*)

Hon. R M Clinton: Thank you, Mr Speaker. Thank you, colleagues. Yes, it is an auspicious year
for Gibraltar and myself: 50 years old and who would know it!

50 Referring to the Mace, far from being a 'fool's bauble', as Oliver Cromwell famously referred
to it in 1653, the Mace is really instead a symbol of royal authority and without its presence in
this House we could not pass legislation. The Mace is indeed a common and endearing ...
enduring feature as well as endearing feature and tradition of parliaments of the
Commonwealth and beyond. It has been the focus of protest – from the famous Michael
Heseltine seizing and winging of the Mace in 1976 to perhaps the less well known chucking out
55 of the window of the Mace in the Bahamas in 1965, at which point business really had to be
suspended. Fortunately, in this Chamber we have no windows, and from our seated positions we
would truly have to be athletic to grab the Mace – God forbid!

On a serious note, Mr Speaker, I really must congratulate the firm of Thomas Fattorini, and of
course the Clerk, for a very well executed and beautiful Mace.

60 Mr Speaker, it is not just gilt metal but really represents the heart and the soul of this
Parliament and the constitutional rights the people of Gibraltar have indeed fought long and
hard for. I trust this Mace will grace this Parliament for at least the next hundred years, long
after all of us have departed this Chamber.

Thank you, Mr Speaker.

65

Mr Speaker: The Hon. Marlene Hassan Nahon.

70 **Hon. Ms M D Hassan Nahon:** Mr Speaker, this year has indeed been an auspicious one for
our community, not least in regard to the 50th anniversary of the 1967 sovereignty Referendum.
The Referendum generation voted for freedom over fascism, democracy over dictatorship and
strength over submission. That historic vote left an indelible mark on our narrative and was a
pivotal step in our development of further civil autonomy as the British Gibraltarian people, and
one of those more tangible links to Britain is the Mace, without which this Parliament could not
meet.

75 In 1976, as the hon. Gentleman the Leader of the Opposition has just mentioned, the
Conservative MP Michael Heseltine seized the Mace from its table and held it aloft while those
on the opposite bench sang the Labour anthem *The Red Flag*. I can assure the House, Mr
Speaker, that I will attempt to do no such thing, unless perhaps the learned Members opposite
begin to sing *Time for Change*! Just over 10 years later, Labour MP Ron Brown picked up the
80 ceremonial Mace and smashed it to the floor in protest of the poll tax. Again, I have not read any
indication of a poll tax on the Order Paper, so Members can rest assured that I shall not threaten
them with a Mace duel!

This Mace lies before us in the middle of this place, occupying the space between the
Government and Opposition benches. This Parliament can often appear to be a place of
85 frustration and division to levels that are deemed unnecessary by some of our bosses, the
people of Gibraltar. Let the presentation of the new Mace be a symbolic reminder of our duties
as Members of this House: the steadfast defence of Gibraltar's interests both inside and outside
the House; upholding the values of equality, justice and tolerance; and always working together
in a constructive manner for the benefit of the entire community.

90 Thank you.

PAPERS TO BE LAID

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table the
Annual Report of the Gibraltar Regulatory Authority for the year ended 31st March 2017.

95

Mr Speaker: Ordered to lie.

I myself have the honour to report that, in accordance with Standing Order 12(3), the
Ombudsman's Annual Report for the year ending 31st December 2016 has been submitted to
Parliament and I now rule that it has been laid on the table.

Gibraltar aid to British Overseas Territories in the Caribbean

100

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I want to start today's proceedings by pausing
for a moment to address the damage done to the British Overseas Territories in the Caribbean
105 by Hurricane Irma. In doing so, we will not want to ignore in this House the damage done to the
rest of the nations in the Caribbean that have suffered devastation in the storm, and indeed to
the United States.

The destruction of some of the British islands has been unprecedented. We have all seen on
our television screens those terrible images. A new challenge now arises in order to keep the
110 people of the BVI, Turks and Caicos and Anguilla safe and healthy. A relief effort has already
been launched by air from London and a lot of the immediately necessary supplies are being
flown into the region. In addition, the fleet flagship of the Royal Navy *HMS Ocean* has been
deployed, as hon. Members will know. *Ocean's* tasking has changed from a Mediterranean one
to an Atlantic one. For the Royal Navy the perfect staging post for such a rerouting has, for over
115 300 years, been Gibraltar, and for that reason last weekend we saw *HMS Diamond* and *HMS
Ocean* passing the baton of their respective taskings between them here in Gibraltar, the home
of the Royal Navy in the Mediterranean.

Mr Speaker, the people of the Overseas Territories enjoy a singular partnership. We meet and collaborate regularly in a political group known as the UKOTA, the United Kingdom Overseas Territories Association. We also meet regularly together with UK Ministers as a Joint Ministerial Council each year in London, and before that at a pre-JMC meeting in preparation for that annual event. There are many similarities in the constitutional issues facing all the Overseas Territories. We may be at different stages in our constitutional development in some respects and there are many differences between us also, but the similarities make us kin in many respects.

Mr Speaker, many will recall that the pre-JMC meeting of UKOTA was held in Gibraltar in 2014 and I have a close relationship, together with the Deputy Chief Minister and the Minister for the Environment, with many of the chief ministers and premiers of the OTs and have been in touch with those who have suffered the worst of the devastation through their London representatives in the past days. The Captain of *HMS Ocean* and the governments of the Overseas Territories have been very clear in their praise for the donations that the people of Gibraltar have been able to make at short notice in respect of the call for support for these territories.

The work to be done now in these territories is reconstruction work. For that reason, through the Housing Works Agency, particularly with the collaboration of the Minister for Housing, Miss Sacramento, and GJBS, we have supplied all building materials that were surplus to our immediate requirements to go aboard *Ocean* to these territories in the Caribbean. That amounted to 14 pallets of building materials. The Gibraltar Health Authority, with the assistance of the Hon. Minister for Health, Mr Costa, has been able to supply 12 pallets of much needed medical supplies. We have also been able to supply 10 Ssangyong 4x4 pickup trucks, and, given the nature of the terrain to be negotiated whilst the reconstruction effort is underway, I am told that these are going to be very welcome indeed. Indeed, the Captain of *HMS Ocean* was emphatic when he told me that they were going to be the last thing into *Ocean's* massive hold as they would likely be the first thing out.

The donations made from Gibraltar by entities beyond the Government have been no less generous. Today, Mike Walliker, the Commander of British Forces in Gibraltar, set out the full list of additional materials provided in a letter of thanks to the people of Gibraltar published in *Panorama*. In addition to the donations from the Government of Gibraltar, Morrisons matched the purchases of the MoD with a donation of their own. All of Gibraltar's other merchants offered significant discounts to *Ocean* as she purchased much needed items to take to the Caribbean. Monsignor Paul Bear and Frank Bado organised the delivery of four pallets of clothes, including new clothing donated by the management of Marks and Spencer. The First 4th Gibraltar Scouts Group donated 16 pallets of clothes and some mobile phones. Portman Ltd sourced *Ocean's* last-minute requirements. Nats, Gib Air, Gib Oil and the AFRS supported at the airfield. Locally employed civilians from across the MoD worked tirelessly at short notice to achieve the turnaround that *Ocean* needed in order to get going quickly to the Caribbean, and Interserve, Gib Dock, Customs, the Royal Gibraltar Police, the Royal Gibraltar Regiment, the GDP and DGS enabled the logistics effort to progress everything as smoothly as it did. The St John Ambulance Association was also very helpful. Of course, Mr Speaker, that list will not be exhaustive and there will be many more who have helped and who we have left out in the list that the Commander of British Forces sent to *Panorama* in his letter and that I have set out here today.

Mr Speaker, Gibraltar has, as usual, been done proud by the efforts of its people to assist others in their time of need and has of course once again displayed the strategic significance of Gibraltar for the Royal Navy whenever it needs to quickly rearrange a tasking.

The work to be done in the Overseas Territories of the Caribbean is not immediate work; it is work that is going to take many months indeed, in some instances years, and if there is anything else that Gibraltar can do in this immediate hour of need of the British people of the British

170 Overseas Territories in the Caribbean, I am sure we will not be found wanting. (*Banging on desks*)

Questions for Oral Answer

HOUSING AND EQUALITY

Q451/2017

Government rental housing estates – Identified allocated parking

175 **Clerk:** (viii) We now proceed to Answers to Oral Questions. We commence with Question 451/2017. The questioner is the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise for which Government rental housing estates tenancy agreements include identified allocated parking?

180 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, Edinburgh Estate, Chilton Court, Mid-Harbours Estate and the elderly flats at Sir William Jackson Grove.

185 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for her answer.

In the case where there are tenants with arrears, they enter into arrears agreements and they actually have allocated parking in their tenancy agreements, does she consider it correct that they should have their parking revoked when they have entered into an arrears agreement and are currently up to date on their rent payments?

190

Hon. Miss S J Sacramento: Mr Speaker, before I answer the supplementary, I wish to remind the Members opposite of their premise when we commenced the exercise on the recovery of arrears, where they were actually encouraging us to evict people from their homes. So let me start off by reminding them of that, where they were asking whether we would be evicting people and indeed encouraging us to do so.

195

The answer to the supplementary question is yes, because the policy of the Government is that people who are in arrears should not be entitled to benefits which are seen as luxuries. The distinction is drawn between someone's dwelling and everything else – everything else being parking, on the basis that one can afford a car and therefore one should be able to afford a parking space, sheds or berths for boats in the small boats marina.

200

A separate issue is whether in certain estates parking spaces are included in tenancy agreements. In the case where they are included in the tenancy agreement it is very simple. Because the starting point is that the tenancy agreement has been breached by failure to provide rent on a timely basis as is stipulated contractually, and the ultimate power that the Housing Department has is to evict the person, which we do not – which they would want to, but we do not – then what we do is we sever the issues so that the action taken is in line with the policy of Government.

205

The policy of the Government is that we are not going to evict somebody for failure to pay rent, because that would only cause problems for the person, the family and ultimately

210 everybody else, but someone is not paying the rent on their house, therefore their parking as well, so the Government's policy is that anything beyond the tenancy will not be entertained.

Hon. R M Clinton: Mr Speaker, if I can just pause on her last words 'anything beyond the tenancy will not be entertained', in this case does she not accept that these tenancy agreements actually include parking, and if the Government has entered into an arrears agreement and is
215 accepting rent in future at the same rate as they were before, which included the parking, therefore the tenant will not be in breach?

Hon. Miss S J Sacramento: No, Mr Speaker, because they are in breach of the tenancy agreement and therefore the action taken by the Government is as a result of the breach of the
220 tenancy agreement and the breach continues. An arrears agreement is a completely separate matter. The arrears agreement is in relation to the payment of arrears. The policy is in relation to not evicting a person from their dwelling.

On the basis of what was said, I think, on the last occasion of Parliament, where, as I recall, everybody in the Chamber was in agreement on the general principle that if somebody can
225 afford to run a car and pay for the purchase of the car, its petrol, its insurance and its maintenance costs, then surely ... The amount of average rent in Gibraltar for Government tenancies is between £30 and £60 a month, and on that basis the policy decision was taken that if people can afford to run a car, which is a luxury, they can surely afford to pay their rent, and people cannot be subsidised by the rest of the taxpayers and all the other tenants who do pay
230 their rent on time and people who have mortgages and pay their mortgages on time and everybody who is a taxpayer, because somebody owns a car but does not want to pay their rent.

Mr Speaker, we have been through this before. We discussed it at length at the last session and everybody was in agreement.

Hon. R M Clinton: Mr Speaker, the reason I have asked this specific question, for the
235 Minister's information, is that we have come across actual instances where people are in arrears, are paying their arrears, are paying their current rent in future by direct debit, by agreement with the Government, and yet are being denied the use of their parking space which is in their tenancy agreement.

You have to distinguish these particular cases – and it is just an entirely factual question –
240 from other estates, where there are no such allocated parking facilities, such as Laguna or Glacis or anything else. Do not get me wrong, Mr Speaker, it is not that we are against the Government collecting arrears, I do not think. All I am asking is in these particular instances where the tenancy agreement actually included an allocated parking space, from the correspondence I have seen there has been no indication that the tenancy has been revoked or any particular
245 notice has been given to the tenant that their agreement has been revoked for a reason. They have entered in good faith with an arrears agreement prior to, may I say, the policy of collection at the moment revoking parking spaces, and now suddenly they are being told, 'Yes, we did say you had an allocated parking space; yes, you have entered into an arrears agreement; yes, you are up to date on your current rent; but no, you cannot have your parking space.' I am just trying
250 to understand what process the Government followed for these particular estates where the tenant actually has, from what I gather, a right to the use of that parking space.

Again, Mr Speaker, it is not that I have any particular issue with the collection of arrears; it is just in these particular instances where the tenant has the parking space included in their
255 tenancy agreement, what is the Government doing in respect of these?

I hear a sigh from across the floor, but if you are going to remove the parking space from these tenants where they are in arrears and are paying arrears in good faith, surely then you are going to adjust their rent downwards because now they no longer have a parking space which is associated with their tenancy, which they are paying for now.

260 It is a very simple question: has the Government gone through any particular process with these estates different to the others? Have they been sent any additional correspondence

different to the others in the sense that these actually in their agreements have allocated parking? It is as simple as that. I am not going into the issues of collection of arrears or anything else, as these particular estates ... What has the Government done different as regards the other estates in respect of those parking spaces? That is all.

Hon. Miss S J Sacramento: Yes, Mr Speaker, because the hon. Gentleman wants, of course, to run with the hares and hunt with the hounds.

Mr Speaker, there is no such thing, I think, as to entering into an arrears agreement in good faith. You enter into an arrears agreement because you have breached your original agreement, which was to pay rent for a roof over your head. So, if we are going to take about good faith and bad faith, then the starting point is that anybody in arrears has already acted in bad faith by not paying their contractual rent. That is one point, but, from everything that we have heard from the hon. Gentleman, what I think is the point he is trying to make is that people whose parking is included in the tenancy are somehow treated differently to other people in other estates whose parking is not included in the tenancy. If that is the hon. Gentleman's concern, then he can rest assured that there is no differential treatment, because in estates where the parking is not tied into the tenancy, people still need a permit to park in the estate, and if the person is in arrears they will not be granted a permit. So, if that is the question that the hon. Gentleman is asking, then he can rest assured that nobody who is in arrears will be able to avail themselves of the luxury of parking their car – which they can afford, but they cannot afford the rent – in a parking space, because they cannot do it in an estate where they have a tenancy agreement for the parking space or in other estates where they need a parking permit to do so.

So there is absolutely no distinction, Mr Speaker. The policy of the Government is that unless there are exceptional circumstances – such as people who may have disabilities or have a genuine reason for the use of the parking space for a vehicle or have a genuine reason for being in arrears, such as exceptional hardship – then everybody is, he can rest assured that everybody is being treated the same.

Hon. D A Feetham: Mr Speaker, may I? I rise because the hon. Gentleman, the Leader of the Opposition, brought me into several meetings where this particular issue has arisen, and I would ask the hon. Lady if she is prepared to take advice on this point: that the key issue here is whether somebody is in breach of the tenancy agreement. That is the key issue. If they are in breach of the tenancy agreement then the hon. Lady's rationale follows through and is sound. But if somebody is in breach of their tenancy agreement and then that breach is effectively ... and that dispute is compromised in an arrears agreement because the Government agrees to take x amount by way of arrears, that effectively means that that person, as long as he or she keeps to the arrears agreement, is not in breach of the tenancy. If that person is not in breach of the tenancy, then it is not open for the Government to effectively, as a matter of law, for the Government to then say, 'Well, actually, what I am doing is I am distinguishing between the tenancy and the parking,' because on these estates the parking is part of the tenancy. That is the point and I would just simply invite the hon. Lady to perhaps focus on that point and that ought to provide the hon. Lady with the answer.

Hon. Miss S J Sacramento: Mr Speaker, I perfectly understand the point that the hon. Gentleman is trying to make, but the hon. Gentleman also needs to understand that by virtue of the breach ... The hon. Gentleman, unlike the Hon. Mr Clinton, is taking a legal approach to this matter, and funnily enough, only an hour ago we were debating in my office the difference in approach by lawyers and accountants, so it is quite funny that we are having this as the first question this afternoon. But in any event, the Hon. Mr Feetham is taking a purely legal approach to this, and therefore the purely legal answer to that is very simple. By virtue of the breach of the original agreement, the Housing Department is perfectly entitled to stop that agreement,

sever the agreement, between the dwelling and parking, so we would end up with the same net effect of what we are actually doing now.

315

Mr Speaker: Next question.

Q452/2017

**Government housing tenants –
Employment status**

320

Clerk: Question 452. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government confirm the number of Government housing tenants currently employed in (a) the public sector, (b) the private sector; and (c) unemployed?

325

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

330

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, this is not information that the Housing Department holds. For the Government to provide the answer would require a major administrative exercise and it is not possible to undertake that in the time allowed; and it would, in any event, require a disproportionate amount of resources.

Q453/2017

**Government rental housing –
Refurbishment of interiors**

Clerk: Question 453. The Hon. L F Llamas.

335

Hon. L F Llamas: Mr Speaker, does the Government intend to refurbish the interior of Government rental stock in Moorish Castle Estate, Laguna Estate and Glacis Estate as it has done with Rodney House?

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

340

Minister for Housing and Equality (Hon. Miss S J Sacramento): Yes, Mr Speaker.

Hon. L F Llamas: Mr Speaker, does the hon. Member have a time line as to when these works will be completed in each block in each phase?

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Hon. Miss S J Sacramento: Yes, Mr Speaker, but I do not have it on me. This is part of the ongoing refurbishment programme of the estates, so once the refurbishment is complete it means that everything has been completed, the external works and the internal works.

Q454/2017
Housing waiting list –
Pre-December 2011 applicants

Clerk: Question 454. The Hon. L F Llamas.

350 **Hon. L F Llamas:** Mr Speaker, can the Government provide details of how many people were on the housing waiting list prior to 8th December 2011 who are yet not legally owners or proprietors of a property, including (a) the year the application was accepted and (b) the number of rooms required?

355 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, the Housing Department holds a waiting list for Government rental stock. It is not a waiting list for legal ownership of property.

360 **Hon. L F Llamas:** Mr Speaker, the Government obviously, when they announced the affordable housing, were basing the applications for the affordable housing on those who were on the waiting list. So is the hon. Member able to tell us how many people are still on that waiting list, prior to them coming to Government in 2011, who have yet not either been able to purchase through the private sector affordable housing, or been given a Government rental?

365 **Hon. Miss S J Sacramento:** Mr Speaker, it is a different question, because there may be people who were on the Government waiting list who purchased, because not everybody purchases, and the affordable housing estates. The hon. Gentleman is asking me for a list of apples when I only hold the list of pears. It is not that I am not trying to be helpful to the hon. Gentleman, but the question that he is asking me is not an answer that the Housing Department will have, because people are free to purchase property on the open market if they wish to.

370 **Hon. L F Llamas:** But surely those who have purchased on the open market will no longer appear on the housing waiting list. Right?

375 **Hon. Miss S J Sacramento:** No, Mr Speaker, it is the formulation of the question that does not get the hon. Gentleman to the answer that he wants. By way of the supplementary that he made, now I have maybe a better idea of the answer that he wanted, so perhaps if the hon. Gentleman is more concise in the way that he formulates the question then I may be able to provide him with the information that he wants, but at this stage the hon. Gentleman is asking me what the waiting list for ownership is. Well, I do not know, Mr Speaker, because it is not information that I could know or could reasonably know. It is just data that is impossible to reliably have.

CULTURE, THE MEDIA, YOUTH AND SPORT

Q412-413/2017
Victoria Stadium –
Payments received; lease

385 **Clerk:** We now proceed to Question 412 and the questioner is the Hon. R M Clinton.

390 **Hon. R M Clinton:** Mr Speaker, what payments has the Government received in the period 30th March 2017 to 31st August 2017 in respect of the announced sale of Victoria Stadium to the Gibraltar Football Association on 18th April 2017?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, I will answer this question together with Question 413.

Clerk: Question 413. The Hon. R M Clinton.

395 **Hon. R M Clinton:** Mr Speaker, can the Government advise if it has signed a lease for the sale of the Victoria Stadium to the Gibraltar Football Association; and, if so, what are the terms of that lease and the counterparties?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

400 **Hon. S E Linares:** Mr Speaker, the lease has, as yet, not been signed.

Hon. R M Clinton: Mr Speaker, that was obviously not the answer I was expecting.

405 **Mr Speaker:** If you ask a question you should always know what the answer is going to be. *(Laughter)*

Hon. R M Clinton: Well, not this one, Mr Speaker! *(Laughter)* Unfortunately, I am not a lawyer, but there you go! *(Laughter)*

410 Mr Speaker, given that some time has elapsed since the announcement on 18th April, is the Minister confident that the original terms will be met as announced at that date – namely, two payments of £5 million in the financial year 2017-18 and one payment of £6.5 million in the financial year 2018-19? Does he have an idea when the lease will be signed and who the counterparties will be? And how does this affect the development of the Victoria Stadium, which is meant to be a £15 million investment by the GFA?

415 Thank you, Mr Speaker.

420 **Hon. S E Linares:** Mr Speaker, as to his former question, absolutely. As to his second question, well, if they are going to do the investment, it is up to the GFA – he should ask those questions to the GFA.

Hon. R M Clinton: Mr Speaker, would the Minister be able to identify who the counterparties to the lease agreement will be?

425 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if a lease has not yet been signed, then it is not possible to tell the House anything other beyond speculation as to who the parties may be. One of the things that may happen is that the GFA may decide to use what is known as an SPV, a special purpose vehicle, for the purposes of being the asset-holding company that they designate. The hon. Gentleman is asking us to speculate, and that is not a good basis on which to ask parliamentary questions.

430 I should just say, Mr Speaker, that one of the things that he has asked in his main question and which he has repeated is for an indication of the terms of the lease. Well, Mr Speaker, the lease is a public document and he can obtain a copy of it, and he should not seek that a Minister stand here and read him a public document.

435 **Hon. R M Clinton:** Mr Speaker, I am perfectly aware of the rule and, as the Chief Minister will by now know, I do do my homework and I did go to LPS – and there is no lease, as he knows, because no lease has been filed because, as he just said, there is no lease. Therefore – *(Interjection by Mr Speaker)* I beg your pardon?

440 **Hon. S E Linares:** You didn't even know about it five minutes ago?

Hon. R M Clinton: No, but it is entirely possible, as the lawyers in the House will tell us, that leases can be signed and not yet have been filed at LPS. There can be delays, which is why I tabled the question. Thank you, Mr Speaker.

445 **Hon. Chief Minister:** Mr Speaker, I know that he pretends to do his homework but I also know that he does not like the Rules of the House, which say that if a document is a public document he obtains it when it becomes public.

Mr Speaker, it would be impossible for anybody to persuade me that it is proper to ask a Minister to come here to read out a lease, even if a lease has been signed on a Tuesday, we have House on the Thursday and it becomes public on the Friday because that is the date that it is registered.

450 What the hon. Gentleman is doing is not his homework; what the hon. Gentleman is doing is trying to pretend to be the class pet or the class swat to ask questions just for the sake of asking them, when he knows that the information is going to be publicly available. He does it in relation to accounts of companies which are filed in Companies House. He does it in relation to other public information, just for the sake of saying 'I am asking questions about things' and is constantly asking us to provide him with courtesy copies in this House of things that are public and things that are on websites. Mr Speaker, that is not the right way to employ the resources of Government. It may be the right way for him to employ his resources and to get off his homework and do some homework.

460 I say that, Mr Speaker, wishing him, of course, the very best on this happy day for him when he reaches his first half century.

465 **Mr Speaker:** Next question.

Q414/2017
Beach evening market –
Reason for absence this year

Clerk: Question 414. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government explain why the beach evening market was not carried out this year?

470 **Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the reason for not repeating the excellent beach evening market idea introduced by us last year was because we introduced the new Summer Nights programme, 'Summer Nights on Tour'. Therefore, it was felt that this would duplicate matters. Next year, Summer Nights could well be extended and both events combined. We will take the question as a positive comment from the hon. Member in respect of the beach market initiative and thank him for it.

Q415/2017
Bars and clubs –
Entertainment licences

Clerk: Question 415. The Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, is the Government considering extending the nocturnal hours on entertainment licences for bars and clubs?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

485

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, no, sir.

Q416-418/2017
Gibraltar Music Festival –
Payments to organisers; contract with organisers; tender arrangements

Clerk: Question 416. The Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, can the Government state how much the Government will be paying the organisers of the Music Festival this year?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

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Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, I will answer this question together with Questions 417 and 418.

Clerk: Question 417. The Hon. L F Llamas.

500

Hon. L F Llamas: Mr Speaker, can the Government disclose the contract between the Government and the organisers of this year's Music Festival?

Clerk: Question 418. The Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, can the Government explain why it did not go out to tender for the organisation of the Music Festival 2017, and whether it will be going out to tender in the future?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

510

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, in answer to Question 416, as I have previously indicated, the cost information is not yet available since invoices will be paid during the full course of this financial year. As always, the final costs are expected to be available in time for completion of the draft Estimates Book and will be debated by this House during the Budget session in 2018.

515

In answer to Question 417, HM Government does not have a single contract with one entity since there are various parts to the organisation of an event such as the MTV Gibraltar Calling. All these contracts are commercially sensitive, given the nature of the music industry.

In answer to Question 418, HM Government did not tender for the provision of services in 2012. It did so in 2013 in order to have continuity over a defined period and to give other event

520 organisers the opportunity to apply. In 2016, which was the end of the term of the four-year
contract with the previous organisers, it was decided by Government that in order to move the
Gibraltar Music Festival to the next level we needed to work alongside a major media partner.
There could be no better international media partner than MTV for the organisation, branding
and distribution of the Gibraltar event. Contacts had been established with MTV and it was then
525 that MTV entered into direct negotiations to produce and brand the hugely successful MTV
Gibraltar Calling Festival of 2017.

Hon. L F Llamas: Mr Speaker, is the Minister not able to at least provide a basic figure of what
the value of the contracts entered into with third parties for the organisation of the event?

530 **Hon. S E Linares:** No, sir; I have just explained why.

Chief Minister (Hon. F R Picardo): Mr Speaker, if it is of assistance, what the hon. Gentleman
does have is that he has the cost in the Estimates Book and he is going to get the final cost in the
535 Estimates Book, so he has that number. That number is going to be publicly available. He cannot
have the breakdown of what goes to whom, because that is what is commercially sensitive. I do
not think we have any problem whatsoever with sharing it with him if he wants, and any other
Member if they want, but it is not something that can be made public, because of the commercial
sensitivity. So he can have the breakdown on an undertaking not to share it with commercial
540 entities that may be interested in undercutting others etc.

Q419/2017
Queen's Cinema –
Current status and future plans

Clerk: Question 419. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Minister for Culture give some information on the
current status and future plans for the Queen's Cinema?

545 **Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker,
HM Government is currently considering a number of commercial proposals which include a
550 conference/theatre hall for the Queen's Cinema and Queen's Hotel sites.

Mr Speaker: Next question.

Q420/2017
Lathbury and Europa Point sports complexes –
Fairness of tender process

Clerk: Question 420. The Hon. Ms M D Hassan Nahon.

555 **Hon. Ms M D Hassan Nahon:** Can the Minister for Sport confirm whether Government will be
following a fair tender process when allocating the necessary work required to build the sports
complexes at Lathbury and Europa Point?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

560 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, HM Government always follows a fair tender process when it is required. This has been the case with the building of the magnificent sporting complexes at both Lathbury and Europa Point.

565 **Hon. Ms M D Hassan Nahon:** Can the Minister give us some information as to when these tenders will be coming out?

Hon. S E Linares: Mr Speaker, the tenders came out, the tenders have been processed and we are at the stage now when one of the successful companies will be informed and start work immediately.

570 **Mr Speaker:** Next question.

Hon. D A Feetham: Mr Speaker, can I return to the question about the Queen's Cinema?

575 **Mr Speaker:** Yes, indeed.

Hon. D A Feetham: Mr Speaker, just on this question of the Queen's Cinema, the Government in 2013 announced some plans for the use of the Queen's Cinema in terms of theatre and other uses. Is it that the Government has abandoned those plans, or is it that the Government is looking at different plans? And can the Government explain why the delay in the development of Queen's Cinema, given the fact that those plans were announced as far back ...
580 My recollection was 2013, but I will be corrected, if I am wrong, by the Hon. Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I do enjoy being encouraged to do the things that the hon. Members opposite say that we should not be doing because we cannot afford them.
585

The Government has been approached by a number of third parties on an unsolicited basis to seek to have the redevelopment of that site include the theatre but with the provision of other facilities above and around the theatre. The hon. Gentleman knows that we do not just enjoy the benefit of ownership now of the old Queen's Cinema but also of the old Queen's Hotel, which provides a larger plot. Really, on an unsolicited basis we have received a number of proposals, all of which are interesting and it is our obligation to consider carefully and then to determine how we decide what to do in the context of that theatre and the proposals that we have received, and whether – given that we have received unsolicited proposals which are very succulent, if I can put it that way, and still provide the theatre – whether we should perhaps go to a public expressions of interest procedure in respect of that site. That might be more beneficial to the taxpayer and would deliver the theatre too.
590
595

We are in negotiations with some of those who have approached us. Some of them represent entities from beyond Gibraltar and therefore negotiations are not face to face and quick, but they are potentially very attractive and they do nonetheless deliver the theatre project announced in 2013 and then set out in more detail in the magnificent manifesto – in fact, the only manifesto – in the 2015 General Election.
600

TOURISM, EMPLOYMENT, COMMERCIAL AVIATION AND THE PORT

Q421-424/2017

**Monthly visitors to Gibraltar –
Breakdown by land, sea and air**

Clerk: Question 421. The Hon. T N Hammond.

605 **Hon. T N Hammond:** Mr Speaker, what are the monthly visitor totals to Gibraltar from January to June of this year?

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

610 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, I will answer this question together with Questions 422, 423 and 424.

Clerk: Question 422. The Hon. T N Hammond.

615 **Hon. T N Hammond:** Mr Speaker, what are the monthly visitor totals to Gibraltar by land from January to June of this year?

Clerk: Question 423. The Hon. T N Hammond.

620 **Hon. T N Hammond:** Mr Speaker, what are the monthly visitor totals to Gibraltar by sea from January to June of this year?

Clerk: Question 424. The Hon. T N Hammond.

625 **Hon. T N Hammond:** Mr Speaker, what are the monthly visitor totals to Gibraltar by air from January to June of this year?

630 **Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, the information requested by the hon. Gentleman is contained in the schedule being handed over to him now.

Answer to Question 424/2017

Total visitors arriving in Gibraltar in 2017 is as follows:

Month	Air	Sea	Land
January	12,406	919	676,555
February	15,421	609	718,653
March	19,283	10,227	776,988
April	24,457	40,965	696,403
May	25,812	66,638	830,927
June	24,612	38,406	823,550

635

Q425/2017
Employment Service –
Notices of vacancies, terms of engagement and termination filed

Clerk: Question 425. The Hon. E J Phillips.

640 **Hon. E J Phillips:** Mr Speaker, can the Government state the total number of (i) notice of vacancies, (ii) notice of terms of engagement, excluding variations, and (iii) notice of terminations filed at the Employment Service from December 2011 to date.

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

645

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, this question is identical to one asked by the Hon. Mr Phillips at the last meeting of Parliament.

650 The statistics for the period December 2011 to the end of May 2017 were provided to the hon. Gentleman already in reply to Question W92/2017.

The figures for the period June to August 2017 are as follows: vacancies, 2,922; terms of engagement, 3,223; and termination, 3,292.

Mr Speaker: Any supplementary?

655

Hon. T N Hammond: Just returning to these questions and just for my clarification, I asked four questions and I definitely have the answer to three. Can I just confirm with the Minister that if I add the totals here I will get the answer to Question 421 and that there is not another sector that I have missed out somehow – I will have the total totals?

660

Hon. G H Licudi: Mr Speaker, I was expecting that particular supplementary from the hon. Member. I did not know whether it was a trick question, because he asked for visitor arrivals by air, by land and by sea and then he asked separately for all of them. So he has been given by air, land and sea and all he has to do is put them all together. I do not believe visitors arrive in Gibraltar other than by air, land or sea.

665

Q426/2017
Port rescue launch –
Recruitment

Clerk: Question 426. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if the under-manning issue surrounding the Port rescue launch and the Gibraltar Port Authority has been resolved, and what were the matters concerning the recruitment of a seaman/mechanic vacancy that required the filling of this post to be considered by the full Cabinet?

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, I have already alerted my hon. Friend to what part of the answer to this question is going to be.

The vacant post of seaman/mechanic was filled on 7th August 2017. This brought the Port launch to full manning levels. The matter concerning the recruitment for this post, which was considered by the Cabinet, cannot be disclosed for data protection reasons. I am, however, happy to brief the hon. Member on this behind Mr Speaker's chair.

Mr Speaker: Next question.

Q427/2017
Gibraltar Port Authority –
Under-manning

Clerk: Question 427. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government state, since December 2011, on how many occasions has the Gibraltar Port Authority functioned with two crewmen as opposed to three?

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, since December 2011 the Port launch has operated with two crewmen on two separate occasions, both being vessel recovery operations.

Hon. L F Llamas: Mr Speaker, does the Hon. Minister have the dates that those two occasions have been?

Hon. G H Licudi: Mr Speaker, 11th April 2017 and 13th July 2017.

Q428/2017

**Maxi Priest video and song –
Government involvement re finance and production**

Clerk: Question 428. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide details, if any, of its involvement in financing and producing the Maxi Priest video and song?

705

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, the Gibraltar Tourist Board contributed the following to the financing and production of the video and song: flights for Maxi Priest, £248; accommodation for Maxi Priest, £300; production of music video, £6,775. This has proved to be excellent value for money.

710

Since it was posted at 10.30 a.m. on 3rd August, the video has been viewed more than 155,000 times. Many of these are unique viewers, meaning users who have watched the video once. A quarter of the video's watch time was from the United Kingdom; however, it has been watched on Facebook by Facebook users from as far away as New York, California and Ontario. Maxi Priest has since shared the original post on his own page. Overall, the post has been shared over 2,300 times, an online action that is at the centre of Visit Gibraltar's marketing strategy.

715

The long-term impact is tangible, as the video has directly resulted in an increase of 220 followers on the Visit Gibraltar Facebook page and 150 followers on HM Government of Gibraltar's Facebook page. This represents a new, extended and permanent audience for all other marketing, messaging and tourist information posted to both these pages in the future.

720

Mr Speaker: Before we carry on, I am going to allow the Hon. Marlene Hassan Nahon to raise a supplementary on questions relating to the MTV festival.

725

Hon. Ms M D Hassan Nahon: Yes, it does, so perhaps the Hon. Minister for Culture should be here – I think he may have popped out. Oh, here he is.

Mr Speaker, if I may just pick up on the question by the Hon. Lawrence Llamas at Question 418, when the Chief Minister explained that the opportunity was too good to miss and the branding of MTV was going to give us something unrivalled and all this. Why was it that, for example ... perhaps the same organisers of previous years of GMF could have taken the organising of the festival. When Neon Angel stepped in instead of MTV, the layer of Neon Angel, why couldn't that have been kept by the previous organisers?

730

735

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Well, first of all, it was MTV's decision, not ours, and therefore we were quite satisfied that Neon Angel were also going to engage – and they did – with the previous organisers, so therefore there was not quite a problem in that Neon Angel, which were assigned by MTV ... and when I was negotiating with MTV and Neon Angel we made sure that the organisers who had previously done the GMF were going to be involved, and that has been the case.

740

Hon. Ms M D Hassan Nahon: Was there no interest for Gibraltar Government to keep to retain the previous organisers, who had done such a good job, and perhaps ...?

745

Chief Minister (Hon. F R Picardo): Mr Speaker, just for the purposes of clarity and understanding, the previous organisers were involved this year. The previous organisers have done a lot of the organisation this year. If the hon. Lady knows the characters, they have actually

750 been backstage most of the time. They have been people with whom Neon Angel and we have been liaising and with whom MTV have been liaising as well.

MTV organise it like they organise it and there is a reason for that, and it is a well-practised manner of organisation of festivals that they have. That does not mean that there is not a role for people from Gibraltar who have been involved in the past and who have specific local knowledge, understanding and expertise that they bring to the equation. Nobody can praise the former organisers more than the Government. The Government gave the former organisers the opportunity to organise from 2012 before it went to tender. It went to tender afterwards and they got it. They have done a magnificent job of organising the Gibraltar Music Festival, but to reach the international audience that we wanted to reach MTV was required and MTV does things the way it does things in the hundreds of festivals that it organises around the world. But the names of individuals who are involved in organising are very much the people who were also involved through Neon Angel and through MTV in the actual organisation of this year when it came to contracting scaffolding, stages etc., with different opportunities also arising for them as a result of the contacts that MTV and Neon Angel could bring and the lower costs that they are able to provide because of their wider reach in the market.

765 But if the hon. Lady is saying, 'Could you, Government, have done anything to get MTV to organise the MTV Gibraltar Calling International Music Festival with the three guys who organised the GMF?' the answer is we could not have done more, and therefore they were very involved.

770 **Hon. Ms M D Hassan Nahon:** Thank you for that. Can I ask, if I may, is it looking like the Government will want to continue this pattern of working with MTV in future years?

775 **Hon. S E Linares:** Absolutely. It has been a great success and we are looking to even do more with MTV, not only Gibraltar Calling but many other things that we are in negotiations and talking with them about, which will be of huge benefit to Gibraltar. This is a partner that has millions of viewers. And it is not only MTV, Mr Speaker. I must emphasise that it is Viacom. Viacom is a huge company which owns VH2, it owns all the MTVs, Nickelodeon, Channel 5. There is a lot that we can do with them, so I am quite pleased to continue that relationship, Mr Speaker.

780 **Mr Speaker:** Next question.

INFRASTRUCTURE AND PLANNING

Q429 and 437/2017 Upper Town escalator – Breakdowns and costs of repair

Clerk: Question 429. The Hon. T N Hammond.

785 **Hon. T N Hammond:** Mr Speaker, since 1st May 2016, on how many occasions has the Upper Town escalator been unserviceable, and for each occasion for how long was it broken?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, I will answer this question together with Question 437.

Clerk: Question 437. The Hon. L F Llamas.

790

Hon. L F Llamas: Mr Speaker, can the Government provide a breakdown of the periods of time the escalators to the Upper Town have been out of use and the cost of repair on each occasion since they were installed?

795

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Hon. P J Balban: Mr Speaker, the information requested by the hon. Member is in the schedule that I will hand over now.

800

Mr Speaker: It is a fairly lengthy and detailed schedule. I think we will move on with other questions and I am going to allow hon. Members to raise any matters in supplementaries after they have perused the schedule. Okay? Next question.

ANSWER TO QUESTION NO 437/2017

Escalator 1064739				
Month/Year	Breakdowns	Cause	Stoppage time	Cost
Sept 2013	1		Repaired same day	
Feb 2014	2		Repaired same day	
March 2014	2		Repaired same day	
April 2014	2	Call out owing to vandalism x2	Repaired same day	£49.94 /49.94
July 2014	1	Call out owing to vandalism cut	Repaired same day	£34.42
Oct 2014	1		Repaired same day	
Nov 2014	1		Repaired within 2 days	
Dec 2014	1		Repaired within 3 days	
Jan 2015	1		Repaired same day	
Feb 2015	2	Call out owing to vandalism x2	Repaired same day	
Mar 2015	2		Repaired within 2/3 days	
April 2015	4		Repaired same day	
Sep 2015	1	Misuse	Repaired same day	£63.17
Dec 2015	1		Repaired within 4 days	
Jan 2016	2	Rain water/silt	Repaired within 2 days	
Feb 2016	1	Call out owing to vandalism cut	Repaired within 4 days	£1,053
Mar 2016	1	Rain water/silt	Repaired same day	
Apr 2016	1		Repaired within 2 days	
May 2016	2		Repaired within 2/3 days	
Oct 2016	1	Rain water/silt	Repaired within 4 days	£127.49
Dec 2016	2	Rain water / Call out owing to vandalism	Repaired within 3/5 days	£167.00/136.18
Mar 2017	1	Rain water	Repaired same day	
April 2017	1	Rain water	Repaired within 2 days	

Escalator 1064740				
Month/Year	Breakdowns	Cause	Stoppage time	Cost (£)
Dec 2014	1		Repaired within 2 days	
Jan 2014	1	Call out wing to vandalism	Repaired same day	
Aug 2014	1		Repaired same day	
Oct 2015	1	Rain water/silt	Repaired same day	
Nov 2015	1	Rain water/silt	Repaired within 3 days	
Feb 2016	1		Repaired within 2 days	
Month/Year	Breakdowns	Cause	Stoppage time	Cost (£)
Jun 2016	1		Repaired same day	
Oct 2016	1		Repaired within 2 days	
Nov 2016	1		Repaired within 2 days	
Dec 2016	1	Rain water	Repaired same day	£136.73
Jan 2017	1	Rain water/silt	Repaired within 4 days	£3,739.69

805

Q430/2017
'No idling' signs –
Progress re introduction

Clerk: Question 430. The Hon. T N Hammond.

810

Hon. T N Hammond: Mr Speaker, further to Questions 196/2016 and 232/2017, can the Government say what progress it has made regarding the introduction of no idling signs, particularly in areas which were suggested by the Minister as 'hot spots' last time this question was asked, the Frontier and parts of the Upper Rock?

815

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, signs have been designed and the matter is tabled for discussion by the Traffic Commission at its next meeting later this month.

820

Mr Speaker: Next question.

Q431-434/2017
Fixed penalty notices for parking offences –
Numbers issued

Clerk: Question 431. The Hon. T N Hammond.

825

Hon. T N Hammond: Mr Speaker, can the Minister say how many fixed penalty notices for parking offences, by month, have been issued to local cars since the beginning of January 2017?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

830 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I will answer this question together with Questions 432, 433 and 444.

Clerk: Question 432. The Hon. T N Hammond.

835 **Hon. T N Hammond:** Mr Speaker, can the Minister say how many fixed penalty notices for parking offences, by month, have been issued to foreign cars since the beginning of January 2017?

Clerk: Question 433. The Hon. T N Hammond.

840

Hon. T N Hammond: Of the total number of fixed penalty notices issued since the beginning of January this year, how many have been rescinded as having been incorrectly issued?

Clerk: Question 434. The Hon. T N Hammond.

845

Hon. T N Hammond: Can the Minister say how many clamps for parking offences, by month, have been placed on foreign vehicles since the beginning of January 2017?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

850

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, since the beginning of January 2017, 450 fixed penalty notices have been cancelled.

I now hand over a schedule with the rest of the information that the hon. Member requested.

Answer to Question 434/2017

Month	Clamps to foreign Vehicles	FPNs to Foreign Vehicles	FPNs to Local Vehicles
January	198	229	2382
February	164	190	2046
March	214	206	2037
April	201	234	1839
May	160	292	2018
June	200	255	2070
July	268	333	1899
August	302	369	2058

855

Mr Speaker: The Hon. Lawrence Llamas has a supplementary arising from Question 437.

860 **Hon. L F Llamas:** Mr Speaker, looking at the schedule given by the Hon. Minister, I recall earlier in summer, in June of this year, 2017, and later on, a month later in July, in the press, two stories regarding the Upper Town escalators where the escalators were unserviceable, and I cannot seem to find these on the schedule handed over, as the last repairs were carried out in April 2017 and January 2017, respective of both. Can the Hon. Minister provide any schedules or details regarding this latest breakage in the escalators and whether or not they are actually fixed?

865 **Hon. P J Balban:** Mr Speaker, yes. Towards the end of May 2017 there were issues because of the torrential rains that Gibraltar suffered. That was the last time the escalator actually broke down. At the moment the repairs are about to commence because spares were required to be brought into Gibraltar especially, and, as I said, they are about to be repaired in the next weeks or so.

870 **Hon. L F Llamas:** So therefore, Mr Speaker, the escalators have been out of use since May 2017 and, despite assurances given in July 2017 that they were a couple of weeks away, they are still unserviceable and will be fixed within the next four or five weeks. Is that right?

875 **Hon. P J Balban:** Mr Speaker, because of the fact of the spares ... It is not a question of not wanting to repair them; the question is an issue of the spares, and the company which is responsible for the maintenance of the escalators, Schindler, have had to look for these spares that were required because the damage was quite extensive so quite a numerous quantity of spares were required to be able to bring the escalators back to condition.

880 **Mr Speaker:** The Hon. Trevor Hammond. Do you have any ... *[Inaudible]*

Hon. T N Hammond: No, I am happy to ...

885 **Mr Speaker:** You don't have any on 434?

Hon. L F Llamas: Does the Hon. Minister know the extent of the cost of repairing this damage will be, or is it still under negotiation?

890 **Hon. P J Balban:** Mr Speaker, yes, the cost to repair both escalators will amount to £74,316.73. That is £51,237.18 for one of the escalators and £23,078.92 for the second escalator.

895 **Hon. L F Llamas:** Just one final supplementary, Mr Speaker. Given that obviously ... even though they are supposed to be exterior escalators and they should be able to withhold the weather, will the Government be investing in perhaps covering them up slightly or providing some form of shelter so that this expense is not incurred in the near future?

900 **Hon. P J Balban:** Mr Speaker, these escalators have been plagued with numerous issues and one of them was a lot of vandalism as well. In this last case what happened was that there were especially bad torrential rains. It was not the rain itself, the water is not the issue, the escalators can handle water without any problem; it is what the water brings with it. Unfortunately, it has dragged the silt, the sand and the debris, and that has been what has actually gone into the escalators and caused damage to the steps, and in fact shearing part of the mechanism away.

905 The escalators are designed to withstand the elements; it is just that the sheer volume of what is brought with the water that has caused the damage in this particular case.

The hon. Gentleman also asked the question whether anything is being looked at, and the answer is yes, we are looking at other ways of moving water to see if we can move water and channel it in a different direction, and in fact Technical Services is about to do some extra works

910 in the next couple of weeks to try to move water away from the escalator. But as I said, it is not the water, it is the debris that has caused the problem.

Hon. T N Hammond: Just regarding these latest works by Technical Services, which would seem to at least go some way to providing a solution to avoiding such extreme costs in the future, does the Minister have any idea what those works themselves may cost?

915

Hon. P J Balban: Mr Speaker, no I have not got an idea of what those works would cost at the moment.

920 **Hon. T N Hammond:** Mr Speaker, bearing in mind that the escalator has been now in position for ... well, certainly since about 2013, what is the anticipated lifespan of that escalator? Will we have to be replacing it in a year, in two years, in 10 years, or will we just be facing large bills to keep replacing parts on it year after year?

925 **Hon. P J Balban:** Mr Speaker, really it is a bit of an unknown. We do not know what damage is going to happen. If he had asked the question, perhaps I would have found out for him. I do not know how long it is envisaged escalators will last. I suppose they last as long as can be expected for these devices. Again, if the gentleman wants me to find out what the longevity expected is, I will find out. Other than that, it is impossible to say.

930

Mr Speaker: Next question.

Q435-436/2017

Development and Planning Commission – Applications not complying with Gibraltar Development Plan

Clerk: Question 435. The Hon. D A Feetham.

935

Hon. D A Feetham: Mr Speaker, since 2012, how many projects submitted for approval to the DPC have been granted planning permission in circumstances where the proposed project did not comply and/or was in breach of the Gibraltar Development Plan, identifying the project and the date the planning permission was granted?

940

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, I shall answer this question together with Question 436/2017.

945

Clerk: Question 436. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, since 2012, how many Government projects submitted for advice and guidance to the DPC have been proceeded with despite the proposed project not complying with and/or being in breach of the Gibraltar Development Plan, identifying the project and the date advice was sought?

950

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

955 **Hon. P J Balban:** Mr Speaker, in determining planning applications, whether Government or otherwise, the DPC takes into consideration the contents of the Gibraltar Development Plan 2009, which contains numerous policies covering a wide variety of issues. The DPC will consider each application on its merits and will consider whether the proposal complies with relevant policies of the Plan and will also consider whether there are any other material planning considerations to be taken into account.

960

When considering the extent to which development proposals comply with relevant policies, professional judgement is used and the Town Planning Department advises the DPC accordingly. The DPC then considers all relevant factors before making a decision.

965 Non-compliance with Development Plan policy generally is normally one of the main reasons
for the DPC refusing an application.

Having explained the context of how the Development Plan policies feed into the DPC
decision-making process, the hon. Opposition Member will no doubt appreciate that it is not
possible to provide a list of applications as requested in his question. To try and review the
reasoning for every decision made by the Commission since 2012 would be an extremely
970 onerous task and would require significant professional staff resources to undertake and would
divert resources from the day-to-day work of the Town Planning Department.

Hon. D A Feetham: Mr Speaker, I am asking a question – two questions, but certainly asking a
question about one of the cornerstones of the Government’s policy in terms of openness,
975 transparency and in terms of the Government’s policy and changes that they themselves
introduced in relation to how the planning process is conducted.

I could give the hon. Gentleman the benefit of the doubt and say perhaps – I do not agree,
but perhaps – that is applicable to the first question. I do not agree with that, but perhaps. But
the second question is about Government projects submitted for advice and guidance to the
980 DPC. And surely the Government, which has introduced this policy in the first place in order to
improve openness and transparency in the process, would want to know how many of the
applications or how many of the projects that it submitted for advice and guidance are projects
that have not complied or are in breach of the Gibraltar Development Plan and that those are
facts and that those statistics are available to the Government, and therefore that the
985 Government would be able to share them with this House and therefore with the people of
Gibraltar, Mr Speaker.

Chief Minister (Hon. F R Picardo): Mr Speaker, I do not think that the hon. Gentleman has
really understood what the nature of the reforms made after December 2011 was.

990 So just so he understands why his question, first of all, cannot be answered and, second, why
he should not have posed it: before December 2011 the DPC met in private; there was no public
access to its reasoning; after December 2011 the DPC meets in public; therefore the question he
is asking is about something that is in the public domain. He can sit in the Mackintosh Hall and
he can hear the Town Planner say, ‘In the context of this application there was a concern that
995 the Development Plan may be breached,’ or he can hear the development planner say, ‘In the
context of this application, like every application filed by the Government, there was no breach
of the Development Plan developed by the GSD, not the GSLP.’

So he is asking us, Mr Speaker, about things that happened in public. Mr Speaker, I
understand that the hon. Gentleman has a busy practice and he cannot go to the Development
1000 and Planning Commission and sit there as he and I might wish in the later life to enjoy heckling
those who might be making the applications, but he is asking about things that have transpired
in public, and advice that has been tendered to the Government in public.

There is not a record – in other words, there is not a video – that is saved of that, as there is
of the parliamentary proceedings. We cannot go back to it. There is written advice. There are
1005 hundreds of applications, Mr Speaker. There are minutes and it would be a question of going
back to those – I think they are public too, they are online, Mr Speaker – and the hon.
Gentleman, if he wishes this information, can do his homework, go online, access the minutes of
every meeting of the DPC since the glorious revolution of December 2011 and work it out for
himself. But he is asking the Minister or someone in his Department to do that for him when it is
1010 available online.

The hon. Gentleman has risen and asked a question which has perked my interest too. Maybe
in future we can just make a note in the event that the Government were ever to file an
application itself that breaches the Town Plan or the development planners, it is today. I cannot
recall any. Obviously, the hon. Gentleman cannot recall any, otherwise he would have raised
1015 that with us. But however much of a political geek I am, I assure him tonight I am not going to be

going online onto all the minutes of the DPC to check the advice that has been tendered in public and recorded, and maintained in public by the Chairman of the DPC who is now the Town Planner.

1020 Can I just remind him, Mr Speaker, that as he led his party for that short period, in that time they took opposition to our reforms and they advised us at one stage to reverse the position and to go back into the manner that they operated the DPC, which was in private and without minutes in public and which would have elicited, had they asked the question of a GSLP Liberal Government that had maintained the GSD way of running the DPC, that is confidential. He is not getting the answer, 'It is confidential.' It is not statistics that is compiled, but he can compile it by
1025 going online and reading the now public minutes of the now public meetings of the Development and Planning Commission. *(Banging on desks)*

Hon. D A Feetham: Mr Speaker, he says the short period of time that I was the Leader of the Opposition; I have to say it seemed like an eternity to me, but in any event!

1030 Mr Speaker, yes it is true that we had a different policy to the hon. Gentleman and yes it is true that when we were there these decisions were taken behind closed doors, but presumably they changed the policy and they opened DPC proceedings to the public in order to make it more open and more transparent.

1035 But let me just outline what the hon. Gentleman says so people understand him. What he is really saying is, 'I am refusing to provide you the answer of how many Government projects' – *Government projects*; those are the projects submitted by them to the DPC for advice and guidance – have been in breach of the Development Plan.' What they are saying is, 'Well, you go to every single DPC meeting. You look at the minutes of DPC meetings and you make your own findings in relation to that.' Mr Speaker, that, in my respectful view, is not the democratic, open,
1040 transparent way of doing things and, quite frankly, I would expect in a mature, open democracy – which presumably that is what the hon. Gentleman, certainly under his stewardship, would describe democracy in Gibraltar – that he, first of all, would have those statistics at his disposal, because those are important statistics, and that he would be able to share it with this House because that is the function of this Parliament in order for the Government to provide
1045 information that, quite frankly, is important.

Therefore, Mr Speaker, does he not agree that the answer that he has provided me is an answer that is not commensurate with the stated policy of his Government of openness and transparency in relation to the way these proceedings are conducted?

1050 **Hon. Chief Minister:** I never thought I would say this, Mr Speaker, but I do miss him. In his question, Alice has descended into the eighth circle of hell in Dante's Inferno, because he does not realise that the question he is asking is, with the very greatest of respect, utterly nonsensical; and it is nonsensical for a number of reasons.

1055 The word 'nonsense', Mr Speaker, means that what the speaker is alleging makes no sense. It makes no sense for this reason: he has accused us of not being transparent because of something that happened in public in broad daylight, and because of the record of that, which is available not just to every citizen of Gibraltar but to every citizen of the world on the worldwide web, 24 hours a day, on Christmas Day and on Jewish holidays – every single day of the year ...!

1060 The hon. Gentleman is saying to me that I lead a Government that is not transparent, not because the information is not public, not because the events recorded in the information did not happen in public, but because I, or one of the people employed receiving emoluments from the Crown, will not do the exercise for him of reading it all and making the list that he wants. That is not about an absence of maturity or democracy, or an absence of transparency; that is because of an absence of hard work on his part! It is because of an absence of his desire or
1065 ability to download the minutes, read them and determine whether the Town Planner has said in public these things; and why is that true as much of every project as it is of every Government project, Mr Speaker, because every Government project goes through that process.

At least, Mr Speaker, every Government project goes through that process now after the glorious revolution of 9th December 2011, because Government projects did not even go to the secret DPC in the old days. Government projects went to the Development and Planning Chair in which the former Chief Minister sat to determine what his Government did or did not do. It did not go through an environmental filter, it did not go through the DPC, it was not consulted on with Heritage or [inaudible] You found out in the press release, Mr Speaker, that the Government was going to do something and you had to make up your own mind from the press release and your own reading of the Development Plan whether it breached the Development Plan.

So, Mr Speaker, the hyperbole of the accusation that the Government is somehow not mature and not transparent does not stand up to a four-year-old's scrutiny, because the accusation is about something that happened in public and about a record of it that is in public. It is just about the collation of the information.

But, Mr Speaker, I may have said that he led for a short time, though it seemed like an eternity for him; perhaps it is that on this side of the House we were having so much fun with him as Leader of the Opposition that time just flew.

Mr Speaker: Next question.

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

Mr Speaker: Yes, one other supplementary.

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

The analogy with Dante's Inferno, I am afraid, is more apposite to the way that the hon. Gentleman is insinuating, at times, the basic democratic principles and values in Gibraltar with some of the answers that he provides in this House and we have become accustomed to receiving across the floor of the House.

Mr Speaker, just so that I get it right, what the hon. Gentleman is saying – and I am asking him to confirm – is that he and his Government are simply not interested – *not interested* – in how many Government projects that have gone before the DPC for advice and guidance have been in breach of the Gibraltar Development Plan. Can he confirm that, because, quite frankly, that would be a most extraordinary state of affairs, it has to be said?

Hon. Chief Minister: He does test the limits of logic, Mr Speaker.

What is the basic democratic principle that is at stake here, because the hon. Gentleman has said that I am attacking basic democratic principles and he has attacked me for a lack of transparency? So which basic democratic principle of transparency is at stake in holding the meetings where the decisions the hon. Gentleman says he is interested in are made in public? Surely, the most basic understanding of transparency is to move something from behind a closed door to beyond a closed door, to the public arena. That is what we have done.

The hon. Gentleman says am I not interested, as Leader of the House and Leader of this Government, in knowing how many Government projects may have breached the Development Plan? I told him in an earlier Answer that he had perked my interest in that respect, but that I believed that there were none, Mr Speaker. If there is a Government project that has breached the Development Plan then advice in that respect, or notification in that respect, will be contained in the public minutes of the DPC meeting in which that project from the Government has been considered and all aspects of it determined.

So basic democratic principle number one, decisions should not be made behind closed doors where they can be made in the public domain: complied with after 9th December 2011, by taking the GSD's secret DPC and putting it in public. Basic democratic principle number two, records of meetings should be public where possible where it is not in the public interest that

1120 they should be otherwise confidential: complied with after 9th December 2011, in respect of minutes of those same DPC meetings.

Question from the former Leader of the Opposition: how many times have the DPC told you that a project breaches the Town Plan and how many times has the DPC told you that a Government project breaches the Town Plan? Answer to both: the information is available publicly online in the minutes of those now public meetings of the DPC and in the public record of those meetings, which includes the record of consideration of non-security sensitive Government projects.

I hope he now understands that the only basic issue at stake is his understanding of what is now public which was previously secret and which information is now available at his fingertips should he care to do the work. Therefore, Mr Speaker, all of the public in Gibraltar is able to know the answer to the questions he is asking and might even have known better than he has to ask a question about something that is already public.

Mr Speaker: Next question.

1135

Hon. L F Llamas: Mr Speaker, one supplementary? (**Mr Speaker:** On this?) On this. (**Mr Speaker:** Yes.)

Mr Speaker, can the Government confirm that it remains committed to sending and filing Government projects to the DPC for approval?

1140

Hon. Chief Minister: Mr Speaker, the answer to that question is that contrary to the advice of the former Chief Minister and contrary to the advice tendered by the party with whom he stood at the last general election, the Government remains committed to its policy to subject Government projects for guidance and advice to the Development and Planning Commission in its now public meetings, so that a public record can be maintained of the advice and guidance given to the Government in respect of each of those approaches.

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If I may say so, Mr Speaker, we have submitted to the DPC a number of projects which have resulted in guidance and advice from the DPC improving those projects and I am very happy that we failed to take the advice of the party that he no longer represents and that we have progressed that attitude of submission for guidance and advice of Government projects to date and will continue to do so.

1150

Mr Speaker: Next question.

Hon. T N Hammond: Mr Speaker, can I just seek clarification from the Minister, reference Question 434, that the fixed penalty notices which I specifically asked for are the £100 fines, and whether he is aware, is that the sum total of parking penalties paid, or is it possible that that is just the fixed penalty notices and that there are another number of other regular parking tickets that may have been issued at a lower rate? Just to clarify that so I can understand whether this does represent a total of parking penalties at £100 or whether this is a mix of parking penalties or whether there is only one parking penalty now of £100?

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Hon. P J Balban: Mr Speaker, as far as I am aware, this is a total amount of FPNs issued.

Hon. T N Hammond: Can I clarify that there are no other forms of fines for parking – it is only the fixed penalty notice now?

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Hon. P J Balban: Parking fines are all fixed penalty notices, as far as I am aware.

Q438/2017
Chatham Counterguard –
Pedestrianisation at peak hours

Clerk: Question 438. The Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, is the Government considering pedestrianising Chatham Counterguard at peak hours?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

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Minister for Infrastructure and Planning (Hon. P J Balban): If the hon. Gentleman reminds me of the question number, because we have been back and forth on the Order Paper.

Mr Speaker: Number 438.

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Hon. P J Balban: Number 438. Mr Speaker, Her Majesty's Government of Gibraltar is currently considering various options for the area but no final decision has been made. There are many potential advantages from such a measure for the businesses in that area and their patrons. There are also many potential disadvantages for residents of the area of Irish Town, Main Street, Crutchett's Ramp, Ocean Heights etc.

1185

Mr Speaker: Next question.

Q439/2017
Gibraltar International Airport –
Bus service

Clerk: Question 439. The Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, does the Government intend to provide a bus service from Gibraltar International Airport?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

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Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, such a bus service is already provided.

Hon. L F Llamas: Mr Speaker, but as far as I am aware it is provided by a private company. I am asking whether the Government intends to provide a bus service which interacts and avoids having to have a service where people will have to swap providers and therefore purchase extra tickets.

1200

Hon. P J Balban: Mr Speaker, the present bus service being provided actually goes quite a far distance; it goes all the way to Boyds Street, so it does cover a lot of Gibraltar. Normally in any city there is a requirement to change bus; no bus route will take you everywhere you want to go. So the service does amply provide for persons wishing to travel to other areas, and because the service is already being provided, be it so, by a private entity we do not feel at this moment in time there is a need to provide a route extension or an extra route with the Government bus service.

1205

Q440/2017
Calypso Transport Ltd –
Extension to route services and fleet

1210 **Clerk:** Question 440. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government disclose the agreement reached with Calypso Transport Limited for the extension to their route services and fleet?

1215 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, there has been no agreement reached by Calypso Transport Limited for the extension of their route services and fleet.

1220

Q441/2017
Rights for the disabled –
Stickers on municipal buses

Clerk: Question 441. The Hon. L F Llamas.

1225 **Hon. L F Llamas:** Mr Speaker, can the Government state the wording of the stickers removed from the municipal buses regarding rights for the disabled?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

1230 **Minister for Infrastructure and Planning (Hon. P J Balban):** Yes, Mr Speaker, the sticker that the hon. Member is referring to concerning the use of the low floor seating area read as follows:

Important Passenger Notice

This is a priority area for wheelchair users and passengers travelling with prams.

This area operates on a first come, first served basis.

The bus driver has been instructed not to determine which of the eligible passengers is to use this area.

This sign will be replaced by:

Important Passenger Notice

This is a priority area for wheelchair users.

The bus driver has been instructed to require non-wheelchair passengers to vacate this area if required by a wheelchair user.

Q442/2017

**Government-owned buses –
Monthly schedule of revenue**

1235 **Clerk:** Question 442. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a monthly schedule of revenue collected by the Government-owned buses since December 2011?

1240 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is provided in the schedule that I will now hand over.

Bus Fare Revenues

	2011	2012	2013	2014	2015	2016	2017
January		£25,737.86	£8,527.54	£12,461.49	£15,028.78	£25,271.88	£25,020.49
February		£24,967.06	£16,472.60	£20,546.34	£29,729.41	£33,454.01	£26,103.90
March		£35,067.64	£18,187.06	£38,583.56	£35,914.82	£30,981.44	£12,485.27
April		£30,898.20	£14,836.14	£19,196.40	£28,793.95	£22,756.67	£17,922.50
May		£46,066.14	£37,682.46	£38,170.17	£20,028.13	£21,515.34	£24,757.37
June		£59,408.50	£33,656.29	£20,077.01	£20,723.59	£29,088.61	£34,749.09
July		£55,269.84	£47,409.35	£32,627.04	£42,553.96	£44,646.85	£39,492.62
August		£42,873.97	£28,081.36	£24,095.31	£17,032.51	£32,223.51	£46,710.65
September		£24,203.26	£42,513.73	£41,794.15	£51,017.70	£54,129.87	
October		£22,312.30	£41,454.24	£55,759.75	£33,860.68	£54,424.07	
November		£18,365.37	£22,758.10	£6,439.35	£15,478.36	£29,589.35	
December	£30,596.70	£12,380.06	£12,187.47	£30,738.53	£12,008.78	£49,275.97	

Q443/2017

**South district parking at South Pavilion –
Broken gate**

1245 **Clerk:** Question 443. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government state on which occasions the gate at the south district parking at South Pavilion has been broken and which company is responsible for its maintenance?

1250 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the exit gate to South Pavilion Car Park has been broken now since March 2017. Sheriff Electrical Contractors Ltd is the company responsible for the maintenance of the gate.

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Hon. L F Llamas: Mr Speaker, does the Hon. Minister know when the gate will be fixed or replaced and what the cost will be?

1260 **Hon. P J Balban:** Mr Speaker, it was actually as a result of the cost that the works have not happened to date. When quotes were sought the cost was set out at £3,000.93, which was felt to be too expensive, so the company, Sheriff, was asked to come back with another solution, if possible.

1265 The other reason why we have not gone ahead with this is because as we are zoning the areas as we extend the residential parking scheme, one of the next residential parking schemes to take effect will be South District and the town centre. There may be a change in the use of this car park. Everything is being reviewed at the moment and if that were to go ahead then there may not be a need for such equipment at the entrance to the car park.

1270 **Hon. L F Llamas:** Does the Minister know, or can he give an inclination of, when the South District scheme may be coming into effect?

Hon. P J Balban: Mr Speaker, I would not like to risk committing to a date, but we are very advanced, in fact we actually move with both projects simultaneously – both the centre of town and South District. Really it is the case of whichever one is ready first.

1275 It is a lot of work involved in the mapping of the roads. We have to look at every single potential parking space; we have to see whether there are any areas that can be further developed to create extra parking spaces; we need to look at things like motorcycle parking spaces, disabled bays etc. So it is a very vast project which is difficult to put a finger on in terms of how long it will take to complete.

Q444/2017

Grand Parade –

Underground parking spaces

1280 **Clerk:** Question 444. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, has the Government considered alternative plans for providing further parking spaces at Grand Parade, such as going underground in accordance with the Gibraltar Development Plan 2009?

1285

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Yes, sir.

1290 **Hon. L F Llamas:** Is the Minister able to disclose its findings on these alternative projects?

Hon. P J Balban: Mr Speaker, although it is technically possible to go underground at Grand Parade, if ground were to be broken we would have to see what is found underneath. The idea is to minimise disruption to the residents of the area and going underground will drastically increase, obviously, the time it is going to take to develop.

1295 If you look at the site itself you will notice that the Grand Parade is actually on a hill, so there is an element the car park will be partially underground. Towards the east side of the Parade itself is where the car park is highest and at that point the car park, I believe, is around a storey below ground level. So the project does include partial underground work, but it would not include, and it would not be considered to go, fully underground.

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Hon. L F Llamas: Mr Speaker, has the Government costed the alternative of going underground versus the costing of building on top of Grand Parade?

1305 **Hon. P J Balban:** Mr Speaker, the costs have been compared and it is a lot more expensive, clearly, to go underground and it is not something which we believe is feasible to do. So looking at all the options available to us, it is clear that this is the preferred option not only in terms of cost but in terms of disruption to the community, because the idea is to develop the car park in a way that is sensitive to the needs of the residents so they do not find themselves lacking in terms of parking for the duration of the works.

1310 So it is the best scheme that will mean that it will be done in stages to preserve the area and this is the best scheme that we have looked at.

Hon. L F Llamas: Is the Government able to disclose the comparison on each cost on going underground and above?

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Chief Minister (Hon. F R Picardo): Mr Speaker, absolutely not because the Government has not yet gone to tender to get somebody to develop this project for us. So we are not going to tell the hon. Gentleman what we think it costs because then we are going to be doing the taxpayer out of the advantage of competitive tendering in respect of this particular tender.

1320 But a lot of the work in respect of the economics of this project was done under the former administration and it was done also by a private entity, to such an extent, Mr Speaker, that there was no possibility of the project being viable without a public offering of bonds for the purposes of the public buying shares in this particular project to try to make it viable.

1325 That would mean also, Mr Speaker, that parking there would be very expensive indeed and that it would take a very long time indeed to develop the parking, and it will be very disruptive indeed. That is why the former administration did not start down the road of that development; that is why the private developer did not start down the road of that development; and further consideration of that macro-project underground would just mean that there is no development there whatsoever and the people who need parking in that part of Gibraltar, in particular at Alameda Estate, would be left without the benefit of having the parking that has been developed in many other residential areas in Gibraltar.

1330 So that is why the Government is committed to this project; that is why we think it is the right value for money; and that is why, Mr Speaker, we think it is exactly the right way to progress to proceed with this particular project now for that area.

1335 I must say, Mr Speaker, this is an area that has been tarmacked over for years and people now who do not live in the area seem to have fallen in love with that tarmac and do not want us to touch it.

1340 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may, in light of the recent GBC report saying that Gibraltar has the highest amount of cars, has the Government thought about this in any way or decided to backtrack, perhaps, on more of these parkings? Are we not feeding these statistics and this culture and this way of life, which is obviously environmentally so unfriendly?

Hon. P J Balban: Mr Speaker, there are many issues that follow on the Traffic Plan. When we look at the way forward and how we wish to progress we want to have a residential parking scheme, which is what many people are keen on and it is the way we are moving forward.

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If you look at different areas of Gibraltar, there are areas of Gibraltar that benefit and boast of a lot of parking space relative to the households and the residents that live there, but there are other areas of Gibraltar which are found extremely lacking. So for us to provide an even playing field there are certain areas – and one of the worst areas is the centre of town and the Upper Town.

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The idea is that this car park will somewhat satisfy the requirements of those people living to the south of town and this is an area which obviously we are very keen on delivering for that purpose. There are other areas of Gibraltar which we are also looking at in terms of providing extra parking in that respect, but obviously the general principle, you are actually right, there are too many cars in Gibraltar, so that is something which the Traffic Plan has raised. But if we want to progress down the route of a residential parking scheme then it does not make any sense whatsoever to have certain areas of Gibraltar where they can have the privilege of ... look at Alameda Estate now – you can see it is clear that there is ample space for the residents of Alameda. When you look at people who live in the south of Main Street and even within the length of Main Street, and even the Upper Town, they are very short.

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So the idea is to try to, first of all ... the first thing that we need to do is to provide a little bit of an even playing field so that people have a chance to park at least one vehicle. Then obviously we need to look at multiple vehicles, which I think the problem in Gibraltar is the show of people owning too many vehicles.

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Another problem that we have is derelict vehicles. I believe that if we manage to control the amount of derelict vehicles in Gibraltar that will release a lot of parking spaces which at the moment are hidden out of sight because they are blocked up.

So that is the principle of the Plan in general.

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Hon. Ms M D Hassan Nahon: So, sorry, is the Government actively looking to introduce incentives for families and individuals to have less vehicles per household, for example?

Mr Speaker: I will allow you to answer that question, if you wish, but I am not going to allow a debate on a general policy regarding the number of cars that we have in Gibraltar, because what we have on the Agenda Paper is a specific question about Grand Parade.

Hon. P J Balban: Mr Speaker, suffice to say that the Government is looking at all options with regard to car usage in Gibraltar.

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Hon. T N Hammond: Mr Speaker, just going back to Grand Parade and the options that may or may not be available, and obviously not having the costs in front of me, I cannot really have any opinion on what the Chief Minister said regarding the possible projects. But it strikes me that it would certainly be far more desirable to have an underground parking facility at Grand Parade with the possibility even of turning the above ground area of Grand Parade into a park or something of that nature similar to what has been done at Commonwealth Park, where of course the party opposite envisaged having underground parking there. That did not transpire, but I understand technically it is far more possible to do it at Grand Parade because the water table is not an issue.

1385
So would the Government not – despite what the Chief Minister has said – go back and consider whether it is worth tendering for underground parking in that area, because clearly it would enhance the area to have something other than a tarmacked area at Grand Parade where cars park and would still provide the amenity and the necessity of parking in that area and other areas adjacent?

1395 **Hon. Chief Minister:** Mr Speaker, yes, it would in fact be very attractive indeed.

What we envisaged would be very attractive; it would be a lawn – almost like Commonwealth Park – that led into the entrance of the Alameda Botanical Gardens; it would have been a magnificent area – there would have been very little area for cars, it would have provided an absolutely lovely area for tourists in the context of the cable car and the development of that facility; it would not just have been attractive, it would have provided another lung for Gibraltar. I defended having a central park in Gibraltar, which is now known as Commonwealth Park. I sought the possibility of doing a car park underneath; it was not economically viable.

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1405 But there at Alameda what would really be attractive would be a magnificent park with additional trees, leading people either to the cannon area or to the other alternative entrance towards Alameda Botanical Gardens. It would have created a new area of greenery for residents of Alameda Estate and the areas around and I think would have been absolutely the best possibly option for Gibraltar, and very attractive indeed.

1410 It just is not economically viable. This is the problem; it is not economically viable. If it were economically viable, Mr Speaker, and if there were ways of making it economically viable then we would have done that, because that was our preferred option. It would still be our preferred option if there was any possibility of it being economically viable, but it is not economically viable.

1415 The question is, Mr Speaker, do you get £30 million of taxpayers' money and throw it away? Or do you do something which is economically viable and produces the facility that you need? In the context of Commonwealth Park, developing the facility going down would have cost well in excess of the – from memory, do not hold me to it – £18 million that the multi-storey facility cost. The multi-storey facility pays for itself because it is in the centre of town, it has rental parking available, it has sale parking available and the numbers work because building upwards allows you to reach the figure that you need to reach.

1420 Then what we did, Mr Speaker, was we restricted by one-third the size of the demise that Members opposite had given to the mid-town developers. So, for the same premium, they were left with two-thirds of their site, because we insisted that the deal done by them when they were in administration was not a good deal for the taxpayer, so we reduced their site by a third and on that third we built our multi-storey facility and we were able to deliver Commonwealth Park.

1425 I can have an absolutely attractive vision for that part of Gibraltar and I can fantasise about going down, but that is what it is in the context of the economics of delivery of a project like that. Unfortunately, I do not think that any Member of this House would think it is appropriate to begin a project simply because of the potential for an attractive area on top which is not economically anywhere near viable, whether there is a water table or tunnels and you can come in from Ragged Staff or not come in from Ragged Staff. In engineering terms, everything is possible; the question is the cost benefit analysis of the things that one does.

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1435 Hon. Members opposite have been defined in the time that they have been in this House by seeking that the Government confirm that what it is doing is value for money, that we have the money to pay for it etc. – which we always do, to their chagrin and their insistence that there is no money and that we have frittered everything away. Well, we have not, Mr Speaker, but we have not because we do proper planning and we ensure that we deliver for the people of Gibraltar facilities that they need, and not the fantasies that they may have been persuaded to talk about for years but which has not delivered parking to the people in need, in Alameda Estate and in all that area.

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1445 **Hon. T N Hammond:** Mr Speaker, can I just ask the Chief Minister, because he threw out the figure of £30 million, whether that in any way reflects the actual cost of going underground, or whether that was a figure he plucked from the air? Because £30 million, whilst being a substantial amount of money, is not of course that different from what has been spent on the

small boat marina, for instance, which was in that ballpark, or even, as you say, the above ground car park at mid-town.

So I just ask, is £30 million an approximation of the figure or is it just a figure that occurred to him at that moment?

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Hon. Chief Minister: Mr Speaker, I told him I was not going to give the figure. What I am saying is if you look at the cost of the mid-town car park – and that is going up – then that is the sort of order of cost that you are dealing with. But I think it is far in excess of that, Mr Speaker.

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There are many reasons why the hon. Gentleman will see that the small boats marina pays for itself in a different way, but given that the ink is not yet dry on what we will disclose how that is dealt with, I do not want to say more about that because I am otherwise criticised for giving the House information when the ink is not yet dry in respect of agreements that I might talk about.

1460

But this is completely different; this is a car park. So to pay for a car park you sell parking spaces, you rent parking spaces or you allow a daily parking and charge for it and you might have commercial units around. You cannot do that, Mr Speaker, given the order of costs of what going down would cost there, given the exercises that have been undertaken – and I do not have the numbers with me because we did not have notice of that being a question – given the numbers that we have seen developed at the time that hon. Members were there, it is just not viable, it does not work, there is no way that you can have a cost benefit analysis that demonstrates viability for underground parking in that area.

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Hon. Members now seem to have decided that their latest hobbyhorse is to say, ‘You should go down instead of building one-and-a-half storeys or whatever it is, two storeys, there,’ in the context of the project and whether it is going to go to the DPC for consultation. Mr Speaker, there is a lot we can do underground. Hon. Members have developed car parks in residential areas, all of which have gone underground and we could have provided magnificent play parks for our children in Arengo’s and at Willis’s Road and in all those areas, we could have gone down.

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But in engineering terms, is it financially viable? It is not. I would love it to be and I would love to be the one announcing the additional park being provided at Alameda and Grand Parade, and not the suggestion that we are not providing something that we could provide, which would be, in my view of course, more attractive – and I suppose in everybody’s view, more attractive. It is just not financially viable. But we won the election so we were the ones who were charged with making decisions and doing the exercises and looking at the cost and then deciding to present to people one option or the other.

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Mr Speaker: Next question.

Q445/2017

**Grand Parade residential parking scheme and pay and display scheme –
Total cost**

Clerk: Question 445. The Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, can the Government disclose the total cost to prepare the residential parking scheme at Grand Parade together with the pay and display scheme installed at the same location?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

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Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the total cost to prepare the residential parking scheme at Grand Parade together with the pay and display scheme was approximately £85,000.

1495 **Hon. L F Llamas:** Mr Speaker, does it not seem irregularly disproportionate to spend £85,000 in early 2017 to May and then announce a month later that they are planning to build a multi-storey car park or a two-storey car park at the same location? Is that not a waste of taxpayers' funds?

1500 **Hon. P J Balban:** Mr Speaker, with the previous question, we said that the idea of building the car park ... I did allude to the fact that the car park would be built in stages and the disruption will be minimal. So the residential parking scheme will continue regardless of the construction of the car park.

1505 **Mr Speaker:** Next question.

Hon. L F Llamas: Just one more question, Mr Speaker, because it simply does not make sense. If you spent £85,000 plus all the manpower in getting all these permits issued and now you are going to go back to square one and portion up the –

1510 **Mr Speaker:** You are not going to be brought back to square one? The scheme continues. You have just been told the scheme continues.

Hon. L F Llamas: Yes, the scheme continues but the parking spaces, which have been prepared, are going to be developed upon.

Hon. P J Balban: Mr Speaker, the scheme will continue so the permits that were issued will continue and people will be able to continue to use their permits and the pay and display will continue being there, so obviously there will be a reduction in the total amount of parking space logically because parts of the Grand Parade will be developed at certain times. In that case, what will have to happen is we will have to take a view on the free parking, which is parking that is non-regulated, not part of the residential parking scheme in terms of permit use, and so the residents can fully enjoy the scheme even though there is going to be some disruption. But the plan is to keep the disruption to a minimum and obviously I am very sure that the residents will understand because they will then see at the end of the day something extremely positive come into the area.

Q446-448/2017

**Devil's Tower Parking –
Revenue collected; lighting and electricity bills**

Clerk: Question Number 446, the Hon. L F Llamas.

1530 **Hon. L F Llamas:** Mr Speaker, can the Government state how much revenue is collected by Devil's Tower Parking by (a) general public vehicles, (b) private rental vehicles, (c) commercial vehicles?

Clerk: Answer, the Hon. Minister for Infrastructure and Planning.

1535 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, I will answer this question together with questions 447 and 448.

Clerk: Question number 447, the Hon. L F Llamas.

1540 **Hon L F Llamas:** Mr Speaker, can the Government provide a monthly schedule of the electricity bills for Devils Tower Parking since December 2011?

Clerk: Question number 448, the Hon. L F Llamas.

1545 **Hon L F Llamas:** Mr Speaker, can the Government explain why the lights at Devils Tower Road car park are on 24 hours a day, and, whether the lights used are LED?

Clerk: Answer, the Hon. Minister for Infrastructure and Planning.

1550 **Hon. P J Balban:** Mr Speaker, in answer to question 446, because the hon. Member has not given a timeframe for his question, it is not possible to answer this question accurately. The revenue collected by Devil's Tower Road car park based on a three-month average over the months of April, May and June 2017 are as follows: (a) general public vehicles – £8,910; (b) private rental vehicles – £6,553.84; and (c) commercial vehicles – £11,523.

1555 In reply to his question 447, the information requested by the hon. Member in relation to the electricity bills for Devil's Tower Parking since December 2011 are contained in the schedule that I will now hand over.

1560 In reply to 448, the lights used are indeed LED. The reason why all the lights are on 24 hours is that the company that installed the new LED fittings made an error with the fitting out which is currently being corrected. It was this administration that made the decision, immediately after we were elected, to ensure that these lights were not on all day, as had been the case under the former GSD administration. *(Banging on desks)*

1565 **Hon L F Llamas:** Mr Speaker, can the Minister just confirm when the LED lights were installed?

1570 **Hon. P J Balban:** Mr Speaker, I think it was – I stand to be corrected though, it could have been – around April of this year, April or May this year sometime. He will have to either ask this question in another moment or he can obviously write to me and I will give him the exact date. Again, it is just my recollection, I cannot guarantee; I think it was sometime between April or May this year.

Mr Speaker: Next Question. *(Interjection)*

Yes indeed.

1575

Hon D A Feetham: Mr Speaker, since when have the lights been on 24 hours a day?

1580 **Hon. P J Balban:** Ever since the date that the works were completed. The hon. Gentleman just asked me the date and I said I think it is somewhere around April/May of this year, so it has been since then.

Once that fault is corrected we should hopefully see a decrease in the cost of electricity in the car park as a result of the installation of LED lights.

Q449/2017
Abandoned vehicles –
Locations and schedule for disposal

Clerk: Question Number 449, the Hon. L F Llamas.

1585 **The Hon L F Llamas:** Mr Speaker, can the Government provide a schedule of abandoned vehicles which have been identified for disposal and the location of such vehicles?

Clerk: Answer, the Hon. Minister for Infrastructure and Planning.

1590 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is available in the Gazette.

Hon L F Llamas: Mr Speaker, what is in the Gazette may be vehicles which are currently being disposed of. However, going around Gibraltar, you see abandoned vehicles left, right and centre. Even in Devil's Tower Parking, I must say, Mr Speaker, that there are abandoned vehicles which are evidently there for a number of years, stifling even taxpayer revenue.

Is the Government actually physically enabling a policy whereby these vehicles are being dealt with? Because it does seem to me that there is a backlog on abandoned vehicles.

1600 **Hon. P J Balban:** Mr Speaker, the way this works is that there are campaigns and this is our main tool in this respect as a cleaning campaign, so we have a regular cleaning campaign that goes around different areas of Gibraltar and in those campaigns, the cars left behind, which generally are derelicts, are the ones that are gazetted for destruction and they are obviously placed in the *Gibraltar Chronicle*.

1605 If we had more space to actually place these cars – because there is a process; it takes quite a while to actually get a vehicle and dispose of it, I think it is around a six-week to eight-week lag, so if Gibraltar boasted a lot more space – we will probably get rid of cars a lot quicker, but unfortunately that is not the case, so we do find ourselves in some instances getting rid of the most derelict or those cars that we feel are most derelict. Unfortunately, issuing FPN's are leaving some cars behind, perhaps for the next cleaning campaign.

1610 So it is something which is part of, and is within, the ideology of the cleaning campaign. It is not just to clean around cars and keep our streets clean, which is obviously extremely important to us, but it is also a very good tool for us to be able to tackle the problem of derelict cars, which is quite a big problem in Gibraltar.

1615 **Chief Minister (Hon. F R Picardo):** Can I unusually emulate Members of the Opposition and ask you for your indulgence in going back to a question? The question on fixed penalty notices. Because I noticed that the Member opposite has informed the public that the number of parking tickets issued this year is 16,000, amounting to £1.6 million in fines, which of course is wrong, Mr Speaker, because the assumption by the hon. Gentleman in that respect is that every one of those fixed parking notices has been paid at the full amount of £100 pounds, when in fact some of them may be paid at different amounts and therefore his tweet is factually incorrect. In fact, it is utterly baseless, Mr Speaker.

1625 I ask him, at least rhetorically, given that I am on this side of the House and he is on that one, whether he is a proponent of allowing people to break the law and park illegally without being fined? And if he is suggesting that as a policy, Mr Speaker, whether he might be prepared to propose that explicitly to the public in Gibraltar, especially to those of us who push prams on a daily basis and find people illegally parked on the ramps available for that basis; or the disabled in our community who need to have the ramps clear of those illegally parked and sometimes fined for being there, who will not otherwise be able to perambulate our streets, if he were to

1630

be honest enough to propose a policy of allowing illegal parking without fines being attached to such vehicles, Mr Speaker?

1635 So, both in relation to the entirely incorrect mathematics and in respect of the apparent policy of proposed anarchy and chaos in respect to parking, I would be delighted to hear the hon. Gentleman's views.

Hon L F Llamas: The second question was rhetorical.

1640 **Mr Speaker:** Yes, next question please.

Hon L F Llamas: I have one more supplementary on 449.

1645 Mr Speaker, since the Hon. Minister has identified that the cleaning campaign, which I am glad somebody is taking on, is due to the lack of space, would it not be possible to amend the legislation in order to leave the derelict cars where they are *in situ* and place a notice on them and advise that their cars are being disposed of and then, in accordance, Gazette them and dispose of them from the location, rather than have to take them in and dispose of them in a compound which has obviously outgrown its needs?

1650 **Hon. Chief Minister:** Mr Speaker, it is not possible because before you dispose of a person's property, before the state asserts a right over a person's property, we are required under rules of natural justice to give notice to the world; and in the context of Gibraltar, notice to the world is publication in the Gazette.

1655 We would really be taking an extraordinarily draconian step if we appropriated somebody's property which is not otherwise improperly parked – for example, if it is in a proper parking bay – without giving that notice to the world which then enables us to go, 'Unless you, within 21 days, remove it or tell us that there is a reason why you cannot remove it,' it would be very difficult to justify in the context of natural justice to do that.

Q450/2017

Speeding offences –

Speed cameras, speed caught travelling and procedure followed

Clerk: Question number 450, the Hon. L F Llamas.

1660 **Hon L F Llamas:** Can the Government provide a schedule of how many offenders have (a) been recorded by the speed cameras as having exceeded the speed limit, (b) the speed at which each offender was travelling, and (c) the procedure followed in each case?

1665 **Clerk:** Answer, the Hon. Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the schedule I now hand over shows the number of speeding offences committed since the cameras went live on 8th May 2017, with the respective speeds indicated.

1670

Record Vehicles Caught Speeding (NOTE SPEED CAMS WENT LIVE)										
2017	Goods	57-59.99	60-69.99	70-79.99	80-89.99	90-99.99	100-109.99	110-119.99	120-129.99	130-140
May	60	103	124	24	3	nil	nil	nil	nil	nil
June	81	176	207	26	12	2	2	nil	nil	nil
July	357	567	814	163	64	10	8	4	0	2
August	220	406	546	98	41	13	2	1	2	1
September	8	18	28	8	0	0	0	0	0	0
October										
November										
December										

1675 The procedure is as follows:

For offences involving speeds not exceeding 100 kph the procedure followed is as follows:

(1) The registered owners of offending vehicles are sent a Notice of Intended Prosecution (Notice) informing them they have been caught speeding.

1680 (2) On receiving the Notice the owners are given the opportunity to declare whether they or another person was driving the vehicle at the time of the offence. They then have 28 days to respond.

(3) After 14 days if there is no reply from the first Notice a second Notice is sent.

1685 (4) The Notice is followed by a Fixed Penalty Notice that is sent to the driver or, in default, the registered owner. They have 28 days to pay the FPN in default of which the case is referred to the Magistrates' court for due process.

All offences involving speeds exceeding 100 kph, are processed directly by the RGP via the Report For Process method.

**Q456/2017
Mount Alvernia –
Relocation to the Rooke site**

Clerk: We now move to question 456, the Hon. R M Clinton.

1690 **Hon. R M Clinton:** Mr Speaker, can the Government advise if there are any plans to relocate Mount Alvernia to the Rooke site?

Clerk: Answer, the Hon. Deputy Chief Minister.

1695 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, no, sir, there are no plans.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer. Are there plans to relocate it to any other site other than Rooke?

1700 **Hon. Deputy Chief Minister:** Mr Speaker, the Government has no plans to relocate Mount Alvernia. My colleague, who is the Minister responsible, has just indicated that.

1705 **Chief Minister (Hon. F R Picardo):** I know he is 50 but he does not have to worry about ...
[inaudible] (Laughter)

Q457/2017
Crown land or property –
Transfers and sales

Clerk: Question number 457, the Hon. L F Llamas.

1710 **The Hon L F Llamas:** Mr Speaker, since December 2011, can the Government provide a schedule of Crown Land/Property transferred or sold via direct allocation and the consideration for each property?

Clerk: Answer, the Hon. Deputy Chief Minister.

1715 **Deputy Chief Minister (Hon. Dr J J Garcia):** Yes, Mr Speaker, the vast majority of commercial property allocated by the Government since December 2011 has followed a public tender process or public expressions of interest.

There are exceptional instances when direct allocations may be made, if this is judged to be in the social and economic interests of Gibraltar.

1720 It is difficult to supply this information across the board dating back to December 2011. However, in respect of major commercial projects, the following information has been identified to date:

Gibraltar Wine Vaults Ltd	94 Devil's Tower Rd	£350,000	Lease Agreement/Lease
Holiday Inn Express	21-23 Devil's Tower Rd	£530,000	Building Lease

Q458/2017
Ragged Staff Gates car park –
Use of building

Clerk: Question number 458, the Hon. L F Llamas.

1725 **The Hon L F Llamas:** Mr Speaker, can the Government disclose what is the current use of the building in the Ragged Staff Gates car park and what is its intended use in the future?

Clerk: Answer, the Hon. Deputy Chief Minister.

1730 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I assume the hon. Member means the Ragged Staff Magazine.

The Government has been using the property for the storage of the bicycles and ancillary equipment for the new bicycle hire service. This storage continued until 31 May 2017.

1735 A tender for the use of the premises as an entertainment venue with transport memorabilia was finalised on 1st June 2016. We are presently waiting for the successful tenderer to submit

planning proposals for the building so that the Government and the DPC may separately consider the matter further.

Q459/2017
NAAFI pool –
Handover to Government

Clerk: Question number 459, the Hon. L F Llamas.

1740 **The Hon L F Llamas:** Mr Speaker, can the Government disclose when the NAAFI pool will be handed over to the Government of Gibraltar?

Clerk: Answer, the Hon. Deputy Chief Minister.

1745 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the transfer of the Nuffield Pool is dependent on the completion of the relevant works at Four Corners, which are estimated to be completed by January 2018. This is part of the Lands agreement.

1750 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should now adjourn to Wednesday, 20th September at 10 a.m.

Mr Speaker: The House will now adjourn to Wednesday, 20th September at 10 a.m. in the morning.

The House adjourned at 5.50 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.13 a.m. – 12.55 p.m.

Gibraltar, Wednesday, 20th September 2017

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The Gibraltar Parliament

The Parliament met at 10.13 a.m.

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

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

Order of the Day

SUSPENSION OF STANDING ORDERS

**Suspension of Standing Order 7.1 –
Social Security (Open Long-Term Benefits Scheme) Act 1997 –
Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2017 –
Motion carried**

Mr Speaker: The Hon. Gilbert Licudi.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with a Government motion.

Mr Speaker: Those in favour? (**Members:** Aye.) Those against? Carried.
The Hon. Gilbert Licudi.

Hon. G H Licudi: Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

“That this House approve by Resolution, pursuant to section 46 of the Social Security (Open Long-Term Benefits Scheme) Act 1997, the making of the Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2017.”

5 Mr Speaker, this Order seeks to amend the Social Security (Open Long-Term Benefits Scheme) Act 1997 by increasing the rates of Survivor’s Benefits, Guardian’s Allowance and Old Age Pensions by 2.7%, with effect from 1st August 2017, which represents the annual increase for that year.

10 These increases are in line with the announcements made by the Chief Minister in his Budget address. In that address, the Chief Minister said:

Old Age Pensions will increase this year in line with a rate of inflation of 2.7% so that the single rate for Old Age Pension would increase from £440.54 by £11.90 to £452.44 and the couple rate would increase from £660.85 by £17.85 to £678.70. The dependent rate will grow from £220.31 by £5.95 to £226.26, and the same cash differentials will be maintained with a Minimum Income Guarantee as in previous years.

As required by the Act, these changes can only be given effect by order which follows a motion which is approved by resolution of this House.

Mr Speaker, I commend the motion to the House.

15 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port. Does any Member wish to speak on the motion?

I now put the question in the terms of the motion proposed by the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port. Those in favour? (**Members:** Aye.)
20 Those against? Carried.

Questions for Oral Answer

ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

Q463/2017

**Bluefin tuna –
Tonnage caught last season**

Clerk: We now return to answers to Oral Questions. We commence with Question 463 and the questioner is the Hon. T N Hammond.

25 **Hon. T N Hammond:** Mr Speaker, can the Minister for the Environment state what has been the tonnage of Bluefin tuna caught during this last season?

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

30 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the decision to halt the tuna fishing season was taken on Wednesday 13th September when the total was reported at 15.662 tonnes. The necessary administrative time to give effect to the closure of the season resulted in the final total being 16.109 tonnes.

35 **Hon. T N Hammond:** Mr Speaker, I thank the Minister for his response. I do note this year, due to the process, we are a tonne over and of course we have already increased the limits during this year by three tonnes, I believe.

40 Does the Minister consider in future – because we understand now, or we are starting to understand, that the time of closure of the season to the time of the reaction to that closure ... there is an interval – whether the dates should be anticipated in a way that may allow us to come closer to the actual figure that is permitted to be fished?

45 **Hon. Dr J E Cortes:** Mr Speaker, the amount caught is 0.6 tonnes over the 15.5 tonnes total allowable catch. It is very difficult to tell because, as in everything else in nature, it is not totally predictable and there will be varying sizes of fish in the area at any given time and the weather will make fishing more or less possible. So it is very difficult to predict and therefore we always run the risk – you are never going to hit exactly 15.5 tonnes; we always run the risk that at the end of a particular day when the totals are tallied up you are going to be just over. Had the limit when this was reported on the 13th been, 15.4 tonnes, a similar decision would have been taken
50 and then if the weather had been bad the next day no more would have been caught.

So obviously we will try to fine tune, but because of the nature of the game it is difficult to hit exactly 15.5 tonnes.

55 **Hon. T N Hammond:** Could the Minister just provide me with his view reference to the overall figure and whether it would be better to always be a little under than a little over, if possible?

60 **Hon. Dr J E Cortes:** Yes, Mr Speaker, it would be nicer to be a little under than a little over, but it is not possible to fine tune it to that extent. One can only react to the figures that are ... obviously not me personally, but the team, when it arrives at a figure which is close or just over would report to me because I then have to issue the order to close the season.

So hopefully, as I say, in future, it may be possible to hit it a little under, but I cannot guarantee that 100%. I am just being honest about the reality.

Q464/2017
Gibraltar Nature Reserve –
Removal of invasive species

65 **Clerk:** Question number 464, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, what work has been carried out by Government towards the removal of invasive species within the Gibraltar Nature Reserve?

70 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the removal of invasive species has continued as part of the routine operations carried out by the Nature Reserve Management Team. Areas that have been targeted recently include the main roads and firebreaks in the Upper Rock and Europa Advance Road.

75

Q465/2017
Dog fouling –
DNA test samples and resulting fines

Clerk: Question number 465, the Hon. T N Hammond.

80 **Hon. T N Hammond:** Mr Speaker, how many samples of dog fouling have been collected for DNA testing and how many fines have been issued following on from such testing?

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

85 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, a total of 67 samples have been collected for DNA testing. No fines have been issued to date as we are currently waiting for the laboratory results.

Hon. T N Hammond: Mr Speaker, what is a normal turnaround time for the laboratory to provide the results?

90

Hon. Dr J E Cortes: We are told it is up to six weeks, but unfortunately the lab was closed during the month of August, which explains the delay in getting the results back in the time that we had expected. The collections are batched, so it is not that if you collect a sample today it is sent today; they are batched for a couple of weeks so that you have enough to send over to make it obviously more economic. But the delay has been that the laboratory in question was closed for the month of August.

95

Hon. T N Hammond: Forgive me, the Minister may have answered this but I did miss it. When do you anticipate then the results coming back to us?

100

Hon. Dr J E Cortes: Sorry, we should get the first batch of the first sent over, I would have assumed, within the next week or two.

Mr Speaker: Next question.

Q466/2017
Sewage outflow at Europa –
Bacteriological samples

105

Clerk: Question number 466, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, further to question 324 of 2016, can the Minister say how many bacteriological samples have been collected from around the sewage outflow at Europa, from where those samples were collected and describe the results of that sampling?

110

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the monitoring programme for the Europa Point outfall consists of five sampling points at different distances from the outfall. The locations are depicted in the schedule that I now hand over, for ease of communication. It is a map of Gibraltar with the sites. These consist of three investigative and two surveillance monitoring sampling points.

115

One hundred and two investigative monitoring samples have been collected since 2015. All investigative results obtained were within the applicable standards under the Bathing Water Directive.

120

In turn, 135 surveillance monitoring samples have been collected since 2015. One sample collected failed the applicable standards in December 2016, but it was not possible to attribute the exact source of this exceedance.

125

Q466 Schedule:



130 **Hon. T N Hammond:** Mr Speaker, could the Minister just clarify, I am not entirely clear of the difference between the investigative and the monitoring methodology.

Hon. Dr J E Cortes: Certainly, sorry, apologies if that was not clear.

135 The monitoring ones are the ones that are done continuously and regularly through the year. The surveillance monitoring are those that appear yellow in the attachment; they are routine. They are the Little Bay and Sandy Bay, and those are done throughout the year.

The other ones are additional ones that are carried out in order to see whether there is a problem with the sewage outfall. Those are done in batches, so if there has not been anything adverse over a period of time then we may not collect for the next couple of months and then we start again.

140 So we have got the routine ones. If the routine ones should show any higher than normal then we trigger off the others to see whether there is a problem. So they both work in tandem.

Hon. T N Hammond: I do thank the Minister for that answer and I note that there do not appear to be any collections points or monitoring points either to the south of the outfall, or indeed within 500 m. I presume there is a reason for that, but could the Minister explain?

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Hon. Dr J E Cortes: Yes, the experts tell me that the currents tend to move, on most occasions – obviously there will be occasions when things are different, but routinely would move – the outflow away; and clearly what we are doing here is monitoring. Any negative results would more likely affect bathers and therefore our main concern is what is working its way up the east side to our beaches, which is why the three points are between Europa Point and Sandy Bay, because we want to see if there is anything happening, we want to catch it on the way and that is why it is skewered to that direction.

150

It is most likely that the currents would move any water which was not acceptable in that direction, which is why we do it ... We obviously cannot sample continuously along so we have to pick and that is done in order to catch any problem that there might be making its way from the sewage outflow to the beaches. As you have seen, fortunately, there does not appear, certainly when we have done the monitoring, to be such a problem.

155

Hon. T N Hammond: Mr Speaker, I fully accept that the primary reason for monitoring would be to protect public health and the beaches and the bathing laws, to understand if there are any issues arising there.

160

But I would ask: would the Minister consider carrying out sampling perhaps at one or two points to the south for a more general understanding of the impact of our sewage outflow and its impact on the environment in general, rather than just on bathers.

165

Hon. Dr J E Cortes: I do not think we have to take samples to know that there is faecal matter going into the sea. Therefore, clearly, if you sample just at the outflow you are going to get a high count, further away it is going to be less, and we know that there is going to be sewage there. All we are going to do is prove what we already know. We know that there is a problem there; we know we are committed to tackling it, as I repeatedly said, here and in other venues.

170

So the resources are going into seeing whether it is causing, or potentially causing, a problem to bathers. Clearly, there are other environmental issues which concern me as much as anybody else and probably more than a lot of others, but it would not be necessary because we know there is sewage going out there. So all we are going to do is show what we already know. I do not think that it would be an efficient use of our resources.

175

Hon. T N Hammond: Mr Speaker, I do not entirely agree with the Minister.

Clearly, we do know that there is sewage and faecal matter going into the sea. The reason I ask whether monitoring would be worthwhile in those other areas or areas to the south is more to do with an understanding of how those dispersal patterns happen, as you would with a smoke plume, perhaps, in an area. You want to know how quickly it disperses, whether it remains concentrated for longer, whether tides and currents affect it in a certain way, and really for scientific purposes in order for us to understand the impact on the environment.

180

I would again ask whether the Minister would consider allotting some resource – I am not suggesting we allocate the same resource, but some resource – to conduct in the scientific work that would be necessary – perhaps it is something the University can help with, I do not know – to better understand the environmental impact of that sewage outflow.

185

Hon. Dr J E Cortes: Mr Speaker, it would be wonderful to have data on everything and clearly anybody who wants to undertake a scientific study would be more than encouraged to do so. Whether doing work which will state the obvious is a legitimate use of Government funding, is the question – particularly when it is a problem we know we will be solving. If it were in order to justify not wanting to treat sewage, that is one thing, but we are not in that game. Therefore,

190

195 obviously I will discuss it with my team if they see there is any value to it, but at the moment I think our resources would be better used elsewhere. That is just the view that I hold.

Mr Speaker: Before we move on, the last word that the Minister uses in his answer is 'exceedance'. I have always been very interested in correct English usage. I cannot find the word in any of these two small dictionaries. I would be grateful if he would let me know privately what
200 is the source of that word, 'exceedance'.

Hon. Dr J E Cortes: Mr Speaker, I will let you know publicly. It was drafted by the people who drafted my answer so I will pass the question on to them.

205 **Mr Speaker:** Maybe they found it in some American dictionary!

Hon. Dr J E Cortes: Possibly, Mr Speaker.

Mr Speaker: Next question.
210

Chief Minister (Hon. F R Picardo): Mr Speaker, my prize possession is the 24-volume Oxford English Dictionary, which is now in its last edition in print and I find, in particular when playing scrabble, that any word one can come up with you will find exists – especially if it has an 'x' or a 'z' in it, will produce a lot of points. I shall look when I get back at the lunchtime adjournment in that volume to see whether 'exceedance' is there and, if not, I shall ensure that the hon. Gentleman corrects those who have come up with a new word or submit it for inclusion in the next edition! (*Banging on desks*)
215

Hon. Dr J E Cortes: Mr Speaker, if I may, having access, as one has now, to Oxford Dictionary online ...
220

Mr Speaker: I am informed by the Clerk that 'exceedance' is now in the Oxford Dictionary!

Hon. Dr J E Cortes: He beat me to it, Mr Speaker, and I will now not have to reprimand the people who drafted my answer!
225

Mr Speaker: Next question.

Q467/2017
Climate change –
Programme and action plan

Clerk: Question number 467, the Hon. T N Hammond.

230 **Hon. T N Hammond:** Mr Speaker, I was going to ask for the definition, if you did not mind, of 'exceedance', but as it is in the public domain, I suppose I will have to look it up myself! (*Interjections and laughter*)

Question 467. Mr Speaker, further to question 325 of 2016, has the Government published a climate change programme and an associated action plan?
235

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
240 Mr Speaker, the revised draft plan will be discussed by the Climate Change Forum, at its meeting
on 19th October; and before the questioner asks me, the meeting had been scheduled before I
actually had sight of the questions.

Mr Speaker: Next question.
245

Q468/2017
Climate and Clean Air Coalition –
Local initiatives

Clerk: Question number 468, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, further to question 20 of 2017, can the Minister say if any
250 local initiatives have been derived from the participation in the Climate and Clean Air Coalition?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
255 Mr Speaker, no, they have not, as the initiatives at the moment focus on projects in developing
countries. This said, the Department continues to keep an eye out for initiatives that would be
relevant to Gibraltar.

Hon. T N Hammond: Mr Speaker, could the Minister just clarify what he means by ‘keep an
260 eye out’?

Hon. Dr J E Cortes: We are in contact with the organisation. The Department receives emails
and links and so on, so when there is a problem ... At the moment, the Clean Air Coalition is
265 mainly concentrating in developing countries where people who live in conditions which are,
shall we say, not to Western standards, with open fires within the household and so on, and
they are exposed to a lot of fumes and so on from fires, and that is where they are concentrating
their efforts now.

‘Keep an eye out’ is in contact with the organisation and links to the website and so on. So if
270 they have a programme which would be relevant to Gibraltar, that is when we would link up to
it. At the moment, fortunately, we do not have that kind of problem.

Hon. T N Hammond: Is the Clean Air Coalition an organisation that can be tapped into in any
way for resource if, for instance, we wanted some independent advice on our own monitoring
275 capabilities or our own air quality?

Hon. Dr J E Cortes: Yes, in the sense that they are a coalition of organisations and
governments which have resources and expertise on a wide range of matters appertaining to
quality. So I think the answer to that must be yes.
280

Hon. T N Hammond: In which case, does the Minister consider it might be worthwhile being
fairly proactive and approaching the organisation to see what they can do for us, rather than
waiting to see what they might be able to do for us in the natural course of their investigations?

285 **Hon. Dr J E Cortes:** We are constantly in contact with organisations and bodies to see what they can do for us. In this particular case, the team has not identified anything specific, but it is something that we are routinely doing. We are in contact with many different organisations, either formally or informally. Nowadays, by accessing the internet, one can scan what other organisations do. So it is a possibility.

290

Mr Speaker: Next question.

Q469/2017
'In Town Without My Car' day –
2017 and 2018

Clerk: Question number 469, the Hon. T N Hammond.

295 **Hon. T N Hammond:** Mr Speaker, can the Minister say if an 'In Town Without My Car' day took place this year or is scheduled to take place this year, and whether similar is planned next year?

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

300

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Yes, Mr Speaker, an 'In Town Without My Car' day is being planned for October.

305 We are currently in discussions with our colleagues at the Ministry for Transport as well as the RGP, to finalise the details which will be made available via the press in due course. It is the Government's intention for this to be an annual event.

310 **Hon. T N Hammond:** Mr Speaker, while I appreciate you are still in the planning phases, is it being considered to actually conduct this on a weekday this year, as opposed to a Sunday? I would have thought the effect of the day would be more effective if conducted on a day where people actually have to go to town to commute rather than on a day where they may just stay at home to watch the Formula 1?

315 **Hon. Dr J E Cortes:** I will need to check that. I believe the intention is to do it on the weekend. I know the point that the hon. Member is making, but I think that at this stage we are planning it on a weekend. But I would need to confirm that.

Q470-471/2017
Black carbon –
Monitoring and results

Clerk: Question number 470, the Hon. T N Hammond.

320 **Hon. T N Hammond:** Mr Speaker, is Government conducting black carbon monitoring and, if so, when does it plan to make the results available publicly?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with question 471.

325

Clerk: Question number 471, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, does the Government intend to introduce real time monitoring of PM2.5 particulates in the air?

330

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

Hon. Dr J E Cortes: Mr Speaker, the monitoring of black carbon is not required under the Environment (Air Quality Standards) Regulations 2010 nor the Clean Air For Europe (CAFE) directive. However, we started monitoring as from 15th September 2012.

335

This information will be available online as from the New Year. I am happy to make the results public now. The annual average reading in ug m-3:

2012	2.94
2013	2.72
2014	2.49
2015	3.84
2016	1.87
2017	1.46 (so far)

340

In answer to question, 471, not at this moment in time. The Government is currently using the method approved by the EU for air quality compliance.

Q472/2017
Cooking oil –
Volume recycled

Clerk: Question number 472, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, what volume of cooking oil has been collected for recycling since 1st September 2016?

345

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

350

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the total waste cooking oil collected for recycling from authorised waste exporters since 1st September 2016 is 40,062m3.

Q473/2017

**Energy efficient home improvements –
Fund and grants**

355 **Clerk:** Question number 473, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, further to question 314 of 2016, has a fund for energy efficient home improvements, which should have been in place by 2014 according to the Environmental Action and Management Plan, now been established and, if so, how many grants to home owners have been provided through this fund?
360

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

365 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, funding continues to be available to residential estates in the form of soft loans, to fund projects that use solar energy to provide electricity for communal lighting, water heating and the powering of lifts and for the replacement of traditional lighting with LED.

370 Approved projects are eligible for loans of up to 10-years at an effective rate of interest of 1% per annum, with the Government funding the difference in the cost of finance by way of a grant. To date, no grants to homeowners have been provided through this fund.

Q474-476/2017

**Production of electricity –
Monthly fuel burned by power stations; Commission of new power station**

Clerk: Question number 474, the Hon. T N Hammond.

375 **Hon. T N Hammond:** Mr Speaker, what is the total monthly fuel burned by all power stations in Gibraltar for the production of electricity since 1st September 2016?

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

380 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 475 and 476.

Clerk: Question number 475, the Hon. T N Hammond.

385 **Hon. T N Hammond:** Mr Speaker, what is the total amount of fuel burned by the temporary North Mole power station since 1st September 2016 in order to produce electricity?

Clerk: Question number 476, the Hon. T N Hammond.

390 **Hon. T N Hammond:** Mr Speaker, when does Government believe the new power station will be commissioned and enter into service?

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

395

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the information requested is in the schedule that I now hand over. That is for Q474, Mr Speaker.

Fuel quantities per month in metric tonnes together with the corresponding kilo watt hours of electricity generated:

Total Fuel & Electrical units from Sep '16 to Aug '17		
	Fuel (MT)	Units Generated (KWh)
Sep-16	4,666	18,084,120
Oct-16	4,390	17,363,420
Nov-16	4,459	17,784,160
Dec-16	4,615	18,450,530
Jan-17	4,721	18,503,700
Feb-17	4,449	17,917,570
Mar-17	4,298	20,456,505
Apr-17	4,006	16,701,860
May-17	4,280	16,998,689
Jun-17	4,572	18,020,982
Jul-17	4,382	18,482,666
Aug-17	4,824	18,839,468

400

In answer to Q475, as from 1st September 2016 and up until 31st August 2017, the total amount of fuel burned by the Temporary North Mole Power Station has been approximately 28,649 metric tonnes of automotive gas oil.

The new power station is envisaged to be commissioned and enter into full operational service in 2018.

405

Hon. T N Hammond: Just one supplementary, Mr Speaker. For my understanding, the burn of the temporary power station, the fuel bill was 28,000 metric tonnes; the quantities for all of Gibraltar are 4,600 tonnes, for instance, in September 2016; I am just trying to understand whether these ...

410

I withdraw. *(Interjection)* No, I understand now. Absolutely. I understand and that is absolutely fine. Thank you.

Q477/2017
Littering offences –
Fines and prosecutions

Clerk: Question number 477, the Hon. T N Hammond.

415 **Hon. E J Phillips:** Mr Speaker, can the Government state how many littering offences have been prosecuted and fines imposed each month since 31st July 2016?

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

420 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the information requested by the hon. Member is in the schedule that I now hand over.

Month	Issued	Paid	Passed for prosecution
Aug-16	5	4	1
Sep-16	10	9	1
Oct-16	11	6	5
Nov-16	4	4	0
Dec-16	6	3	3
Jan-17	5	1	4
Feb-17	5	2	3
Mar-17	10	5	5
Apr-17	4	2	2
May-17	1	0	1
Jun-17	3	1	2
Jul-17	2	0	0
Aug-17	2	0	0
Sep-17	2	0	0

Q478-479/2017
T levels –
Proposed introduction

Clerk: Question number 478, the Hon. E J Phillips.

445 **Hon. E J Phillips:** Mr Speaker, what steps have the Government taken in relation to the proposed introduction of T levels?

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

450 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Yes, Mr Speaker, I will answer this question with Question 479.

Clerk: Question number 479, the Hon. E J Phillips.

455 **Hon. E J Phillips:** How does the Government envisage introducing T Levels in the context of current training resources that are available?

460 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the Government is working on a parallel vocational framework to run alongside GCSEs and A-Levels. The project is well underway and obviously tied to the launch of the new schools. It is not just about T Levels, the Government is considering other options, and will be announcing these when it is in a position to do so.

470 **Hon. E J Phillips:** In so far as other measures that the Minister has alluded to, do they relate to apprenticeships?

Hon. Dr J E Cortes: Mr Speaker, not in the context of this question. I am talking about training within the schools and the plan is that there will be alternatives to GCSEs and A-Levels, which can be taken within the schools for vocational subjects, in order to increase the opportunities available to young people who may not want to progress in the traditionally more academic subjects.

Hon. E J Phillips: So, just to clarify, the purpose of this is to integrate vocational training in the context of the newly built schools, as they may well be in due course?

480 **Hon. Dr J E Cortes:** That is what we are working towards, Mr Speaker.

If I may add, Mr Speaker, it is a reflection of something that is happening also, although it is independent of, in the UK, with introduction of T-Levels, which wants to achieve more or less the same thing.

485 **Hon. E J Phillips:** Just to come back on that, the whole purpose of ... I think, in the Chief Minister's Budget speech he made reference to T Levels and apprenticeships; that is why I asked that specific supplementary. But if the Government has now abandoned this issue of apprenticeships then I am quite happy to accept that.

490 **Hon. Dr J E Cortes:** Mr Speaker, I am not saying that the Government has abandoned anything; I am just saying that in the context of what we are trying to do in schools, we are not talking about anything other than what I have already explained.

Q480/2017
Energy drinks –
Age restrictions

Clerk: Question number 480, the Hon. L F Llamas.

495 **Hon. L F Llamas:** Mr Speaker, does the Government intend to regulate the age restrictions on energy drinks?

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

500 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, at present, the Government has no plans to regulate the age restriction on the consumption of energy drinks.

Q481/2017
Cinema under the Stars –
Event not held

Clerk: Question number 481, the Hon. L F Llamas.

505

Hon. L F Llamas: Mr Speaker, can the Government explain why the popular 'Cinema under the Stars' held at the Commonwealth Park has not been held, albeit in a different location such as the Alameda Gardens Theatre?

510

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

515

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the cinema showings had a negative impact on the park and there have been no requests for a similar regular event elsewhere.

520

Hon. L F Llamas: Mr Speaker, given that the whole community was attending these events and engaged with them in such a positive manner – most of us, and especially those with young children – and it has been circulated on social media as well that the viewings and screenings of films did provide for an additional nocturnal experience throughout the summer months, together with providing an additional – *(Interjection)* Yes, it was a good idea! – providing an additional event for tourists as well, is it not possible that, at least for the next summer, the Government could consider bringing these and engaging with the public, seeing if there is a demand?

525

530

Chief Minister (Hon. F R Picardo): Mr Speaker, I am delighted that the hon. Gentleman feels so strongly about what was, in effect, an idea of this Government; and in fact – as the Hon. Minister Cortes was always keen to remind me the morning after the performances – it was my idea. When he was having to clean the park and deal with the problems of the grass, he reminded me it was my idea. I thought it would be a magnificent way of making the most of Commonwealth Park. Unfortunately, I was unable to attend any of the sessions, but I could see the benefits of watching Grease, or Airplane, or Superman, or Jaws, with a keen eye on the koi carp were doing in the pond, to make sure they were not attempting to imitate what was being shown on the wall!

535

But unfortunately the toll on the park was dramatic. In fact, at that time the party that he used to sit with started to say that we had made a mistake in the type of grass that we had chosen and that Commonwealth Park was a disaster that would not succeed because the grass could not prosper. Commonwealth Park grass was prospering perfectly well, until 2,000 people came to sit on it every Tuesday afternoon – **(A Member:** And Thursday!) and Thursday – to watch a movie.

540

545

Now, the hon. Gentleman might best understand this by reference to what happens at Wimbledon. If the hon. Gentleman watches the first round of the tennis at Wimbledon he will see the players on a pristine court which looks perfectly green, and if he watches the final he will see the players standing on a patch of sand at the back of each side of the court. Unfortunately, therefore, what I think was a magnificent idea, had a toll on the park which was just unacceptable in the context of the other use that the park has on a daily basis for all our children.

550

I am very keen to bring back cinema under the stars, but not necessarily in the park. So, to spare the Minister for the Environment the horror of the effects on his grass, it is something that the Minister for Culture and I are discussing and we would very much like to bring it back and we very much welcome his welcoming of our very welcome initiative.

Thank you. (*Banging on desks*)

Hon. Ms M D Hassan Nahon: Mr Speaker, can I just interject here?

555 I think that, from speaking to people, the issue mainly, one would say, is that when we get close to elections we see these sorts of gimmicky type of events; for example, the one on the beach where we had those jamborees in the sea that we have not seen since 2015, I think.

Would the Government not understand the electorate for wondering why these wonderful little incentives in the summer come and go once every four years?

560

Hon. Chief Minister: Mama Mia! Here we go again! Wouldn't that be a good film to show under the stars?

Well, Mr Speaker, I disagree with her, obviously, because we are not a Government of gimmicks. And the floating facilities which were provided at the beaches were provided, I believe, when Minister Costa was Minister for Tourism for two consecutive years; and on the second consecutive year they were so damaged that it was impossible to repair them for a third year and we had to make a decision about whether or not to once again invest in those facilities.

The Cinema under the Stars was unrelated to a general election and it would have gone on had it not been for the toll on the grass.

570 But, look, if what the hon. Lady is telling us is that we get better as we go along and in the fourth year of our Government we are at our peak, I think the public appreciate it and that is why, if she will allow me to remind her, she stood with the team that was massively rejected by the people of Gibraltar and by an electorate that is wise enough to look beyond a movie at a park and a floating lilo offshore. People understand why it is that they vote for the Government that they vote for and I think it has more to do with their depth of understanding of the experience and the commitment that there was in respect to the team that is now sitting on this side of the House, than there was presented by the other side, some of whom have even felt that they need to go off to further their studies instead of continuing in politics in Gibraltar.

580 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can I just ask does the Chief Minister envisage the floating lilo to be fixed by summer 2019?

Hon. Chief Minister: Mr Speaker, the current Minister for Tourism has stepped out and I do not know what it is that we will be doing in summer 2018, let alone summer 2019. But I can assure her that the Government will seek to mature all of its policies and deliver them to the electorate as soon as we are able to do so.

590 Some of them, whether in relation to lilos or otherwise, will peak in 2019. Some of them will peak after 2019, but I have no doubt that the electorate will look at what is on offer at any impending general election, and likely make the same decision, lilos or otherwise. I think, if she will allow me to say so, with respect, there are some on that side who are junior enough in this House that they still need to put their wings on before they are able to swim on their own, and I am not just referring to her, I am referring to some people who lead political parties, and who are, having said that, still very junior in parliamentary terms.

595 **Mr Speaker:** Next question.

Q482/2017
Waterport Fountain –
Inactivity

Clerk: Question number 482, the Hon. L F Llamas.

600 **Hon. L F Llamas:** Mr Speaker, since December 2011, can the Government provide details of when the Waterport Fountain has been inactive and the reasons why?

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

605 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the Department does not keep a log of every time – or did not keep a log of every time – the fountain is inactive. However, I can confirm that since the fountain was refurbished in 2013, it has only been switched off for maintenance work and during National Day.

610 At this moment in time, the fountain is undergoing maintenance works to one of the pumps, and I am going to depart slightly from the prepared answer – the prepared answer said it is due to be functioning again next week, that was for last week – due to be functioning again this week but I was told on Monday that they have identified an electrical problem and it is being repaired and it should be ready in the next couple of days.

Q483/2017
Swift bird nest webcam –
Installation costs

615 **Clerk:** Question number 483, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government state how much has been paid for the setting up and installation of the swift bird nest webcam and internet site?

620 **Clerk:** Answer, the Hon. Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the cost for setting up and installation of the swift bird nature cam series is £1,581.53.

Q484/2017
Medusa nets –
Purchase costs since 2011

625 **Clerk:** Question number 484, the Hon. L F Llamas.

630 **Hon. L F Llamas:** Mr Speaker, can the Government provide details of how much money has been spent on the purchase of medusa nets since December 2011 per financial year, detailing for which beach each purchase was for?

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

635 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the overall costs are in the schedule which I now hand over. There is no breakdown available per beach. I am told that, because of the way the work is done, it is not possible to sub-divide into each beach.

2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
					To date
N/A	£93,230	£48,345	£30,154	£36,193	£52,584

Q485/2017
Fix my Street app –
Launch and cost

640 **Clerk:** Question number 485, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government explain why the 'Fix my Street' app was never launched, and the cost involved?

645 **Clerk:** Answer, the Hon. Minister for the Environment, Energy, Climate Change and Education.

650 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the app has not been launched because it was superseded by the Environmental Feedback Section, now back in operation, and the Environmental Agency's app 'Gib Environ' which has the reporting facility. It was deemed that an additional app would have been confusing.

Hon. L F Llamas: Mr Speaker, was there any cost involved in the preparation?

655 **Hon. Dr J E Cortes:** Mr Speaker, not to the Department. I believe this was an initiative together with other work that was being done for the Government. As this was not proceeded, the Department has not paid for what was not published. Obviously, the other app for the Environmental Agency would have had costs but that is not the subject of this question.

660 **Hon. L F Llamas:** Mr Speaker, the hon. Minister says that the Department has not had an incurred cost. Can he confirm that the Government has not paid, given that there was a website and a detailed availability on the internet of what the app was going to look like, and I am sure that some costs would have been involved?

665 **Hon. Dr J E Cortes:** Mr Speaker, my information is that the cost for that particular app, which was not processed, was not distinguishable from other work being done on that project, but I can see whether I can delve into it and see whether it can be factored out but it may not be possible because it was part of a bigger picture but I will investigate.

Q486/2017

**Dumping of household refuse –
Main Street and surrounding streets**

Clerk: Question number 486, the Hon. L F Llamas.

670

Hon. L F Llamas: Mr Speaker, how does Government intend to tackle the dumping of household refuse in Main Street and surrounding streets, lanes and alleys?

675

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, there has already been considerable improvement in a number of areas which had long been hot-spots.

680

Notably, rubbish accumulations have now totally disappeared from Chatham Counterguard, Turnbull's Lane, Mess House Lane and the corner of Governor's Street at the bottom of Prince Edward's Road.

We continue to review the whole waste strategy to bring about even further improvements.

685

Clerk: Supplementary to Q484.

690

Hon. L F Llamas: Mr Speaker, looking at the schedule provided by the Hon. Minister, we can see that the initial purchase of the nets back in 2013-14 was £93,000, the following year was £48,000, 2015-16 was £30,000, 2016-17 was £36,000 and 2017-18 there is a rise again going up to £52,000 which is more than half of the initial purchase back in 2013-14.

695

Can the Minister explain if all these are new purchases or if there are repairs involved and whether there is a policy that can be put in place so that we do not have to spend so much on these nets? I say this, Mr Speaker, because up at the Europa Advance Road during the summer period there has been some of those medusa nets deposited at the recycling centre and obviously they are in a bad state, and I am not sure if it is a question that they are not being maintained properly or if they are actually being neglected, or if it is a position where they do need replacing after a couple of years.

700

Hon. Dr J E Cortes: Mr Speaker, I will reply with caution, because the last time, in a constructive way, I said I thought that something was a toilet all sorts of things blew up.

A Member: Not the toilet!

705

Hon. Dr J E Cortes: No, the toilet did not, but I have to say that I am trying to reply in good will without the backing of factual information. So I am doing it with caution, because I do not then want to be challenged about saying something which I said in all honesty I thought was the case without having the information. I think I have to make that point.

710

These things clearly have wear and tear, and after a number of years there will be need for greater investment. If he wants a breakdown of exactly why it is somewhat more this year than the last couple of years, I would have to look into it. I suspect – and again with caution – that as the years go by you have to repair more. We are looking into how we can perhaps make this less expensive and hopefully will be able to do something in that respect next year. But if he wants any more detailed information then I will need to have either the question made or the hon. Member is quite welcome to write to me.

715

Q487-492/2017
Public area cleaning –
Schedule of flushing down; Government rental estates;
Contract with Master Services

Clerk: Question number 487, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a monthly schedule of locations and frequency regarding the flushing down of our public areas since December 2011?

720

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 488 to 492.

725

Clerk: Question number 488, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government disclose its public area cleaning strategy in advance of the upcoming tender?

730

Clerk: Question number 489, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government state how much it has spent in each financial year since April 2012 to date in the cleaning of public areas in Government rental estates, per estate?

735

Clerk: Question number 490, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government disclose the contract entered into between Government and Master Services?

740

Clerk: Question number 491, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a monthly schedule since December 2011 of how much has been paid to Master Services for services in addition to their original contract and what the services were for?

745

Clerk: Question number 492, the Hon. L F Llamas.

750

Hon. L F Llamas: Mr Speaker, can the Government provide a monthly schedule since December 2011 of how much has been paid to Master Services as per their original contract?

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

755

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will be referring to three schedules which I will hand over together at the end, I think, rather than make the Clerk staff go across three times.

760

The information in relation to Question 487 requested is in the schedule I will be handing over. The tender includes a more intensive cleaning programme, details of which can clearly not be revealed at this time, but will be published shortly. In addition, we are developing a review of

waste management in general. This is part of the overall Master Service contract, Q489, and costs are not specified by area.

765 In relation to Q490, as the hon. Member is aware, the Government is in the process of issuing a tender and it would not be appropriate to disclose the current contract entered into by the GSD at this moment in time.

The information requested for Q491 and Q492 is in the schedules:

Answer to Question No 487:

	Flushing
Abecasis Passage	F3
Admiral Rooke Road	F4
Airport tunnel Access Road (from Devil's Tower Road)	F4
Alectoris Lane	F4
Ansaldo's Passage	F3
Arengo's Block Car Parks	F3
Arengo's Palace Car Park	F4
Arengo's Palace Lane	F4
Armstrong Steps	F3
Baca's Passage	F3
Bado's Pasaage	F3
Bado's Steps	F4
Baker's Passage	F3
Bayside Area Roads and Car Parks	F3 (P)
Bayside Road	F4
Bedlam Court	F3
Bell Lane	F3
Bella Vista Close	F4
Belvedere Car Parks	F4
Benoliel's Passage	F3
Benzimra's Alley	F3
Bishop Caruana Road	F3
Bishop Healy Home cul-de-sac	F4
Bishop Rapallo Ramp	F3
Bomb House Lane	F3
Booth's Passage	F3
Boschetti's Steps	F3
Boyd Street	F4
Brian Navarro Way	F4
British Lines Area	F4
Bruce's Gully	F3
Buena Vista Road	F4
Buffadero Lane	F4

Cable and Wireless Road	F4
Calpe Road	F4
Camp Bay Road and Car Parks	F2
Camp Bay Road and Car Parks	F4
Camp Bay Tunnels to Junction with Rosia	F2
Camp Bay Tunnels to Junction with Rosia	F4
Cannon Lane	F3
Carrera's Passage	F3
Casemates Gates Area	F3
Casemates Hill	F3
Casemates Road & area behind kiosks	F3
Casemates Square	F3
Castle Ramp	F3
Castle Ramp - steps leading to Lower Castle Road	F3
Castle Ramp to Road to the Lines - steps to Moorish Castle Estate	F3
Castle Road (bottom of Willis' Road to Moorish Castle Estate)	F4
Castle Road (from Prince Edward's Road to bottom of Willis' Road)	F4
Castle Road (No. 50) patio area	F3
Castle Steps	F3
Castle Street	F3
Catalan Bay Road including Car Parks	F2
Catalan Bay Road including Car Parks	F4
Catalan Bay Village main lanes	F2
Catalan Bay Village main lanes	F3
Cathedral Square	F3
Cathedral Square - Pedestrianised Areas around Holy Trinity Cathedral	F3
Cathedral Square - Streets around playground	F4
Cemetery Road	F4
Centre Pavilion Road	F4
Charles V Ramp	F3
Charles V Steps	F3
Chatham Counterguard	F3
Chicardo's Passage	F3
City Mill Lane	F4
Cloister Ramp	F3
Coaling Island Road	F4
College Lane	F4
Convent Place	F4
Cooperage Lane	F3
Cornwall's Lane	F3
Cornwall's Parade	F4

Corral Road	F4
Crutchett's Ramp	F3
Cumberland Road	F4
Cumberland Steps	F4
Customs Area (Frontier) Four Corners	F4
Danino's Ramp	F3
Demaya's Ramp	F3
Devil's Bellows Lane	F4
Devil's Gap Steps	F3
Devil's Tongue including car park	F4
Devil's Tower Road	F4
Dudley Ward Tunnel	-
Eastern Beach Road	F2
Eastern Beach Road	F4
Elliott's Close	F4
Elliott's Way	F3 (P)
Emerson's Place	F4
Engineer Lane	F4
Engineer Lane waste ground Car Park and steps/ramps leading to	F4
Engineer Road	F4 (P)
Europa Advance Road	F4
Europa Road	F4
Europa Road - Road from/to rear of Europa Mews	F4
Europort Avenue including roundabout	F4
Europort Road	F4
Fish Market Road and Car Parks	F2
Flat Bastion Road	F4
Flat Bastion Road parking spaces under flats	F4
Flint Road	F4
Forbes Road (including top area car park)	F4
Forty Steps	F4
Fountain Ramp	F3
Frazer's Ramp	F3
Frontier loop area	F4
Gardiner's Road	F4
Garrod Road	F4
George's Lane	F4
Giro's PassageF4	
Glacis Road including Fountain Roundabout	F4
Governor's Lane	F4
Governor's Parade	F3
Governor's Street	F4

Gowland's Ramp	F3
Grand Parade	F3 (P)
Gunner's Lane	F4
Halifax Road	F4
Harbour Views Road	F3 (P)
Harding's Road	F4
Hargrave's Parade	F4
Hargrave's Ramp	F3
Horse Barrack Lane	F3
Hospital Hill	F3
Hospital Ramp	F3
Hospital Steps	F3
Irish Place	F3
Irish Town	F3
Irish Town - Steps From North End to Line Wall Road	F3
John Mackintosh Ramp	F4
John Mackintosh Square	F3
John Snow Close	F4
Johnston's Passage	F3
Keightley Way Tunnel	-
King's Street	F4
King's Yard Lane	F4
Koehler Ramp	F4
Lady William's Close	F4
Lancaster Road	F4
Landport area (from Corral Road), including bridge & tunnel entrance	F3
Landport Car Park (top)	F4
Landport Ditch Car Park	F4
Landport Tunnels	F3
Lathbury Road	F4
Levant Battery Road	F4
Levanter Way including the mound	F4
Library Ramp	F3
Library Street	F3
Lime Kiln Road	F3
Lime Kiln Steps	F3
Line Wall Road	F4
Little Bay Car Park including access road	F2
Little Bay Car Park including access road	F4
Lopez Ramp	F3
Lower Castle Road	F3
Lower Witham's Road	F4

Lower Witham's Road access road to Upper Witham's Road	F4
Lynch's Lane	F3
MacPhail's Passage	F3
Maida Vale	F4
Main Street From Casemates Hill To Referendum Gates	F2
Market Lane	F3
Mess House Lane	F4
Mid Harbours Close	F3
Mid Town Coach Park (ground & level 1)	F3
Mons Calpe Road (from Emerson's Place around Waterport Terraces)	F3
Mons Calpe Road (from Emerson's Place to New Power Station)	F4
Montagu Place including Car Parks	F4
Moorish Castle Estate to Road to the Lines - Steps	F3
Morello's Ramp	F3
Mount Alvernia - Pathway to the Mount	F4
Mount Road	F4
Naval Hospital Hill	F4
Naval Hospital Road	F4
Nettle Tree Ramp	F4
New Passage	F3
New Street	F3
North Gorge access road	F4
North Mole Road	F3 (P)
North Pavilion Road	F4
Notre Dame School and Playground - pathway between	F3
Nuffield Pool Car Park	F2
Nuffield Pool Car Park	F4
Palace Gully	F3
Paradise Ramp	F3
Parliament Lane	F3
Parody's Ramp	F3
Parson's Lane	F4
Pathway seafront next to Nuffield Pool from Camp Bay to Little Bay	F2
Pathway seafront next to Nuffield Pool from Camp Bay to Little Bay	F4
Penney House - adjacent steps leading to Brympton Estate	F4
Peter Isola Promenade	F4
Pezzi's Steps	F3
Piazella - By Governor's Parade	F3
Piazza Including Parliament lobby	F3
Pitman's Alley	F3
Police Barracks Lane	F3
Prince Edward's Road (from Hargrave's Parade to junction Flat Bastion Road)	F4

Prince Edward's Road (junction Flat Bastion Road to Governor's Street)	F4
Printer's Passage	F4
Public Market Acces Area & Bus Terminus	F2
Queensway - parking spaces	F3
Queensway (up to New Harbours)	F4 (P)
Ragged Staff Car Park	F4
Ragged Staff Car Park	F3
Ragged Staff Road	F4 (P)
Reclamation area car park and access road at Catalan Bay	F4
Reclamation area car park and access road at Catalan Bay	F4
Reclamation Road	F3
Red Sands Road	F3
Richardson's Passage	F3
Road To The Lines	F3
Rodger's Road	F4
Rodger's Steps	F4
Romney Car Park	F3
Rosia Bay - steep hill and steps	F4
Rosia Lane	F4
Rosia Ramp	F4
Rosia Road	F4 (P)
Rosia Steps	F3
Saluting Battery Promenade	F3
Sandpits Road	F4
Schomberg House - steps from South Barrack Road to Witham's Road	F4
Scud Hill	F4 (P)
Scud Hill Steps	F4
Secretary's Lane	F4
Serfaty's Passage	F3
Shackleton Road	F4
Shakery's Passage	F3
Sir Herbert Miles Promenade	F3
Sir Herbert Miles Promenade - middle access to Commonwealth Park including steps	F3
Sir Herbert Miles Road including car parks	F4
Smith Dorrien Avenue	F4
Smith Dorrien Avenue path leading to Glacis Road	F4
South Barrack Close	F4
South Barrack Parade	F3
South Barrack Ramp	F4
South Barrack Road	F4
South Barrack Road - steps leading to Nettle Tree Ramp	F4
South Pavilion Road	F4

South Port Gates and surrounding area	F4
South Shed's Place	F4
St. Bernard's Road	F4
St. Christopher's Alley	F4
St. Jago's - Car Park	F4
St. Jago's - Steps	F4
St. Joseph's Road	F4
Stirling Lane	F4
Sunnyside Steps	F4
Tangier View Lane	F4
Tank Ramp	F4
Tank Ramp Steps	F3
Tankerville Road	F4
Tank Passage	F4
Tank Road	F4
Theatre Royal Park	F3
Town Range including Car Parks	F4
Trafalgar Hill	F4 (P)
Trafalgar Road	F4 (P)
Transport Lane	F4
Transport Lane triangle	F4
Transport Road	F4
Trinity House Road	F4
Tuckey's Lane	F3
Tudury's Steps	F4
Turnbull's Lane	F3
Upper Castle Road	F4
Upper Witham's Road	F4
Victualling Office Lane	F4
War Memorial Boulevard including steps	F4
Waterport Road to exit roundabout from Varyl Begg Estate	F3
Waterport Wharf	F4
Waterport Wharf Road	F3 (P)
Wellington Front - Ground & Upper level (including passageway from Queensway)	F3
Westside Road	F3
Willis' House - Service Road	F4
Willis's House Service Road	F4
Willis's Passage	F3
Willis's Road	F4
Wilson's Ramp	F3
Windmill Hill Road	F4
Winston Churchill Avenue and Sundial Roundabout	F4

Witham's - steps Upper from/to Lower Witham's	F4
Zoca Flank	F4

Flushing FI = Daily
F2 = Weekly
F3 = Monthly
F4 = Quarterly
(P) = Pavements only

Contd. Answer to Question 492

Answer to Question 491

MASTER SERVICE EXTRA PAYMENTS

Date	Description		Extra
-	-	£	-
F/Y 11/12			
15/11/2012	Seasonal workers & extra	£	49,941.84
19/12/2012	Seasonal workers & extra	£	12,731.04
25/03/2013	Social ins. Adj.	£	1,086.00
26/03/2013	Seasonal workers & extra	£	33,185.10
F/Y 12/13			
11/03/2014	Seasonal workers & extra	£	15,176.31
F/Y 13/14			
18/03/2015	Seasonal workers & extra	£	67,288.87
F/Y 14/15			
15/03/2016	Additional services	£	174,679.75
F/Y 15/16			
09/12/2016	Beach attendant & extra services	£	90,529.39
17/01/2017	Additional services	£	3,900.00
F/Y 16/17			
-	-	£	-
F/Y 17/18			

Examples of additional Services Include:

Removal of Seaweed at Western Beach

Provision of Mobile recycling unit services

Additional Sunday morning collection of household waste

Changing toilet facility and general cleaners at GASA sea bathing pavilion

Cleaning of pools at GASA sea bathing pavilion

Changing room and toilet facility covering Easter period, prior to official bathing season

Mechanical removal of dried aloes and soil at Europa Advance Road

Cleaning of glass panels, lift and bandstand at Commonwealth Park

Cleaning at Wellington Front

Cleaning of Small Boats Marina

Contd. Answer to Question 492

Answer to Question 492

MASTER SERVICE PAYMENTS

Date	Description		Contract Sum
13/12/2011	Qtr 01/01/12	£	1,163,710.26
F/Y 11/12			
12/04/2012	Qtr 01/04/12	£	1,141,230.48
22/06/2012	Qtr 01/07/12	£	1,141,230.48
18/09/2012	Qtr 01/10/12	£	1,141,230.48
07/12/2012	Qtr 01/01/13	£	1,111,953.44
20/02/2013	Contract sum 11/12, 12/13 (Adj) & KPI	£	536,149.73
F/Y 12/13			
16/04/2013	Qtr 01/04/13	£	1,120,366.50
18/06/2013	Qtr 01/07/13	£	1,120,366.50
12/09/2013	Qtr 01/10/13	£	1,322,333.25
05/11/2013	KPI 12/13	£	70,000.00
10/12/2013	Qtr 01/01/14	£	1,187,688.75
20/03/2014	Loan 18-20	£	23,294.13
F/Y 13/14			
03/04/2014	Qtr 01/04/14	£	1,187,688.75
04/06/2014	Qtr 01/07/14	£	1,187,688.75
11/07/2014	Arrears 1st & 2nd Qtr	£	85,970.00
03/09/2014	Qtr 01/10/14	£	1,230,673.75
08/12/2014	Qtr 01/01/15	£	1,230,673.75
30/03/2015	KPI 13/14	£	67,000.00
F/Y 14/15			
08/04/2015	Qtr 01/04/15	£	1,230,673.75
04/06/2015	Qtr 01/07/15	£	1,230,673.75
08/09/2015	Qtr 01/10/15	£	1,230,673.75
01/12/2015	Qtr 01/01/16	£	1,230,673.75
13/01/2016	Contract sum adj. 14/15 & 15/16	£	125,625.00
F/Y 15/16			
01/04/2016	Qtr 01/04/16	£	1,262,080.00
05/05/2016	KPI 14/15	£	44,500.00
03/06/2016	Qtr 01/07/16	£	1,262,080.00
01/09/2016	Qtr 01/10/16 (includes adj. -£91,660.00)	£	1,124,590.00
01/12/2016	Qtr 01/01/17	£	1,216,250.00
12/12/2016	Wage increase Sep 16	£	47,349.93
22/02/2017	KPI 15/16	£	28,000.00
F/Y 16/17			
04/04/2017	Qtr 01/04/17	£	1,216,250.00
01/06/2017	Qtr 01/07/17	£	1,216,250.00
24/08/2017	Qtr 01/10/17	£	1,216,250.00
F/Y 17/18			

770

Mr Speaker: These are extremely lengthy schedules, so unless the hon. questioner has supplementaries on the other questions which are not the subject of the schedules ... if he has, we will proceed with that, otherwise I will allow time for the schedule to be considered.

775

Hon. L F Llamas: Mr Speaker, I have a supplementary on Q490, which is not part of the schedules.

780 I understand, obviously, that the Government is unable to disclose details of the contract, but would the Minister be able to divulge or disclose to us whether within the contract does it actually specify which areas Master Services is responsible for and where the responsibility for cleaning lies?

Hon. Dr J E Cortes: The contract has schedules which define areas that need to be cleaned, so in that respect, yes. I do not know what more detail he wants?

785

Hon. L F Llamas: Would the Minister be able to disclose those schedules to us? Obviously, I understand that perhaps he might not have them here today, but he could perhaps email.

Hon. Dr J E Cortes: Mr Speaker, this has not been requested. I have provided the information that has been requested, except those which at this moment have to be confidential because we are in the process of preparing a tender document with a new schedule of duties and there is information that I cannot reveal in advance of issuing that tender. So I do not think I should provide any more than the copious information that I have provided already today.

790

Chief Minister (Hon. F R Picardo): Mr Speaker, if it is of any assistance, the tender will be public and the tender will contain the list of areas to be cleaned etc. So the hon. Gentleman will see it very shortly indeed. It is just a question of dotting 'i's and crossing 't's at this point, as far as I understand.

795

Mr Speaker: Let's move on to Q493.

800

Hon. T N Hammond: Mr Speaker –

Mr Speaker: I will allow –

805

Hon. T N Hammond: ... one supplementary not subject to ... **(Mr Speaker: Okay.)**

Mr Speaker, if I may just ask: does the Minister know when the tender may be issued; where we are in that process?

Hon. Chief Minister: Mr Speaker, the tender document has just been passed to my office literally, I think, overnight. It needs to be seen by the incumbent of the Office of Chief Minister just to ensure that it is in keeping with the discussion I have had with ministerial colleagues as to what we want from the new contract. Once I am satisfied of that it will go for publication.

810

**Q493/2017
Project Search –
Progress report**

Clerk: Question number 493, the Hon. L F Llamas.

815

Hon. L F Llamas: Mr Speaker, can the Government provide details on the progress being made in relation to the Project Search including: (a) Persons pending employment; (b) Persons employed as a direct result of this initiative; (c) Number of persons identified suitable to channel through the project; and (d) Number of employees working on this initiative?

820

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):

825 Mr Speaker, the Government is following a model based on Project Search, which was founded in 1996 in the USA. The work is carried out by an officer in the Department of Education working with young people with special educational needs (SEN) across our secondary schools. At present, the main thrust of the work is to assist students with special educational needs attached to the LSFs (Learning Support Facilities).

830 The 2017-18 short/medium term plan involves working with eight Year 12+ students based at the LSF at Bayside and Westside, incorporating matched work experience placements in their free slots in their school timetables. Gibraltar College and St Martin's School are in the process of identifying which students will require work experience for 2017-18.

835 Employer engagement is accessed so that we can successfully place six LSF Year 10 students on the work experience offered to all Year 10 students as part of the curriculum. Assistance is also being provided in the transition process of four school leavers, supporting them with unemployment registration at the ETB, CV building, job applications, interviews and employer engagement. One college student has been successfully placed in employment.

840 The long-term plan is to offer a supported internship for those students who have peaked at full-time education and would now benefit from a clear-cut, year-long, work training programme.

Q494/2017

School classrooms –

Class sizes, children with special education needs, learning support assistants

Clerk: Question number 494, the Hon. L F Llamas.

845 **Hon. L F Llamas:** Mr Speaker, can the Government provide a schedule of the number of pupils in each class during each school year since September 2012 stating: (a) the year the class relates to; (b) the school the class belongs to; (c) the number of children with special education needs; and (d) the number of learning support assistants per class?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the hon. Member demonstrates a very narrow understanding of Education – a conclusion that I come to for a number of reasons, which I will spell out.

855 I cannot provide him with such a schedule. Class sizes, issues relating to special educational needs, and indeed the consequent deployment of support are constantly changing. Classes shrink and grow, as children move across sets, enrol or leave midway through a term, complete core modules and are then subdivided to complete topics of choice. A child's needs today are different tomorrow; additional temporary help will be needed at different stages of a child's journey, and no stone is left unturned to ensure that this support is afforded every time. A snapshot of this, as requested by the hon. Member, is not only impossible but totally unnecessary and meaningless.

865 I am disappointed that such a question, which the Member opposite will have known would have required a great deal of research by many of the team in the Department of Education, should be asked at a time when the school term is starting, and professionals across our schools

and at the Department are working extremely hard to ensure that the children begin the term and are completely settled and happy.

870 Is the hon. Member therefore suggesting that I should recall headteachers and advisors from schools in an attempt to answer an impossible question? This I will not do, Mr Speaker. I will, however, say that the average classroom sizes and the provision afforded are completely in line with our manifesto commitments.

Hon. L F Llamas: Mr Speaker, I did not envisage this question being controversial or getting the Hon. Minister heated up on a question which was filed in good faith, I can assure him.

875 Mr Speaker, I would have thought, and I understand that classes can be expanded or smaller, depending on the time of the year, depending on the needs, I am fully aware of that; however, I do not envisage that it would be that difficult to table a schedule perhaps on the first day of each school year relating to the class sizes and the number of teachers and the number of learning support assistants in each class. I do not think it is that unreasonable of a question to
880 ask.

So, is the Hon. Minister able to answer this question if I file it next month in the next session and state that it could be a snapshot as at the first day of each educational year?

Hon. Dr J E Cortes: Mr Speaker, the hon. Member has mentioned good faith and I have to
885 take that because he said it, but I think recent events would justify me in perhaps not seeing that the good faith actually shows itself in the day to day. But let's leave that to one side.

Mr Speaker, if the hon. Member thinks I was heated up he should have seen the members of staff of the Department of Education when they read the question. It is, as I have explained clearly, a well-nigh impossible task and, to me, meaningless; and perhaps if the hon. Member
890 were to explain to me, certainly not now, what he wants to get out of this and what it is that he wants to analyse, it might be easier at least to have a discussion.

But certainly, going back to September 2012, looking at the number of pupils in each class, in each Year, in each school, how many of those have special education needs – which I have explained varies – and the number of learning supports in each class, when that can vary almost
895 on a daily basis, is not reasonable and is something that I certainly will not provide.

Hon. L F Llamas: Mr Speaker, unfortunately, the Hon. Minister judges my faith unfairly and I am quite disappointed at that.

Mr Speaker, it is not a question of what I want this answer to provide; I am factual and I
900 would like to get the answer that I am entitled to when I file a question. What the Minister is, therefore, suggesting – and I could understand that perhaps it is an added burden to the staff of the Education Department – is that perhaps they are under-resourced and this is why they are unable to answer this question. Is that the case, Mr Speaker?

905 **Chief Minister (Hon. F R Picardo):** Absolutely, Mr Speaker. That is absolutely right.

Every Department of Government is under-resourced for dealing with questions that simply require that staff be set aside to compile meaningless statistical data which cannot be provided with any accuracy, in some instances, other than by seeking to rely on the memory of people as to what might have been the case five years ago in respect of data which has never been
910 compiled and where people will not, therefore, be able to give accurate answers.

Every Department is going to always be undermanned if we are asked to compile a list of how many paperclips have been purchased by each Department and how many were used in each day since 10th December 2011. It is impossible, Mr Speaker, to deal with some questions and it is very easy to put a question that cannot be answered. The political art, Mr Speaker, is to put a
915 question that *can* be answered and gets to the nub of a political issue that the Member feels he must hold the Government to account for.

But if the hon. Member is not able to conject questions which require information that is available to be provided, he can expect us to tell him that we are impossibly under-resourced to come up with the answers for the speculative questions that he might try to put, which require resources which have never been available to any Government of Gibraltar or indeed any government around the world.

Because some of the things that we have been asked for, Mr Speaker – and I do not want to refer to things which are coming up in the Order Paper – the hon. Gentleman is going to get the same answer that he has been given by the Hon. the Minister for Education – a Minister who, if I may say so, Mr Speaker, does not often get het up as we have seen him this morning, given the – I am sorry to say and I say it with the greatest possible affection to the hon. Gentleman; he knows I am very pleased to see him ... since the Budget debate in this House.

But the questions are in some instances just nonsensical in the sense that the data requested is not data maintained, or that it is reasonable to have maintained. In some instances, Mr Speaker, the hon. Gentleman may ask us, ‘Look, I understand the position; could you kindly, going forward, keep a record of this and give me, monthly, these numbers?’ Well, that is relatively easy in some instances, Mr Speaker, but to go back and recreate from a point in time that happens to be 10th December 2011, without showing any interest in what has happened before – in any event, where things may have been worse and there may be an appreciable improvement after 10th December 2011 – is just an attempt to ask questions to show off about the numbers that have been filed, not to ask questions in a way that is designed to get to reasonably relevant information, in our view.

Hon. L F Llamas: Mr Speaker, I will take it as a compliment that I am asking questions which have never been asked before; that means I am actually going deeper than any other Member has gone before.

Mr Speaker, what I am not clear on, and I do not believe that this question is unreasonable, otherwise the Hon. Mr Speaker would have ruled it out –

Mr Speaker: No, I do not rule questions on whether they are unreasonable or not; I deal with questions in accordance with the Rules which are stated clearly in the Rulebook, as it were. The question of reasonableness does not come into it as far as I am concerned. There are other considerations.

Hon. L F Llamas: Fine, Mr Speaker.

Would the Government be able to supply the information as at the first day of each school year, given that there has to be a compilation of information for each school, of how many students are going to be allocated in each class, how many teachers will be allocated in each class. Somebody must prepare this, otherwise it would be impossible to run an educational system. I am actually informed that it could even be the case that some of these registers are electronic, so I am amazed that it can be so complicated to compile and supply this information.

Would the hon. Minister be able to provide an answer to this question if I come back with this question next month?

Hon. Chief Minister: Mr Speaker, there is the nub of the issue. The hon. Gentleman now slowly seems to be reaching understanding. A snapshot on 1st September 2017 is probably something that can be provided. Going back and giving the snapshot may not be so easy. But he has to understand that is a snapshot and that by 15th September it may have changed, and that by 10th December the position may have changed too; and that going back is probably not something that can easily be done, or at least will not provide anything near information which is worth analysis. I think that is the point that the hon. Gentleman is trying to make.

So this is not about not giving him information which is easily possible to provide, and very likely, given where we are in the month, we could probably ask teachers to give us the start of

970 term figure and that going forward we could perhaps seek returns as to a monthly figure, or something like that.

Can I encourage the hon. Gentleman to speak to Minister Cortes offline and see what it is – as the hon. Minister has said – what it is him that he wants to understand. There may be another data collection method that may be able to assist him and which we may be able to provide which he can then put as a Written Question, or as an Oral Question if he likes, and then he can be receiving the information in a way that is meaningful to him, given what it is that he wants to provide.

975 I am not, Mr Speaker, able to say that he is going deeper than anyone has ever gone before; I think he is just going down a route that nobody has gone before, perhaps because it is statistically irrelevant to go there. I can assure him that if there was statistical relevance to a question the person sitting to my left would have been asking it since 1972.

Hon. Dr J E Cortes: Mr Speaker, if I may just add and thank the Chief Minister for that, the question is how relevant and how could you interpret the snapshot on 1st September, because particularly in the first few weeks there are going to be changes and if you are going to be wanting to compare year on year what conclusions can you reach from something which is perhaps not going to reflect the reality of the transition through the school year. I think it is a discussion that we have to have.

985 I was going to say, Mr Speaker, that I was sorry that the hon. Member was disappointed in me, but I am going to say the contrary because I was disappointed in him a couple of weeks ago. So that is one all; maybe we can make a fresh start.

Hon. E J Phillips: Mr Speaker, just to facilitate and help my hon. friend in relation to this, the information I believe that the hon. Member requested is in fact online on the Government's website; however, the issue is, I think, the class size, which I think can be easily ascertained by asking the question about class sizes in reference to those particular statistics which the Government have supplied online. That would be a helpful answer from the Government's side, but I think if those numbers could be crunched one more time, rather than spending inordinate resources on this question, we could have the answer.

1000 **Hon. Dr J E Cortes:** Mr Speaker, if my colleagues in the Department of Education and I had wanted to come up with figures I am sure they could have come up with figures, but this goes deeper than that. Because these figures change, because it would not give an accurate representation of what the issues are with special needs, it was felt that the exercise would have been futile as well as onerous.

1005 Certainly, we can look at it and I think the Hon. Mr Phillips' suggestion is helpful, but we have got to be cautious in how we interpret these snapshots, because snapshots do not reflect what is actually happening in the classroom, necessarily. That is the point I was making.

Mr Speaker: Next question.

1010

Q495-506/2017
St Martin's School –
Portacabins, new school buildings and bus

Clerk: Question number 495, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, further to the answer provided to Question 328/2017 and statements made on social media and the press, can the Minister for Education state where the toilet portacabins he referred to are?
1015

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 496 to 506.
1020

Clerk: Question number 496, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, in relation to the portacabins at St Martin's School, can the Government state for the current academic year: (a) how many children are taught in each classroom; (b) how many teachers are in each classroom; (c) how many learning support assistants are in each classroom?
1025

Clerk: Question number 497, the Hon. L F Llamas.
1030

Hon. L F Llamas: Mr Speaker, can the Government provide details of the specifications as at 1st September 2017 of the enhanced acoustic conditions and sound insulation of each classroom at the two-storey portacabin at St Martins School (walls, ceilings and floors) and confirm they are suitable for children with special needs?
1035

Clerk: Question number 498, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government confirm that as at 1st September 2017, a risk assessment had been carried out on the portacabins at St Martin's School?
1040

Clerk: Question number 499, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government confirm that as at 1st September 2017, adequate internal and external lighting has been provided at the two-storey portacabins at St Martin's School, including emergency lighting?
1045

Clerk: Question number 500, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government confirm what will be the procedure during winter for children attending the two-storey portacabin to go to the main building for scheduled activities or play time?
1050

Clerk: Question number 501, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide details of the internal area of each portacabin classroom being used at St Martin's School detailing: (a) the classroom area; and (b) the toilet area?
1055

Clerk: Question number 502, the Hon. L F Llamas.

1060

Hon. L F Llamas: Mr Speaker, can the Government provide the specification as purchased from the supplier of each portacabin making up the two-storey portacabin at St Martin's School?

Clerk: Question number 503, the Hon. L F Llamas.

1065

Hon. L F Llamas: Mr Speaker, can the Government state the cost of each portacabin at St. Martin's School, their location, purpose and the provider?

Clerk: Question number 504, the Hon. L F Llamas.

1070

Hon. L F Llamas: Mr Speaker, will the Government consider a more inclusive approach for children with disabilities short term in order to resolve the portacabin situation at St Martin's and long term so that all children are educated as per their catchment or choice rather than their abilities?

1075

Clerk: Question number 505, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government state where they intend to build St Martin's School and by when will the project be completed?

1080

Clerk: Question number 506, the Hon. L F Llamas.

Hon. L F Llamas: Can the Government provide details of when it intends to provide a new bus as promised during the Budget of 2016 for St Martin's School?

1085

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the toilets are within the portacabin to the left as one enters the school site.

1090

There are six children per classroom, taught by one teacher who is supported by three learning support assistants in each of the portacabins.

The ground floor cabin roof has been insulated with 100 mm rigid expanded polystyrene (EPS) to improve sound proofing.

1095

In relation to 498, yes, I can confirm this.

Q499: all electrical installations, inclusive of lighting, are EU compliant and have been reviewed, and adapted, if applicable, by the Gibraltar Electricity Authority. External lighting is not required.

Protocols will be in place to guarantee the safety and wellbeing of all the children, even during transition, if this is required. Indeed, procedures are currently in place throughout our schools.

1100

The internal area of each mobile classroom is approximately 50 m². This is comprised of three modular units measuring 6.00 x 2.40 m (43 m²) and one WC disability specification toilet facility measuring 2.90 x 2.40 m (7 m²).

1105

Specifications, as in surface area etc., have already been answered in my reply to Q501. I think there is a slight repetition in Q502.

The information requested in Q502 by the hon. Member is set out in the schedule which I now hand to him; however, as additional information, I can reassure the hon. Member that the modular units comply with EU regulations and are certified under ISO 9001:2008 and ISO 1404:2004.

1110

Answer to Question 502:

General Technical Specification — Modular

Units 1.1 Modular Structure

- Totally self-supporting, constructed with UPN160 beams.
- Beams and floor joists have been factory welded.
- The structure consists of 4 x 100 x 100 columns. The roof structure has been designed with two functions, the collection of rainwater and suitable to support and stack additional units. Constructed with profiled panels.
- The above mentioned structural elements are hot dip galvanised and powder coated in white.
- Certified to conform to Building Regulations 305/2011, 9th March 2011 by AENOR quality assurance accreditation. Marked CE.

1.2 Floor

- The installation and design of the profiles together with the anchor points provide an elevated floor finish of 180 mm.
- The deck consists of a 19mm thick water-resistant board. The floor boards are lined with proprietary non-slip linoleum with a welded seal.
- The deck is designed to support a loading of 350 kg/m².

1.3 Enclosure

- The vertical enclosures on all modular units consist of sandwich panels with the following characteristics:

Composition:

2 x 5 mm hot dip galvanised zinc sheets with a powder coated paint finish (white)

Insulation:

The sandwich between the aforementioned sheets is injected with polyurethane resin, (s/norma DIN

4102), applied HCFC and CFC-141v. Density 40 kg/m³

Roof:

Constructed using the same insulated sandwich panel as the vertical walls.

The complete composition of the panels including the insulation provides a total thickness of 60 mm.

The design and composition of the panels, guarantees the insulation and waterproofing properties.

The panel's suitability is certified by ICITE in the European Union, the Construction Technical Agreement UEAtc

In relation to Question 503, the total cost of both Portman portacabins amounts to approximately £75,000. The ground floor portacabin was installed in 2016 for a total cost of £35,183. The first floor portacabin was installed in August 2017 and the total cost will be in the region of £39,000.

1115

The modular classrooms are located in the patio entrance to the school adjacent to the main building structure and serves as two classrooms with individual toilet facilities that are situated

for children with disabilities. Both projects were undertaken by GJBS Ltd and they were purchased from Portman Ltd.

1120 In relation to Q504, the Government will consider no such approach. The hon. Member clearly fails to understand the meaning of inclusive education and I would ask him to read up on the literature. The Government will not deviate from the path it has traced out in terms of delivering a new St Martin's. We also make absolutely sure that the needs of current children at the school are met.

1125 In relation to Question 505, the Government will be making the pertinent announcements when it is in a position to do so. And in relation to Q506 – the bus – the procurement process is underway.

1130 **Hon. L F Llamas:** Mr Speaker, just turning to the first question which is Question 495, the Hon. Minister has said that the portacabin that he was referring to was the first on the left, which I presume is the two-storey portacabin. Can he confirm this?

1135 **Hon. Dr J E Cortes:** Mr Speaker, I have said where the toilets are and they are the ones that he has referred to, yes.

Hon. L F Llamas: Mr Speaker, I ask this because obviously I took in good faith what he had replied to in answer to a question prior to the Budget; however, it does not coincide with what he has said on social media. I will read what he said on social media, which is why I am particularly confused, Mr Speaker:

Now on the subject of the new pre fab extension. Incidentally, the toilets I referred to in Parliament were another building altogether and had nothing to do with this.

1140 Can he confirm then, if the toilets and the prefab extension he was referring to have nothing to do with the two-storey building – at the time it was a portacabin classroom and now it is a two-storey portacabin classroom – where the prefab extension he was referring to in Parliament is?

1145 **Hon. Dr J E Cortes:** Yes, absolutely, because the toilet I referred to at the time had nothing to do with that. That is where the toilets are, which is what I have answered today.

If you recall, Mr Speaker, the thing is I think so much has been made ... this is why I have to be cautious, because I try to offer assistance. If we go back to *Hansard*, this was in relation to a question on increases in St Martin's School and then I am asked:

Mr Speaker, I would like to ask one supplementary. Therefore, the portacabin that has been placed in the car park, I take it that is for toilet facilities or is it for classroom facilities?

1150 I did not know what he was referring to and I said:

Mr Speaker, specifically which portacabin is he referring to? There are several on the site.

– which is not so; there are prefab buildings, but I was working from memory. Right. So I was referring to prefab buildings. Then he said:

I believe it is the one where the bus usually did a three-point turn just as you go in in the main entrance.

At the time, I thought he was referring to the outbuilding on the right-hand side, which I believed was the toilets. Then I said:

The portacabin at that level, I believe, is a toilet facility.

1155 This was a totally noncommittal answer in good faith, answering a question which had nothing to do with the original question, and I have clarified where the toilets actually are, and therefore I think that is all I can add.

1160 **Hon. L F Llamas:** Mr Speaker, just for clarification before I proceed with another supplementary, the original question, Q328, had nothing to do with students and pupils; it was actually:

What modifications to St Martin's School and Early Birds Nursery are being carried out or being planned in preparation for September 2017?

So, Mr Speaker, the question I did propose originally was relating to any extensions or works being carried out, rather than –

1165 **Hon. Dr J E Cortes:** Mr Speaker, if I may clarify, the supplementary was referring to the increase because in my reply to the supplementary I referred to the increase in pupil numbers.

Hon. L F Llamas: In any event, Mr Speaker, regarding the lighting, the Minister has said there is no need for external lighting in the portacabin; is that correct?

1170 **Hon. Dr J E Cortes:** That is the advice that we have been provided. It appears that the lighting that is there anyway through other external lighting is such that it does not specifically require its own dedicated light. Should it be found that it is necessary then clearly that will be provided at very short notice. But that is the advice that I have.

1175 **Hon. L F Llamas:** Mr Speaker, I would like the Hon. Minister to please reconsider that. Having looked at the Department of Education in the UK, 'Advice on standards for school premises,' issued in March 2015, I will quote what they had to say on lighting for pupils with special educational needs, and that is, Mr Speaker, that:

Pupils with special educational needs, including visual impairment or other disabilities, may have additional lighting requirements and specialist advice may be needed.

1180 Mr Speaker, given that this is a building which has steps which are external, it would seem that it is pretty obvious that this staircase, in particular, has to be illuminated and floodlights to the area have to be provided in order to increase the accessibility and the procedure in arriving into the classrooms.

1185 **Hon. Dr J E Cortes:** Mr Speaker, specialist advice has been given and if the specialist advice changes and I am told that we have to provide additional lighting I have said this will be provided. The advice that we have at the moment is that, clearly, there is sufficient lighting for that purpose.

1190 General advice is not relevant to specific locations. I will, myself, go there. I go there regularly, but I will, myself, go there after dark to ascertain it for myself, but that is not specialist advice. I am not a specialist.

Q507/2017
School classrooms –
Adequate heating

Clerk: Question number 507, the Hon. Ms M D Hassan Nahon.

1195 **Hon. Ms M D Hassan Nahon:** Will an audit be carried out before the cold weather starts to ensure that all schools have adequate heating in all classrooms?

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

1200

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, we continuously monitor this and, consequently, there is no need for a formal audit.

1205 **Hon. Ms M D Hassan Nahon:** Mr Speaker, there were many complaints last year about the heating. If there will not be an audit, what other solution does the Minister propose?

1210 **Hon. Dr J E Cortes:** No, precisely because of the fact that there were complaints, we have been monitoring this and the team is preparing an assessment. It is not going to be a formal audit because we are getting information from the teachers and so on. But, as I say, we are monitoring this and we are hoping that the problems that apparently occurred in some classrooms last year will not occur again.

Q508/2017
School lunches –
Update

Clerk: Question number 508, the Hon. Ms M D Hassan Nahon.

1215 **Hon. Ms M D Hassan Nahon:** Can Government give this House an update on the matter of school lunches?

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

1220

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, an implementation model is being discussed to coincide with the launch of the new schools.

1225 **Hon. Ms M D Hassan Nahon:** Can the Minister give us any idea by when this launch will happen?

Hon. Dr J E Cortes: The eternal word 'soon'! But it is soon. We are developing the presentation and you will hear about it, Mr Speaker, very soon indeed.

Q509/2017
Supply teachers –
Government policy

1230 **Clerk:** Question number 509, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is this Government's policy in connection with the supply cohort of teachers?

1235 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
1240 Mr Speaker, I am not entirely clear about what the hon. Member is attempting to ascertain. Government policy on the supply cohort is based on demand across sectors and subjects. We added 47 new teachers to the complement when we were elected in 2011.

But I am not sure whether that is the information that she was requesting.

1245 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I was asking the question in relation to the fact that, from what I understand, the supply teachers are tied down to waiting to hear when they need to step up, while at the same time they are on a zero-hour contract and, basically, I know that many of them feel like they are tied down without being able to pursue other jobs by being on standby daily and they are not earning or having anything to do.

1250 So my question really was getting at whether there are any other jobs in Government Departments; would that be a possibility so that they do not go stale, as such, waiting for that phone call to supply teach? These are young teachers who might be losing time and experience in waiting.

1255 **Hon. Dr J E Cortes:** Mr Speaker, that second part of that question is not something that I can answer, but clearly there would be difficulties in having people on standby, but that is something that I think would have to be addressed separately.

1260 In relation to people being on standby, that is the nature of being on a supply list. It is not a comfortable thing to be on, but obviously the Department of Education has to have a policy by which it has people available to call in at short notice. If we did not have such a supply list then, clearly, we would be failing the education of our young people. There is a policy on when supply teachers are called in and I would be very happy to share that, but I do not think that is the point the hon. Member is making. I think that anybody on a supply list, not just teachers, would have to be conscious of the fact that it is a supply list and that this is the nature of such an arrangement.

Q510, Q522-528, Q535-537/2017

Health care –

**Hospital escalator; Septicaemia cases; GHA Tertiary Referrals Board and sponsored patients;
Cancellation of medical procedures; Chemotherapy treatment; UK GMC registration**

1265 **Clerk:** Question number 510, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Minister provide details on the periods during which the escalator outside the hospital has been unserviceable since 1st January 2017?

1270 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with questions 522 to 528 and 535 to 537.

1275 **Clerk:** Question number 522, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government disclose since December 2011 how many cases of septicaemia have been reported together with (a) the hospital where first diagnosed and (b). period person was hospitalised?

1280

Clerk: Question number 523, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government disclose since April 2012 a breakdown of each sponsored patient sent outside Gibraltar including: (a) the hospital centre attended; (b) the length of stay; (c) the care received; (d) the cost of the trip; (e) whether it was a first visit or first review?

1285

Clerk: Question number 524, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government confirm that the GHA Tertiary Board consults with physicians in charge of sponsored patients outside Gibraltar when taking a decision?

1290

Clerk: Question number 525, the Hon. L F Llamas.

1295

Hon. L F Llamas: Mr Speaker, can the Government confirm that all patients who have not been approved to be reviewed outside by the GHA Tertiary Board have had their medical cases formally handed over by the hospital or clinic they had been attending?

1300 **Clerk:** Question number 526, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government explain on what basis does their GHA Tertiary Board can conclude that a specialised consultant's surgeon patient care plan in a leading hospital in London, 'does not provide the optimal treatment for the patient's condition'?

1305

Clerk: Question number 527, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a monthly schedule of formal complaints filed against the GHA as from April 2012?

1310

Clerk: Question number 528, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government confirm how many medical procedures have been cancelled since April 2012, and the reasons why?

1315

Clerk: Question number 535, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is this Government's policy with regard to where patients are entitled to have their chemotherapy treatment since the opening of the Ayling Buttigieg Chemotherapy Suite?

1320

Clerk: Question number 536, the Hon. Ms M D Hassan Nahon.

1325 **Hon. Ms M D Hassan Nahon:** Where does the GHA stand at present with the new regulation regarding the registration of doctors with the UK GMC?

Clerk: Question number 537, the Hon. Ms M D Hassan Nahon.

1330 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may, given that these questions are bunched up can I just say that I found out some of the answers to these questions in the press a couple of days after I had submitted the questions, which took me by surprise. I did not expect to find these answers in the press, but nonetheless I continue to ask them now.

1335 How is registration with the UK GMC going to benefit the population of Gibraltar when many specialists who are well experienced may not be eligible to register and revalidate?

Clerk: Answer the Hon. the Minister for Health, Care and Justice.

1340 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the two escalators outside the hospital were unserviceable between 1st January 2017 to 15th February 2017. Currently, one of the escalators remains unserviceable since 31st August 2017.

1345 Mr Speaker, it is a disproportionately lengthy task to provide, since December 2011, the cases of septicaemia that have been reported together with (a) the hospital where first diagnosed and (b) the period a person was hospitalised, as this data would have to be manually retrieved and this would entail going manually through thousands of records.

1350 I hope the hon. Gentleman understands that, given the laborious exercise, it would have taken staff away from their principal role in the laboratory where these cases are recorded. I will, however, provide the hon. Gentleman with the information that has been retrieved over the last four days: there were 212 patients admitted via A&E between August 2015 and August 2017 with potential sepsis.

1355 In relation to the breakdown of each sponsored patient sent outside since April 2012, including (a) the hospital centre attended, (b) length of stay, (c) care received, (d) cost of trip and (e) first visit or review per individual, I am providing the hon. Gentleman with the only information the Sponsored Patients Department has been able to compile over the last four days. Once again, Mr Speaker, it would be a disproportionately lengthy task to provide the information that the hon. Gentleman requests.

1360 I hope that he understands that, given the high demands on the Sponsored Patients Department staff and their numerous duties, to collate the information requested would have taken them away from their principal role of ensuring safe travel and adequate care to the sponsored patient. I will, however, Mr Speaker, hand over to the hon. Gentleman a schedule with the information we have been able to retrieve:

Financial Year	Number of new patients sent	Number of review cases sent	Sum of cost for treatment and travel
2012/13	N/A	N/A	£7,922,909.51
2013/14	N/A	N/A	£10,667,162.77
2014/15	N/A	N/A	£13,094,326.65
2015/16	2624	4033	£14,372,871.97
2016/17	2786	3272	£18,085,482.18

Further, Mr Speaker, the GHA Tertiary Referrals Board makes its decisions based on all the available clinical information, which includes clinical reports, of course, from the other hospitals.

1365 It is the case, Mr Speaker, that all patients who have not been approved to be reviewed abroad by the GHA Tertiary Referrals Board have had their medical cases formally handed over by the hospitals or clinics they had been attending.

The Sponsored Patients Programme is designed to provide patients with clinical services that are not available in Gibraltar. Once patients complete their specialised treatment, follow up care will continue in Gibraltar, if the medical services are available locally.

1370 The information as to the formal complaints filed against the GHA, as from April 2012, is published on the GHA website.

1375 Mr Speaker, once again, it is a disproportionately lengthy task to provide figures for the number of medical procedures that have been cancelled since 2012, as this data would have to be retrieved from patient notes and this would entail going manually through thousands of records.

The number of medical procedures that have been cancelled since 2013, however, will be in the schedule that I will hand over to the hon. Gentleman:

	Patient Did Not Attend	Cancellations Medically unfit / Non-compliant with preparation	Cancellations Equipment Failure	Cancellations Refurbishment Works
2013	6	6	-	30
2014	12	22	10	-
2015	15	26	-	-
2016	43	15	-	-
2017	50	40	-	-

1380 I hope, once again, Mr Speaker, that the hon. Gentleman understands that, given the laborious exercise, it would have taken staff away from their principal role in the Medical Investigation Unit where these procedures are performed.

1385 Mr Speaker, the Government policy with regard to where patients are entitled to have their chemotherapy treatment is first and foremost to provide the best possible medical treatment to our patients. It is precisely for this reason that the Government has invested in setting up the specialist unit to provide chemotherapy to patients locally. The unit has been hugely popular, to the extent that we are in the process of, in fact, expanding the service even further. Patients are entitled to receive the best possible care and we are proud to say that is exactly what they are getting at the Ayling Buttigieg Chemotherapy Suite.

1390 Mr Speaker, the regulation has been implemented in respect of the GMC as from 1st April 2017 and I am informed by the Gibraltar Medical Registration Board that the vast majority of practising doctors and specialists in Gibraltar have been licensed. There are a small number of doctors who are on transitional relief, most of whom are expected to obtain their licence before the end of the year.

1395 Mr Speaker, in respect of how the GMC registration will benefit our community – and, with respect, I do not accept the hon. Lady's premise of the question – the vast majority of doctors in Gibraltar, including specialists, have already been registered and licensed with the GMC. All doctors working for the GHA, for example, have been already licensed.

1400 The Government is supporting the remaining doctors to obtain their licences through membership of the Independent Doctors Federation and by other means. When the reforms are fully implemented, all doctors holding qualifications recognised by the GMC, whether they are GPs or specialists, will continue to be supported by the Government in maintaining their licences.

1405 These reforms are greatly important, Mr Speaker, for our community, as once the reform is fully implemented the people of Gibraltar can be assured that all their doctors have committed themselves to the UK standard of good medical practice, are undertaking an appraisal every year with a trained independent medical appraiser and are having their licences revalidated every five years, just as all doctors do in the UK.

Hon. L F Llamas: Mr Speaker, I thank the Hon. Minister for his very courteous answer and –

1410 **Mr Speaker:** Before we deal with supplementaries there is a matter I want to clear up.

The Hon. Neil Costa spoke to me and has assured me that when his Department, the GHA, issued a press release on Tuesday – I think it was Tuesday of last week – on the question of GMC registration he had not seen that there were two questions on the Order Paper.

1415 I have accepted those assurances without reservation, but it gives me an opportunity to give Ministers some guidance. If Parliament meets on a Friday the questions are received on the previous Friday and the staff immediately email those questions to the Departments concerned. Obviously, on the first day that they are received, Ministers are not going to be working on the answers; probably civil servants in the Department will be dealing with at least the first drafts.

1420 But in order to avoid that we get a reoccurrence of when a press release is issued when there is already a question on the Order Paper, could I suggest that Ministers, that day, do have a cursory glance through the questions that they are down for answer, and that would give them an indication of the subject matter, and try to avoid issuing a press release in the interim.

1425 Having said that, there are going to be occasions when, because of an emergency, because of a question of public interest, the Government will need, on some matter or other, to deal with an issue that is the subject of a question and may have to issue a press release beforehand.

That is just by way of general guidance.

1430 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may, just on a procedural point, in fact my understanding is that the questions do not go to the Department, they go to the Parliament team at No 6, that then distributes them to the Department. At least that is what I see from where I am sitting.

1435 In some instances, the procedure that the Hon. Mr Speaker sets out would be the best one to follow but, unfortunately, sometimes Ministers are busy throughout the day and will not get to see questions. But the House is ensured of the Government's goodwill in seeking to avoid issuing press statements about matters on which questions have been asked, where it is appropriate to do so.

1440 In this particular instance, I sincerely believe that there is the public interest in knowing that that particular deadline was up and that the application of rules in respect of doctors was applicable; and, as I understand it, this was something that was programmed to happen at that time regardless of the question.

1445 So I think this fits neatly within the exemption that Mr Speaker set out, which is a highly relevant one, of the public interest, where the Government cannot allow the Opposition to – and I will use language which I do not intend to be emotive or pejorative – gag the Government in respect of what the Government can say in the seven days or longer that may elapse before a question is answered, in respect of an item which may be of public interest, or which may be subject of what some people might regard as a ding-dong from Opposition to Government.

1450 So a press release is issued by the Opposition saying, 'The Government are terrible so-and-sos for a reason'; the same day the Opposition puts in a question, the Government cannot be prevented from responding that, 'Actually we are lovely blokes and not so-and-sos,' because the ding-dong is then subjected to parliamentary questions.

But other than that, I think we all endeavour not to pre-empt parliamentary questions being answered in the course of the issue of press releases.

Mr Speaker: The Hon. Neil Costa.

1455

Hon. N F Costa: Yes, Mr Speaker, just to, apart from associating myself with the explanation provided by the Hon. the Chief Minister, simply to say that certainly it was no one's fault other than entirely my own. I should have checked the questions before I issued the press release and I have no compunction in saying that I apologised to the hon. Lady when she brought it to my attention and I have no problem in doing so for the record across the floor of the House.

1460

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you, I appreciate that explanation and I take it in good faith.

1465

Can I just ask a couple of supplementaries? I know that there were loads of questions bunched together, but if I just may.

On Q535, the chemotherapy arrangement, I understand that, from what I take from the answer, it seems like there is a slow process to migrate chemotherapy treatment to Gibraltar because of this new facility and I completely understand that. However, I was led to believe that at the moment existing patients had the choice as to where they took their chemotherapy treatment.

1470

I have a few constituents who have come to me saying and showing me letters where they are not being given a choice and they are, effectively, being forced to have the treatment at this new facility in Gibraltar.

1475

It is causing them a lot of grief, because of course these patients have been having their treatment specifically somewhere else, whether it is Algeciras or Marbella or whatever, and they have developed a relationship of trust with their oncologist and it has caused them a lot of grief. They are spending a lot of time with dealing with emails and so on and so forth trying to convince the GHA to let them continue having their treatment where they are.

1480

Can the Minister give some assurances or something to the effect that these people do indeed still have the choice – existing patients?

1485

Hon. N F Costa: Mr Speaker, I fully understand that a patient should wish to continue any clinical relationship with an institution abroad, but the hon. Lady should, I think, consider the context. The Government has spent capital and recurrent expenditure on repatriating certain services to be provided locally by the GHA.

1490

The reason being of course that when one is ill and has a serious illness like cancer, perhaps the last thing that one would want to do is add the unnecessary stress of travel, and it makes sense – it certainly made sense to my hon. predecessor, Dr John Cortes, and the Hon. Chief Minister – that where we can provide equal or even better services locally we should be able to do so. That was the aim of the Hon. Dr John Cortes and the Hon. Chief Minister inaugurating this particular chemotherapy centre.

1495

The hon. Lady should rest assured that any therapies that are not available in Gibraltar will continue to be provided by an institution abroad, but for those therapies, which include immunotherapies, chemotherapies, hormone treatment for adult solid tumours, that can be provided within the GHA, then it makes sense that they should be provided at the GHA.

1500

The Government having spent money on fitting out a state-of-the-art clinic and having trained and hired clinical professionals to be able to provide the service at home, it makes sense to provide it at home. Whereas, Mr Speaker, I certainly understand that each person is an entire world and some persons may prefer to go abroad, but in my experience when I had an operation my preference was to have had the operation done locally, had I had the choice, which I did not.

But it is a policy decision of the Government that if the same kind of treatment can be provided locally then we will be providing it locally.

1505 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Minister for this explanation. I just want to draw his attention to the issue of distance and making it more comfortable for the patient in Gibraltar because of lack of distance; but it is horses for courses really because there is the issue of trust versus distance. Some patients do not mind the trek to Algeciras for 20 minutes or HC, for example, in Marbella for 40 minutes, if it means they are seeing a doctor that has saved their lives over the last four years.

1510 Also I draw the Minister to a *Chronicle* article from 12th August where it says specifically that patients with cancers, including breast, prostate, stomach, lung and colon are given the choice of being treated at St Bernard's Hospital.

1515 So I think there is some sort of confusion, at least for the patient as to what the policy is. I would not be so assuming as to put myself in his shoes, but is it not obvious to perhaps take it as a policy that future patients or patients coming into the unfortunate world of cancer perhaps need to abide by this new policy, but the existing ones still should continue to have the choice until they finish their treatment?

1520 **Hon. N F Costa:** Mr Speaker, I note the point the hon. Lady makes in relation to trust but unless the patient with cancer actually attends the Ayling Buttigieg clinic there will be no possibility for that patient to establish a relationship of trust with the doctor and nurses in Gibraltar.

1525 I can assure the hon. Lady that the patient who is having a service repatriated from the UK or Spain to Gibraltar is fully informed and advised, and I insist when I receive an email or a telephone call or a Facebook message, when people query the reasons why a clinical decision has been made to refer treatment to Gibraltar that the clinicians meet with the patient to fully explain.

1530 **Hon. Ms M D Hassan Nahon:** Mr Speaker, again, I thank him for the explanation, but it is at odds with this article which talks about the local suite, for example, 'only took on new chemotherapy patients as the GHA wish to refrain from interfering with ongoing treatment abroad.' It just does not add up. The Minister is not showing consistency.

1535 **Hon. N F Costa:** Mr Speaker, I am afraid she is reading the article out of context. 'For those treatments that are not available locally' – she is missing the second essential element of the definition. If the GHA provides a service locally and the taxpayer pays for clinicians, specialists, doctors and nurses and pays for all the clinical treatments, it would be, I think, a dereliction of us as the holders of the public purse to pay for all of that in Gibraltar but also pay for exactly the same treatment in the UK – in addition, and quite apart from the fact that every single clinician that I have spoken to has told me that certain patients should avoid travel at all costs and for the majority of cases of persons who live with cancer, they are certainly one of the persons who should avoid travel where at all possible. *It is possible* because we have the most magnificent chemotherapy suite established within the GHA.

1545 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I continue to see that the article conflicts with what the Minister is saying, but I will let that lie for a moment.

All I ask of the Minister is perhaps to establish better lines of communication with existing patients in order to assure them that their treatment is just as viable in Gibraltar if that is the way it is going to carry on.

1550 **Hon. N F Costa:** Mr Speaker, I can assure the hon. Lady – I can assure her – that there is not an email or text or call that has come in to my office where I do not myself call the clinician, or my principal secretary calls the clinician, and insists that the patient and the families meet with them so that the process can be fully explained.

1555 We fully take the hon. Lady's comments that medical treatments are matters which need to be treated delicately and sensitively and compassionately, and that some persons will be happy to simply have the services repatriated from abroad to Gibraltar and there will be others who, because they have developed, as she said, a relationship of trust with an institution abroad, would prefer that the relationship continues.

1560 But, for all the reasons I have explained to her in this House, I can assure her that there is communication and if there is any example that she can point to me, either privately or across the floor of this House, where this has not happened, she only need tell me and I will make sure that a meeting is held with the relevant clinicians, the patient and the family.

1565 **Hon. L F Llamas:** Mr Speaker, I thank the Hon. Minister for his positive approach and it is very welcome.

Mr Speaker, the answers the Hon. Minister has given seem to suggest that there could be some value in perhaps reviewing the data-gathering practices of the GHA as to ensure that such data can be easily retracted, but beyond that can easily be processed and analysed by the GHA and the Government at large. Is this something the Government is committed to looking into?

1570 **Hon. N F Costa:** Mr Speaker, I would not like to enter into a commitment across the floor of the House because I would first need to understand what it is that would be required. I can assure the hon. Gentleman that from the moment that we received the questions my office goes from fifth to sixth gear and have spent all week just working on the answers, and I have given him precisely all of the information that we have been able to retrieve without affecting patient care. You should not think for a second that I am trying to obfuscate or to be difficult. Indeed in one of the questions he asked from 2012 and I have given it since 2013. So it was not that back going ... but I can assure him that what we have available we do provide. I will go back and ask whether there is any way that we can better collate data to be able to provide to the hon. Gentleman.

1585 **Hon. L F Llamas:** Mr Speaker, referring to one of the questions to do with sponsored patients and the way in which the board is analysing and deciding whether patients will be sent abroad or not, it has come to my attention, and I know the Hon. Minister is aware, that there are cases in which the patients are being declined the application to go abroad and it has come to my attention that there has been no interaction with the clinician abroad in terms of what the best way forward is, how best to treat the patient and whether they are happy to hand over the patient's care to the GHA and have a formal handover and discussion on what the care plan that the clinician in the UK, for example, had for that particular case.

1590 Is this something that is perhaps the odd case that is happening in the community or is this a policy that is being taken by the board?

1595 **Hon. N F Costa:** Mr Speaker, I think in the first place, given that this is a new reform – it was only started in May of this year – I think it is important to place the context. Of all the applications received for referrals to the UK, 80% have been approved – eight zero! – so the majority of referrals made by our GHA clinicians, once they reach the Tertiary Referrals Board, are actually being approved.

1600 So we are only talking about 20% of referrals that are not being approved and, as I have explained in articles in the press and also in press releases, the decision of the Tertiary Referrals Board is purely, solely and exclusively clinical. It is comprised of three senior clinicians, chaired by the Medical Director himself and basically the board considers whether or not the referral is necessary. If it is necessary then I can assure the Hon. Gentleman the cost is not an issue and the person will be referred.

1605 There will always be reports from the UK or Spanish hospital, and if there is not they would certainly request it; and if there are any questions then the board will certainly insist that the clinician calls, personally, the clinician in the UK or Spain to make additional contacts.

Indeed, it has been the case that due to further contact between the referring clinician and the UK or Spanish hospital, the GHA clinician has once again referred the matter to the Tertiary Referrals Board who have received additional information and has changed their view.

1610 So there is, in my estimation, seamless communication – although undoubtedly there will be cases where perhaps there are gaps in the data, but any gap in the data will be very easily resolved.

1615 Just one thing that he did say – and I am not trying to be picky – is that the UK or the foreign institution may or may not be happy to refer the matter to the GHA or release the care to the GHA. Remember that some hospitals to whom we refer our patients are privately run, so they will never be happy to refer the matter to us, because of course it will mean that they will stop charging us for those services.

Hon. L F Llamas: I fully understand, Mr Speaker, and the hospital I was referring to is one of the trusts with which the GHA has a reciprocal agreement.

Mr Speaker, also on sponsored patients, is the Minister, in light of the answer given to question 523 in this Chamber this morning, is he comfortable with the figures in the fourth column; that is the figures given for the sum of costs?

1625 **Hon. N F Costa:** Mr Speaker, unfortunately, yes.

Hon. L F Llamas: Mr Speaker, just going back to question 522 to do with sepsis, can the Minister confirm that there is a sepsis screening policy in place within the GHA on arrival at A&E?

1630 **Hon. N F Costa:** Mr Speaker, the GHA has up-to-date protocols for the management of patients with sepsis and has used an electronic antibiotic guideline since 2016 to standardise treatment. The care of patients with life threatening sepsis or septic shock is managed by a multi-disciplinary team including A&E, the intensive care team, the medical team, the surgical team and our microbiology consultant, Dr N Cortes, who was appointed in 2014 – (**Hon. Dr J E Cortes:** No relation!) I say 2014 because he happens to be my cousin and I had nothing to do with it, and no relation to Dr Cortes.

1640 **Mr Speaker:** Any other supplementaries? The Hon. Trevor Hammond.

Hon. T N Hammond: Yes, Mr Speaker – and I am not entirely sure why my question, which was of a very technical nature and completely non-clinical, was lumped in with a lot of clinical questions which are obviously very important to those involved in those matters.

1645 Just going back to the escalator and the very first question that was asked – and I think the Minister said the escalator was at present out of service and had been since 1st August –

Hon. N F Costa: One of them.

1650 **Hon. T N Hammond:** One of them. Was it 1st or 31st August, I am not sure which. But could the Minister perhaps ... does he have any idea of when the escalator may be returned to service?

Hon. N F Costa: Yes, Mr Speaker. Simply to repeat, one of the escalators remains unserviceable since 31st August – I am advised that spares are due to arrive imminently with

1655 rectification works to commence on delivery; and the second escalator is still in service and has been set to remain in the 'up' mode until both units are operational.

Hon. Ms M D Hassan Nahon: Mr Speaker, I have a couple of supplementaries on the GMC questions.

1660 Regarding the 10% of doctors that are not yet registered, are these doctors within the GHA; what type of special assistance is going to be provided in order that they do register?

Hon. N F Costa: Mr Speaker, as I advised the hon. Lady during the course of my answer, all GHA doctors have been registered and licensed by the GMC. As I have also explained to the hon. Lady during the course of my answer, the Government is supporting the remaining doctors to obtain their licences through the membership of the Independent Doctors Federation.

1665 The press release, to which she mentioned during the course of asking me the question, actually was issued because the Independent Doctors Federation arrives in the first week of October and we are alerting all private doctors who have been unable to register and be licensed by the GMC that we have this association coming to Gibraltar precisely to be able to help them complete their registration and licensing with the GMC.

Hon. Ms M D Hassan Nahon: Am I correct in saying – because the Minister has just said that all the doctors in the GHA have already registered – I thought, or I was led to understand, that 2% were not registerable; is that not correct, that 2% of doctors or two doctors were not actually registerable?

Hon. N F Costa: Yes, during the course of an interview I noted that there were three doctors who had not been able to register. Those doctors are receiving our support in order to be able to be licensed, but their issues relate to language difficulties. In other words, they have the qualifications obviously from the country next to us and they would be fully registerable here with us now, except that they have an issue with the language which we are helping them with and which we are entirely satisfied the GMC will accept – although I probably have jinxed it by saying that right now, but that is our sincere hope.

1685 **Hon. Ms M D Hassan Nahon:** Regarding the fact that a lot of our patients go to Spain to receive treatment and of course there is no GMC licensing there, and considering how much emphasis and priority the Government has given to this body, how are these doctors going to be able to match up to such a body that we have the equivalent of in Gibraltar when our patients are receiving the treatment by Spanish doctors in Spain?

Hon. N F Costa: Mr Speaker, I think it has to be put into context in the first place. The majority of doctors and specialists have already been registered and licensed by the GMC. Of course, as she will know, European Union legislation demands that a doctor's qualification in France be recognised in England and vice-versa, but each national jurisdiction has a right to add conditions which it thinks are important, such as being able to communicate in the language. So you may have the best neurosurgeon in Germany who wants to come and work in the UK, but if he cannot communicate in English then, in my estimation and indeed in the estimation of the GMC, it would make very little sense in employing the person because they would be unable to communicate with the patients.

1695 So we are in the situation which is exactly analogous to the one in the UK. A doctor who wants to register in the UK needs to become registered and licensed by the GMC and the only issue, if you are from the European Union and have a European Union doctor's qualification, is language. We would expect that doctor, whether it is in the UK or in Gibraltar, or indeed if it is a UK doctor going to France or a French doctor going to Germany or a German doctor going to the Netherlands, to speak the language.

So qualifications from Spain are entirely and automatically recognised here by virtue of our legislation and EU law, but it makes sense that they should also be able to speak in English.

1710 **Hon. Ms M D Hassan Nahon:** Thank you for that. Another question: the time that it takes for this update and revalidation; will it have an impact on patient care, because it would take away some time from clinic work or surgical work? Has the Government put a plan in place in order for things not to end up ... there being a backlog that impacts on the patients as a result of this new requirement?

1715 **Hon. N F Costa:** Mr Speaker, in the first place let me provide assurance to the Hon. Lady by saying that the GMC has now been regulating UK doctors for quite a long time and there has been no case reported or no complaint lodged that, as a result of the annual appraisal by the independent doctor and the revalidation every five years, there has been any backlog built up.

1720 I expressly, in fact, asked that question to the Medical Director and he assures me that will not be the case.

Hon. Ms M D Hassan Nahon: One more, if I may. Will, effectively – I suspect that the Minister for Health will say no but I need to ask – will this not perhaps have a negative impact on doctors who do want to come to Gibraltar but really do not want to bother revalidating with the GMC? Would we lose doctors of high calibre as a result of this new scheme?

1730 **Hon. N F Costa:** Mr Speaker, the whole purpose of GMC validation and revalidation is precisely so that the community knows that these are specialists and doctors who have been able to achieve high medical standards. Each GMC registered and licensed practitioner has to comply with a whole series of conditions and, of course, with principles. So the persons that we want in Gibraltar are, in fact, the GMC registered and licensed doctors, so the GMC registration and licensing will improve the quality of the medical care that we provide. *(Interjection by the Hon. Chief Minister)*

1735 Yes. Yes, the Hon. the Chief Minister brings up an analogy, which is that we would not buy a vehicle that has perhaps suffered failure of their MOT exam. So similarly we want to make sure doctors do pass their MOT and are happy and willing to submit themselves to such independent investigation and revalidation. *(Interjection by the Hon. Chief Minister)*

1740 **Mr Speaker:** Any other supplementaries? The Hon. Trevor Hammond.

Hon. T N Hammond: Mr Speaker, actually I would like to thank the Minister for that last answer because it was interesting. I can see parallels in my own industry where, while you can travel anywhere in Europe with your licence, you do need to speak the language which is clearly a fundamental. So it makes perfect sense that that should be the case.

1745 However, back to the escalators! Just with respect to the last answer the Minister gave to the supplementary, that the parts are on their way, can I ask whether the escalators are still under any warranty or whether there is any additional cost in the current maintenance that is being undertaken?

1750 **Hon. N F Costa:** Mr Speaker, the first instance of unserviceability of the escalators in January, we have not paid for that on the basis that the damage occurred due to heavy rains and our view was that they should have been able to endure the rains and therefore we were not paying it. In any case, the escalators at that point were under warranty period. The warranty period has now expired and I have not received any costing in respect of the spares or the works that will be required to be undertaken, but if he asks me on the next occasion I will be happy to provide it to him.

1760 **Hon. T N Hammond:** And, as is typical in any household, the warranty has always just expired when it breaks. Is the Minister satisfied that such a breakdown is acceptable in what is an expensive piece of kit? I think the total cost of installation of these escalators was in the order of £200,000, including the design obviously.

1765 Does the Minister find it satisfactory that shortly after the warranty should expire we found ourselves in a position where the lifts are out of service for the best part of a month, presumably, by the time that they are reinstated, and at further cost to the taxpayer?

1770 **Hon. N F Costa:** Mr Speaker, anyone who knows me will know the answer to that already. I shall be exploring every single legal avenue to ensure that we do not have to pay a penny for what has happened to the escalators.

Hon. T N Hammond: From which I assume the answer to the question is he is not satisfied then?

1775 **Hon. N F Costa:** Yes.

Mr Speaker: Next question.

Q511-520, Q531-533/2017

Police and judicial matters –

Parole drug tests; Release of Isaac Marrache; Judicial Services Commission;

Director of Public Prosecutions; Trial waiting times;

Civil claims and criminal actions before the Supreme Court; Police manning levels;

Armed patrol boat officers; Supreme Court Judge's contract; Young offenders

Clerk: Question number 511, the Hon. E J Phillips.

1780 **Hon. E J Phillips:** Mr Speaker, further to Questions 45 to 47/2017 can the Government state whether the Superintendent has issued the requisite notice under the Prison Act for the mandatory drugs testing of prisoners at HMP Windmill Hill?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1785 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 512 to 520 and 531 to 533.

Clerk: Question number 512, the Hon. E J Phillips.

1790 **Hon. E J Phillips:** Mr Speaker, further to Questions 45-47/2017 can the Government state whether the Parole Board now imposes mandatory drugs testing conditions to those persons released on parole?

Clerk: Question number 513, the Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Minister for Justice confirm the legal fees paid by the Government in the appeal by the Minister against the decision of Mr Justice Jack in respect of the decision of the Parole Board to release Mr Isaac Marrache?

1800 **Clerk:** Question number 514, the Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state on what dates the Judicial Services Commission met between 1st June 2016 and 31st July 2017?

Clerk: Question number 515, the Hon. E J Phillips.

1805

Hon. E J Phillips: Can the Government state when it intends to appoint a Director of Public Prosecutions?

Clerk: Question number 516, the Hon. E J Phillips.

1810

Hon. E J Phillips: Can the Government state the average time it takes from when the RGP charge an individual to full trial in proceedings before the Magistrates Court?

Clerk: Question number 517, the Hon. E J Phillips.

1815

Hon. E J Phillips: Can the Minister for Justice state the number of civil claims, including family proceedings, issued at the Supreme court each of month from January 2014 to present?

Clerk: Question number 518, the Hon. E J Phillips.

1820

Hon. E J Phillips: Can the Minister for Justice confirm the number of criminal actions listed before the Supreme Court each month from 1st June 2016 to 31st July 2017?

Clerk: Question number 519, the Hon. E J Phillips.

1825

Hon. E J Phillips: Can the Government state the Royal Gibraltar Police manning levels by year from 1997 to present?

Clerk: Question number 520, the Hon. R M Clinton.

1830

Hon. R M Clinton: Mr Speaker, can the Government advise whether, given the shooting incident at sea in June 2017, the RGP and other local enforcement agencies are still arming officers on patrol boats for their own personal protection?

Clerk: Question number 531, the Hon. L F Llamas.

1835

Hon. L F Llamas: Mr Speaker, can the Government explain why they had communicated to the Supreme Court Judge on a three-year contract that his contract would not be renewed before the Budget, but failed to advise this House that the estimates being debated were in fact incorrect as they had been superseded by events in at least one Head?

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Clerk: Question number 532, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, does the Government have plans to increase manning levels at the Royal Gibraltar Police?

1845

Clerk: Question number 533, the Hon Ms M D Hassan Nahon.

Hon Ms M D Hassan Nahon: Does Government have any plans to provide alternative provision for detained young offenders other than Windmill Hill Prison?

1850

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the Prison Superintendent has not yet issued the requisite notice under the Prison Act for the mandatory drugs testing of prisoners at Her Majesty's Prison at Windmill Hill.

1855

I can confirm that the Parole Board now imposes drug testing as a condition of licence in those cases that it deems it to be necessary or desirable.

The legal fees paid by the Government in the successful appeal by the Minister in respect of the decision of the Parole Board were: his former firm, Isolas – £35,666.99; Blackstone Chambers – £68,590.

1860

Given that the Judicial Service Commission is totally independent from the Ministry of Justice, question 514 should be addressed to the Chairman of the Judicial Service Commission.

Mr Speaker, the Government will make an announcement on the appointment of a Director of Prosecutions when it is in a position to do so.

1865

The Gibraltar Courts Service does not retain information in a way that statistics can be compiled to ascertain the average time it takes from when the RGP charge an individual to full trial in the Magistrates Court.

Mr Speaker, the number of civil claims and the number of divorce, dissolution and matrimonial (DDM) cases issued at the Supreme Court each month from January 2014 to present is in the schedule I hand over to the hon. Gentleman:

1870

Answer to Question 533 of 2017

Answer to Question 517

2014	Civil Claims	DDM (Divorce Dissolution Matrimonial)	2015	Civil Claims	DDM (Divorce Dissolution Matrimonial)	2016	Civil Claims	DDM (Divorce Dissolution Matrimonial)	2017	Civil Claims	DDM (Divorce Dissolution Matrimonial)
Jan	25	9	Jan	10	6	Jan	10	9	Jan	10	7
Feb	21	7	Feb	7	11	Feb	6	7	Feb	12	10
Mar	21	8	Mar	14	4	Mar	5	11	Mar	11	11
Apr	19	11	Apr	16	7	Apr	7	12	Apr	11	10
May	17	11	May	12	6	Ma y	13	11	May	16	13
Jun	14	12	Jun	28	5	Jun	3	11	Jun	14	11
Jul	9	7	Jul	25	15	Jul	6	6	Jul	12	6
Aug	9	7	Aug	14	4	Aug	11	7	Aug	5	8
Sep t	20	17	Sept	18	14	Sep t	4	10	Up to 8 Sep t	2	1
Oct	21	12	Oct	62	13	Oct	5	13			
Nov	9	13	Nov	7	5	Nov	11	10			
Dec	10	7	Dec	18	4	Dec	19	10			

1875 The number of criminal actions listed before the Supreme Court each month from 1st June 2016 to 31st July of this year is also in the schedule I will hand over to the hon. Gentleman:

2016		2017	
Month	Number of criminal cases committed	Month	Number of criminal cases committed
June	2	January	9
July	5	February	4
August	5	March	4
September	5	April	1
October	0	May	5
November	5	June	1
December	5	July	3

The information as to RGP staffing levels is publically available information which is accessible to him in Parliament.

1880 Following a reassessment of the threat picture, the RGP reviewed its security posture and removed the armed officers on 17th July 2017.

In respect to the question the hon. Gentleman is asking on the Chief Secretary's communication to the former Supreme Court Judge, I refer the hon. Gentleman to the information already put in the public domain by press release 494/2017.

1885 Government is in receipt of a business case from the Royal Gibraltar Police, which deals with matters relating to human resources. Government is presently actively considering this business case in close consultation with the Commissioner of Police and the Royal Gibraltar Police Federation.

1890 The Government is actively looking at the possibility of alternative provisions for young offenders. Consultations are already ongoing between pertinent Government Departments and agencies with a view to finding a satisfactory solution.

At the present stage, we have identified a potential location, which we are actively considering, to determine if they are suitable to provide a secure accommodation and a detention centre.

1895 **Hon. E J Phillips:** Mr Speaker, just before we digest some of the statistical elements that the Hon. Minister has provided, just going back to question 511, I am quite surprised that requisite notice has not been issued. The question that was asked in January of this year relates to the mandatory testing of prisoners where the Minister said in response to that supplementary question I gave to him:

In respect of the mandatory testing of prisoners, I have now spoken with the Superintendent that it is in his view that there has to be mandatory testing working in tandem with voluntary testing.

1905 Given the statement that the Hon. the Minister gave in January 2017, is there any reason why the Superintendent has not issued that requisite notice, given the strong indication given by the Minister that these two bases for testing of drugs in prison should operate in tandem; and the fact that the requisite notice has not been issued in a huge delay from January? I would be grateful for clarification.

1910 **Hon. N F Costa:** Yes, Mr Speaker. Without wishing to reprise the Q&A session we had on the last occasion that the hon. Gentleman asked me the question, I think that he knows that it is my view that we should have mandatory drug testing at the same time as we have voluntary drug testing – which, as he knows, is quite a successful programme at the prison.

He can rest assured that there is no one more eager than I to make sure that the Superintendent, who is the officer under law who has the power to issue the notice, does so as soon as possible. After various discussions with him, I am regrettably satisfied that he has not been able to proceed, for good reasons, which I will explain to him now.

1915 In the first place, we now have: an MDT suite, which means that they can include samples, they can process the samples; there is a sample storing area inclusive of a secure refrigerator; there is a computer and equipment store; and an adjacent holding cell that may be used to securely hold prisoners waiting to provide the sample.

1920 The reason why we have a voluntary drug testing programme and not a mandatory drug testing programme, I am sure he will have alighted on in his mind already, is that in the event that a mandatory drug test comes out positive then the law, in effect, empowers the Government – the Prison – to impose disciplinary proceedings; and to that extent we therefore need to make sure that there is – as he will know from his own defence of criminal cases – continuity of evidence, security of samples, even up to and including the laboratory and coming back. In other words, if there is a positive result which is then challenged in the courts and there are issues as to any of those legal matters – which I know that he is very familiar with – then that positive result may be challenged and the whole purpose of the system defeated.

1925 To that extent, I am advised by the Prison Superintendent that he is requiring meetings with the judiciary in order to be able to brief JPs so that once the programme is up and running they will be able to call a JP to be able to attend to the processes and make sure that any disciplinary process that is metered out – which could include adding to the sentence of the prisoner – is done absolutely properly and immaculately, procedurally and substantively. This is why it has not been instituted yet.

1930 On the other hand, the voluntary programme is simply a contract entered into between the Prison and the inmate, so the reason why the inmate is incentivised to enter the programme is because he will obtain an increased grade of privileges. But when the end result of a positive result is that you may have days added to your sentence, then he will be, I am sure, realising that due to constitutional and legal reasons, the manual that has been employed in the UK, which is, if he has read it or at least looked at it, quite a thick file that needs to be implemented properly. To that extent as well, I am advised that the Home Office in the UK does have permanent officials that deal exclusively and solely with the process of monetary testing in prisons.

1935 To that extent, the Superintendent of Prisons has advised me that in order for all of this to come together they will require an MDT co-ordinator, so that none of the different legal, constitutional and procedural pieces of the jigsaw puzzle are missed and then the whole effect and purport of the system is undermined by the fact that some important evidentiary piece has been missed and the positive result cannot be taken into consideration, and the JPs are not able to analyse the case and consider what is the appropriate disciplinary consequence.

1945 **Hon. E J Phillips:** I am grateful to the Minister for that full answer to the question regarding mandatory testing. Just to get to the nub of it, clearly we have the legal framework available to us to conduct mandatory testing in prisons; the difficulty is a question of resourcing and a watertight procedure that will lead to successful prosecutions possibly and also adding on of sentences.

1950 I understand that, but this legislation has been, in my respectful view, in place for a very long time. The Superintendent has confirmed, via the Minister in Parliament, that there has to be mandatory testing running in parallel with voluntary testing. When does the Government believe it will be in a position for these two systems to run in parallel, given the clear issues that the Prison has with facilitating and underpinning this legislative framework that we have had in place for some time?

1960

Hon. N F Costa: Mr Speaker, I am afraid that I am not in a position today to be able to give him a timeframe and do not want to do so when I know that we may completely fail that deadline.

1965 What I will ask the hon. Gentleman to do is – of course if he wishes – at the next session of Parliament ask me again and I will, as I always do, I meet with the Prison Superintendent at least monthly; and I will, when I leave the House as well, email him – I am sure he is listening to the exchange that we are having – to ask him to report on progress and see whether at some point soon I will be able to tell him: this is the date by which the MDT system will be in place.

1970 **Hon. E J Phillips:** I thank you for that answer.

Just so that we get the position clear in relation to question 512, the Minister did confirm that drugs testing conditions are being added on to those that are released on parole; but I am not too sure that he used the word ‘mandatory’; is it mandatory or voluntary arrangements? I was not very clear on the conditions. Will they be, I assume, mandatory conditions that are imposed as part of the release on the licence itself? It is just a matter that the hon. Member, Mr Feetham, asked me about a couple of months ago.

1975 **Hon. N F Costa:** Yes, Mr Speaker, the hon. Gentleman has alighted on the right answer: it is a condition of licence.

1980 **Hon. E J Phillips:** Mr Speaker, in relation to the answer on manning levels in question 519, does the Minister agree with me that we should take seriously the statement by the Gibraltar Police Federation in respect of their statement that the RGP is woefully undermanned?

1985 **Hon. N F Costa:** Mr Speaker, I really do not want to seem difficult, but on the basis that the hon. Gentleman clearly does not know the increase in levels, I do not think that it lies in him to ask me a question as to whether or not I agree with that analysis.

It is interesting that the Chamber of Commerce was able to extrapolate from the publicly available information that under this Government, RGP resources on manpower have increased by – they said – 30%. But the point is that there has been an increase under this administration and if he wants to ask me that, certainly, in a further session of the House when he has been able to consider the information, he is of course perfectly entitled to do so.

1995 **Hon. E J Phillips:** It is just the genuine concern in relation to, effectively, the Police union, the Federation, and its members releasing public statements about manning levels in our community of police officers – concerns that have been alluded to by the Chamber in relation to numbers of visible police officers on our streets, and indeed the RGP themselves who have said quite publicly that they are in discussions with the Government in relation to manning levels, but see the need for that increase.

2000 I am asking a genuine question: whether the Government now accepts that an entire review of the services that are afforded by the Royal Gibraltar Police in our community generally, given the fact that the RGP is a different beast to what it was 50 years ago ... We all have to accept that. They do much more work in terms of the fraud activity that they have done in terms of questions I have asked this House before.

2005 Insofar as the explosion of the internet and the particular forensic nature of the work that they conduct, it is quite clear that many of the representations that I receive privately in relation to this issue relate to manning level resources in respect of the day-to-day work of the RGP.

That is why I am asking the Minister if he would express his view, or express at least an indication of the Government’s view as to whether they agree with the Federation’s comments and also the comments by other bodies in our community.

2010

Mr Speaker: The Minister is not required under the Rules to answer that question – whether he agrees with comments made in public. He can if he wishes to, but the Rules do not require that he do so. It is a matter for him.

2015

Hon. N F Costa: Mr Speaker, all that I will say to the hon. Gentleman is that on the basis of the fact that there has been self-evidently an increase in resources, recurrent expenditure and capital by this administration in respect of RGP resources and manpower, I think he can take comfort from the fact that when we receive representations from the RGP that different workstreams have increased or additional resources are required, that we do listen to them and it is self-evident from the amount of money that we are spending on the RGP and the increases year on year.

2020

In addition, I did say in answer to my question that we are presently actively considering the case.

2025

Hon. E J Phillips: Clearly, of course, the Superintendent himself has recently made statements in relation to the surpassing of the budget very quickly, in fact, that is provided to the RGP in relation to the funds that they have to run the RGP. That just causes many people concern about the way in which everyone is working, what we are meeting, the demands on our police service who do an excellent job in our community of keeping us all very safe. But those concerns are, with respect, quite genuine and I appreciate that the Minister may not want to answer entirely on this question, but I am grateful for his reassurance that this is under active review, given the resources that are required to man a security service that we have.

2030

Hon. N F Costa: Yes, Mr Speaker, given that the hon. Gentleman has referred to comments made by the Superintendent, I think it is important that I contextualise those remarks.

2035

The Superintendent was referring to the need to increase visible patrolling and security as a result of atrocities in different parts of the world, and therefore there was an increase in the overtime allocation. That was the only extent to which he was referring to the fact that there had been an excess in the spending of the Government on the Police for this financial year.

2040

I receive a monthly financial report from the RGP and there have only been instances following the atrocities in different parts of the world that there has been a need for an increase in presence for security and other reasons, and there has been therefore an increase in overtime.

2045

But that, as I understood the comments made by the police officer to the *Chronicle*, I believe it was, it related to the need for additional patrolling and additional security resources, and that only reflects as additional overtime. When we come to debate the estimates at the beginning of the next financial year, he will see that the increase only relates to that subhead.

2050

Hon. E J Phillips: I think one of the statements, just from memory now, is that the Superintendent himself confirmed that the redeployment in relation to unexplained deaths recently had caused an issue with that as well. I do not think it was solely related to incidents across the world relating to terrorism, but it also related to unexplained deaths, I believe is the more accurate version of that. But I am grateful for the answer and hopefully we can have further dialogue privately in relation to this matter.

2055

Hon. N F Costa: Mr Speaker, the hon. Gentleman, in fact, is entirely right. From the financial report I received, there have been two occasions for overtime and for a particular investigation. He is right.

2060

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his response in respect of question 520, and that is the arming of RGP and local enforcement agencies at sea. If I

understood the Minister correctly, that actually ended on 17th July following, what I think he said was, a security review.

2065 I would be interested to hear from the Minister in terms of the protection of these law enforcement agencies at sea where perhaps the threat level is not something that is covered by intelligence, obviously it will be something that they will meet on a day-to-day basis. I think there was a report yesterday in a local paper – although the RGP have denied the veracity of that report – as to shooting incidents and whether the policy ...

2070 Again, I would be grateful if the Minister could indicate who would make that kind of decision as to whether the marine services should be armed, whether it is a preventative or reactive policy; because obviously it may be that they will not know until they get out to sea what kind of threat they are facing.

2075 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman and the whole House, I am sure, will be delighted to know that those decisions are made by the RGP and has no input from the Government.

Q521/2017
Social care abroad –
Repatriation of service users

Clerk: Question number 521, the Hon. L F Llamas.

2080 **Hon. L F Llamas:** Mr Speaker, can the Government provide details as to when they expect to repatriate service users currently receiving social care abroad?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

2085 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I do not accept the hon. Gentleman's premise of his question, because it implies that there is an expectation that all service users currently receiving social care abroad are to be repatriated. The common denominator in determining if and when a service user is repatriated is based solely on what is in their best interests.

2090 Service users in UK have an Independent Mental Capacity Advocate allocated to them, who act as a safeguard in advocating on their behalf. Independent Mental Capacity Advocates play an instrumental part in making best interest decisions for people who lack the capacity to make specific important decisions such as where the person should reside.

2095 In addition to this, a further safeguarding best interest mechanism that is in place is the input of an Independent Consultant Psychiatrist, who is also a Lead Second Opinion Appointed Doctor. Commissioning the support of a leading health care professional in the field of learning disabilities ensures that all professionals work together for repatriation plans to be implemented in a manner that is person centred.

2100 I can confirm that at present repatriation plans are underway for two service users who are currently receiving social care abroad. Both of these service users have transition plans in place, which are devised in partnership with both professionals and family members.

2105 Given the complexities of the transition process, and how each step is guided by best interest decisions, it is not possible to quantify whether this will happen. However, Mr Speaker, please rest assured that regular placement reviews, case conferences with family at a senior management level to look at short-, medium- and long-term plans for each service user periodically take place.

Q529-530 and Q534/2017

Primary Care Centre –

Online appointment cancellation; Calls to the centre; New health visitor

Clerk: Question number 529, the Hon. L F Llamas.

2110 **Hon. L F Llamas:** Mr Speaker, can the Government explain why the online cancellation of appointments system is down, and since when?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

2115 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with questions 530 and 534.

Clerk: Question number 530, the Hon. L F Llamas.

2120 **Hon. L F Llamas:** Mr Speaker, can the Government provide a monthly schedule showing how many calls the Primary Care Centre has handled since April 2016 to date?

Clerk: Question number 534, the Hon. Ms M D Hassan Nahon.

2125 **Hon. Ms M D Hassan Nahon:** Has the new health visitor at the Primary Care Centre been through the standard interview process before taking on the post?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

2130 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the online cancellation of appointments is functioning correctly.

We are only able to provide figures for calls handled since 13th March this year, as the volume of data required to store this historical digital information is enormous and quickly exhausts our data storage capacity.

2135 The figures for March to August, Mr Speaker, are as follows:

Month (2017)	Calls handled
March (13th to 31st)	6,709
April	8,154
May	10,493
June	10,158
July	9,372
August	11,056

Mr Speaker, the notable increase in calls handled from May 2017 onwards can be explained by the positive changes in the PCC, including having up to eight clerks staffing the telephone lines during the peak periods each day, and the addition of the telephone sick certificate line.

Mr Speaker, there is no new health visitor at the Primary Care Centre.

2140

Hon. L F Llamas: Mr Speaker, just coming back to question 529, with regard to the online cancellation appointments system, is it possible then that perhaps the link, the web address

given on the appointment schedules is wrong, because it does come up with an error message and it does not take you to the portal in order to cancel the appointment?

2145

Hon. N F Costa: Mr Speaker, I do not know whether perhaps we are looking at different things. We tested it, as he would have expected, and the IT Department assures me that there has been no time during the course of which there has been any interruption to the service. Even when there was a migration from the old GHA website to what I think is the vastly improved current GHA website, the online functionality, I am assured, has been maintained.

2150

So perhaps behind the Speaker's chair he can refer to me to which link he refers.

Hon. Ms M D Hassan Nahon: Mr Speaker, on 21st June, me, myself and Neil Costa, the Hon. Minister for Health, had a very heated discussion about this health visitor that had not been appointed yet.

2155

Today, from my understanding, this candidate is sitting in the health centre – the old health centre, the new Primary Care Centre – and, from what I understand, the interview process has not yet taken place or rather was going to take place after she was sitting at her desk.

Is the Minister going to tell me that she was not appointed as health visitor at the time, because we are talking about the same candidate who is sitting at the Primary Care Centre prior to having had her interview?

2160

Hon. N F Costa: Mr Speaker, the question asks whether the candidate has undergone the usual process and, again, I do not wish to relive the lengthy exchange that we had on the last occasion. I even went as far, Mr Speaker, to tell her that within the GHA, having different strands, the PCC, the hospital and Ocean Views, it makes perfect sense to me that if the Director of Nursing wanted to redeploy different nurses of different grades to different parts of the GHA she should be able to do so if there were clinical demands.

2165

In other words, if a particular nurse or particular nurses were needed in one ward over another or there was a need for additional nurses in Ocean Views for any particular reason, the Director of Nursing should feel entirely comfortable and free to be able to allocate the resources of the GHA where they are best needed. After all, nurses work for the GHA; they do not work for a particular ward.

2170

But the hon. Lady should rest assured that the GHA is following, in this case of health visitor, the regular route and an advert has been issued and the closing date has already gone by and interviews will be held.

2175

Hon. Ms M D Hassan Nahon: Mr Speaker, interviews will be held but this candidate is already sitting at the post, is that right?

2180

Hon. N F Costa: Mr Speaker, once again, we have had this sort of exchange before where the hon. Lady receives information and comes to this House asking me to verify information that she has received. We are not here, with respect to her – and she knows that I have great affection for her – we are not here to comment on what people hear or do not hear.

2185

What I am telling her, Mr Speaker, in answer to the question that she posed to me, was whether or not the usual advertising procedure for the post of health visitor has been followed or will be followed, and I have assured her that, notwithstanding that the Director of Nursing has every right to be able to allocate any nurse to any part of the GHA, we are following the usual vacancy procedure, the advert has gone out, the closing date has come and gone, and there will be an interview process.

2190

Hon. Ms M D Hassan Nahon: I am sorry to labour this point, but I just want to say it for the last time, just to make myself clear that the issue that I have – and I think that most people would agree – is that it just looks like a complete mockery of the system when you have the post

2195 holder sitting at the desk prior to an interview, and let's see in a few weeks if that person gets the job. Basically, it is making a farce of the entire process. This is the question I was asking and we still do not have an answer. All we have to do, I suppose, is wait a few weeks, see if that person gets the post and then obviously will come back to the same thing.

2200 **Hon. N F Costa:** Mr Speaker, that was a statement and a repetition of statements, and not a question. But given that she has made statements, I will answer the assumptions that she wrongly makes.

In the first place, Mr Speaker, she is making statements on an assumption that I have not verified. I have already told her that I will not be drawn into comments and rumours that she
2205 hears in the street or whether she has heard it in the street or she has been written to.

Mr Speaker, the hon. Lady, with respect to her, should, I think, measure her words a bit more carefully. The GHA is full of consummate, dedicated, passionate, incredibly hardworking individuals and professionals, and in my 10 or 11 since that I have been the Minister for Health, and I have been honoured with that position, I can assure her that if there are people in this
2210 world who are going to go rigorously through processes and who are going to be whiter than white and above board, and follow processes, especially for the selection of candidates, it would be the GHA.

Let me state in this House, Mr Speaker, and anywhere else, that I have the fullest, the most wholesome, fulsome confidence in any person that sits at a selection board for the GHA –
2215 because I know for a fact that they will choose the best person for the job, be that person whoever he or she is.

Mr Speaker: I think as the Minister for Health has now finished answering his questions, this might be a convenient moment in which to –
2220

Chief Minister (Hon. F R Picardo): Indeed, Mr Speaker. I now call on the House to recess until 3.30 p.m. this afternoon.

Mr Speaker: The House will now recess until 3.30 p.m. this afternoon.
2225

The House adjourned at 12.55 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 5.35 p.m.

Gibraltar, Wednesday, 20th September 2017

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The Gibraltar Parliament

The Parliament met at 3.30 p.m.

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

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

Questions for Oral Answer

ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS

Q538-544 and 553/2017

Government Finances –

Public debt; Total liquid reserves; Revenue and expenditure; Community Care investments and accounts; New £1 coin; General Sinking fund; Housing estates mortgage spending

5 **Clerk:** We resume with Answers to Oral Questions.
Question 538. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide the total Gross Debt, Aggregate Debt after application of the Sinking Fund to Gross Debt, Cash Reserves and Net Debt figures for Public Debt for the following date, being 1st July 2017?

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

Minister for Economic Development and Telecommunications (Hon. J J Bossano):
Mr Speaker, I will answer this question together with Questions 539 to 544 and 553.

15 **Clerk:** Question 539. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise the total liquid reserves figure and its constituents namely Consolidated Fund, Improvement and Development Fund, Government Owned Companies, deposits, contingencies and other funds for the following date, being 1st July 2017?

Clerk: Question 540. The Hon. R M Clinton.

25 **Hon. R M Clinton:** Mr Speaker, can the Government please advise how total liquid reserves are invested/held giving details of all bank/savings bank accounts and cash held for the following date, being 1st July 2017?

30 **Clerk:** Question 541. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, will the Government confirm that it will, as per last year, provide a six-month statement of revenue and expenditure to 30th September 2017 and if so when is it anticipated it will be provided?

35 **Clerk:** Question 542. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise what financial oversight or monitoring does it perform over Community Care and its investments and what are the latest audited accounts of Community Care and its companies that are in the Government's possession?

Clerk: Question 543. The Hon. R M Clinton.

45 **Hon. R M Clinton:** Mr Speaker, can the Government advise if it is to introduce a new design for the Gibraltar £1 coin given that the UK £1 coin is to be withdrawn in October 2017?

Clerk: Question 544. The Hon. R M Clinton

50 **Hon. R M Clinton:** Mr Speaker, can the Government advise the balance on the General Sinking Fund at 1st July 2017?

Clerk: Question 553. The Hon. R M Clinton.

55 **Hon. R M Clinton:** Mr Speaker, can the Government advise how much of the net £275 million raised from the mortgage of the housing estates has been spent and on what?

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

60 **Minister for Economic Development and Telecommunications (Hon. J J Bossano):** Mr Speaker, the figures requested for 1st July are:

Gross Debt	447.7
G. S. Fund	5.2
Aggregate	442.5
Cash	114.5
Net	338

The position regarding the total liquid assets composition when, where and how these are invested on a particular date chosen by the Member opposite continues to be as previously stated.

The six-month estimate of revenue and expenditure will be provided as per last year.

65 Community Care is an independent charity which was set up in November 1989 with the specific purpose of providing support to our senior citizens. No Government, since its inception, has ever introduced any financial oversight or monitoring of the charity and there is no intention to change this. Regarding the audited accounts of the charity, I understand that the most recent accounts are for the year 2014/15.

70 It is the intention to introduce a new design £1 Gibraltar coin.

With regard to 553 there has been no change since the answer to Question 298/2017.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer.

75 If I can start perhaps with the easy question, 543, the £1 coin. If he recalls we did touch upon this in December 2016 in a supplementary to Question 893 when there was a discussion about the use of coins in the coin machines in Gibraltar.

80 Can the Minister give an indication as to when this coin is likely to be introduced, given that obviously the banks in Gibraltar are having to deal with the withdrawal of the old UK pound coin and the new design, and of course the Gibraltar £1 coin looks very similar to the old UK coin and they have to literally eyeball these coins to separate them from the Gibraltar £1 coin.

Hon. J J Bossano: Mr Speaker, the problem, as I mentioned at the time, is the availability of the blanks which are only available from the Royal Mint that produces them for themselves and sells them to the Tower Mint, which is the one that mints the Gibraltar coins. In effect, until they tell us that they have got a sufficient quantity to spare, we are not able to fix a date.

85 The position of the Royal Mint is, not unreasonably, since they have got a deadline of October after which their coins will no longer be usable in shops, they are clearly using all the available supplies in order to be in a position to replace the millions and millions of coins that will cease to become legal tender in October. Presumably, after October, the situation may improve because there will still be, it is calculated, several millions in the system that will be accepted at the Mint but will no longer be accepted in the retail trade. So hopefully, by the end of this year, they will have caught up with their own backlog sufficiently to make blanks available for us, and then it would be the 2018 coin set of Gibraltar that will include the new coin. In any coin set we do for the remainder of this year, we will be using the old design of coin.

95

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his clarification.

100 Has the Government presumably already designed this new £1 coin? Obviously the volume in circulation in Gibraltar is a lot lower than in the United Kingdom so hopefully we should be able to get some blanks off the Royal Mint in the UK. But I presume you have already got the design prepared and it is just a question of placing an order? And how long does it take between placing the order and receiving in terms of the lead time to receiving coins?

Hon. J J Bossano: Well, it takes a couple of months to get the design approved in fact because it is a lengthy process.

105 The designs are usually produced by the Mint, we do not have anybody doing designs in Gibraltar. We give the theme to the Mint, and the Mint produces a number of designs which are looked at by the Minister for Finance, who is responsible technically for coinage, and then it is sent to the Governor and then it is sent to the Palace, and then the Palace sends it back to the Foreign Office, the Foreign Office sends it to the Governor, the Governor sends it to the Minister for Finance, and then it comes to me and eventually the coin is done!

110 So the whole process takes six to eight weeks. And we are not at the start of that process because when we do the new coin it will not be the only coin we do, we will do an entire new set with that new coin and we will see if there are any other changes in the United Kingdom in the offing for 2018 which we will incorporate at the same time. But our coins clearly are going to be legal tender for quite a while yet.

115

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his comprehensive response.

120 Just going on to Question 541, I am grateful that he will give another six month statement to rolling expenditure. In terms of when we could expect it, would it be January, as per this year?

Hon. J J Bossano: I am sorry, I did not follow. What is it you are expecting for this year?

Hon. R M Clinton: Yes, sorry, Mr Speaker, I will clarify.

125 Question 541, the six-month statement of revenue and expenditure: could we expect it in January 2018 as we did this year? I think we got it in January or February 2017.

Hon. J J Bossano: I think it was slightly delayed but the expectation is the same as the expectation of last year that it should be ... This is really driven by how late things come in, because in fact once the Treasury is satisfied that the figure for September is reasonably accurate in terms of how close it is to the estimates, or that it may be over the estimates in some areas, then they do not expect that there will be stuff in the pipeline which has to still be processed. But historically by December it has reached a point where you can be fairly comfortable about the level of accuracy.

Hon. R M Clinton: Mr Speaker, again I am grateful to the Minister for his confirmation on that.

Turning to Question 542, is the Government saying that in terms of the Community Care charity, which I recognise is an independent charity, that it does not receive information regularly from the charity? And did I hear him correctly in saying the last accounts were 2014/15 which I presume would be to June 2015?

Hon. J J Bossano: We do not receive information regularly because in fact the information that really we get from the charity is not so much about when the accounts are finished or not finished but it relates to the commitments of the payments that we have got and the number of people who are receiving payments. That information is based predominantly on us looking at what are the requirements they are facing in terms of their commitments for the Household Cost Allowance for Community Officers, for the widows' benefits – those are the things that they keep us informed about because monitoring that gives us the picture of the liabilities that are going to be the recurrent expenditures.

It has to be understood that we have got a commitment to provide them with money every year which we have to be confident will be over what they are likely to be spending because the commitment of this Government is to increase their reserves. Before, the position was that the Government of the GSD did not have the same commitment to maintain the reserves so their interest was to be sure that they were not running out of cash because they were not putting money in, unless it was that the reserves had been used up.

To my knowledge, the level of information that the Government gets today is the level that I used to get in 1989 and the level that was given to the previous Government in the intervening 15 years. It has always been thought important that the connection between the Government and the charity should be as minimal as possible for self-evident reasons.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister again. Just to clarify, the last accounts he has in his possession, would those be June 2015?

Hon. J J Bossano: To my knowledge the last accounts that they were auditing were 2014/15 but I am not saying it was in the Government's possession because I do not think it necessarily means that they actually give us an account every year. But I have asked what are the last accounts that have been done, and I have been told from the charity it is 2014/15.

Hon. R M Clinton: Finally, Mr Speaker, I do not want to go on too long about Community Care. But does the Government have any – I would not say would they issue any 'guidelines' – but have any expectations in terms of how Community Care would be investing its surplus?

Hon. J J Bossano: The historical position has always been that Community Care deposits its surplus funds in the Savings Bank; that is what it has always done.

Q545/2017

**Government Approved Contractors Scheme –
List of contractors and trades**

175 **Clerk:** Question 545. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a list as at the commencement of each financial year of contractors on the Government Approved Contractors Scheme and their individual trades?

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

Minister for Economic Development and Telecommunications (Hon. J J Bossano): No, Mr Speaker.

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Hon. L F Llamas: Mr Speaker, may I ask why? I understand that perhaps going back to each financial year may be complicated but perhaps the Hon. Minister would be able to provide the list as of now, or as at the commencement of this financial year?

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Hon. J J Bossano: Mr Speaker, I would not be able to provide him with the figure at the commencement of each financial year, unless I knew that it was each financial year since the last election, or each financial year since the previous election, or each financial year since 1972 when I came in, or each financial year since 1704 when we captured Gibraltar!

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But in any event we do not do the list by financial year, that is to say when I have asked they tell me they are not able to tell me, for example, who was on the list six months ago – the list is added to or removed from. In addition at the moment the list is being expanded, in the sense that it started off as the hon. Member may know from questions that I have answered going back a couple of years, some since he has been here and some before, the original figure that we inherited in 2011 was 91 companies which were the companies that were on the approved construction list. That was a special arrangement that was introduced in 2010 where, in order to be able to get construction work from the Government, you had to be on a list and you had to commit yourself to keeping your accounts up to date, to pay your social insurance and to give priority of employment to unemployed persons provided by the employment service to the company. Unless those conditions were met you were taken off the list. That did not mean that you could not work as a construction company but you were taken off the list of the companies that could do work for the Government.

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We found that this was not being universally applied and therefore we actually expanded the construction list in our time, some were because about 35 or 40 new companies were created by small people who were unemployed, who had been in the construction industry – mainly people who were in their 50s and therefore had difficulty in competing. We helped them to set up little companies and those 30 or 40 companies were added to the list.

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Since then, the other issue which I have explained previously to the former leader of the Opposition when he has raised it with me, was that there are companies of course that are put on the list only for the period that they are doing work here, because they are non-Gibraltar companies that are allowed to come in on specific contracts, but we only put them on the list in order to complete the contract that they have obtained. So, for example, if we have got a contract that goes out and they bring in specialist subcontractors for the Marina, the contractor for the Marina has to become a member of the approved contractor list and instead of having a definite date it will say 'until the completion of the work on the Marina', and then he drops out of the list.

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So there is nothing significant about the beginning of the financial year. What I can do is... At the moment in addition to this, there is the computerisation that is taking place with the

225 Procurement Office and we are going to finish up with one list which is electronic and which will cover every contractor and every supplier, and that may even be publicly available so that anybody can log in and see it; but if it is not, when that is ready I will provide the hon. Member with a copy. I have not got more now than I could tell him what 'It was a week ago', but that would not mean anything because it is in the process of being expanded and being put in the electronic system.

Q546/2017

**Continued existence of 'the Scheme' –
Employee numbers**

230 **Clerk:** Question 546. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, can the Minister for Employment confirm if the 'Scheme' still exists, providing numbers of employees, or if it has been replaced by employing individuals through a recruitment agency?

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

Minister for Economic Development and Telecommunications (Hon. J J Bossano): Mr Speaker, from the way the question is drafted I am unable to decipher what 'scheme' in particular the hon. Member has in mind, although it is not for me to teach her how to draft parliamentary questions.

240 Given that the clue is that it is a scheme that has something to do with employment, I am assuming that the question is about the so-called Vocational Training Scheme operated by the GSD Government which existed in December 2011, when I became Minister for Employment. I know of no other scheme related to employment.

245 The hon. Lady wants to know whether it is still in existence in 2017 and if that is what she wants then I must say I am astonished that she should need to ask the question. What I ask myself is, where was the hon. Lady in 2011? Indeed where has she been *since* 2011?

I appreciate of course that there is no evidence that before she arrived in this place by hitching her wagon to the GSD and shortly afterwards unhitching it, the hon. Lady took any interest in schemes related to employment or anything else happening in this Parliament. Now that she is unhitched from the GSD it appears that she sees herself as the future first female Chief Minister and believes that this would result from what she claims to have introduced, namely a new style of political debate in this Chamber, to the support of which our citizens are flocking in masses.

255 I have to acknowledge that she has brought something new to this Parliament exemplified by the contents of this question. This is a level of ignorance that I find unprecedented in the short time she has been here and indeed in the long time that I have. Given how little she knows about the fate of the defunct Vocational Training Scheme and how it came about, I will enlighten her so that at least in this area her knowledge will be enhanced.

260 Although the Vocational Training Scheme which was in place up to 2011 was linked to employment, it did not actually have any employees as such. There were a few hundred individuals who were placed predominantly in the private sector, but with a significant number in the public sector, who were not deemed to be in employment with anybody – that is, they had no employer and were not subject to Employment Law. They had no employment contract, they had none of the entitlements to leave or anything else that the law provides; they were paid an allowance instead of a wage which was, however, well below the national minimum wage. These 'students', for want of a better name, ranged from school leavers to, in one

particular case, an individual in his 60s. When the students left the scheme, which generally was after six months but in some cases had lasted for several years, they had no guarantee of
270 employment and it was a matter for the private sector employer whether they chose to offer them a job or not. Those placed in the public sector were not guaranteed employment either, although a few did get taken on, but I remember one particular case where a person was terminated from the scheme after seven years and was not able to do anything about it because she had not been employed by the scheme.

275 All this was fully debated and argued in the public domain in the 2011 General Election, when one of the most debated policy differences between the parties was the defence by the GSD, then in Government, of the scheme that they had – the Vocational Training Scheme – and the commitment on our side that we would scrap it if elected to Government and replace it with a strategy which we called the Future Job Strategy. This, in effect, would create specific training
280 companies, pay the national minimum wage, and provide a contract of employment to all those then in the GSD scheme and to other people wishing to be considered from the unemployment list.

The training companies came into effect on 1st February 2012 as I had promised that they would during the 2011 election campaign and have been operating since, and continue in
285 operation. This is public information which the hon. Lady should know from the fact that questions have been asked when she has been in this House regarding the persons in the training companies in anticipation of getting jobs in the private sector, where the difference, apart from the fact that whilst in training they are employees of the companies, lies in the commitment on the part of the employer with whom the trainee has been placed to employ
290 them at the end of the agreed period. These are partnership agreements with firms in the private sector which have led to an increase in private sector employment since 2012 for locals in areas where previously employers might have relied on imported labour.

So the short answer is that the only ‘scheme’ that has ever existed which had a connection with employment was the Vocational Training Scheme which was discontinued in January 2012
295 and had been operated by the GSD administration. Those persons who were in the scheme in January 2012 were transferred into training companies and given contracts of employment in these training companies, and those training companies continue to this day. All this, of course, is not new and has been raised many times in the course of the last Parliament and since the 2015 General Election.

300 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am sorry to see that the Minister for Employment and Trade has treated my question in such an unnecessary, defensive and personal style by bringing up my past, my future which he has decided I am gunning for – I do not know if the hon. Gentleman knows me well enough but he seems to – and my style.

305 I was also just told by the hon. Gentleman that I have all of a sudden developed an interest in employment. Let me just say to the hon Gentleman, as well as to every Member of this House, that my only interest – and I always repeat this when people try to trip me up, as such – is people. So whether it is swimming, flying, employment, health, education or finance that is where I will be, and that is what I think is my job, despite whatever the Minister is trying to
310 accuse me of.

The only scheme that I was actually talking about was the Future Job Strategy which is a scheme that this administration of today came up with in 2011. The promise to those youngsters and to those students was theirs, and it is those students who feel cheated and feel that they have been given false hopes in part, and these are representations that come to me. It is not
315 something that I am inventing and I think that the Minister, with respect, would do well to accept that these complaints are coming to me and this is why I am representing them in this Parliament.

320 These are the questions relating to the Future Job Strategy that I was bringing up; that was the data I was trying to gather and it is unfortunate that he has spent so much time trying to judge me and come up with things that I think are irrelevant to this question.

325 But the point I was trying to make was that there is a lot of discontent among youngsters and I would have tried to ask the Minister what is going on with the Future Job Strategy – is it sustainable, and why is there a correlation between the complaints of the Future Job Strategy with the increase in recruitment companies?

Hon. J J Bossano: Well, I regret to say that her supplementary only increases my conviction that she does not have a clue what she is talking about. I do not know what complaints there are.

330 The original question was asking for me to confirm if the 'Scheme still exists'. The Future Job Strategy is not a scheme, it is a label that we attach to the creation of a company that employs people who, before they were employed in that company, were previously unemployed. The concept of a 'scheme' is something that disappeared in 2012 – she does not seem to know that because otherwise she would not have been using terminology which is not applicable.

335 Secondly, she wants to know if it still exists. Well, there is no 'scheme' that exists. There is a company that exists and she should know that it exists because she has been sitting where she is sitting there, and sitting somewhere else before that, and heard questions about the fact that there are people there. If she has a doubt about whether it exists, that is in conflict with her supplementary that the people who are in the scheme – that she does not know whether it exists or it does not – go to complain to her. If it did not exist there would not be anybody there, and nobody could complain to her.

340 So I am afraid that the question does not make any sense because if what she thinks is that there are no longer people being taken on in the training companies, notwithstanding the fact that we provide figures here to show that there are, then the second part of the question does not apply, because obviously if she thinks that the training companies do not exist and have been replaced by recruitment agencies – which I find very strange – the answer is the training companies, if that is what she wants to know, still exists and I have already answered that in the original question.

345 There is no indication here of anybody complaining about anything, but if she had some complaint about something from somebody then I think if she had put a question originally which reflected the complaint that she had ... I am sure nobody has come to us to say, 'Ask if the scheme in which I am working still exists', because there would be something wrong with the person if they asked that.

350 So, she has assumed presumably that the training companies have stopped existing and that we are not doing it any more, and if that is an assumption that she has made then it is incorrect, and if that is something she has been told, then she has she been told incorrect information.

355 **Hon. Ms M D Hassan Nahon:** Mr Speaker, once again, the Minister accuses me of not knowing what I am saying, and perhaps when you do not know something it is a good time to ask the question, which is why I brought the question to Parliament. If constituents are telling me, or asking me, if this scheme still exists, if the Future Job Strategy is still viable because they are not hearing anything, and they are not going anywhere with it, and I come to Parliament to ask the Minister what is going on with that, I am sorry that the Minister answers me in this way. All I am trying to do is to give him the space to answer these questions for these constituents, and these are the types of answers that I get in return, so I do not think it is such a bad thing that I am coming here to ask further questions.

I still do not have any of the answers clearly, really, and now I will finish off with a question: if we are talking about the GSD as he said, your Government changed the scheme, you closed that side of the way that the GSD used to do things. Where is the training aspect that the GSD used to provide, which clearly is not happening today?

370 **Hon. J J Bossano:** Mr Speaker, the hon. Member stands up and says things that either she
knows are not true – and I do not want to say that because that is something we do not do in
this House, we do not to say to people, ‘You are not telling the truth’, so I do not want to say
that. Therefore, I am left with only one alternative: if she does not know that what she is saying
is not true, it means she thinks it is true. And she says, ‘Where is the training that used to be
375 done with the GSD?’

Where was she? Where was she when I gave the breakdown of the training of the
construction and of Gibdock that is going on when I was answering questions from Mr Phillips?
Where was she that she thinks we stopped that training in 2011, and it has been going on all the
time? It was going on before and it went on after. We did not stop the training of the people in
380 Gibdock in the construction, we doubled the pay of the people who were there and we gave
them a contract of employment. Before, they were treated as if they were in school with an
allowance of £300 a month and we came in and we gave them the minimum wage which was
then just under £1,000 a month, we gave them a contract of employment, we gave them the
right to protection against employment injury, we gave them the right to annual leave, we gave
385 them the right to public holidays, we treated them as workers – in fact, we introduced a national
minimum wage at the age of 15 and we are paying our apprentices in Gibraltar almost double
what they get paid in the UK!

Now, I know they may be complaining to her about it, because people in Gibraltar are
notorious for complaining irrespective of what they get, that does not surprise me. But the point
390 is that she seems to think, firstly, that we have discontinued training, notwithstanding the fact
that the information is in the public domain and has been given in this Parliament; and secondly,
she is speculating in her original question that the training companies have disappeared
altogether.

I cannot understand how she can justify the nature of her questions on the basis that is what
395 people tell her, which she is bringing to my attention, because the question implies that people
are telling her, ‘We are not being trained any more’. Well, if they are not being trained any
more, certainly I will want to know because I am paying for them to be trained; or, ‘We are not
being employed any more’, and then I would want to know what is happening with the money
that I am providing for wages.

400 So people are getting paid every month and people are receiving training every month. Some
of the training is in training centres and some of the training is on the job where an employer
commits to taking on the person; and the commitment, as I have explained many times, is done
on the basis that we guarantee the first month to everybody, irrespective of how little training
there is, so that the person does not have the argument of saying, ‘Well, look, I have to ...’. For
405 example, in some areas employers have said, ‘I have to provide a uniform and then I find out
that after the first few weeks the person is failing to turn up for work, and everything else, and I
have got to take on a new employee’. So there is a very high turnover.

Many employers in the private sector say to us that the people from the unemployment list –
we do not necessarily believe it, it may be in some cases they are but it is not true of everybody
410 – are less reliable than people who come across the border. Well, obviously, one thing that is
true is that I have been an immigrant worker in the UK and when you are an immigrant worker
somewhere else I suppose you are more worried about losing your job than when you are in
your home territory. But the fact is that providing through the company for the payment of
wages for a period of time while the person is being trained and acquainted with the nature of
415 the work, means that in the period when theoretically the worker is less productive because he
is not familiar with the job, we provide the necessary financial incentive to encourage private
sector employers to employ Gibraltarians.

We monitor that by looking at the degree to which we have got more Gibraltarians in the
private sector in employment. It has not been a huge increase, firstly, because not everybody
420 wants to work in the private sector, and secondly, because there was not a huge increase of

labour available anyway. But there has been an increase in the numbers working in the private sector. It is still happening and we are still employing people and we are still paying them.

425 If she was more specific in pinpointing what it is that she thinks is happening now which has led her to say whether the companies have been replaced, then I might be able to provide her with concrete answers to specific questions. But at the moment the things she has said in her last supplementary are no more accurate than what she said at the beginning. It is not true that we have discontinued training and it is not true that the companies are not employing people.

430 It is driven by demand, so we say to an employer when they open their vacancy, 'We have got a person here that may have some previous experience of working in this industry, and if you are willing to take him on instead of asking for permission to bring in somebody from outside, we are prepared to make that attractive for the company financially by providing financial help' ... some of it we do with our own money and some of it we do with EU money. That is what was being done before, during the GSD years, and it was being done by the GSLP who were the first Government in Gibraltar to achieve money from the EU from the Social Fund for Employment.

435 It was a GSLP Government that brought this to Gibraltar and it carried on throughout the years of the GSD and it has carried on with us. It was partly Gibraltar money and partly EU funding and it is still there and it will go on presumably until 2019, and then after 2019 what we have said is it will have to be 100% funded by us, because we are not going to stop it when the EU stops giving us money.

CHIEF MINISTER

Q460/2017

Information Technology – Works outside of ITLD and costs

Mr Speaker: We will move on to the next question.

Clerk: We now move to Questions to the Chief Minister. We commence with Question 460. The Hon. L F Llamas.

445

Hon. L F Llamas: Mr Speaker, can the Government provide a schedule since December 2011 of information technology works carried out which have not been carried out by the Government Information Technology and Logistics Department and the cost of each work?

450

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, before I start to answer can I just point out for those who are not in the House that this is a question posed to the Hon. the Minister for Commerce, Albert Isola, who is away from Gibraltar and I shall be dealing with the questions posed to him.

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Mr Speaker, the information cannot be provided in the time available since the question was asked. On many occasions, there is an overlap between the purchase of equipment and services provided by the companies that supply the equipment, making the determination even more challenging. To provide the information for one year alone is a challenge, to go back five years is considerably more.

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Hon. L F Llamas: Would the Hon. Chief Minister guide me in rephrasing the question by perhaps providing a cap on the cost of the works? Could that perhaps provide an answer in the future if I table this question again?

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Hon. Chief Minister: Mr Speaker, I am not here to advise him but I will do what I can. For example, I would suggest to him that if he looks at the Estimates Book there will be the cost of the complement of this Department and then there will be funding available for other works. Perhaps if he asks us for a breakdown of the type of other works which are undertaken by that Department he might there be able to see what is work undertaken by the Department itself and work undertaken by third parties.

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I used to carry this portfolio and I can tell him, for example, the way that Government accounting works you might find that the ITLD Department is paying the Gibraltar Electricity Authority for works which are done by the Gibraltar Electricity Authority. So he will see a lot of that in the context of that breakdown. That is likely to be easily accessible for the year just gone and the year which we are in, and that might be an easier way of understanding how that Department spends the money which is not spent on the salaries of the people in that Department, etc. who are the ones working themselves at ITLD.

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Q461/2017
Gibraltar International Bank Limited –
Audited accounts for 2016

Clerk: Question 461. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government advise if it has, as sole shareholder, approved the audited accounts of the Gibraltar International Bank Limited for the year ended 31st December 2016?

485

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, no, sir.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer. Is it possible for him to explain why the Government has not yet approved the annual audited accounts?

Hon. Chief Minister: Mr Speaker, because the annual general meeting has not yet been called.

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Hon. R M Clinton: Mr Speaker, the Chief Minister will be aware that the audited accounts obviously exist, the FSC has a copy, but they have not been filed at Companies House presumably because, as sole shareholder, they have not been approved. Does he have any idea as to when the AGM might be called?

500

Hon. Chief Minister: I do, sir.

Hon. R M Clinton: Mr Speaker, I would be grateful if the Chief Minister could enlighten us as to when that would be.

505 **Hon. Chief Minister:** No, Mr Speaker, because I have an idea of when it might be called, it is not something that is fixed in time, it might change and I do not want to give this House information which may turn out not to be correct.

510 **Hon. R M Clinton:** Mr Speaker, as anybody who works in financial services will tell you, banks usually compete with each other to file their accounts promptly. Can the Chief Minister indicate if, in his thinking, this meeting would occur before the end of this year?

515 **Hon. Chief Minister:** Mr Speaker, it is not for my thinking, because I am not the person who is going to be attending the Annual General Meeting or whose timetable is relevant, but the information I have at the moment is that it will happen during the course of this calendar year.

Q462/2017

**Gibraltar International Bank Limited –
Capital restructuring approval**

Clerk: Question 462. The Hon. R M Clinton.

520 **Hon. R M Clinton:** Mr Speaker, can the Government advise why it approved the capital restructuring of the Gibraltar International Bank Limited such as to convert its authorised share capital into two classes namely an A class with voting rights and a B class with non-voting rights and what is the purpose?

Clerk: Answer, the Hon. the Chief Minister.

525 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the capital restructuring of the Gibraltar International Bank was carried out pursuant to advice received and with the approval of the Financial Secretary. As the hon. Member knows, the new shareholder with the Government of Gibraltar is the Gibraltar Development Corporation, a Government-owned company; and its investment in the Bank is entirely consistent with its objectives.

530 **Hon. R M Clinton:** Mr Speaker, I am grateful for the Chief Minister's answer, and indeed a filing at Companies House dated 5th September shows that the Gibraltar Development Corporation has indeed subscribed for £6 million of share capital, ordinary B shares, of the Gibraltar International Bank.

535 If I may ask the Chief Minister why was this money not routed through the Improvement and Development Fund?

Hon. Chief Minister: Mr Speaker, because the Government decided it should not be, and it should be routed in the way that it was routed.

Q547/2017

**Runway Tunnel project –
Projected completion date**

540 **Clerk:** Question 547. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, could the Government say what is the latest projected date for the completion of the runway tunnel project, including associated roads?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the situation has not changed since the reply given in answer to Question 223/2017 which is that the completion date for the runway tunnel project is expected to be in the first quarter of 2019. The associated roads will also be completed by that time.

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Q548/2017
Cooking oil –
Quantity imported

Clerk: Question 548. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, how much cooking oil was imported from 1st September 2016 to 1st August 2017?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, cooking oil is presently imported under 'other foodstuffs' (OF) in the Customs tariff; for example, Morrisons imports most of its food products as other foodstuffs, or OF, otherwise their customs declarations would be very time consuming to complete and an administrative nightmare to check – just to give the hon. Gentleman an example. I am therefore unable to single out 'cooking oils' and extract that data for the hon. Gentleman.

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Hon. T N Hammond: Mr Speaker, bearing in mind obviously the importance of recycling where possible products such as cooking oil, particularly as opposed to other foodstuffs of whatever nature they may be, would the Government consider actually separating out items such as cooking oil in this case, just so that we can monitor how much is coming in and compare those figures with the amounts being collected, and we can get an idea of what then is being disposed of by means other than the most appropriate means, which would be to recycle? I only ask that question for Government's consideration.

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Hon. Chief Minister: Mr Speaker, as I understand it, unless foodstuffs are specifically required to be declared, there is no ability to drill down into the foodstuff imported, so I could not answer the question today with more particularity in relation to cooking oil, as I would not be able to answer it in respect to cookie dough, for example, or Smarties – that is probably a brand name I should not have mentioned, but 'chocolates of a particular variety coated lightly with sugar and bright colours'.

575

The reasoning there is not entirely national thinking. There is an international customs tariff which under WTO-style rules applies between countries that subscribe to the United Nations tariff structure for customs purposes; and there is a centre of excellence in respect of the United Nations Customs practice at the Gibraltar University of which we are all duly proud.

580

It is not therefore entirely in my view, given what I know of the subject, which is superficial, possible to do that. But I will certainly go back and check whether it is possible, going forward, to seek to require specific declaration of an item and whether there is a good reason that we

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should do that in relation to cooking oil, something which I shall consult with the Hon. the Minister of the Environment in order to make an informed decision.

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Q549/2017
Bus fleet –
Enaction of buy-back clause

Clerk: Question 549. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, has Government given consideration as to when it might enact the buy-back clause on the bus fleet and if so, when might that be?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir.

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Hon. T N Hammond: So, Mr Speaker, from that answer I ascertain that consideration has been given. Is it that the Chief Minister is telling me that he is not willing to answer the second part of the question as to when it may be?

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Hon. Chief Minister: Mr Speaker, 'giving something consideration', which is what the hon. Gentleman has asked me whether the Government has done, is not to say that one has reached a conclusion or decision, and therefore it is not that there is a consequent 'if so, when?', which runs from the first part of his question.

He has asked us whether we have given consideration; I have given the answer that we have given consideration, there is no consequent 'if so, when?' that necessarily flows.

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Hon. T N Hammond: I thank the Chief Minister for his answer and I only followed up in the way I did for clarification and clarity over the point I was asking.

Is there any limitation on the buy-back in terms of time? Does it expire at any point within the contract, or is it open-ended and would it be as valid 10 years from now as it may be at the moment?

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Hon. Chief Minister: Mr Speaker, from memory I am not able to give that information. If the hon. Gentleman asks next time perhaps I will be able to come with the detail.

Q550/2017
Gibraltar ID card –
Validity post-Brexit

Clerk: Question 550. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government advise whether the Gibraltar ID card will still be a valid travel document for entering the UK post-Brexit?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, at this stage in the Brexit negotiations it is not possible to answer this question beyond speculation. The issue will, however, clearly be a bilateral one for Gibraltar and the United Kingdom.

630 **Hon. R M Clinton:** Mr Speaker, I raise this question because as the Chief Minister may be aware, in a recently leaked UK government document they kind of indicated that national ID cards may not be accepted as valid travel documents in the United Kingdom. I would just ask the Chief Minister to bear that in mind in his future negotiations.

Thank you.

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Hon. Chief Minister: Mr Speaker, I am grateful that he thinks he needs to bring matters to our attention for the list of issues. This is very much something that has already been the subject of consideration and has been a matter which, for the past year and a half, we have been dealing with in the context of heat maps, etc. that were prepared by the Office of the Deputy Chief Minister with their usual efficiency.

640

Mr Speaker, if he does think that there is an important point to bring to our attention for the negotiations, can I just say to him that the best way to do it in the interest of Gibraltar is to pick up the phone and call us, or to write to me if he wishes to put one of his inevitable stickers on the letter about how parliamentary and how urgent the letter may be – it is up to him. But if something is important for Gibraltar in his view as he says this is, and it is for the negotiations between Gibraltar and the United Kingdom, if I may say so, with respect, putting a question in Parliament is not the best way to advance Gibraltar's position in respect of matters to be put on the list for negotiation.

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650 **Hon. R M Clinton:** Mr Speaker, if I could remind the Chief Minister there is in fact a Select Committee where perhaps these matters could be discussed and I would urge him to convene it sooner rather than later.

Hon. Chief Minister: Well, Mr Speaker, I am surprised that he feels the need to ask me here to convene the Select Committee and if he has thought it appropriate that we should have a meeting of the Select Committee that he has not approached myself or the Deputy Chief Minister and asked that we convene one. We have just come out of a period of recess in the United Kingdom, we have been in continued contact with colleagues in the UK. There may be material to brief, or there may not be material to brief, until after the party conferences. But, Mr Speaker, this does not obviate the point I am making to him: if he thinks something is important to Gibraltar then the best thing to do is to tell us about it directly and not put a question on the floor of the House, otherwise one is left with the impression that this is something that is important for *him* to highlight that he has highlighted.

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Q551/2017

Gibraltar Constitution Order 2016– Research paper commissioning

Clerk: Question 551. The Hon. R M Clinton.

665

Hon. R M Clinton: Mr Speaker, has the Government commissioned any research paper into the Peace, Order and Good Government clause in the Gibraltar Constitution Order 2016, and if so from whom, for what purpose and at what cost?

670

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is undertaking work on an analysis of that aspect of the Constitution. The analysis is being undertaken by Dr Hakeem Yusuf at the University of Birmingham School of Law. Dr Yusuf is not charging for his work. Disbursement costs of research assistants undertaking the necessary ancillary work amounts to a total of £52,286.60.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his comprehensive response. I did not quite catch the purpose of the research paper.

Hon. Chief Minister: Mr Speaker, it is an analysis in respect of that aspect of the Constitution.

Hon. R M Clinton: Mr Speaker, if I may ask the Chief Minister, why does the Government feel it needs such an analysis?

Hon. Chief Minister: Well, Mr Speaker, I would be quite happy to brief him behind the Speaker's Chair rather than here. If the hon. Gentleman thinks that it makes sense to have that debate across the floor of the House I do not think he knows what these words mean, or what they have been used for in the past.

Q552/2017
Gibraltar's 'Great Repeal Bill' –
Managing and consultations

Clerk: Question 552. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how it intends to manage the introduction of Gibraltar's own 'Great Repeal Bill' in respect of Brexit and what consultations are envisaged?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government will make a statement in due course about how it intends to manage the introduction of a Bill in respect of the repeal of Gibraltar's European Communities Act. It would be premature to say more at this stage

Q554-555/2017
Affordable housing schemes –
Detailed announcement and updates

Clerk: Question 554. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, further to the Minister for Housing's June 2017 Budget speech, can the Government advise what were the technical difficulties in respect of infrastructure that caused a delay in the affordable housing schemes; what is the change in footprint and when will a detailed announcement be made in respect of the affordable housing schemes?

Clerk: Answer, the Hon. the Chief Minister.

710

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 555.

Clerk: Question 555. The Hon. L F Llamas.

715

Hon. L F Llamas: Mr Speaker, can the Government provide an update on its affordable housing and government rental projects?

Clerk: Answer, the Hon. the Chief Minister.

720

Hon. Chief Minister: Mr Speaker, an announcement on the new affordable housing schemes will be made before the end of September. The changes and the technical issues that gave rise to them will be apparent then.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer.

725

Is there anything in respect of these technical difficulties that is in any way confidential that cannot be disclosed to this House now?

Hon. Chief Minister: Mr Speaker, the technical issues that gave rise to the changes will be apparent when we make the statement; and when we make the statement the hon. Gentleman will be able to understand what the reasoning behind the decision to move away from the original designs and the geographic changes arises from.

730

Hon. R M Clinton: Mr Speaker, would the Chief Minister be able to confirm that Hassan Centenary Terraces and Bob Peliza Mews are going ahead, albeit perhaps on a different footprint?

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Hon. Chief Minister: Mr Speaker, as I have already said – in fact I believe I confirmed that during the budget session to a question that was from the hon. Gentleman if not in identical terms then in almost identical terms.

Q556-564/2017

Midtown parking –

Escalator installation; Unsuitable doors; Cleaning contract; Cleaning company name; Sale of parking spaces revenue; Cleaning company payments; Pay and display revenue; Rental spaces revenue; Public parking revenue

740

Clerk: Question 556. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, did the Government consider installing an escalator between the Coach Park at Midtown Parking and the bus tour level in the same building?

745

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 557 to 564.

Clerk: Question 557. The Hon. L F Llamas.

750

Hon. L F Llamas: Mr Speaker, why did the Government not install disability, elderly and pram-friendly doors at the Midtown Parking?

Clerk: Question 558. The Hon. L F Llamas.

755

Hon. L F Llamas: Mr Speaker, can the Government disclose the contract entered into between Government and the cleaning company at Midtown Parking?

Clerk: Question 559. The Hon. L F Llamas.

760

Hon. L F Llamas: Mr Speaker, can the Government state which company is responsible for the cleaning and maintenance of Midtown Parking?

Clerk: Question 560. The Hon. L F Llamas.

765

Hon. L F Llamas: Mr Speaker, can the Government state how much revenue has been collected on the sale of car parking spaces at Midtown Parking?

Clerk: Question 561. The Hon. L F Llamas.

770

Hon. L F Llamas: Mr Speaker, can the Government provide a monthly schedule of how much has been paid to the company responsible for cleaning Midtown Parking?

Clerk: Question 562. The Hon. L F Llamas.

775

Hon. L F Llamas: Mr Speaker, can the Government provide a monthly breakdown of revenue received from each pay and display location since April 2012?

Clerk: Question 563. The Hon. L F Llamas.

780

Hon. L F Llamas: Mr Speaker, can the Government state how much revenue has been collected per month for rental car parking spaces at Midtown Parking since it first opened?

Clerk: Question 564. The Hon. L F Llamas.

785

Hon. L F Llamas: Mr Speaker, can the Government provide a monthly breakdown of revenue received from public parking at Midtown Parking since it first opened?

Clerk: Answer, the Hon. the Chief Minister.

790

Chief Minister (Hon. F R Picardo): Mr Speaker, in answer, the Government has not considered an escalator for the Midtown Parking.

The doors fitted at Midtown Car Park are wide enough to allow for disability wheelchairs and scooters, the elderly and prams to go through.

795

The company in charge of cleaning this car park is Jetsweep Limited. The contract is a monthly roll-over agreement between both parties at a cost of £4,900 per month for three cleaners.

The total revenue generated from the sale of car parking spaces at Midtown Coach and Car Parks is £9,029,500.

800

The information requested by the hon. Member in respect of his other questions is set out in the schedule I will now hand over to him.

Answer to Question 561

805

Since the commencement of the contract the cleaning company has been paid as follows:

Payments	
May 2016	£1,260.00
June 2016	£3,600.00
July 2016	£3,600.00
August 2016	£3,600.00
September 2016	£3,600.00
October 2016	£3,600.00
November 2016	£3,600.00
December 2016	£3,600.00
January 2017	£4,271.00
February 2017	£4,900.00
March 2017	£4,900.00
April 2017	£4,900.00
May 2017	£4,900.00
June 2017	£4,900.00
July 2017	£4,900.00
August 2017	£4,900.00

Answer to Question 562

2012	Flint	Shackelton	Landport Ditch	Ragged Staff	Airport Terminal
January	£ 271.02	£1,064.36	£ 6,944.65	£ 2,157.09	
February	£ 268.57	£ 914.61	£ 4,638.15	£ 2,129.86	
March	£ 356.58	£1,129.67	£ 5,162.30	£ 2,953.92	
April	£ 331.94	£ 821.59	£ 5,047.78	£ 2,814.03	
May	£ 262.91	£ 842.81	£ 4,319.40	£ 2,532.99	
June	£ 345.71	£ 908.50	£ 2,317.67	£ 2,524.25	
July	£ 331.40	£ 489.77	£ 3,173.00	£ 2,582.81	
August	£ 383.28	£1,317.83	£ 5,716.09	£ 3,048.77	
September	£ 292.11	£1,134.42	£ 5,561.04	£ 1,973.07	
October	£ 288.58	£1,070.61	£ 4,855.09	£ 2,746.19	£ 2,578.12
November	£ 354.78	£ 548.39	£ 6,260.22	£ 2,966.21	£ 3,337.65
December	£ 358.46	£1,064.21	£ 6,911.84	£ 2,259.53	£ 3,105.79

810

2013	Flint	Shackelton	Landport Ditch	Ragged Staff	Airport Terminal
January	£ 246.76	£ 835.29	£ 5,015.93	£ 1,504.80	£ 2,774.31
February	£ 327.70	£ 1,219.86	£ 5,543.99	£ 2,591.16	£ 2,494.45
March	£ 428.58	£ 1,494.58	£ 7,078.22	£ 3,675.97	£ 3,092.50
April	£ 329.63	£ 1,075.16	£ 5,594.21	£ 3,527.53	£ 3,190.53
May	£ 295.93	£ 1,228.22	£ 5,926.08	£ 4,776.75	£ 3,433.39
June	£ 268.75	£ 1,270.54	£ 6,435.49	£ 5,027.38	£ 3,962.28
July	£ 236.83	£ 959.49	£ 6,405.15	£ 5,075.89	£ 3,414.48
August	£ 184.35	£ 874.48	£ 4,256.47	£ 2,374.19	£ 2,820.76
September	£ 178.94	£ 727.63	£ 4,862.84	£ 3,054.09	£ 3,307.65
October	£ 152.96	£ 747.25	£ 4,463.57	£ 3,908.83	£ 2,973.85
November	£ 302.00	£ 1,120.61	£ 4,780.13	£ 4,056.98	£ 4,189.33
December	£ 260.53	£ 672.51	£ 6,161.44	£ 3,850.52	£ 3,893.42

2014	Flint	Shackelton	Landport Ditch	Ragged Staff	Airport Terminal
January	£ 78.57		£ 4,173.76	£ 2,173.43	£ 3,165.66
February	£ 177.19	£ 252.82	£ 3,784.22	£ 3,707.30	£ 3,158.33
March	£ 240.90	£ 618.72	£ 4,941.75	£ 3,533.15	£ 3,889.59
April	£ 298.45	£ 842.52	£ 6,029.47	£ 4,040.66	£ 4,618.48
May	£ 213.10	£ 800.75	£ 5,181.40	£ 3,797.54	£ 3,915.03
June	£ 258.06	£ 675.97	£ 5,414.83	£ 4,955.58	£ 4,754.64
July	£ 257.62	£ 645.48	£ 8,628.70	£ 9,526.38	£ 6,102.83
August	£ 215.59	£ 438.73	£ 7,764.26	£ 8,300.11	£ 5,052.46
September	£ 226.54	£ 574.75	£ 8,770.81	£ 9,263.50	£ 6,675.48
October	£ 194.67	£ 482.92	£ 6,015.10	£ 6,127.27	£ 4,923.39
November	£ 134.90	£ 582.29	£ 5,961.33	£ 5,295.44	£ 4,984.27
December	£ 148.68	£ 254.92	£ 8,162.41	£ 5,856.84	£ 6,209.57

815

2015	Flint	Shackelton	Landport Ditch	Ragged Staff	Airport Terminal
January	£ 72.03	£ 191.84	£ 5,068.47	£ 2,950.50	£ 3,715.82
February	£ 132.63	£ 254.36	£ 6,159.60	£ 5,368.67	£ 3,942.77
March	£ 215.70	£ 339.02	£ 7,798.89	£ 6,086.50	£ 5,710.83
April	£ 125.63	£ 310.33	£ 6,398.55	£ 4,805.98	£ 5,082.45
May	£ 211.15	£ 362.96	£ 7,526.82	£ 6,428.78	£ 5,704.35
June	£ 119.90	£ 187.85	£ 6,067.83	£ 5,967.40	£ 4,769.93
July	£ 157.40	£ 229.68	£ 7,459.45	£ 7,059.12	£ 5,110.68
August	£ 158.64	£ 366.00	£ 10,718.23	£ 8,121.24	£ 6,593.69
September	£ 78.17	£ 278.35	£ 7,082.86	£ 5,425.22	£ 5,178.56
October	£ 59.90	£ 324.47	£ 7,463.32	£ 7,710.85	£ 4,585.22
November	£ -	£ -	£ 8,733.76	£ 8,153.85	£ 4,838.31
December	£ -	£ -	£ 7,947.69	£ 7,446.64	£ 5,353.18

2016	Romney Huts	Landport Ditch	Ragged Staff	Queensway	Ragged Staff	Airport Terminal	Small Boats Marina	Line Wall Road	Watergardens
January	£ 5,801.86	£ 2,220.49	£ 1,005.89	£ 1,535.65	£ 3,728.77				
February	£ 9,057.26	£ 3,276.92	£ 2,426.83	£ 1,838.73	£ 3,827.74				
March	£ 2,861.94	£ 1,380.27	£ 3,673.98	£ 2,097.89	£ 5,379.17				
April	£ 2,935.05	£ 5,390.34	£ 4,169.64	£ 2,087.69	£ 4,714.00				
May	£ 2,491.43	£ 7,154.75	£ 3,358.93	£ 1,411.52	£ 4,368.27	£ 203.23			
June	£ 3,254.15	£ 11,585.25	£ 4,368.53	£ 1,333.54	£ 2,194.26	£ 5,654.47	£ 384.17		
July	£ 3,211.73	£ 11,120.65	£ 4,193.55		£ 1,853.38	£ 4,850.03	£ 835.03		
August	£ 2,884.89	£ 11,325.18	£ 4,044.67		£ 2,133.75	£ 4,692.62	£ 1,083.75		
September	£ 2,713.67	£ 11,245.54	£ 4,378.85		£ 1,595.72	£ 4,981.85	£ 2,205.08		
October	£ 4,218.75	£ 14,204.40	£ 4,796.76		£ 4,067.88	£ 6,196.75	£ 2,093.65	£ 6,143.13	
November	£ 2,973.29	£ 11,284.74	£ 2,897.70		£ 1,384.65	£ 4,461.59	£ 974.33	£ 4,512.37	
December	£ 3,641.66	£ 13,455.63	£ 4,739.55		£ 1,873.23	£ 5,520.68	£ 1,195.39	£ 4,933.33	£ 2,107.56

2017	Romney Huts	Landport Ditch	Ragged Staff	Portland	Airport Terminal	Small Boats Marina	Line Wall Road	Grand Parade	Rosia Rd	Bayside Rd
January	£ 2,846.26	£ 9,184.08	£ 4,735.90	£ 286.18	£ 4,285.11		£ 4,090.39			
February	£ 3,055.25	£ 12,140.30	£ 5,610.11	£ 1,382.69	£ 4,164.10		£ 4,755.33			
March	£ 3,744.28	£ 15,614.44	£ 7,264.70	£ 1,591.43	£ 5,668.55		£ 6,186.89			
April	£ 2,098.21	£ 10,529.71	£ 4,603.19	£ 1,026.36	£ 5,708.58	£ 900.71	£ 4,820.08			
May	£ 2,019.73	£ 12,016.47	£ 3,597.27	£ 1,241.54	£ 5,156.96	£ 2,926.56	£ 4,450.50			
June	£ 3,382.81	£ 13,804.50	£ 5,253.71	£ 1,475.40	£ 5,955.07	£ 3,975.99	£ 5,053.87			
July	£ 3,353.03	£ 11,681.38	£ 4,731.94	£ 1,156.89	£ 6,726.84	£ 3,733.18	£ 4,608.39	£ 4,298.84	£ 1,405.34	£ 3,064.42
August	£ 3,247.01	£ 13,303.95	£ 5,308.13	£ 1,103.26	£ 5,181.27	£ 3,428.23	£ 4,458.03	£ 6,343.98	£ 2,005.85	£ 3,904.57

Answer to Question 563

Rentals	
Month	Amount
August 2016	£1,650.00
September 2016	£1,950.00
October 2016	£1,950.00
November 2016	£15,880.00
December 2016	£11,505.00
January 2017	£10,665.00
February 2017	£6,790.00
March 2017	£9,570.00
April 2017	£6,915.00
May 2017	£8,500.00
June 2017	£8,170.00
July 2017	£8,755.00
August 2017	£7,550.00
September 2017	/

820

Answer to Question 564

Public	
Month	Amount
August 2016	£7,499.63
September 2016	£25,532.53
October 2016	£16,583.65
November 2016	£15,391.39
December 2016	£18,794.50
January 2017	£14,880.90
February 2017	£10,520.33
March 2017	£11,749.53
April 2017	£11,175.20
May 2017	£13,269.31
June 2017	£9,923.72
July 2017	£13,307.61
August 2017	£12,314.88

825

Hon. L F Llamas: Mr Speaker, with reference to Question 557, the Hon Chief Minister states that the doors are wide enough to accommodate a wheelchair and pram, and suitable for the elderly. However, they are extremely heavy and only two nights ago on City Pulse we saw a wheelchair user trying to open the doors and saying that the doors were probably the heaviest he has had to manoeuvre with.

Is it not possible to adapt these doors, given that it is a new build and it should have been taken into consideration at the time that these doors should have been automatic, or with an

830 automatic feature on them in order to enable wheelchair users in particular, as well as the elderly and parents with prams to access the building in a much more friendly way?

Hon. Chief Minister: Mr Speaker, I was struck by that and it is something that is being looked into. I do not think necessarily this is the sort of facility that is seen in car parks, because car park doors have particular characteristics which are a requirement as to fire retardant capabilities. But it is something that is being looked at in the context of ensuring that those types of difficulties can be married with the requirement for the doors to be of a particular weight and type.

Q565-566/2017

Boats –

Numbers imported and import duty paid

Clerk: Question 565. The Hon. L F Llamas.

840

Hon. L F Llamas: Mr Speaker, can the Government disclose how many boats have been imported since they waived import duty on boats, and the value of each?

Clerk: Answer, the Hon. the Chief Minister.

845

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 566.

Clerk: Question 566. The Hon. L F Llamas.

850

Hon. L F Llamas: Mr Speaker, can the Government disclose since December 2011 how much import duty has been paid regarding the importation of boats?

Clerk: Answer, the Hon. the Chief Minister.

855

Chief Minister (Hon. F R Picardo): Mr Speaker, since 1st July 2014 a total of 907 vessel import licences have been issued, with a total value of £16,312,395 – that is the date of the waiver.

Between 9th December 2011 and the waiver of import duty, £207,895 was collected over those three and a half calendar years.

Q567/2017

**Ocean Plaza construction and fitting out –
Estimated import duty**

Clerk: Question 567. The Hon. L F Llamas.

860

Hon. L F Llamas: Mr Speaker, can the Government disclose what the estimated import duty revenue would have been for the construction, fitting out and equipping of Imperial Ocean Plaza had it not been waived?

865

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, £440.66.

870 **Hon. L F Llamas:** Mr Speaker, going back to a question asked back in June by the Leader of the Opposition, the reason for waiving the import duty was explained as having been paramount for the project to have succeeded. Surely £440 would therefore not have pushed the developer enough in order to complete the project.

Could the Chief Minister explain the rationale behind the £440, please?

875 **Hon. Chief Minister:** Mr Speaker, I am told that Imperial Ocean Plaza is presently a derelict site and that the works done there have been of very little value and that the import of equipment, etc. has been very minor and therefore that is why the figure in £440.66. If it is any consolation I get very confused about the names of the Ocean Village Towers as well!

880 **Hon. L F Llamas:** Would the Chief Minister know what the estimated import duty would be for the project, and the figure that the Government considered at the time of whether they waived the import duty or not?

885 **Hon. Chief Minister:** Mr Speaker, I do not have that number with me. I do not know whether the calculation was based on Imperial Ocean Plaza or it was based on the gross development value and then extrapolation from there, which is not something that the developer gives us but that we consider. But it is not in respect of Imperial Ocean Plaza and its particular fitting out, etc. it is not based on a brochure or description of what this particular developer may eventually issue publicly as the fitting out that they will do there. I think it is based more on an analysis by the Financial Secretary's Office of what is the type of accommodation that is being designed, is it 890 the sort of accommodation for which we would approve Category 2 citizenship, therefore what is the m² cost and what is the gross development value, what is therefore the potential value of building materials that would be used, and therefore what extrapolation can you do from that. That analysis I do not have with me today for this particular project.

895 I cannot recall entirely, but if I may just remind the hon. Gentleman in respect of matters that were discussed at length in this place and in fact in the media, at the time that we were first elected and at the time of the 2011 General Election from memory – and relying also on the memory of the Deputy Chief Minister – but no more than that I would have to go back and look at it in detail. The waiver of import duty in respect of Ocean Village projects was a waiver entered into in a composite agreement entered into between the former administration and the 900 Ocean Village developers, not by this administration. So it may be that we inherited that aspect of the calculation and were persuaded to keep it either because it was relevant for the banking of the project, which all developers say these waivers are; and/or in addition because we might have had advice to suggest that this was a commitment already entered into on which the developer had detrimentally relied, which is the legal position. But I cannot exactly remember, 905 talking about *this* particular tower, what the issue was.

Hon. L F Llamas: I would just indulge one final time, Mr Speaker.

910 If I table the question for next month would the Chief Minister be able to provide the estimated figure for this particular tower?

Hon. Chief Minister: With all the caveats that I have given, Mr Speaker, to suggest that it may be something that it is in a 'D file', i.e. a file to which I do not have access, I will endeavour to do so if it is possible.

Q568-569/2017
Gibraltar Audit Office –
Monthly rentals and recipients

Clerk: Question 568. The Hon. L F Llamas.

915

Hon. L F Llamas: Mr Speaker, can the Government state what the monthly rental for the Gibraltar Audit Office is at their World Trade Centre office and who it is payable to?

Clerk: Answer, the Hon. the Chief Minister.

920

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 569.

Clerk: Question 569. The Hon. L F Llamas.

925

Hon. L F Llamas: Mr Speaker, can the Government state what the monthly rental for the Gibraltar Audit Office was in their Irish Town location and who it was payable to?

Clerk: Answer, the Hon. the Chief Minister.

930

Chief Minister (Hon. F R Picardo): Mr Speaker, the monthly rentals paid by the Audit Office in the Irish Town location under a licence was £8,007.64. The monthly rental paid by the Audit Office at the World Trade Centre is information that is publicly available, I am advised.

Q570-571/2017
Number 6 Convent Place –
Number of employees; internal and external areas

Clerk: Question 570. The Hon. L F Llamas.

935

Hon. L F Llamas: Mr Speaker, can the Government state how many employees have been physically based at Number 6 Convent Place in each financial year since April 2012?

Clerk: Answer, the Hon. the Chief Minister.

940

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 571.

Clerk: Question 571. The Hon. L F Llamas.

945

Hon. L F Llamas: Mr Speaker, can the Government state what the internal and external area of Number 6 Convent Place was before the refurbishment and what it is following the refurbishment?

Clerk: Answer, the Hon. the Chief Minister.

950

Chief Minister (Hon. F R Picardo): Mr Speaker, beyond the complement numbers set out in the estimates book, it would now be impossible to provide the figures of who was based at Number 6 Convent Place in earlier financial years with any degree of accuracy.

955

The internal and external area of Number 6 Convent Place before the refurbishment was 1,173 m² and 149 m². The internal and external area of Number 6 Convent Place after the refurbishment is 3,380 m² and 987 m² respectively.

Q572/2017
Gibraltar Wine Vaults Ltd –
Financial assistance

Clerk: Question 572. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government disclose whether they have directly or indirectly provided any financial assistance to Gibraltar Wine Vaults Limited?

960

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has not provided any financial assistance to Gibraltar Wine Vaults Ltd.

Q573-576/2017
Former Rooke site –
Details of plans; answer update; Eastside development

965

Clerk: Question 573. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide details of its plans at the former Rooke site?

970

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Nobody wants to talk about the Sunborn today, Mr Speaker. I will answer together with Questions 574 to 576.

975

Clerk: Question 574. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide an update to the answer provided in Question 209/2017?

980

Clerk: Question 575. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government state what is happening with the Eastside development?

985

Clerk: Question 576. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can Government inform the House if there have been any developments on the Bluewater Project at the Eastside?

990

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Negotiations as to the future developments on these sites are ongoing.

Questions for Written Answer

995 **Clerk:** Answers to Written Questions. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W116/2017 to W130/2017.

1000 **Mr Speaker:** Ordered to lie.

Procedural

Chief Minister (Hon. F R Picardo): Mr Speaker, before we start the process of dealing with Bills I propose that the House should recess for 10 minutes.

Mr Speaker: We will now have a 10 minute recess.

The House recessed at 4.38 p.m. and resumed its sitting at 4.48 p.m.

Order of the Day

BILLS

FIRST AND SECOND READING

Legal Services Bill 2017 – First Reading approved

1005 **Clerk:** Bills – First and Second Reading.

A Bill for an Act to regulate the provision of legal services in and from within Gibraltar, to make provision for and in connection with the creation, membership and functions of a Legal Services Regulatory Authority; to make provision with respect to disciplinary matters in respect of the conduct of lawyers; to provide for, and in connection with, the incorporation, membership and functions of the Law Council of Gibraltar; and for purposes connected therewith.

The Hon the Minister for Health, Care and Justice.

1015 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to regulate the provision of legal services in and from within Gibraltar, to make provision for and in connection with the creation, membership and functions of a Legal Services Regulatory Authority; to make provision with respect to disciplinary matters in respect of the conduct of lawyers; to provide for, and in connection with, the incorporation, membership and functions of the Law Council of Gibraltar; and for purposes connected therewith be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to regulate the provision of legal services in and from within Gibraltar, to make provision for and in connection with the creation, membership and functions of a Legal Services Regulatory Authority; to make provision with respect to disciplinary matters in respect of the conduct of lawyers; to provide for, and in connection with, the incorporation, membership and functions of the Law Council of Gibraltar; and for purposes connected therewith be read a first time.

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

Clerk: The Legal Services Act 2017.

**Legal Services Bill 2017 –
Second Reading approved**

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I have the honour to move that the Bill be now read a second time.

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Mr Speaker, as you know, a last minute amendment has arisen, notice of which I have given to you and copies of which have been circulated to Members of the House. As hon. Members will know, the Government has a long-standing commitment to reviewing the current system of regulation of legal services in Gibraltar to achieve a modernised and comprehensive system. That this review is necessary is not in doubt. The current law has not been fundamentally reviewed for 50 years and requires modernisation and amendment mainly because it has not kept pace with the growth of the legal profession and the current working environment. What is more, the current law does not fully reflect the fused nature of legal practice in Gibraltar nor does it cater for the clear regulation of persons providing legal services who are not barristers or solicitors in private practice, for example Government lawyers, in-house counsel, legal executives and law costs draftsmen.

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To that end the Government consulted with all relevant stakeholders including the Hon. the Chief Justice and the Bar Council to ascertain how 50 years of reform could be undertaken. The Bar Council and in particular its Chairman, Keith Azopardi QC, have proved to be the driving force behind this much-needed reform and it is their work which culminated in the first draft of the Bill and which they submitted to me, which forms the backbone of this Bill which is before Parliament today.

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Mr Speaker, the Bill has been through two rounds of public consultation undertaken in conjunction with the Bar Council and it is a testament to the hard work and sensible approach of the Council that the final version is in very similar terms to the first draft they submitted.

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As I mentioned, Mr Speaker, the objective of the Bill is to provide an overhaul of the regulation of legal services. This will achieve an intelligible, comprehensive, modern and effective regulatory system which: defines the provisions of legal services; provides for the registration of authorised persons, being such persons as will be authorised under the Act to provide legal services; establishes a register of authorised persons to that end; places the successor to the Bar Council on a statutory footing; establishes a legal services regulatory authority; enables the making of subsidiary legislation to govern matters of discipline, conduct and practice for providers of legal services; provides a system of statutory exemptions in defined cases; and allows for the provision of legal services through an expanded form of structures not currently provided for in law.

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As the lawyers in Parliament will know, the admission and enrolment of barristers and solicitors to the Supreme Court is governed by the Supreme Court Act 1960. The way the Act is drafted means that potentially there are people who may fall outside the current statutory regime but who are nonetheless arguably providing legal services in Gibraltar. The new regulatory system will therefore govern private practitioners, Government lawyers, in-house

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counsel, legal executives and a law costs draftsman. It also clearly provides that unauthorised and non-exempt persons cannot provide legal services. The Bill, however, does provide a system of statutory exemptions for persons regulated under the Act, regulated under other Acts or other specified persons to enable these to continue to provide core services within the scope of their respective professional activities.

Mr Speaker, the Bill is an umbrella piece of legislation under which subsidiary legislation governing professional conduct, discipline, Solicitors' Account Rules, practising certificates regulations and other matters relating to the provision of legal services will now fall under.

You will, for example, Mr Speaker, be aware that the Bar Council has already published a draft code of conduct for consultation purposes, so that they will be ready to hit the floor running when the Bill becomes law.

Given the fact that the Bill has in various forms been the subject to two rounds of consultation, I do not intend to go through the Bill on a clause-by-clause basis, rather I will summarise the main parts and highlights of the Bill.

Part II of the Bill and Schedules 1 and 2 to the Bill draw from the English Services Act of 2007 with amendments to adapt these to our particular local circumstances. In clause 3 there is an explanation for what falls under providing legal services for the purposes of the Act. Under clause 3 a person provides legal services if, not being an exempt person, he does all or any of the matters set out in the paragraphs (a) to (f) contained therein. These are very comprehensive and for the first time explicitly contain references to in-house lawyers, etc., Government-employed lawyers and legal executives. The definition of 'reserved legal activity' is contained in clause 4 and includes the exercise of rights of audience, the conduct of litigation, probate, the provision of legal advice or assistance on Gibraltar law in connection with the application of Gibraltar law, or with any form of resolution of legal disputes; and the provision of representation in connection with any matter concerning the application of Gibraltar law or any form of resolution of legal disputes.

The spine of the new regime will be the Register of Authorised Persons which is created and maintained under clause 6 of the Bill. The register consists of a number of parts to allow persons who intend to provide legal services to register as 'Authorised Persons'. The various parts of the register are as follows: (1) private practitioners who are in practice in Gibraltar; (2) foreign counsel called for specific cases; (3) Government lawyers; (4) legal executives who work for Part I lawyers; (5) in-house counsel working for companies, businesses, trade unions, statutory authorities or other bodies; (6) legal executives who work for companies, businesses, trade unions, statutory authorities or other bodies; (7) law costs draftsmen; and (8) EEA or registered European lawyers.

The Bill further provides that law practices can operate via partnerships, corporate entities, or limited liability partnerships, and must register in Part 9. Subsidiary legislation will set out more detailed provision in respect of Part 9 registration.

Mr Speaker, applicants for registration will require to pay a registration fee, which will finance the LSRA's and the Law Council's activities and will need to comply with any code of conduct under the Act. Registration under different parts of the register provides a tier of rights as set out in the Bill, with each part having different rights and duties. Exemptions are provided for by clause 7 of the Bill and particularly by Schedule 2 to the Bill. Persons who are regulated by other laws in Gibraltar, or other specified persons, are exempt from the provisions of the Act and may provide the services specified in Schedule 2 – for example, persons regulated by the Financial Services Commission and Accountants may provide certain services that would technically fall within the definition of legal services.

Mr Speaker, moving on to Part III of the Bill we see provision for the Establishment of the Legal Services Regulatory Authority. Its composition is governed by Schedule 3 to the Bill. The general functions of the LSRA are set out in clause 15. It will have wide-ranging functions including: powers to regulate the provision of legal services; to protect and promote the

interests of consumers; to encourage an independent, strong, diverse and effective legal profession; regulate the provision of legal services.

1120 The regulation includes: the administration of rules in relation to practice, discipline or conduct of authorised persons; the application, registration and removal of authorised persons from the register; the application and issue of practising certificates to authorised persons; and monitoring the adequacy of anti-money laundering and anti-terrorist financing systems maintained by authorised persons.

1125 The process of investigation of disciplinary matters is governed by Part IV of the Bill. A full procedure for making complaints and investigating them is set out, and a new disciplinary tribunal is established which would perform its functions through disciplinary panels. The disciplinary tribunal may by way of an interim measure suspend, impose conditions on or revoke the authorised person's practising certificate and ban him or her from providing legal services, 1130 undertaking restricted legal activities in Gibraltar. In addition it may recommend to the Chief Justice and apply for the authorised person to be struck off the Roll of the Court; impose a fine on the authorised person; administer any reprimand to the authorised person; order the authorised person to repay or forego a fee; and order the authorised person to make a payment of or towards the cost of investigations capped at £20,000. Appeals from decisions of the 1135 disciplinary tribunal will lie to the Chief Justice or some other judge designated by him.

Mr Speaker, Part V, the final part of the Bill, other than transitional and consequential provisions, places what is currently known as the Bar Council on a statutory footing, renaming it as the Law Council. The change of nomenclature is not merely cosmetic but it is intended to reflect the fact that the 'Law Council', as it will become known, is the body representative not 1140 just of the Bar but solicitors, in-house counsel, legal executives and law costs draftsmen consonant with the regulation of the overall provision of legal services.

The Law Council will have diverse advisory, consultative and policy-making functions and, through its officers on the LSRA, decision-making powers. The LSRA will hold regulatory functions while the Law Council will retain its role in respect of representation, policy-making, 1145 promotion and marketing. Membership of the Law Council is automatic on registration in the register established under the Bill. The constitution of the Law Council is modelled on the current Bar Council's constitution with necessary revisions. It is included in Schedule 5 of the Bill.

Mr Speaker, in conclusion, the Bill provides a welcome and necessary update to our law in this area. The Bar Council and relevant stakeholders are confident that the fundamental review 1150 contained in the Bill ensures that our legislation regulating our legal profession reflects the fused nature of the profession and the numbers now involved at different levels and roles. It is, Mr Speaker, one of those occasions where all stakeholders are agreed that change needs to take place and the direction that such reforms must take. It is not change that makes life necessarily easier for the stakeholders, in fact it is important to note that those stakeholders are taking on 1155 duties and responsibilities which to date have fallen to others, and are doing so in order to ensure that our jurisdiction's legal profession is better regulated and fit for purpose with robust systems in place to protect consumers and the public, and ensure that international and domestic responsibilities are met.

Mr Speaker, the Bill is the culmination of much hard work, not least by members of the Bar 1160 Council, and two valuable and informative consultation processes where members of the legal profession all with a degree of positivity and a sense of awareness of the value of the exercise, worked together to produce this Government Bill.

Mr Speaker, I would like to take the opportunity to thank the Hon. the Chief Justice, the Bar 1165 Council, the Attorney General and all stakeholders involved in the Bill. It has been a true team effort and one of which I am extremely proud to have been a part.

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

Mr Speaker: Before I put the question does any hon. Member wish to speak on the general principles and merits of this Bill? The Hon. Elliott Phillips.

1170 **Hon. E J Phillips:** Mr Speaker, before I make my short contribution on behalf of Her Majesty's Loyal Opposition I must of course declare an interest in that my firm and the lawyers at my firm will of course be materially affected by this new proposed legislation. We, together with other law firms, have been closely involved in the consultation process on the Bill and have offered the Bar Council from time to time, as currently constituted, our views on the Bill and the codes.

1175 I was also a long-standing committee member of the Bar Council at various points in time when this Bill and the original concept of regulation hit the Bar Council and when it was floated before I took my seat in this House. The Bill – and I agree with the Learned and Hon. Minister for Justice – represents the most significant piece of legislation passing through this House to affect the legal profession in 50 years, and I am honoured and privileged as a Member of this House
1180 and a member of the Bar to support this Bill, and we on this side of the House will be unanimously supporting the Bill through its various stages today.

The way in which our legal profession offers its services has changed beyond recognition in the last 50 years and we need to respond to the community's and the profession's call for more modern and relevant framework for the regulation of the legal profession. It has been a long
1185 time coming. This Bill will, amongst other things, further strengthen the disciplinary powers that apply to legal practitioners, introduce a more modern regime for the continued education and training of legal practitioners, and it will also focus importantly – and to the Leader of the Opposition's delight, I am sure – on the involvement of lay people in the LSRA, which I believe is critical in the delivery of a modern regulatory regime which has at its heart the service to the
1190 consumer.

The Bill will also ensure that the LSRA will set and promote, in the public interest, standards of behaviour and professional performance. The above reforms represent a substantial change, Mr Speaker, in the way in which lawyers conduct their business. At the same time the Government has strengthened the law by the creation of a regulatory body to enforce
1195 professional standards and obligations. This approach to reform will result in a vibrant and robust legal services market that will be of benefit to the consumer, and at the same time will ensure that consumers are not exposed to any increased risk of inappropriate behaviour and poor performance. The Bill demonstrates that reform can be of mutual benefit to the legal profession, businesses, consumers and the community at large.

1200 Finally, Mr Speaker, we must thank the profession and the members of the Bar Council, past and present, for the work that has been done to produce an excellent piece of legislation, and in particular this House must record its gratitude to Keith Azopardi QC for his drive and determination in seeing through this reform in this area. We should also thank the legislative drafting team for their work, the Chief Justice and the Attorney General. Therefore we will join
1205 the Government in commending the Bill to the House.

Mr Speaker: Does any other hon. Member wish to speak on the Second Reading of the Bill?
The Hon. the Chief Minister.

1210 **Chief Minister (Hon. F R Picardo):** Mr Speaker, simply to rise on behalf of the office that I hold to thank all those that the Hon. Mr Costa has indicated have been of assistance in the context of preparing this Bill – without falling into the trap of campaigning for anyone who might be putting their name forward for any particular post – but to thank everyone who has been involved in producing a text that the whole House can get behind and which I think will provide
1215 for better regulation of the legal profession, and which is not something that happens every day.

This is, in my view, a seminal piece of legislation that will change the legal regulatory framework in a positive, modern and forward-looking way. And if I may say so on behalf of the Government, also to thank the Hon. Minister Costa for the work that he has done driving this legislative enactment in the way that he drives everything, which is also entirely positive and
1220 designed to produce a result that everyone can support.

Mr Speaker: Does the hon. mover wish to reply?

1225 **Hon. N F Costa:** Simply, Mr Speaker, to thank the Hon. Mr Phillips for the comments he has made and his fulsome support of the Bill; and of course as well, Mr Speaker, to thank my hon. Learned Friend, the Hon. the Chief Minister, for his gracious and kind remarks.

1230 **Mr Speaker:** And so I now put the question, which is that a Bill for an Act to regulate the provision of legal services in and from within Gibraltar, to make provision for and in connection with the creation, membership and functions of a Legal Services Regulatory Authority; to make provision with respect to disciplinary matters in respect of the conduct of lawyers; to provide for, and in connection with, the incorporation, membership and functions of the Law Council of Gibraltar; and for purposes connected therewith, be read a second time.

1235 Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Legal Services Act 2017.

**Legal Services Bill 2017 –
Committee Stage and Third Reading to be taken at this sitting**

Hon. N F Costa: Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1240 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE AND THIRD READING

Clerk: Committee Stage and Third Reading.

1245 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should now resolve itself into Committee to consider the following Bill clause by clause, namely the Legal Services Reform Act 2017.

In Committee of the whole Parliament

**Legal Services Bill 2017 –
Clauses considered and approved**

1250 **Clerk:** A Bill for an Act to regulate the provision of legal services in and from within Gibraltar, to make provision for and in connection with the creation, membership and functions of a Legal Services Regulatory Authority; to make provision with respect to disciplinary matters in respect of the conduct of lawyers; to provide for, and in connection with, the incorporation, membership and functions of the Law Council of Gibraltar; and for purposes connected therewith.

Part I, clauses 1-2.

Mr Chairman: Stand part of the Bill.

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Clerk: Part II, clauses 3-5.

Mr Chairman: Stand part of the Bill.

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Clerk: Clause 6 as amended.

Mr Chairman: Clause 6, a small amendment has been circulated which I think hon. Members have. I would just like perhaps to suggest it says in subclause 4 of clause 6, perhaps that should read in subclause (4). (**A Member:** Yes.) Alright? Change that to subclause (4) as circulated. Do all hon. Members support the amendment? (**Members:** Aye.) So we will move that.

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Clause 6, as amended, stands part of the Bill.

Clerk: Clauses 7-13.

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Mr Chairman: Stand part of the Bill.

Clerk: Part III, clauses 14-25.

Mr Chairman: Stand part of the Bill.

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Clerk: Part IV, clauses 26-29.

Mr Chairman: Stand part of the Bill.

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Clerk: Part V, clauses 30-37.

Mr Chairman: Stand part of the Bill.

Clerk: Part VI, clauses 38-41.

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Mr Chairman: Stand part of the Bill.

Clerk: Schedules 1-5.

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Mr Chairman: Stand part of the Bill.

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Legal Services Bill 2017 –
Third Reading approved: Bill passed**

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Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Legal Services Bill 2017 has been considered in Committee and agreed to with amendments, and I now move that it be read a third time and passed.

Mr Speaker: I now put the question, which is that the Legal Services Bill 2017 be read a third time and carried. All in favour? (**Members:** Aye.) Those against? Carried.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, in an attempt to be able to get back to monthly meetings of the House after the difficulties that we have had with the Brexit referendum where the House agreed that we would not be meeting monthly, and the aftermath thereof which has sometimes made meeting monthly difficult, it is the Government's intention to continue now the pace of monthly meetings that we had established.

1300 In order to do that this month, Mr Speaker, and to deal with the remaining motions and perhaps even some Bills that are on the Order Paper, we have to do a fairly tricky exercise given that we are straddling the happy period of the Jewish Holidays – Shana Tova, to our members of the Jewish Community in Gibraltar who will be celebrating the Jewish New Year tomorrow and on Friday. I understand from the hon Lady also Sukkot in the first week of October; and also
1305 attendance of Ministers at the Labour Party Conference and the Conservative Party Conference, and the SNP party conference, and also at the United Nations. So therefore I am going to propose, Mr Speaker, that the House should now adjourn to Tuesday 10th October at 10 a.m. while still in Bills and Motions.

1310 It is my intention that on Tuesday 10th October we will take the motions that are on the Order Paper and that as soon as we finish I will give notice of the next meeting. So I am expecting to deal with business on Tuesday 10th, adjourn *sine die* on Tuesday 10th at some time, and then immediately either during the course of that day or the next day give notice for the October meeting. So although we are going to have a session on 10th October for business relating to the September meeting, I fully intend to come back and have an October meeting as
1315 well. There, Mr Speaker, the issues that hon. Members would be aware of will relate of course to the celebration of the Gibraltar Day events in London which I understand are the last full week of October. We will have to try and see how we can marry the monthly meetings with all of that which I have set out and the events at the end of October, whilst fully intending to come back also for a full meeting in November and December this year.

1320 So, Mr Speaker, with that explanation which I hope is of assistance to you, and to the staff of the House and to Members opposite, I now move that the House should adjourn until Tuesday 10th October at 10 a.m.

Mr Speaker: The House will now adjourn to Tuesday 10th October at 10 in the morning.

The House adjourned at 5.35 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.06 a.m. – 1.10 p.m.

Gibraltar, Tuesday, 10th October 2017

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The Gibraltar Parliament

The Parliament met at 10.00 a.m.

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

[ACTING CLERK TO THE PARLIAMENT: C Eagle *in attendance*]

Welcome to new acting Clerk Mrs Cynthia Eagle

Mr Speaker: May I in the first place draw the attention of hon. Members that we have a new acting Clerk, Mrs Cynthia Eagle. As far as I can recall I think it is the first occasion when a lady exercises that function, so I welcome her to this session today. (*Banging on desks*)

SUSPENSION OF STANDING ORDERS

Standing Order 7(1) suspended to proceed with laying a Report on the Table

5 **Acting Clerk:** Meeting of Parliament, Tuesday, 10th October 2017. Order of Proceedings. Suspension of Standing Orders. The Hon. Chief Minister.

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1), in order to proceed with the laying of a Report on the Table.

10 **Mr Speaker:** Those in favour? (**Members:** Aye.) Those against? Carried.

Gibraltar Annual Policing Plan for 2017-18 laid on the Table

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the Table the Gibraltar Annual Policing Plan for 2017-18.

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

Order of the Day

GOVERNMENT MOTIONS

50th Anniversary of 1967 Referendum – Celebration of Gibraltar's right to self-determination – Debate commenced

20 **Acting Clerk:** Order of the Day, Government Motions. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

THIS HOUSE:

NOTES that 10th September 2017 marked the 50th anniversary of the 1967 Referendum when the people of Gibraltar voted overwhelmingly to retain their links with the United Kingdom;

WELCOMES the events that have been organised to commemorate this important anniversary;

CONSIDERS that National Day celebrates the Referendum but is also an assertion of our right to self-determination;

FURTHER WELCOMES that the National Day rally returned from John Mackintosh Square to Casemates in 2012;

ACKNOWLEDGES the enthusiasm of members of the public spontaneously dressing in the colours of the Gibraltar flag, red and white, on that day and recognises the contribution to the organisation of National Day by the Self-Determination for Gibraltar Group;

BELIEVES that it is essential that a number of Members of the UK and the European Parliaments should be invited to Gibraltar during the year and more particularly on National Day itself;

AND THEREFORE DECLARES in the spirit of the 1967 Referendum, that the future of Gibraltar can only be freely and democratically determined by the people of Gibraltar in exercise of their right to self-determination.

25 Well, Mr Speaker, as we move into the autumn, we will all remember very fondly, no doubt, 10th September this year – 10th September 2017 – when we were able to celebrate that 50th anniversary of the referendum held in 1967. The fact that we have talked a lot about this issue in the past months and that it is not novel to get up and talk about commemorating and celebrating the 1967 Referendum, I think it is a credit to the Deputy Chief Minister, who is not in the Chamber today because he is travelling back from the attendance at the Conference of the
30 Scottish National Party, but he has been responsible for the organisation of the Referendum 50 events, which have enabled us all to refresh, in many instances, our memories of what happened in 1967 or indeed in the context of those like me, and most Members now who were not around in 1967, to learn a little about what happened in 1967.

35 So Mr Speaker, from the Pathé newsreels, we saw the excitement that there was in Gibraltar on 10th September 1967. We saw the passion that there was in Gibraltar to make the choice to remain British and we saw in the declaration of the result of the 1967 Referendum, the declaration of the 12,138 against 44. We saw the birth of a modern European nation – the nation of the British family of nations – that is the Gibraltar. And all of that, Mr Speaker, is something that we have rightly had cause to celebrate this year.

40 Mr Speaker, the images of Gibraltar in 1967 are memorable in part because of the carnival atmosphere that seemed to have gripped the place at the time and is the recollection that we are told by those who were then lucky enough to be around to make that choice.

All of the images show a Gibraltar bedecked in red, white and blue – a Gibraltar revelling in the opportunity that Britain put before it, as a territory on the list of non-self-governing territories of the Committee of 24 of the United Nations, that was going to be given the opportunity to exercise its right of self-determination.

Mr Speaker, we all know in Gibraltar, perhaps some should understand it in more depth, what came before and after that referendum in New York, in the context of the resolutions that were passed, generally in relation to the people of non-self-governing territories, and particularly about the territory of Gibraltar, and we understand that the context of 1967 was a different one to the context today. The choice that was put before the people of Gibraltar, in effect, was whether or not to continue with British Sovereignty or to take the offer that had been put before the people of Gibraltar by the then Government of Spain – in fact, it was an offer put to the United Kingdom, not to the people of Gibraltar. It was an offer to join a nation that was not even pretending to be a democracy. It was a nation that the world understood was a dictatorship under General Franco, a fascist dictatorship that had acquired power through civil war, and a more murderous dictatorship, Mr Speaker, there has not been in the context of our neighbour.

Mr Speaker, the choices that we made in 1967 were made by people who were staring down the barrel of the bully's cannon. They were staring down a bully who was making very clear that a no in the referendum to the choice that he presented would mean that there was going to be no easy ride. Indeed, the closure of the frontier might have seemed only like the tip of the iceberg of the attempts that Franco might take to repress the people of Gibraltar if they made the wrong choice in his view.

And yet, Mr Speaker, those Gibraltarian patriots, those men and women of Gibraltar in 1967 understood all that, and yet they made the choice that they thought was right for their nation and that they thought was right for their children, for the future generations of Gibraltarians. They had no thought for what might be their greater comfort. They had no thought for what might be their prosperity. They had a thought only for what was right for their children, and that is why they made the choices that they made, Mr Speaker.

And I make no apology for having explained this to the whole world gathered in New York last week at the General Assembly of the Fourth Committee of the United Nations, Mr Speaker, because they need to understand the choice that the people of Gibraltar made was not a choice to live in comfort, was not the easy choice; it was the hard choice, Mr Speaker. It was the hard choice that enabled us to reach the state of prosperity that we have reached today only by dint of further hard work and sacrifice, so it was not 'tick this box and Gibraltar will have the third highest GDP in the world in 50 years from now'.

'Tick this box to remain British and the frontier will likely close, your neighbour will take every possible negative measure against your people that it can and this is a future to choose the British way of life, the Gibraltarian way of life and the British rule of law, but it is a future that will be far from the most comfortable of futures' – and that is the choice that was made in 1967.

Mr Speaker, there was a different Chief Minister then; there was a different Leader of the Opposition then; but we will all remember the words of Joshua Hassan and of Peter Isola at that time, when they were defending the option of Britishness. There were other Members of the House who were equally active in their campaign. Gibraltar was entirely united in the choices that were being made.

And it is that Gibraltar, Mr Speaker, it is that difficult choice, it is that referendum generation that we have honoured – not just this year, on the 50th anniversary of the referendum – *half a century*, Mr Speaker. It is that Gibraltar that the Self-Determination for Gibraltar Group sought out to honour 25 years ago, when it was a quarter of a century since the referendum, in 1992.

Mr Speaker, it was absolutely right that even just 25 years after that choice had been made, we were already ensuring that the memory of the choice that was made in 1967, the assertion of rights that was made in 1967, would endure in the memory of Gibraltarians, thereafter by commemorating that day every year, celebrating that choice and asserting – because we are still
95 on the list of non-self-governing territories – our right to self-determination.

And Mr Speaker, that is a political act. There is no getting away from the fact that it is a political act of commemoration, of celebration and of assertion of the right of self-determination of the people of Gibraltar and of the international community's obligation to recognise that right.

100 Twenty-five years ago, Mr Speaker, as ... I would like to say I was a schoolboy, but unfortunately I no longer was. I see Mr Isola smiling – at least, the Pathé newsreels show us what he looked like with hair!

Just as a university student, Mr Speaker, I enjoyed forming part of the Self-Determination for Gibraltar Group and inflating red and white balloons when that was politically correct and acceptable, Mr Speaker, to celebrate the 25th anniversary of Gibraltar's referendum.
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The Self-Determination for Gibraltar Group (SDGG) understood the importance of this and found in the Government a kindred spirit in the then Chief Minister, Joe Bossano, who quickly aligned himself with the objectives of the SDGG in ensuring the commemoration, the celebration and the assertion that National Day is about.

110 And National Day started in this place. It started in the Piazza – in the place where Hassan and Isola addressed the crowds when they returned from the United Nations in New York. It started in the place which is the heart of our democracy because of this Parliament being part of this area. But it moved quickly thereafter to larger premises as a result of its success, down to Casemates and Mr Speaker, on this side of the House, we are very clear that the home of
115 National Day is Casements because of the numbers involved. It is now impossible to take it somewhere like the Naval Ground where it was taken for some years under the former administration. But it is important that we have space for our whole community to celebrate, to commemorate and to assert its rights on 10th September when we celebrate the anniversary of the referendum and for that reason, Mr Speaker, it was absolutely right that shortly after the
120 first celebration of Gibraltar's National Day here at the Piazza, the events moved to Casemates, which is the home also of the Casemates Declaration.

And so Mr Speaker, in that context, I recall how National Day grew. I recall how it moved from a spontaneous day of celebration into a day that is now an annual day, with important political addresses, with important reflections on what is happening in the context of each
125 particular year, and how it reflects on the right of self-determination of the people of Gibraltar being recognised by the international community.

And Mr Speaker, in that context, I think it is absolutely right that the House should recognise the contribution of the Self-Determination for Gibraltar Group in the establishment of Gibraltar National Day. Indeed, if I may say so, Mr Speaker, in the maintenance of National Day, even
130 when there have been attempts to deny National Day of its obvious political significance, the Self-Determination for Gibraltar Group has ensured that through its organisation of events on 10th September, there is that significance maintained even in the context of attempts to undo the political significance of that day.

Mr Speaker, part of how we ensure that the international community, in particular the
135 Westminster Parliaments – both the House of Lords and the House of Commons – and the European Parliament, understand the significance that the people of Gibraltar attach to the international recognition of our inalienable right of self-determination, is to ensure that those who hold seats in other parliaments and have political responsibility beyond Gibraltar share with us in the celebration, commemoration and assertion of our right of self-determination.

140 Mr Speaker, therefore it is absolutely right that in the context not just of 10th September, but in particular on 10th September, we should be joined by parliamentarians from beyond our shores who leave Gibraltar better informed about the issues that matter to the people of

145 Gibraltar, and in particular better informed about the nuances of the international issues that affect Gibraltar and how they relate to the 1967 Referendum and our commemoration celebration and assertion of the rights exercised on that day 50 years ago.

150 Mr Speaker, I have no doubt that the House will therefore share the sentiments set out in this Government motion, and will want to join in declaring in the spirit of the 1967 Referendum that the future of Gibraltar can only be freely and democratically determined by the people of Gibraltar in exercise of their right of self-determination, as the motion says in its final paragraph, and that the whole House will understand the importance of 10th September in maintaining and enhancing the political edifice of the assertion of the right of self-determination that underlines that free and fair democratic choice about our future.

155 Mr Speaker, National Day is a day when Gibraltarians celebrate together. It is not a day when Gibraltarians should be divided. National Day is a day when Gibraltarians commemorate the referendum generation and the choices that they made together. It is not a day when we should be divided.

160 National Day, Mr Speaker, is no doubt in my mind the day when if we are to be taken seriously by the international community, we must assert the international community's obligation to recognise our exercise of the right of self-determination, in the past and in the future, whenever we deem it absolutely appropriate and necessary, and that is something which this Government surely will never waver on. The 10th September is a day, Mr Speaker, when the Gibraltarians assert who they are and they assert politically that we will be masters in our homeland forever.

165 I commend the motion to the House. *(Banging on desks)*

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

The Hon. the Leader of the Opposition.

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

175 I do not think that anyone in this House can for one second, not identify with the spirit and the sentiment of the motion, as the Chief Minister has just laid out. Certainly it was very moving to see the black-and-white images of our forefathers and mothers exercising their right to determine what not only their future would be, but effectively what our future is today, as we sit here today.

The concept of self-determination is something that, chillingly, is becoming more of an issue on the international stage, on a daily basis. Any news channel you watch today, as we all know, will be full of the images of the way the Catalanian referendum was treated, and to see the images of people being physically pulled out of polling stations is shocking to say the least.

180 Watching those images in contrast with those of the 1967 Referendum which we held here, which was held peacefully and was recognised certainly by the United Kingdom, albeit not by the United Nations for their own reasons, it is stark contrast to what it is we hold dearest to our hearts, and that is the freedom to express our democratically expressed wishes and our right to self-determination. No-one can take that away from us.

185 We wait to see today what will happen in Catalonia, but there are other referendums happening around the world. I only read yesterday about the Kurds, about their right to independence, and that in fact was declared invalid by none other than the United States and the United Kingdom. So the ideal of having a referendum is fundamental and goes to the root of democracy.

190 The 1967 referendum is without doubt one of those defining moments in our Gibraltarian history, tantamount to the evacuation and any other matter which has cemented the Gibraltarian identity. It is entirely right and proper, Mr Speaker, that we in this House recognise the importance of that act of self-determination and that, politically, we continue to tell the world that we will continue to exercise that right, no matter what anybody tells us to do.

195 We as Gibraltarians in our hearts know what it is to be Gibraltarian. We know what it is to live
in our own homeland. We know what it is to defend it. We know what it will take to defend it,
and we all know that we will make the sacrifices necessary, if there are any sacrifices to be
made, to do so.

Therefore, I obviously again agree with the sentiment expressed by the Chief Minister in that
200 we have to continue to make the international world know about what it is that we as a people
feel.

Mr Speaker, the idea of the referendum I think is now becoming so important that I would
like in the Chief Minister's motion and again in the spirit of his motion to perhaps give it more
focus and more prominence for years to come. That is why, Mr Speaker, I have proposed an
205 amendment to the Chief Minister's motion – Mr Speaker, I am not sure whether we will take
that when I sit down or at the same time or afterwards. But basically, Mr Speaker, what I would
like to say is that I agree wholeheartedly with the Chief Minister – questions of physical location
of the rally, really, I think are neither here nor there; what is important is the gathering of the
people in whatever space is available.

210 But Mr Speaker, I really do believe that for generations to come, we should make sure that
they remember the referendum and what it stood for.

Thank you, Mr Speaker. *(Banging on desks)*

Hon. Chief Minister: Mr Speaker, just for clarification, is the hon. Member moving the
215 amendment set out in his letter?

Mr Speaker: Yes, you have given me notice of an amendment. I think you should move it
now.

220 **Hon. R M Clinton:** Right, Mr Speaker, that is what I was asking, yes.
I would like to move the amendments to the motion I propose.

Mr Speaker: Would you read it out, please?

225 **Hon. R M Clinton:** Certainly. Mr Speaker, the amendments to the motion are as follows ...
Sorry, I am on the wrong page.

Mr Speaker, I propose the following amendment to the terms of the motion standing in the
name of the Hon. the Chief Minister:

*In paragraph 2, after 'anniversary', insert 'and congratulates the hard work undertaken by the
SDGG in that respect.'*

230 Though obviously the fuller name, the Self-Determination for Gibraltar Group might be more
appropriate and we are happy to accept the amendment to that. I note that they already have a
congratulations later on, but I think they cannot be congratulated enough.

*Furthermore to delete paragraph 4: 'FURTHER WELCOMES that the National Day rally
returned from John Mackintosh Square to Casemates in 2012;'*

Frankly, Mr Speaker, the reason for that amendment ... I speak afterward, obviously, yes?

Sorry, I carry on.

Then:

*In paragraph 5, after 'ACKNOWLEDGES' insert 'and applauds' and after 'white', insert 'and
the flying and displaying of the Gibraltar Flag and Union Jack;'*

In paragraph 6, delete 'essential' and replace with 'useful'; insert after the first word 'of relevant' and after 'parliaments' insert 'including the All-Party Gibraltar Group;'

235 Finally Mr Speaker:

Insert a new paragraph after paragraph 6:

'ASSERTS that a National Day holiday be reinstated as in previous years, to be called hereafter Referendum Day, in honour of the people of Gibraltar in 1967 who voted overwhelmingly for Gibraltar to remain British'.

Mr Speaker: Would you like at this stage to say a few words in support of your amendment? Or you do not feel that that is necessary?

Hon. R M Clinton: If I may, Mr Speaker.

240 As I said a couple of minutes ago, all I want to do by way of these amendments is perhaps reinforce the importance of the referendum held in 1967 and ensure that it is enshrined in our national memory.

The insertion after paragraph 2 – again as I said, the SDGG cannot be congratulated too much.

245 The removal of the reference to the National Day rally frankly is just a question of geographic location, and as the Chief Minister said, really is a question of available space, and I do not think generations to come will understand why that was inserted in the motion.

In paragraph 5 I note the comment about red and white, but I think we should also make reference to the flying of the Gibraltar Flag and Union Jack. I think the flying of flags all over Gibraltar, not just on National Day, at Casemates has become very much a part of the occasion and I think it would be remiss to leave that out.

255 And then in paragraph 6, as regards the visiting MPs I would not say it is essential because essential implies that we cannot have a National Day without them; I would say it is useful, and again relevant MPs, and I think it is right and proper that the All-Party Gibraltar Group be specifically referenced in the motion, given their continuing support for Gibraltar.

Then finally, Mr Speaker, and perhaps the most controversial element of it, is to reinstate National Day in our calendar and perhaps call it Referendum Day because we are all, I think, in agreement that it was a defining moment in Gibraltarian history and that we should, in honour and memory of the people in 1967 who have put us where we are today, in a much more favourable position compared to the decision they could have taken, that for here and after it should be called Referendum Day. You can still have your rallies, we can still do whatever you want, but I think that particular national holiday should always be called Referendum Day and also it should be as close as possible to 10th September to commemorate the event. So, this year it would have fallen on 11th September and not the 4th, as it was placed, some might say mischievously, next to the GMF weekend.

265 And so, Mr Speaker, that is the spirit and meaning of the amendments I propose. I would hope that the House will understand the spirit with which I move them and I would ask the Government to consider them in the spirit in which I propose them.

Thank you, Mr Speaker.

270

Mr Speaker: I now propose the amendment to the Chief Minister's motion as moved by the Hon. the Leader of the Opposition and which has been circulated to all Members. What is now before the House is the amendment.

The Hon. Joseph Bossano.

275

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): I am not going to surprise the hon. Member opposite, Mr Speaker, because I am going to say no,

so I stand to speak on the amendment and to recommend rejection of the amendment. I understand the spirit in which the hon. Member has delivered it but I think some of it fails to understand the history, in particular when in 1992 we decided to have a rally in the square here it was on the basis that it was going to be Referendum Day commemorating 25 years of the referendum, and that the next Referendum Day would have been in 2017 to celebrate the 50th anniversary, and that nothing would happen in between. That is how we as a Government saw it then and I hoped then that I would be here now to do it 25 years later, and as I recently said in Casemates, I hope I will be there in future when we do it in another 25 years' time! I think that is something that is part of our history. And you say, 'Well, look, we don't do it every year because it is a very special thing' and 25 years really is no different from 24 or 26 but people tend to celebrate things in quarters of centuries all over the world, in every relationship and in days and things like that.

What happened then was that it acquired a life of its own. The Government did not say to people dress it red and white. The Government thought let's see if we can fill the square downstairs, and in fact, in effect, what we discovered was that the feeling of national identity was stronger than we had anticipated – strong enough for us to say forget that it is 25 years, what is clear is that, just like, not just Spain and the UK have got national days, but Scotland has its national day, Cataluña has its national day and Andalucía has its national day because in effect they have the cohesiveness of a nation, even if they are not recognised internationally as a state. The United Kingdom is the United Kingdom of a number of nations, but the state is a state which is a unitary state and therefore Scotland clearly has got an identity as a nation which is different from England, but there is only one state because there was a referendum there and there was not a majority for separation from the United Kingdom.

We are a colony and the concept of a colony is, in effect, very clear in that a colony can only cease to be a colony either because it acquires the identity of a nation state or it links up with an existing nation state either in free association that can be unilaterally broken by other ... and therefore it can link up and then de-link, or be de-linked, or it chooses to become integrated. Given that in effect we, as a colony, in international law are an embryonic nation state with three potential outcomes under the Charter of the UN, everything that Spain has done, from the first time they appeared in 1964 to the last time they appeared a week ago, has been to deliver one single message and that is that we are not a state at all, we are an occupied part of Andalucía and the occupying power is the United Kingdom, and they cannot follow those of us in this room and those of us outside this room. In effect, saying the most important thing is to remind us of Referendum Day, is to remind us of the fact that on a particular day we rejected a proposal made by Spain to integrate us into Spain. I think we have now gone beyond that point because, independent of rejecting integration with Spain, what we are doing 50 years later is saying we are a nation but a nation that has not yet exercised self-determination; and a nation, until it exercises self-determination, will not be recognised as a nation. Therefore, this is a bigger issue than the narrow issue which was put before us in 1967.

I think many people do not remember what it is that made ... I remember very recently being asked by GBC why was something being celebrated ... well, not celebrated but being remembered, because Castiella had kicked the bucket and I wanted him to know who Castiella was. Well, Castiella was the guy who invented the Spanish doctrine and when he kicked the bucket my own reaction was 'not a day too early'! But the doctrine of Castiella lives today and was in fact repeated a week ago because every single argument that Castiella invented in 1964 was based on a premise, and the premise was that we are not a real people. Therefore, what we now celebrate in the rally in Casemates is, first of all, the identity of the Gibraltarian as a British citizen, but as a Gibraltarian British citizen as opposed to an Irish British citizen, a Scottish British citizen, an English British citizen or a Welsh British citizen. It is the Gibraltarianness that is being highlighted on that National Day.

So we are not just saying we celebrate that our forefathers – or, in my case, not my forefather because I was the one that was there – rejected the Spanish proposal, that we are

330 doing more than that. We are saying, as the hon. Member rightly said, in my view, one of the
 elements in the development of our identity as a people was not so much the evacuation but
 the fact that the evacuation which dispersed us did not result in us being assimilated in the
 places to which we were dispersed, and losing, they decided to come back to our homeland. I
 was shipped out when I was a few months old and I came back when I was eight years old. My
 335 family did not want us to stay in Northern Ireland or in London or anywhere, and other people
 we knew did not want to stay in Jamaica or in Madeira; they all wanted to come back home. The
 fact that we knew where home was in 1946, and in 1947 when most of us came back ... I think
 we were one of the last to come back; the last cohort to come back were in 1947. Possibly the
 Foreign Office already had some idea what was happening. They let me come back and they
 340 kept me amongst the last. So then I think we began to see that our people, after many years
 outside of their homeland ... A few settled but the vast majority wanted to get back home, and
 they kept, wherever they were, their Gibraltarian identity, just like whenever people migrated ...
 When I left Gibraltar in the early 1960s there were communities where Gibraltarians lived. There
 was a community in Fulham because, in fact, many of the Gibraltarians had been taken there
 345 during the war, so even the ones that did not come back did not just stay there but kept a bit of
 Gibraltar alive there. Indeed, the whole movement during the closed Frontier days and the
 movement of chartering aeroplanes and coming back home from the communities that were in
 the United Kingdom was all centred around the communities in the area of West London, where
 the majority of them were.

350 So, what we have in National Day now is a reinforcement of that, and one of the fantastic
 things that has happened, I think, since the 25th anniversary in 1992, is that the reaction of our
 people in taking their babies in prams there, is that there is now a generation of 25-year-olds in
 Gibraltar who have only known life as being dressed red and white, even with red and white
 nappies, and that is embedded in their psyche, embedded in their brains and it gives them a
 355 reinforcement of their identity and of knowing who they are and of knowing who or what we are
 collectively. We are collectively a family of people. We have quarrels with each other, because
 all families quarrel – you do not have a real family unless you are quarrelling, and we are a
 quarrelsome family by nature, anyway. But it is that.

I think that to say this is just because of the referendum, which is... no, it is in fact because of
 360 the intervening 25 years, that what was seen by people like me as something ... ‘Okay, we need
 to do something because it is 25 years and then we need to something else in another 25 years,’
 was the understatement of the century. The people wanted much more than that and the
 people did a lot – not the GSLP, not the Government, the *people* – have developed something
 else. I think that what the GSD tried to downgrade was a mistake, a political mistake, because it
 365 failed to recognise the strength of the sentiment, and if that sentiment had not been there we
 would not have been able to have kept the rally alive in Casemates in opposition. People went to
 the Municipal Day jolly that was being organised at this end of town and then they went to the
 rally at the other end of town, where the political real business took place. I have no doubt in my
 mind that their main motivation was not that our constitutional relationship with the UK had
 370 developed to a degree that we were no longer a colony; I think the main motivation, as far as I
 am concerned, was very clear. It was that the rally was something that was not something that
 pleased people in Madrid and that there was a view then in the leadership of the GSD, which I
 believe is no longer there, I hope is no longer there – I certainly believe it was not there under
 Danny and I hope that it is not there under Roy, and I hope if Roy is not there it will not be there
 375 under whoever happens to be there; I hope it never comes back again – which is that asserting
 our identity and upsetting people in Madrid was gratuitously inviting trouble. The Catalans may
 be inviting trouble by declaring UDI, but nobody has suggested they were inviting trouble on
 11th September every year by having a national day, which they do. Their national day is on
 11th September because on 11th September they had the misfortune ... I do not know why they
 380 celebrate it, because on 11th September 1714 they had the misfortune to be incorporated under
 the Kingdom of Spain, just a year after our liberation from Spanish domination and colonial

subjugation was accepted by Spain as having ended in 1713. I suppose they consoled themselves by imposing on the Catalans what we had been liberated from.

385 So these are political issues, these are not municipal events, and I think the attempt to move the rally and then downgrade it was a mistake, and that is why we think it is right that we should want it to be back in the Casemates and want it to be a political rally, and I would want the hon. Members opposite therefore not to want to change it in the knowledge, which they may not have realised, of what the change meant, the significance of saying the political rally is not required because we are now decolonised, which is not correct in international law, we have not
390 been decolonised. And in any event, when we are decolonised, as we will be – we will be decolonised one day. As certain as night follows day, that day will come, and when that day comes our National Day rally will then continue celebrating the fact that we have been finally recognised as owners of our homeland and that we are a nation. So the National Day does not end because we cease to be a colony; the National Day, if anything, continues with even greater
395 sense and even greater significance after you stop being a colony. That is how it has been in every colony that has been decolonised.

But of course if you call yourself a municipality you are in fact doing what they want us to do in Madrid. The position of Madrid all the time has been ‘We talk to a nation and there is only one nation involved in this issue, which is the United Kingdom, and you can be present as the
400 local council and so can the local municipality of La Línea.’ And their latest version of the proposed committee to discuss how we can co-operate with each other – which we have rejected, of course, and I have rejected in the seminars – provides that there would be the United Kingdom and the Kingdom of Spain, and then Gibraltar as a local municipality and then La Línea, the *mancomunidad*, Andalucía ... I suppose they recognised that they would need half a
405 dozen of them to be able to counteract one of us, but I do not know why we, Gibraltar would want to go with so many other people there telling us what we have to do with our homeland, that there seems to be little...

So the answer has to be, just like I am critical of what the GSD did in removing the date, I am happy to acknowledge that what they achieved by having tripartite talks, where the three had
410 equal voices, was an achievement which we have wanted to not lose, because what we are trying to do is claw back what the GSD achieved under a socialist government in Spain. Probably it would not have been possible if the socialists had not been in in Spain, but they responded more favourably to the idea of recognising to a greater degree than anybody else had done before them or since them the separate identity and rights of the people of Gibraltar and the
415 right to be the only people who could speak about those rights.

That is why I do not support the amendment that we change the name or that we should not be changing the venue as we have done, and I would hope that the hon. Member recognises that I am putting arguments so that what I am saying is I would hope that if there is a future GSD Government – it is not that I hope that there will be one, but I hope that if there is one by some
420 mysterious accident – then that bit of the history which was a bitter quarrel between the two sides will not come back, and there is no need why it should come back, because just like I have said, they did some things which we did not agree with and they did other things which I think took us forward, and it would be a mistake to downgrade the rally or to bring it back from the Casemates and have it in the square downstairs.

425 I also think that in terms of how essential it is ... Well, look, we are going to keep on inviting people and it is essential that they accept the invitations. It will be a very bad day for Gibraltar the day that we invite Members of Parliament and they do not turn up. It is not just useful that they come, it is absolutely essential because whether Members opposite are aware of it or not, the reality of it is that everybody recognises that the most powerful lobby that exists in the UK
430 Parliament is the Gibraltar lobby, and when we had that regrettable episode with Hain ‘the Pain’ trying to introduce joint sovereignty, the fact is that what our friends in Parliament mounted in collecting enough signatures to have a motion to debate it, was sufficient to make the Labour government of the day, independent of the red flags and independent of anything else, question

435 the wisdom of what they were doing because the opposition was so strong inside Parliament
and cross party.

The Gibraltar lobby, which we must nurture and support, is worth to us its weight in gold because there are 30,000 of us and we can mount a bigger lobby and have more influence than Wales has. As the Welsh Minister recently told me when he was in Gibraltar, was that in fact we have the ability to mobilise more support for Gibraltar than he has for Wales in Parliament. That is not because we give them a free holiday once a year; that is because when they see us on National Day in our national colours and with our commitment to our identity, they know that this is real. Nobody can come here on National Day and go away without knowing that this is not a fiction, this is not something we are making up. This is real. The spontaneity that was there in 1992 gets repeated every year. Nobody tells them they have to dress up their cats and dogs as well – they all do it.

445 I think understanding all that is something that I want to share with Members opposite so that on this occasion they know it is not simply because I like saying no to the hon. Member, but because there are sound reasons behind it, and therefore, without in any way affecting the affection and warmth of the friendship that I believe is mutual, I have to say I recommend the rejection of the amendments, Mr Speaker. *(Banging on desks)*

Mr Speaker: Does any other hon. Member wish to speak on the amendment? The Hon. Marlene Hassan Nahon.

455 **Hon. Ms M D Hassan Nahon:** I would like to speak on the general motion, Mr Speaker.

Mr Speaker: On the amendment? (**Hon. Ms M D Hassan Nahon:** No.) The amendment is what is now before us. If no other hon. Member wishes to speak, the procedure will be that I will call upon the mover to reply and then put the amendment to the vote.

460 The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, I did not intend to say anything in relation this particular motion but I think that Minister Bossano's words also require me to say ... I feel compelled to say something.

465 First of all, I would like to say thank you very much for his warm words about myself and also about the Leader of the Opposition, but what I want to do is just ... I feel duty-bound to explain, because of course I was part of the GSD Government that made the decision to move from the rally at Casemates to the John Mackintosh Hall civil occasion.

470 The hon. Gentlemen in this House will understand and will appreciate that in any political party there is always going to be differences of opinion, particularly on issues of this nature. Normally what happens, of course, is that it is debated internally, it is debated in Cabinet, a majority decision then prevails and everybody defends that majority decision. I am not going to stand here and divulge or break any confidence by basically saying how people voted or anything like that – that was the position of the party and I myself have defended that position on public television and also at the time when the National Day comes along and one is interviewed about National Day. What I will say is this: that it was a decision that was taken completely in a bona fide way in what the Government of the day felt was in the best interests of Gibraltar at the time.

480 It is important that we place that into context. We had had a new Constitution that had been adopted here in Gibraltar when we took a position that it gave Gibraltar the maximum level of self-government short of independence and beyond which there could only be independence. That the United Nations refused to remove us from the list of non-self-governing territories we took the view that actually that is a political decision by the United Nations but what it does not alter is the reality of the situation, which is that the United Kingdom and Gibraltar are not in a colonial relationship, because Gibraltar is self-governing. That is the reality of the situation. We

can look at the Constitution and we can point to elements of the Constitution where there is a retention of powers by the United Kingdom and we can have an academic debate as to whether that is true or not true, but that was the position that we took at the time and I believe that there was merit in that position as to the consequences of the new Constitution.

490 So, as far as we were concerned, there had been the exercise of self-determination by the people of Gibraltar in the 2006 referendum adopting a new Constitution that gave Gibraltar a maximum level of self-government and that was an act of self-determination and indeed that that Constitution was akin, I think ... I will be corrected if I am wrong and I apologise if I am, but I think that the Hon. the Chief Minister has alluded in some of his speeches and public statements
495 to the fact that our Constitution is akin to a full solution, which is something that the hon. Gentleman the Father of the House, Minister Bossano, first came up with, I think it was, in the 1980s when he was either the Leader of the GSLP or the Leader of the Opposition.

For those listening to this debate, the fourth solution is that we have – fourth option, I beg your pardon – is independence. We have free association, as the hon. Gentleman pointed out,
500 we have integration, and we have a tailor-made model, fourth option, which is that we adapt our Constitution and our relationship with the United Kingdom to the needs of the local community and our relationship with the United Kingdom, but the reality is that the relationship is not constitutional and therefore we ought to be decolonised, we ought to be delisted from the list of non-self-governing territories on that basis. That is the view that we took and I believe to
505 this day that there is merit in that view.

The hon. Gentleman also quite rightly pointed out that part of the context was that we had also reached an agreement with the United Kingdom and Spain, which were the tripartite agreements, and for the very first time Spain made very significant concessions and I think that it is universally accepted, or virtually universally accepted, in Gibraltar that the tripartite
510 agreement was an agreement and a forum that was beneficial to Gibraltar and for the very first time allowed Gibraltar to basically talk directly to the United Kingdom, to Spain, and that that was of benefit to everybody.

In that context, bearing in mind that our view was Gibraltar has exercised our right to self-determination, we have a non - colonial relationship, one of the cornerstones of the policy of the
515 then Chief Minister was that it was desirable to, in as far as possible, achieve a level of normality in our relations with Spain and that Gibraltar should strive to seek normality in our relationship with Spain.

In the context of that referendum result, in the context of the tripartite agreement, the view was taken is it appropriate to be having a political rally that talks of ... Effectively, it is almost like
520 having a complex, if I can put it in those very simple terms, and that perhaps what we ought to be doing is celebrating a family day, a civic occasion in Gibraltar without having to be having a political rally talking about self-determination, which we have already exercised and which creates the impression that our relationship somehow with Spain and the United Kingdom is abnormal.

525 That was the rationale. I feel duty bound to put those arguments to the House so that the record shows ... I am sure that I have not done the argument justice, but so that the record shows what the argument at the time was.

When I became ... Well, indeed, when we lost the election in December 2011, the Government at the time, the hon. Gentleman's Government, took the view that they wanted to
530 reinstate – which was a longstanding policy – the National Day rally at Casemates.

In September of that year I was Deputy Leader of the GSD. I was invited by the Self-Determination Group to the rally. I took the position that it was important for me ... and indeed others also attended – it was important for us to attend, and we did attend. And then when I became Leader of the Opposition in February 2013, one of the first decisions I took was to make
535 it party policy for us to effectively support the National Day rally at Casemates. I took that decision because I think that it is important on issues of this nature for Government and Opposition, as far as possible, to present a united front. Indeed, unless the Opposition of the day

cannot live with a policy of the Government on issues of this nature and really has to take a stand, I think it is incumbent on the Opposition of the day to attempt to support the Government of the day in its decisions of this nature, unless it is something that they really cannot live with.

Of course there is an element here – and I feel that I can say this, that there is obviously going to be an element of coming to the fore of a leader of the party's own personal views, which is only natural. Indeed, I speak only for myself but I have always believed that National Day is an important event, it is a statement of Gibraltar's right to self-determination, and until such time – I hope it arrives one day – that the international community and also Spain recognises that we have that right, that we have exercised it and that we can live in peace and prosperity on our own, governing ourselves, it is important in those circumstances for us to keep repeating the point.

I just wanted, in as fair a way as possible, to explain the policies of the GSD Government and also explain what happened afterwards, and I am very grateful, Mr Speaker, for your indulgence. *(Banging on desks)*

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Well, Mr Speaker, just on the amendment that the Hon. Mr Clinton has moved. I will reply more fully to the part of his speech which did not concentrate on the amendment at the end of this debate.

Just on the amendment and starting with the issue of location, which the hon. Member said was not so important but constitutes part of what he has asked that we should change, I think Mr Bossano made it very clear why it is that Casemates for us is the right place to celebrate National Day. The issue of location has become tied in with a lot of the politics of National Day and the issues between the GSLP, the Liberal Party and the GSD before the 2011 General Election which led to our differences in this respect. So the location matters, Mr Speaker. Indeed, you might recall the phrase that estate agents favour, which is 'location, location, location'. Location matters in this instance because bringing National Day to the Piazza was, for the reasons that the Hon. Mr Feetham I think has fairly exposed, an area of great political difference between the GSLP Liberals and the GSD. Coming to the Piazza to offer *torta de acelga*, *Calentita* and soft drinks at greatly subsidised prices, which is what the announcement from the party opposite in Government was, was the attempt to move away from that raw political significance of the day, which the hon. Gentleman has recognised is important to us on this side of the House and, if I may say so, I think, is not unimportant to him given the way that he has expressed his views today, in particular the way that he has reflected the collective-responsibility aspects of how the decision was made and then subsequently defended.

Mr Speaker, it is very easy to fill a square with people if you tell them, in particular in Gibraltar, that they can have slightly subsidised food and drink. It has been done very effectively in Havana but it is not what we think is the spirit of the celebration of National Day, and this is where I think Mr Bossano put his finger on it. He talked – as history shows us Dennis Mathews talked in 1993 and 1992 – about the spontaneous nature of the support that there is for National Day. We do not need to offer people subsidised *tinto de verano* or *torta de acelga* for them to turn up on 10th September dressed in the expression of their colours of red and white in a small square or in a large square. This is not a celebration that the Government lays on and people attend; this is a celebration that comes from the people. It is a commemoration that comes from the people and it is an assertion of political right that comes from the people.

So we are not going to agree to a change of location, because the change of location is linked to the attempt to make municipal – 'civic' the Hon. Mr Feetham said – the nature of the celebration when this is a political celebration of the people and by the people. The congregation of people at Casemates is an important part of that, and indeed it is an important

590 part of some of the dynamic that I will come to now in the context of the leadership of the principal party opposite.

The Hon. Mr Clinton also wants to add an additional congratulation to the SDGG. If I may say so, I think there is a logistical reason why Mr Clinton has moved that. The motion that I moved in the House contains the congratulation to the SDGG; the motion that was published in various media does not, because it was the wrong version that was put out by the Press Office. The version that arrived here had the congratulations included and I am sure that therefore Mr Clinton has seen the published version in the media, not the version which was in the Parliament. Therefore he will likely agree that it is important, as the Government feels, to have the congratulations to the SDGG but it is not necessary to put it in twice, and in this context in particular because the Government, when we were first elected in 2011, moved a motion to endow Dennis Matthews, who had been the first Chairman of the SDGG, and Forty Azzopardi, who had been the principal organiser of all SDGG events related to National Day, with the GMH and the GMD respectively for their contribution, therefore recognising, congratulating and, rightly, in this Parliament reflecting the thanks of the people of Gibraltar for the work that they had done.

605 Mr Speaker, changing the name of National Day, changing the name of something that we have done for 25 years is not something to be done lightly and I think it is important to understand why National Day is called National Day. It goes to the root of what I said to the hon. Gentleman before: the referendum gave birth to a nation. That is why it is National Day, because that is the expression of the free will of the people of Gibraltar. That is the moment from which Gibraltar turns from a place British because it was conquered in 1704, or granted to Britain by treaty in 1713, to a place British by the choice of its people, freely and fairly determined in a referendum in 1967. The birth of a nation, therefore National Day.

610 That is the core of what we are celebrating, commemorating and asserting on 10th September on this side of the House and therefore we are not going to change our minds or our view on that. Indeed, if I may say so, I think it is something on which we have been *ad idem* with the GSD before. In the report of the 10th September celebrations for September 1993 the *Chronicle* of that day published an advertisement from a very fresh-faced and young-looking Peter Caruana – it is incredible what politics at the top does to you, Mr Speaker – headed ‘National Day Message’. It is an advertisement from Peter Caruana, and on behalf of the Gibraltar Social Democrats, then as Leader of the Opposition, he wished to ‘congratulate all the people of Gibraltar on the celebration of our first National Day’. This is the adoption, by the party that Members opposite represent, of National Day:

On this our National Day

– these are his words –

we commemorate also our historic decision, taken on Referendum Day on 10th September 1967, to preserve our close links with Great Britain, the first exercise of our right of self-determination.

625 So, Mr Speaker, a National Day advertisement by the party that the hon. Member presently leads in a caretaker capacity and purports to lead more fully. This desire now to change the name of National Day seems to be a little bit at odds with the position of the GSD, as it was at least in 1993, the first expression of the Opposition –

630 **Hon. J J Bossano:** The first at Casemates.

Hon. Chief Minister: The first Casemates rally, as I am rightly reminded by Mr Bossano.

Mr Speaker, I wonder what it is that is giving rise to this desire to change the name. The Government is not going to agree to change something we have been doing for 25 years at the motion of someone who has not been here for 25 months. He has to understand that there is a

635 historical significance to National Day, and when he understands that fully I put it to him he would not make a motion to amend a motion celebrating, commemorating and asserting our right to self-determination on National Day.

But I think it is a little bit more serious than that, Mr Speaker, and I think Mr Clinton's lack of understanding of some of the aspects of this motion which have led to his purported
640 amendments are a little bit deeper than appear at first blush. For example, the idea that it is not essential to have people here on that day as part of our lobbying effort throughout the year and that it is also useful is a reflection not of the things that he has told us today on their own, but also a reflection of some of the things he has said outside this place.

In the newspaper, on the week of National Day, the hon. Gentleman said this, and the
645 newspaper quotes him and reflects what he said in different measure:

While he agrees

– the hon. Gentleman opposite –

that this year is an important year to celebrate National Day, with the 50th anniversary of the referendum, generally he is not such a fan of the tub-thumping and patriotic fever.

Well, Mr Speaker, I do not think that National Day is about tub-thumping patriotic fever; I think it is about something slightly deeper than that.

Once daring to wear a green shirt on the fated day, he believes it has become a day for 'political grandstanding'.

I am surprised, Mr Speaker, that he might have taken that attitude, given that, as we have
650 said, the expression of our colours, of our red and white, means so much to most people on that day that simply choosing to wear a contrary colour for the purposes of being a little bit more anti-establishment on that day does not really speak to most Gibraltarians, I would imagine, given that we all choose to wear red and white for a reason.

And then he says this, and this is a direct quote:

We got on perfectly well without National Day in the past. It is more an opportunity now for the government. It all goes a bit over the top. Half the dignitaries invited are just over here on a jolly. They don't really care where they are going.

655 Mr Speaker, more damaging words for the efforts of the Government in the essential lobbying that we do I cannot imagine. Many Members of Parliament who were here on that day picked up this free newspaper, which is available in hotel lobbies etc., and pointed out to me that they were not here on a jolly and that they staunchly defended the rights of their constituents, which is their obligation as Members of Parliament at Westminster, and
660 additionally defended the rights of the people of Gibraltar when that was relevant in debates in the House of Commons.

So, Mr Speaker, I think that there is a little bit more underlying the purportedly innocent amendments that the hon. Gentleman is moving and I do not impute that to the second speaker on behalf of the Opposition, to Mr Feetham. That newspaper which published a double-page
665 interview with the hon. Gentleman providentially that month had a full-page advertisement from the Social Democrats and that advertisement said:

The GSD is delighted to be celebrating the 50th anniversary of the 1967 Referendum.

It does not say 'National Day' anywhere on the advertisement, Mr Speaker. Perish the thought that I prefer an advertisement from Peter Caruana in 1993 to an advertisement by the GSD at least in its interim guise led by the hon. Gentleman *this year*. He says the speeches have
670 become too political for his liking. Well, I do not know whether he means the speeches between 1996 and 2007 when we were treated to speeches from Peter Caruana, or whether he just

675 simply does not like my style. I certainly remember very fondly the tears streaming down my face when Joe Bossano used to speak at National Days between 1992 and 1996. It was not too political for me or for the many thousands who were out there listening at that time. Peter Caruana did not quite move me to tears, but at least he had my full agreement when he came up with the definition of 'nation' from the *Oxford Dictionary* and demonstrated to the world watching that there was every reason why this nation of ours should be described in that way.

680 On a political day of a political re-vindication of rights, for a political leader to say that speeches have become too political is really, frankly, quite something, but it belies the motivation behind the allegedly innocent amendments that we are seeing to this motion to try and change the name.

685 So I think the hon. Gentleman's nomenclature amendment and the hon. Gentleman's change from 'essential' to 'useful' in the context of the lobbying amendment are much more the underlying attempt to continue to fashion National Day in a way that is contrary to the view of most people in Gibraltar than they are the innocent attempt to simply amend the motion to make it stronger.

690 Mr Speaker, from the man who tells us that he sometimes wears a green shirt on National Day, to see an amendment to encourage people to fly flags, assuming that he does not want to encourage people to fly green flags, is really quite something. It is a step change, so from saying 'a day when you wear what you like, not just red and white', to saying 'not just wear red and white, fly the flag' it seems that we are seeing a transformation that one might think is more related to trying to curry favour with Members in the midst of a leadership election than genuine understanding of what National Day is about.

695 But again, here the celebration is *of* the people. Nobody had to say 'wear red and white' in the Government press release in 1991 or in 1992. The SDGG said 'we invite those who might wish to do so to wear red and white' – the SDGG, not the Government and not the Parliament – and spontaneously it happened, and we would be depriving the people of Gibraltar of that spontaneity if we included in the motion the requirement or the advice that people fly flags. Therefore, we are not going to go down the Castro doctrine, which we might start calling the Clinton doctrine when it comes to flags but not when it comes to tee-shirts.

700 As for the idea that we need to – (*Interjection by Hon. J J Bossano*) Yes! There is a defence of some aspects of the Castro doctrine from my left! Mr Speaker, the idea that we need to reinstate the National Day holiday is utter nonsense because the National Day holiday continues to be on 10th September every year when 10th September is otherwise a working day. The only issue is how should the choice be exercised when 10th September is not a working day: where should the bank holiday move? This year the Government made the choice that people would prefer a second August bank holiday closer to a very large event like the MTV Music Festival than they would to National Day – which was a holiday anyway because... or not a working day anyway because it was a Sunday – given that National Day events for most families end much earlier than Music Festival events, which end later. But that is only because of the fact that National Day was on a Sunday. Next year, National Day is on a Monday and National Day therefore will be a holiday on the Monday –

705 simple. I do not think the hon. Gentleman has quite understood that, Mr Speaker. There is nothing mischievous about making a choice about the day you move a bank holiday to.

715 The context of the congratulations to the SDGG must also be seen in light of the reality of what was happening when hon. Gentlemen had the ability to determine policy as Government. Between 1996 and 2011 the SDGG was marginalised. The SDGG was prevented from organising more and more events until the rally left Casemates and the SDGG was told it could not organise an event, (**Hon. J J Bosano**: That's right.) to such an extent that I want to place on record in this House again – because we also granted him the Medallion of Distinction – the gratitude of those of us who believe in National Day being celebrated at Casemates to A B Massias for allowing us the use of the ICC to celebrate at Casemates, with the organisation of the SDGG. So it is a bit rich to see the attempt now at congratulations from the GSD to the SDGG.

725 Mr Speaker, the extent of the lack of affection, if I can put it no higher than that, that there was between the GSD and the SDGG led even to a boycott of the SDGG's Casemates event when we had become the Government and they were in opposition in 2012:

GSD declare boycott of SDGG rally and urge normal National Day.

730 That is 'normal' being not what had been done for 25 years but what had been done for three. Well, Mr Speaker, I think it is right to set things in a historical context and remind hon. Members opposite of the reality underlying the amendments that the Hon. the Acting Leader of the Opposition is trying to put to us.

735 Finally, Mr Speaker, I just want to deal with some of the things that the Hon. Mr Feetham said and reflect on how those affect the amendments. The hon. Gentleman, in telling us what the GSD policy was – and, I think, not defending that policy, he simply sought to set out what the policy was, as I understood from him – told us that the view that had been taken was that we should not be acting as if we had a complex. Well, what we have on this side of the House – and I think most Gibraltarians, and I include him in it – is a complex understanding of the UN doctrine in respect of non-self-governing territories, and we have a complex understanding of the attempts that there are to undermine us in New York at the C24 and at the Fourth Committee. We have a complex understanding, developed in great measure by Joe Bossano's demonstration of how it is possible to give effect to the C24's mandate to educate people of non-self-governing territories as to what the fourth option amounts to and how it can allow a non-self-governing territory that does not fit easily within the concept of territorial integrity or of independence an option to exercise its right of self-determination and emerge from colonialism, and one which I think most people in Gibraltar also fully understand.

745 So the context that leads us on this side of the House to say that the Constitution that we have today, the 2006 Constitution, may be a mechanism which can lead us to the fourth option, may be the maximum possible level of self-governance short of independence which is required for the fourth option to engage, is one that has led us to submit that Constitution to the Secretary General. In fact, the only surprising thing is that it was not done by the GSD in 2006. It had to be done by Joe Bossano, who I was proud to accompany to the United Nations in those days and to the Chairman of the C24 – so not just to the Secretary General but to the Chairman of the C24 – to say to them, 'Look, we think this could fulfil the requirements and the criteria of the fourth option – if you think it doesn't, tell us which parts of it would require further amendment.'

755 That is the nuance between us and them on the issue of the Constitution. They say it decolonises us, we say it could decolonise us, but we all realise – and the United Kingdom in particular because it does not co-operate with the committee – that management of the list is by a third party, the United Nations, and therefore their view matters in the context of this issue, even though we may not share their view and indeed even though they fail to express a view, which is even more complex. It is in that complexity that it was wrong, in our view, to abandon the political National Day, which is the Casemates National Day, in favour of the municipal or civic National Day for all of the reasons that I have set out and for all the underlying reasons that Joe Bossano set out at the time and has set out today.

760 Mr Speaker, 'Caruana proclaims a National Day for a new Gibraltar' was the headline in the *Gibraltar Chronicle* on Tuesday, 9th September 2008 – so not the year after the new Constitution. There was a hiatus of a year. "No need for political rally" says Caruana' is the headline on Wednesday, 9th September 2009, and I read to Members earlier 'GSD declare boycott of SDGG rally and urge normal National Day' in 2011.

770 Mr Speaker, we do not share that view. This is a fundamental difference of opinion. It is probably the broadest dividing line that there is between us and the GSD in respect of that particular policy as expressed in that way. I think hon. Members did the right thing, led by Mr Feetham in 2012 after he became leader, in lifting that boycott and attending National Day

775 with the rest of us, although they explained what their view continued to be. If I have a
difference with the hon. Gentleman on this issue it is that his view continued to be expressed to
be that there was no need for the political rally – although I recognise that when he had his own
mandate after 2015 his position changed. So between 2012 and 2015 the hon. Gentleman set
out a position in respect of National Day which was not to boycott the rally, to come to
Casemates to show unity but to set out a caveat in his National Day messages which was, if I
780 may put it this way, the Caruana doctrine. In 2016 he took a slightly different position, which I
also recognise, and I welcome that because this is hugely important and the narrowing of that
red line between us is in the interest of every citizen of Gibraltar because we will achieve
delisting and we will therefore achieve decolonisation. That day will come, as Joe Bossano has
said. It will not be something that is put off because the GSD takes a contrary line, because I
785 think we have demonstrated on this side of the House that whether we are in Government or in
opposition the people are with us on that, but it will come earlier if we are more united on this
issue than we have been in the period between 2008 to 2015.

Therefore, Mr Speaker, I am in the strange position of wanting to align myself with a Peter
Caruana advert of 1993 and with statements of Daniel Feetham in 2016, and in that way saying
that the Government will not agree to the amendments that are being moved by the Hon. Acting
790 Leader of the Opposition.

Mr Speaker, I want to add one thing and that is that we were not alone at Casemates
between 2008 and 2011. In those years, apart from having widespread support from the
community and the strong support and encouragement, as ever, of our own membership, we
were joined, in the chicken coop that the SDGG set up for us at the ICC, by Keith Azopardi QC,
795 who, as leader of the PDP, took the view that it was wrong to move National Day from
Casemates and supported the SDGG and delivered tub-thumping, patriotically fervent speeches
from the ICC to those who congregated with us at Casemates.

Mr Speaker, I wanted to be with the Leader of the Opposition on this motion. I wanted it
to pass unanimously and I am sorry that I cannot give his amendments my support, but I am with
800 Caruana in 1993, with Feetham in 2016 and with Azopardi from 2008 to 2011 when I say that we
should always ensure that we keep National Day at Casemates – location, location, location –
and that the underlying politics of his amendments is the wrong politics for our future, and that I
will never wear a green tee-shirt on National Day.

I will tell him one more thing: in that interview he said something about my wife that he did
805 not need to say. In all the time that we are in politics together I will never say anything about his
wife, other than to say that I know her and she is an absolutely lovely lady. (*Banging on desks*)

Mr Speaker: Is there any other contributor to the amendment? I will call, then, on the Hon.
the Leader of the Opposition to exercise his right to reply.

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

Where shall I start ... First of all, I think I should start with the most constructive contribution
we have had to the debate today, from the Hon. Mr Bossano. I am always grateful for his
impeccable memory and his knowledge of events that some of us here in this House obviously
815 were too young to remember. I would again encourage him to write his memoirs sooner rather
than later because it is something I think that generations to come will find invaluable.

Hon. Chief Minister: He hasn't finished making history yet!

820 **Hon. R M Clinton:** Well, he can make a start!

Mr Speaker, coming to the concept of National Day versus, for example, a Referendum Day,
in which I sought to amend the motion, the French do not celebrate a national day, the French
celebrate Bastille Day, because to them it means something; it was an event in history that
defined their nation. It is for that reason that I think Referendum Day is perhaps a more

825 appropriate reference to what is National Day. Having said that, I could be persuaded by
Mr Bossano's arguments, given the historical context and the rationale that he puts to it, but
again we need to keep on reminding future generations as to what it is they are celebrating. As
he quite rightly pointed out, there is an entire generation, 25 years, who have only known red
and white, but we have to make sure that they remember that it is red and white and that it is
830 because of the referendum. But if he feels so strongly that changing it to Referendum Day is not
appropriate, well, so be it.

Mr Speaker, I think the most remarkable contribution came from the Chief Minister. I know
that for at least a month now – and I pity him for this – he has been positively straining to bring
up that interview in the *Olive Press*. I know, because he has been sending me horse's-head
835 messages at lunches at the Governor's house and other little snippets elsewhere. But before he
makes too much of this 'green' issue, what the interviewer failed to mention is that in fact I went
out immediately and bought a red one, and the only reason I had a green one is I could not find
my red one. So I am sorry to disappoint the Chief Minister on that score. And in fact, as he said
only too recently, the future is green – although that is only for the Mediterranean Rowing Club
840 and not for the members of the Calpe. And so, Mr Speaker, I really do not believe that this green
matter is that much of an issue as the Chief Minister would believe, and it certainly was not an
act of defiance on my part but perhaps an oversight for not having done my laundry the day
before; But I did nevertheless obtain the required red tee-shirt.

Mr Speaker, although the Chief Minister entered Parliament as Chief Minister in 2011 in his
845 New Dawn Government, the Chief Minister does not have a monopoly on what it is to be
Gibraltarian or how to express that sentiment. The Chief Minister has not set 2011 to year zero
and he, as Brother Number One, will tell us all in Gibraltar what is right and what is wrong. We
are Gibraltarians in our hearts. We do not need to wear a shirt or tee-shirt or anything else. By
all means let's celebrate it, but I think everybody should have the right to celebrate it the way
850 they want. As I said, I did go out and get the required red tee-shirt. But enough of the red tee-
shirts.

Mr Speaker, also in my article I said, about any joint sovereignty with Spain, that our
generation will have to die before any of that ever became a reality. My generation, part of his
generation, that grew up with the closed Frontier will never forget and will never forgive, and
855 until my generation dies out there is no way that any of us will ever consider any proposals with
Spain at all, (**Hon. D A Feetham:** Hear, hear.) and that I can guarantee.

Mr Speaker, the Chief Minister has finally made a confession about the National Day holiday.
He has told this House, 'Well, Mr Speaker, the National Day holiday we did on the fourth
because people stay up later at the MTV.' This is not a holiday to accommodate a commercial
860 event, however successful or unsuccessful it may be financially, but is meant to be our national
holiday. It should be sacrosanct. No one in Government should be saying, 'Well, actually, if we
move it to this day it's better because I'll have a hangover, everybody will call it GMF hangover
day, and then the day after National Day, well, that doesn't really matter.' I think if there is
anything in my motion that the Government must see fit to support it would be to, at the very
865 least, respect National Day and keep it where it should have been. We all know in this House it
should have been on 11th September and not 4th September. He has admitted that it was more
convenient to have it next to the GMF because people are going to be up later – oh, and people
will not be up later on National Day. Seriously, Mr Speaker, does he expect everybody to go to
bed at 10 o'clock on National Day because that is what he does? I think it belies the fact that the
870 National Day holiday has been, unfortunately, usurped for other purposes and I would urge the
Government to put it back to where it deserves to be.

Returning to the question of the MPs, I attended my first National Day rally on stage last year
and I am sure it cannot have failed to have reached the Chief Minister's attention that one of
those MPs that he had invited in his wisdom was actually an avid Brexiteer and probably made
875 history by actually being booed by the people in the square. So I would say he has to be a bit
more judicious in his selection of MPs that he brings to Gibraltar.

880 In that respect I would have thought that the one amendment to his motion that would have been acceptable would be to include reference to the All-Party Gibraltar Group – after all, as he has quite rightly pointed out, they do sterling work for us in Parliament. So, rather than just referring to MPs in general – or MEPs, who may not be around for much longer anyway – I think there should be specific reference to the All-Party Gibraltar Group.

National Day means a lot to everyone. For some it means a good time to celebrate with family and friends; for others, and for us in this Chamber and certainly for him opposite, it is of political significance where there is a political stage and a political message to be delivered.

885 As regards the concept that there is some great divide between us, we may differ on style, but I think in terms of purpose there is not much difference between us. We all agree that we need to defend the rights and interests of the people of Gibraltar, however best we may do that. And so my amendments to the motion were really exactly, as I said at the beginning, in the spirit they were meant. There was no hidden agenda or particularly subversive element to him that he has read into it. But again, that is, I guess, his privilege.

890 And so, Mr Speaker, I propose the amendments to the motion and, by way of aside, if I have offended his honour and his wife I apologise profusely and I acknowledge the fact that indeed my wife is most wonderful.

Thank you, Mr Speaker.

895

Mr Speaker: I will now put the amendments moved, in the terms moved by the Hon. the Leader of the Opposition to the vote. Those in favour.

900 **Hon. Chief Minister:** Can we have a division on the amendment?

Mr Speaker: We are voting on the amendment.

Hon. Chief Minister: Can we have a division?

905 **Mr Speaker:** You want a division? Then I do not have to ... Very well, call a division.

Voting resulted as follows:

FOR	AGAINST	ABSTAIN	ABSENT
Hon. R M Clinton	Hon. P J Balban	Hon. Ms M D Hassan	Hon. N F Costa
Hon. D A Feetham	Hon. J J Bossano	Nahon	Hon. Dr J J Garcia
Hon. T N Hammond	Hon. Dr J E Cortes	Hon. L F Llamas	
Hon. E J Phillips	Hon. A J Isola		
Hon. E J Reyes	Hon. G H Licudi		
	Hon. S E Linares		
	Hon. F R Picardo		
	Hon. Miss S J Sacramento		

Mr Speaker: The position is that there are 2 Members absent, there are 2 abstentions, 5 votes in favour and 8 votes against. Therefore, the amendment is defeated.

What is now before the House is the original motion of the Chief Minister. All Members, except the Hon. Roy Clinton, can speak on that motion. The Chief Minister has a right of reply, obviously, later. So that is now the motion before the House.

The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, this year 10th September was indeed an anniversary to be proud of. Our people enjoyed as we celebrated 50 years since that historical day when Gibraltarians put pen to paper and let the world know who we were and where we wanted to go. Events organised this year have indeed been momentous, but I still fail to

understand why, among so many events and celebrations, we could not have had a bank holiday on 11th September, the day after National Day, to commemorate this 50th anniversary.

With respect, the choice to place the bank holiday after the Music Festival week as opposed to after National Day goes against the very message that this Government is trying to promote through this motion. On this occasion, I believe that Government has not proved to be in tune with what people wanted, and not allocating the bank holiday the day after National Day when it fell on a weekend this year contradicts the level of importance given to National Day in this motion before this House. The Chief Minister decided that placing it the day after the Music Festival was the best swap, but it should, when on a weekend, by default be moved to the nearest Monday to 10th September, just like any other bank holiday, regardless of other surrounding events a week or days before.

Furthermore, I regret to say that, as much as the Members of the UK and European Parliaments are welcome, in my humble view, to the National Day celebrations, that due care and sensitivity must be taken in the choice of delegates. Hard Brexiteers, for example, have not been well received in the past, causing embarrassment and discomfort when they have been jeered on stage, and it should not be a surprise, keeping in mind the 96% vote to remain in the EU last year, that sensitivity and due care must be taken. Similarly, other choices like far-right DUP representatives have also clashed with our views of tolerance which defines our National Day identity more than the colours we wear on 10th September. National Day should project Gibraltar's national identity as a multicultural and inclusive nation. Therefore I take this opportunity to restate the importance of choosing wisely and according to our values when inviting individual Members of Parliament to share a day like National Day with us.

Given these provisos and these caveats, which should be taken in the spirit of advice and consort, I shall still be voting in favour of the motion because I adhere to its general principles.

Mr Speaker: Any other speaker? The Hon. Lawrence Llamas.

Hon. L F Llamas: Mr Speaker, I am grateful to the Hon. the Chief Minister for bringing this motion to the House. It is an opportunity for Members of both sides to engage in a discussion about a matter which is of fundamental importance.

I am reminded, as I touch upon the matters raised here today, of Jo Cox, the former Member of the British Parliament for Batley and Spen, who Members will recall was murdered in cold blood in the days running up to the worst day of June last year. I am reminded of her because certain words that she used in her maiden speech to Parliament barely a year before her tragic death resonate with the matter at hand in this Chamber and at this very moment today. No truer words can be said than, in respect of the issue of who we are as a community, our emancipation and our exercise of our inalienable right to self-determination is a matter in respect of which it is clear to me that we have far more united and far more in common than that which divides us.

There are, however, a couple of points which do divide us, although by the grace of God such sources of division are neither critical nor existential in nature. National Day this year had the special significance of being the 50th anniversary of that day in 1967 when Gibraltar came together, as it has done on so many occasions before in our history, to stand up to the challenge of its identity and to assert itself as one community united. We have much to thank our predecessors in this House for much of who we are today and because for such a long time now the political leaders of this community have pursued our interest in an international context as well as they have, that we can stand proudly in our red and white on 10th September each year as Gibraltarians, knowing that Gibraltar's identity as a people and our inalienable rights to our homeland have been and will always be defended.

I believe that Gibraltar has already determined its own path but that the United Nations' unreasonable stance keeps us on their list of non-self-governing territories. I agree with and hold true to the position established by Sir Peter Caruana's GSD in this regard, namely that Gibraltar's

referendum adopting a new constitutional relationship with the UK was an act of self-determination. We have the highest form of self-government possible whilst retaining our links with the United Kingdom in a manner that is consistent with the democratically, freely and emphatically expressed wishes of the people of Gibraltar. National Day is therefore not, in my view, exclusively about us asserting our rights to self-determination but about celebrating our identity as Gibraltarians, an identity that over the years has naturally and inevitably been shaped by the peaceful and prosperous quality of life we have all come to cherish. That we commemorate or celebrate our exercise of that right to self-determination is, of course, also proper and correct, but it is not and neither does it need to be the central tenet of the annual celebrations of 10th September.

But there are some issues on which Members here do differ. It is a nuance, but the motion should note and not necessarily welcome the return of the rally at Casemates, because it must be clear that not everyone here is of the same view as hon. Members opposite, and that the policy of Members on this side of the House – at least that of the GSD and myself – is, as I have explained and as has been touched upon, that we hold the celebration of our identity on National Day in high regard but that a political rally is no longer required in the context of Gibraltar in 2017.

The House should also acknowledge that it is right, of course, that we invite foreign politicians who support us, but it must also acknowledge that it is right that we do so because the Government of the day has taken it upon itself to reinstate a political rally held under a banner seeking a right which we already have and exercise freely, and if it did not invite foreign politicians it would not be much of a political rally at all.

I presented a series of amendments to the Chief Minister behind the Speaker's Chair, which I commend to him, but I will not be presenting them formally on my own initiative, choosing instead to commend them to the Hon. the Chief Minister in the hope that he might be able to persuade or introduce some which he considers are not deal breakers in order that we may achieve the unanimous support of all Members present. The essence of the amendment I commend to the Chief Minister is that the return of the rally should be noted as opposed to welcome and that the invitation of foreign MPs should be done consequent to the decision to reinstate the political rally at Casemates. I trust the Chief Minister will give these matters some consideration and look forward to hearing his views on them.

Thank you, Mr Speaker.

Mr Speaker: Any other contribution from the Members on the motion? The Hon. Albert Isola.

Minister for Commerce (Hon. A J Isola): Mr Speaker, very briefly, if I may, I have to say sitting here and listening to the contributions made by my friends on the other side of the House has left me feeling rather confused as to not what the position of the GSD is, because that seems to be confused in itself, but also of the Members who sit on either side of the GSD Opposition.

I remember the 1967 referendum as a very young five-year-old child. I remember the festive atmosphere. I did not know what was going on but it was a cracking time to be in Gibraltar and to enjoy the celebrations that were going on then, even though of course, as the Chief Minister has mentioned already this morning, it was a deeply political step that was being taken. In fact, the referendum generation, as the Chief Minister has now labelled them, took that decision in the full knowledge of what awaited them, and not just what awaited them but lived through the entire period that they suffered during the closed Frontier and the many restrictions, which were not limited to the closure of the Frontier, as we all know. And so to choose that day to celebrate National Day could not have been more appropriate 25 years ago. The response that we received from the people of Gibraltar in respect of that call could not have been more appropriate.

And so the significance of this motion is, in my view, totally undermined by talk of on what day is the bank holiday or on whether the arrangements should be in one place or another,

because frankly, for the GSD leader to stand up and say that the choice of moving from Casemates or to John Mackintosh Square is geographical location when we all know that of course is not true, when he seeks to congratulate the SDGG when in 2011 his party was calling to boycott the SDGG, there is some substance lacking entirely in what the Opposition is saying in respect of this, what I consider to be a very serious motion.

I, like I know my colleague Ms Hassan Nahon, will be very proud of the roles our respective fathers took part in that day, and I think if they were listening here today they would be deeply disappointed with what they have heard today.

Thank you, Mr Speaker. (*Banging on desks*)

Mr Speaker: The Hon. Joe Bossano.

Hon. J J Bossano: On the original motion, Mr Speaker, let me say that I do not agree that the decision that we took in 1967 was a very difficult decision which we had great courage to take. We happened to be next to a neighbour that was garrotting people like me. I probably would not be here to tell the story if a decision had gone the other way. Anybody who had any left-wing leanings had a very short lifespan. Most of the leaders of trade unions and political parties in Spain in those days only kept their heads if they went into exile. So the reality of it is that it was incredible ...

It is not that the British gave us a choice, because they did not have a notion of what we would decide until they gave us a choice. It is just that it would have been unprecedented in the history of western civilisation for any community that had free elections, free trade unions, the right to strike, a constitution protecting human rights and the right to elect a government of their choice to freely give all that up and join a military dictatorship created by a *coup d'état*. That was the choice. Forget about being British or being Spanish, it was about either being free or choosing not to be free. That is why when I spoke that day at Casemates I said the incredible thing is that 44 people chose not to be free, chose to be under Franco's dictatorship. It can only be because they probably were people who had links with the other side and knew where in the hierarchy of the dictatorship they would finish off and they would be better off under Franco – because the ordinary person would not have been.

So I think we need to understand that the people took the decision in the knowledge that whatever hardship the outcome would produce of a closed Frontier – before the closure the removal of supplies of oxygen for our hospitals, or removal of the flowers for our churches, all the things that they did – all those things could not possibly be compared with what we knew life under Franco was like every time people went across that Frontier on the 80 days a year, with the 80-day pass, that they were permitted to visit.

So let us be clear that what the British Government did was important in the sense, as the Chief Minister has said when we celebrated our National Day and since ... was that in effect they were saying 'The people of Gibraltar will say whether they want to be with me or not, even though I, as the administering power, have the right to decide.' And indeed the position in 1964 and 1965 which the UK took, which in my view was a mistake and which antagonised the Committee of 24, was not the position that they took in 1967 when they had the referendum but the position to say 'the Committee of 24 doesn't tell the British Crown what it does with its possessions – this is British sovereign territory and nobody is going to tell us what we do with our sovereignty.' In 1964 and 1965 the UK of 1964 and 1965 is not the UK of 2017 and therefore they said it on the basis of if the people want to go, then we will respect the people's right, but no foreigner is going to tell us that a British territory has to stop being British.

In fact, technically they were right in saying that the disputed sovereignty by Spain as a result of the retrocession clause in the treaty was not a matter for adjudication by the Committee of 24; if by anybody, it would be by the international court that adjudicates as between member states of the United Nations when there is a dispute over a treaty. Spain had no argument then and it has no argument now because the nature of the argument is that the territory that is

owned by the United Kingdom as a colonial power, which is still the case. Whether Mr Caruana, as Chief Minister of Gibraltar, decided that we were not a colony or whether Mr Llamas believes today that we are not a colony is irrelevant because it is not in their gift under international law.

Under international law we are a colony, as Spain frequently says, correctly, because the British government decided to put us on the list as a colony. Ceuta and Melilla are not there, but Western Sahara was because the Spaniards decided to put Western Sahara but decided not to put Ceuta and Melilla. The United Kingdom decided to put Gibraltar, Malta and Cyprus but decided not to put the Channel Islands or the Isle of Man. Had they put them on the list ... because it was not the UN that drew up the list, it was the members of the UN who were invited to put on the list in the 1940s, in 1948 or 1949, and the list then eventually in 1854 was finalised but on the basis that territories could be removed or added. In fact, New Caledonia has been in and out and French South Pacific territories were included, if you remember, a few years ago.

So the reality is that this is the list and once you are put on the list the problem is that you cannot come off it that easily. The United Nations Committee of 24 has acted totally in breach of its terms of reference under the United Nations Charter because it has allowed Spain to argue that because they have not even a claim but a right of retrocession, then the people of Gibraltar are not able to exercise their right to self-determination.

But of course the argument of Spain in 1964 in the UN when we had our first referendum was that we were not a people, and therefore you cannot separate the fact that we are, at the rally in Casemates, declaring our right to self-determination and say, as Mr Llamas says, what we were declaring was the fact that we are the Gibraltarians, a people, because it is only because we are the Gibraltarians that we have the right to self-determination, and it is not because, like the Catalans, we are a region of anywhere. Under international law it is only and exclusively the territories that are under colonial rule and foreign domination, to use the colourful language of the 1960s, that entitle as a human right to exercise self-determination, and under the provisions of the resolutions of the UN of the 1960s and the one of later years, the criteria for being able to call yourself a people is that your identity should be distinct from the identity of the colonial power.

Therefore, if the administering power is the United Kingdom and the people in the colony are all settlers from the United Kingdom, then the settlers from the United Kingdom cannot really say 'we have got the right to self-determination', and therefore the people in Ceuta are not a colony because the people in Ceuta are integrated in Spain and they see themselves as Spanish. We do not see ourselves as Anglo-Saxons, we do not see ourselves as ex-pats. We have no other home; this is our home. And if we say we are Gibraltarians and we are celebrating our Gibraltar identity, then we are saying by definition we are celebrating the right to self-determination because only the people who can say the first can say the second. The people who choose to say the second and cannot say the first lose the argument in law because the interpretation of the United Nations of chapter 11 and of the resolutions are that only those with a distinct cultural identity of their own are entitled eventually to be owners of their own destiny, owners of their own land, and enjoy the right to self-rule.

Self-determination is the road that has to be followed to achieve self-government. It is the degree of self-government that we have got and that degree of self-government, in our view, can only be determined to be sufficient by the United Nations – because that is what the Charter of the United Nations says, not because we want it to be like that – because that is the only body of international law that exists. So we may be 99.99% of what is required and they would still say 'You stay on the list.' And they are entitled to say it. When the United Kingdom created associated statehoods for the colonies in the Caribbean, the United Nations refused to remove them from the list.

So we cannot celebrate our national identity unless we claim to be a nation, and we cannot claim to be a nation unless we are talking about being a nation which is not yet fully self-governing. Therefore, what we are celebrating is something that started as an event where we were not exercising self-determination. It was the closest we had been because before we had

not had an opportunity to decide anything. But in 1967 what the United Kingdom said to us was, 'Look, these are the Castiella proposals – do you want to accept the Castiella proposals or do you want to continue as you are?' We voted to continue as we are in 1967, as we were, because we said it is better to be under colonial rule with the United Kingdom than free under Franco, because freedom under Franco was that you left every day with your head on your shoulders and you were not sure how you would finish that day. That was the freedom and it is a freedom that they seem to be having great difficulty in shaking, given the way they behave when people want to vote in Cataluña.

So the reality of it is that the assertion of our identity with which we are all clear carries with it a responsibility for doing the next thing – which seems to be difficult for some people – and saying this is ours, we take the decisions here, we are the owners of this place, nobody tells us what to do in our homeland, and we choose to be with the United Kingdom even as a colony because it is the lesser of two evils. That is what we decided in 1967 because that was the choice on the ballot paper. The choice on the ballot paper was 'Do you want to be decolonised by being put under a fascist dictatorship, or do you want to be a colony under a democracy?' Well, you had to be a very peculiar person to choose to do the second. But it was a self-determination. Self-determination requires that the people of Gibraltar freely choose independence, free association, integration or the fourth option, which we did not know existed and in fact we did not discover that had been there since 1971, even though we discovered it in 1992 when I first went to the UN. Nobody told us, and in those days there was no internet. Today they cannot keep anything away from anybody because all you do is you google it and you find the answer.

So, I think in supporting the motion, as I am standing up to do now, I do it in the context that we have moved away from the referendum because the referendum was a very narrow choice. We had the choice of being a colony or being under a fascist dictatorship, and I think the choice today, the result would be the same, for two reasons: one, because as a colony under our new Constitution, under British rule we have a greater level of self-government than Cataluña and the Basque Country, which are not colonies but have got less right to govern themselves than we have; and because even though they may have a democracy in Spain, they seem to have a tendency to choose very undemocratic leaders in the process. Therefore, there is no question about it: if the choice today were limited to be under a so-called democratic Spain or a British colony under the United Kingdom, the vote would be the same, even if it were that narrow.

But fortunately it is no longer that. Today we are able to celebrate that the United Kingdom has accepted our right to choose whatever we want – not whatever Spain may offer us, whatever we want – and the only argument that they have, which we think is incorrect, and not only do we think it is incorrect but the GSD think it is incorrect, because when the letter from the Foreign Secretary that introduced the new Constitution to Gibraltar was transmitted to Gibraltar it contained a clause agreed by Government on a position that we did not agree with the UK view, that the Treaty of Utrecht prevented us from choosing independence. We may not want to be independent, simply because we are sensible people and we know how long that independence would last – I am not sure if we would measure it in minutes or in seconds – but not because we do not have a spirit of independence in us and it is not because, as Margaret Thatcher told Felipe Gonzalez when she visited him in 1995, 'the people of Gibraltar in 1995 would be an independent nation today if it had been any other colony', because we are more advanced than many of their other territories that Britain has given independence to, 'and the only reason that they do not is because we say we respect the Treaty of Utrecht we have with you, and you should be thankful for that.' That is what she told him – because she had no problem in telling people things to their face.

So the reality is that we are now in a situation, when we are talking about the United Kingdom, that accepts that and that accepts a degree of control over external affairs that did not used to exist, in that they will not enter into talks about our constitutional development or about our future or about our sovereignty without our prior consent. That gives us a degree of

control over external affairs which other remaining colonies – non-self-governing territories, as they are called nowadays – do not have.

But the fact that we are at that level has not decolonised us, because the 1964 Constitution of Bermuda is more advanced than the 2006 Constitution of Gibraltar – in 1964, and they are still on the list with that constitution. So we can say, if we look at the Constitution that we have got today and we compare it with the one of Bermuda, we should not be a colony – well, then, Bermuda should have stopped being a colony then.

The hon. Member, Danny, will remember that when we were in London and we asked for the same text as the Bermuda constitution, what we were told by the expert from the Foreign Office was, 'Nobody's ever going to get that again because that was a mistake that we made – we gave it to them in the 1960s because they told us that they were about to go independent, and then they didn't do it, and therefore we are not going to make that mistake again.' That is the reality. That is the knowledge we have to have when we make a judgement and an assessment of what it is that we are doing, and in the context of that knowledge I think what we are doing today is in fact taking our constitutional development a step further by moving on from the referendum to where we are already, where we have been as a result of what the GSLP did and as a result of what the GSD did and as a result of the new reality that the United Kingdom has accepted, a reality that will never again allow any Foreign Secretary in the UK or any Secretary of State in the United Kingdom to try and foist on to us joint sovereignty with anybody. The only joint sovereignty there is ever going to be in this place is British and Gibraltarian, and that is a day we will celebrate when we are finally decolonised. (*Banging on desks*)

Mr Speaker: Any other contribution? The Chief Minister.

Hon. Chief Minister: Mr Speaker, Joe Bossano has been following issues relating to the decolonisation of Gibraltar and its international status since before he came back to Gibraltar in 1972. His involvement with the IWBP – the movement first and then the party later – started when he was beyond Gibraltar and he has said on occasions in this House that what most motivated him to return to Gibraltar was forming part of the struggle in Gibraltar in relation to our international status.

What hon. Members have had the benefit of today is what Members of the UNC24 enjoy the benefit of every year in the seminar that is organised by the C24 before the session in New York. There, the UN invites only territory governments, it invites the members of the UN, the ambassadors who are members of the C24 and the secretariat. In the years when the GSLP Liberals were in opposition, Joe Bossano was invited in his own right as an expert on the right of self-determination, something for which he is recognised perhaps sometimes more outside of Gibraltar than he is inside Gibraltar.

Therefore, Mr Speaker, I associate myself with everything that he has said this morning in setting into context the National Day celebrations that were born at the time that he was Chief Minister and indeed at the time that he was returning Gibraltar to the UN and to our annual opportunity to defend ourselves against the annual opportunity that being on the C24's list gives Spain to claim our land. This is an important part of what I am going to say in reply.

Hon. Members might take the view that they have expressed what Mr Llamas said was the GSD view under Sir Peter Caruana that he still associates himself with. I do not know that the Hon. Mr Clinton was making that assertion, and indeed I do not know that Mr Feetham was defending that assertion – he told us he was just setting out what the position had been, and his position in 2016, when he had his own mandate on National Day, was different to the one that he had taken in the years between 2012 and 2015 when he had the mandate that the GSD took in 2011's General Election.

That is the reality, Mr Speaker: that every year in New York, because we are not decolonised, Spain gets to claim our land at the United Nations. She does it twice: at the C24, where she has to seek leave to make her claim and express it from the secretariat, which of course grants it

because she is a member of the United Nations seeking leave to intervene in a committee; and at the Fourth Committee of the General Assembly in September.

Just so that hon. Members understand – and I do not understand this half as well as Joe Bossano does, given that I am almost half his age – the General Assembly meets in September; the session starts in September. Hon. Members will see the Pope, the King of Spain, the Prime Minister of the United Kingdom attend the session. It starts in September, the beginning of a new UN year. Then after that plenary, the UN divides into committees. The committee that has responsibility for non-self-governing territories is the Fourth Committee. It has an initial hearing in October and then sends to the C24 – which then will meet, after a seminar in May, in June – the issue of what is happening with the remaining listed territories.

At that Fourth Committee, whatever our Constitution says, the Spanish ambassador says, ‘United Nations, you said in the 1960s we have to negotiate with the United Kingdom the return of Gibraltar to Spain under the principle of territorial integrity, which was the applicable principle in terms of the decolonisation of Gibraltar. We want to start that process. Please tell the UK that we must do so.’ That happened in 1968, 1969 and 1970, despite the change of Constitution here; it happened in 2005, it happened in 2006 and has continued happening after 2006 whatever our Constitution says – *whatever* it says.

And so Hon. Members can stick their heads in the sand like ostriches and say we are decolonised, but in New York somebody will be planning to come and ram them on their behinds because they have got their heads stuck in the sand, because the decolonisation of Gibraltar has not happened where it needs to happen.

Colonisation is no longer an instrument in the national legal order of the United Kingdom. The concept of colonialism disappears from the United Kingdom legal order when we moved to Overseas Territories and the new constitutional structures, yes, in the 1960s and the 1970s, and whenever the United Kingdom has dealt with that issue. But it was never an issue in the national legal order, other than in the context of nationality. You could not have nationality if you were born in one of the colonies. The United Kingdom did not take the *pax romana* attitude of the Roman Empire and make citizens of those who it conquered. It created two classes of citizens, something that only the United Kingdom could do – like a P&O cruise, different classes; British Airways colonialism. Overseas Territories citizens were in those old days BOTCs, not full British citizens. Not until after Hong Kong did the concept of full British nationality for everyone come into the concept of British nationality.

It is therefore in that context that the battle for decolonisation starts. It starts in the 1960s when Sir Joshua and Peter Isola lead us at the United Nations. What they were fighting then is still the reality today. For national political purposes, if you get a great constitution and you want to say, ‘Yes, I’ve done it, I’ve achieved it, I did what Hassan and Isola could not do’ ... Of course you can understand that a local political leader might try and do that, but he is not going to pull the wool over anybody’s eyes who has bothered to understand what is happening. It might be what *should* have decolonised us – and this is the point that Joe Bossano has repeatedly made since 2006 – it should be very likely the maximum possible level of self-government short of independence that should amount to the fourth option, but whilst the C24 and the Fourth Committee do not recognise that, then whether we like it or not, in international law, which is the battle we started fighting in 1964, we are still a colony, and you cannot assert that you won the fight, that Hassan and Isola could not win, simply by saying ‘I’ve done something in Gibraltar.’ Well, look, if we could have done something in Gibraltar we would have done it in 1964, or we would have done it later. Maybe the UK would not have played ball in 1964. As Joe Bossano also said a moment ago, the UK of 1967 is not the UK of 2017. But the idea that we have won in New York that which we lost in 1964 is a nonsense which we cannot swallow.

All of that leads us to what happens in Gibraltar on 10th September. Have we won in New York? No. Then 10th September has to be a political act not with a view to the United Kingdom – I think we have won the argument with the United Kingdom. And not just Gibraltar; it has been won by all the Overseas Territories, but in particular by Gibraltar. What we have not won yet is

the right that we started fighting for, and it cannot be right that Gibraltar is divided in half between ... not in half, 68-32, by those who are persuaded by the magical art of politics that we have won today that which we started fighting for in the 1960s but which we have manifestly not won.

I am half tempted, Mr Speaker, to ask the Hon. Mr Llamas to accompany me to New York in October or June. I am sure he would make a very convivial travelling companion. When we get there he will see the Spanish ambassador give the same speech today that they have been giving since 1962 – the same speech on the same legal principle. And therefore the re-vindication of our right, the assertion of our right in the context of the international battle that we are fighting, is as important today as it was then, and whether I am Chief Minister or not I will be at Casemates every 10th September for the rest of my life until in New York somebody one day has the courage to get up and recognise, as Joe Bossano has just said, that the people of Gibraltar are decolonised under this Constitution or a future constitution. But until then I will not tire of persuading people that although Peter Caruana and his negotiating team – which included Mr Feetham, included Joe Bossano and included the Deputy Chief Minister and included you, Mr Speaker – brought back a great Constitution from London in 2005 and 2006 ... But is it a decolonising constitution? The answer, Mr Speaker, is not yet.

That is why the nub of the issue, dealing with Mr Llamas's contribution, is not a nuance about whether or not we are celebrating or commemorating. I know that he came with a prepared speech, but I was very careful in what I have been saying all of this morning. I have been saying that National Day is about celebrating, commemorating and asserting. We are commemorating the generation that did what it did in 1967; we are celebrating the choice that they made – thank goodness the result was not otherwise, otherwise the people in this room might have ended up with their skulls cracked simply for defending different opinions; and asserting because we have to assert, at least internationally, that we continue to be of the view that Gibraltar's future will only be determined by its people.

Every year there is a consensus decision of the C24 and of the Fourth Committee that talks about the re-establishment of talks under the resolutions. That consensus decision has occurred, as I said, before and after the two Constitutions which are relevant in this debate, 1969 and 2006; it occurred after Sir Joshua and Peter Isola's intervention; it occurred in the years between 1969 and 1992, when Joe Bossano did not attend and there was no representation from Gibraltar; it occurred from 1992 onwards. The recitals to that declaration are different, so in different years different things have been added to it – the UK and Spain are in a trilateral process etc. – but the conclusion is always the same one about our homeland.

In New York – and this is where we had the great difference about Peter Caruana's decision as Chief Minister not to attend the C24 – in New York in June there will be a decision that says Spain and Gibraltar should start the process of discussing the reintegration of Gibraltar into Spain. Do hon. Members, and Mr Llamas in particular, think that we should not be there to put the point of view of our people? In October they do the same thing.

Hon. Members will know – because I learnt it from Joe Bossano – that I go to New York for 20 hours, Mr Speaker. I do not go for a week. I do not get a chance to have a great meal and I do not get a chance to do much shopping. I go for 20 hours because Joe Bossano taught me that we go to New York to do what we are there to do, not for a jolly or a holiday. Why do I put myself through that? Why did he put himself through that, even when he was not in Government? Why did Peter Caruana put himself through that, and continue to do so in respect of the Fourth Committee in October but not in respect of the C24? Because it is absolutely the first duty of whoever is the political leader of this nation to tell the international community when they are considering the issue of Gibraltar what the view of the people of Gibraltar is, because they are still stuck in the 1960s considering how we reintegrate this place into that place.

If there was anybody who in good faith heard the siren calls from Madrid in 1967 – there were 44 – in 2002, or indeed when Mr Montegriffo and others have made statements about reaching accommodations with Spain ... If there was anybody who heard those siren calls and

was slightly persuaded and then sought to persuade the people of Gibraltar that we should accept any aspect of Spanish control of our sovereignty, then I genuinely believe that a week on Sunday, when Gibraltarians were watching their television screens, they understood that it was right that we chose not to allow Spain one foot in the door of our sovereignty and that it will not be necessary for the GSLP to be alone making the argument in the future with the Liberal Party, because the images on our television screens made that argument. Whether it is something as potentially light as making the argument that perhaps one day a Gibraltarian Chief Minister might recommend a modern Andorra-style solution to the people of Gibraltar, as Sir Peter said in Seville in December 2010, I do not think there will be ever any Gibraltarian leader now who will be able to persuade anybody to listen to him for a moment if he starts to make that argument.

All of this is connected. All of this is what Spain is pushing for in New York. All of this is what would be easier if we did not congregate as a people on 10th September each year to commemorate what happened in 1967, to celebrate the choice that was made and to assert that we will forever be the masters in this place and that we have the whip hand on the political future of Gibraltar.

So this is not something that we can consider to be in the bag and we cannot put our heads in the sand and our posteriors in the air, because there are people in New York planning how they are going to ram things down not our throats but anything else that might be exposed.

Mr Speaker, coming back to the contribution from the Hon. Mr Clinton, he said that the issue of self-determination today was taking a new prominence. Indeed, it is. It is in our daily newscasts – and not because of Gibraltar. Indeed, what I sometimes call during our Budget debates his ‘beige friend’ carries a headline today which is not usual for that particular publication, which is ‘Self-determination versus sovereignty’. It is a very good in-depth article about the collision of national sovereignty and the issue of self-determination. It is important that we do not allow anybody to confuse the issues of movements like the movement that there is in Cataluña with their seeking to find a right of self-determination and assert it, with our existing recognised international legal right of self-determination set out in the United Nations resolutions, especially in Resolution 1514 of the General Assembly XV.

Mr Speaker, that is an internationally recognised right. Spain says – and in the context of the debate that we have seen internationally on Cataluña in particular – the only internationally recognised right of self-determination is the right of the colonial peoples. And you almost feel like ramming yourself down the television when you hear somebody say that on a Spanish news broadcast, except although they do not articulate it in the context of the debate as it is today, the footnote is that the people of Gibraltar are not a people and therefore they do not have that right according to the Spanish dogma.

We need to understand this, because this underlies our conviction about 10th September and what it means and why it must be called National Day. We do not do this simply because we like to be hot at midday at Casemates – although Joe Bossano always loves to be out of air conditioning and in the sun, like every good rock scorpion – but we do this for a good, valid international political reason.

Mr Speaker, it is very important that people internationally understand that the people of Gibraltar are not nationalists in the dirty sense of that word. In other words, we are not seeking to expand the writ of the kingdom of Gibraltar beyond our shores, as some nationalists seek to do. We are defending our shores, our borders, our rights, our people. We are not seeking to secede or to go beyond. We are not expansionists. We are simply seeking to defend the part of the world that is ours.

In the Kurdish referendum that the Hon. Mr Clinton referred to there is an interesting example of a state not recently in democracy, the Iraqi state, dealing with an attempt at secession in a way more civilised than some who have been longer in democracy, because although there is no recognition of the result of that referendum – indeed, the Turks have taken a slightly more belligerent approach to the Kurdish referendum than the Iraqis – there was no

repression of the ability to vote in it. I think that is an important juxtaposition to some of the things that we have seen closer to home where, without seeking to interfere or comment on the legality of a vote, I think people in Gibraltar have been shocked by the brutality of the repression of it.

I will put the issue to hon. Members in this way: do hon. Members believe that if the Scots had decided under Ms Sturgeon to vote in a referendum which had not been approved by Westminster, that the riot police would have been drafted in from all around the rest of the United Kingdom to stop the Scots from voting, that their ballot boxes and their ballots would have been collected and that their heads would have been cracked? I think all of us understand that that would not have been the case.

There is, in fact, an example when that happened within the writ of the United Kingdom, and that is Gibraltar. In 2002, with the support of this House, and with our support when we were on the other side, the then Government of Gibraltar organised a referendum on the joint sovereignty proposals that had been tabled by the then Minister Pique in the context of the shameful discussions between Tony Blair and Prime Minister Aznar of Spain.

The only difference that the GSLP have had with the GSD then in Government, was that we had thought it should have been a referendum called sooner, but it was absolutely right that again the people of Gibraltar exercised their right of self-determination in the context of that choice.

It is important that we reflect on that for three reasons: the international reason; the sporadic nature of the choice that had to be put; and third, the reaction of the United Kingdom. Let me go through those.

First of all, the international reason. We do not know when international politics is going to turn against us and we are again going to have to assert our right of self-determination over our land. We did not expect it in 2002. Just so that hon. Members understand, Tony Blair had been to visit Joe Bossano – when Joe Bossano was Chief Minister and Tony Blair was not yet Tony Blair, (**Hon. J J Bossano:** A backbencher.) a backbencher – with Cherie. They were in Gibraltar. Labour politicians supportive of Gibraltar and a Labour politician who had brought in the minimum wage before the United Kingdom etc. And yet in Government, for reasons related to the Iraq War etc., suddenly it is Labour that is presenting us with the sell-out that Hain and Straw etc. led on. Gibraltar galvanised itself, but look, we are very secure in our Britishness with the first part of our preamble as set out on the stalactite that we can see there, and yet we had to act, we had to assert our right of self-determination. But we asserted it in the context of a choice, not the sort of choice that a governing and administering power is required under the Charter to put in the context of a referendum on self-determination as required by the UN, which is to put the four options – or three options and a fourth option if a fourth option is relevant to that territory. But we exercised the choice. So therein another reason why we cannot say ‘we are done with the right of self-determination, let’s have a party’.

Second, it is absolutely important to reflect on the fact that the United Kingdom did not repress the referendum. There was no attempt, apart from political insistence that the referendum would not be binding, indeed that it was not legal – which leads hon. Members to understanding our Referendum Act, which was a manifesto commitment under our first administration, which is now on the statute books, which cured the legality going back and going forward of referenda ... The United Kingdom, despite saying that the referendum was not valid, did not crack anybody’s head open for trying to vote in it. Indeed, there was a huge demonstration of all the people of Gibraltar in 2002 where we were all able to march peacefully, as is the nature of the Gibraltarian community, and then we were all able to vote peacefully, as is the nature of every opportunity that the people of Gibraltar have been given to cast a ballot, whether it is in a General Election, however contested until the night before, or in a referendum. I think that demonstrates that we made the choice in 1967 which allowed us to continue to make these choices in an orderly and peaceful way.

All of that together demonstrates that the choices we made were the right choices and that the siren calls, even when they came, were the wrong choices.

I think this is the third point: the international community needs to understand in New York every time we make those choices, and needs to, under the Charter, also be kept updated about what is happening in Gibraltar now. We may not like those rules, but we cannot ignore them and we cannot pretend that they are not there, because pretending that they are not there leads you into a much more difficult political situation as the noose starts to get tighter around your throat. Imagine, 50 years after the referendum, if Joe Bossano had not come back in 1992, where the C24 and the Fourth Committee might be. Would that lead to action if the C24 reached a conclusion which was, 'Okay, the UK is not talking to Spain – we declare that Gibraltar is Spanish'? Would it lead to action? Would the tanks roll? Probably not, but the world is a much more dangerous place today than it was two years ago. We need to ensure that the noose does not tighten, that we are there to make the argument.

Mr Speaker, it is absolutely right, and I reflected this in my speech, that the referendum generation is in great measure also the evacuation generation, and indeed the evacuation generation, the referendum generation and the closed Frontier generation are hugely important in the creation of the Gibraltarian identity that we have today, that we are today and that we celebrate also alongside the assertion of our political rights. But we should not take that for granted. We should never take for granted that our nation has been forged by those generations without sacrifice. It has been forged in sacrifice and in deep debate about what our future should hold. We must never, however, allow anybody to believe that a challenge can be put in a way that will do anything other than strengthen us, because they evacuated us and we came back stronger, they put a choice to us in a referendum that was a threat versus opportunity and we faced that down, and then they closed the Frontier on us and we got stronger even then.

So, Mr Speaker, referendum generation, evacuation generation, closed Frontier generation, all of them have fought to deliver the Gibraltar that we have today. That does not mean that they are not all constituent parts of the nation that is Gibraltar and that does not mean therefore that just because there is a referendum generation that the 10th September should be Referendum Day.

It also does not mean, just to come back to the point, that where you put National Day is a point of geography, whether it is the Piazza or Casemates. It simply is not, for all the reasons I gave earlier in answer to the hon. Gentleman's amendments, for all the reasons Joe Bossano has gone into further. I would put it to him like this: a point of geography is when you move from the theatre at the John Mackintosh Hall into the Charles Hunt Room. One you go into if you have 350 people you have to accommodate; the other one you go into if you have 60 people to accommodate, a geographic move that hon. Members have recently done in the context of their annual general meetings. But if you have a clamour of the majority of your population who want to come out, it is not a point of geography to try and squeeze them into a smaller square; it is an attempt to prevent the demonstration of the wealth of support that there is for the position.

This is not about the French celebrating Bastille Day, but the French also gave birth to a nation on Bastille Day – the Republic of France. They moved from monarchy to republic and that became the French nation. The French nation before was the Kingdom of France. So they celebrate the moment of emancipation from the sovereignty of a monarch, a divine monarch with a divine right of kings, to the right of the people who created the French Republic. They are recognised by the United Nations as a nation and that is their moment of emancipation, but they do not celebrate 'Cutting off of the Head Day' – which is another way of saying Bastille Day, isn't it? They do not celebrate 'Guillotine Day'. They celebrate the place which they stormed – Bastille Day. This is different to Referendum Day versus National Day and the hon. Gentleman is not going to be allowed to get away with that sort of allusion, pretending it is going to persuade anyone of anything.

When he refers to Joe Bossano's reference to the 25-year period when Gibraltarians have only known red and white as a good reason to move back to Referendum Day rather than

National Day because people might not remember the referendum, well, that is our duty. It is our duty that on 10th September people remember Referendum Day, and they always have in those 25 years. Whether, wearing red and white, they have had too much of the red and too much of the white and they cannot remember what the speeches were about is another matter, but 10th September, at least with a GSLP Chief Minister, has always been about the referendum and the choice and never been about *la torta de acelga* and the *Calentita*.

He said that I was positively straining to refer to his *Olive Press* speech. Well, I do not strain much; I have quite a good body clock in that respect and olives certainly do not make me strain. But what I thought was important was to point this out because the hon. Gentleman could not get away with setting things down on the historical record of a newspaper and not be challenged for it, Mr Speaker. It is important if he was misquoted, though, that he should clarify that. So, if he did not say 'Haha, I wore a green tee-shirt on National Day in defiance', he should write to the editor and take up with him the fact that he has been misquoted on an issue that is fundamental in the context of Gibraltar politics. Even John Cortes favours red and white over green on National Day, Mr Speaker, so he should not allow the editor of the *Olive Press* to misrepresent his position in respect of this matter.

I do not pretend that I have a monopoly on being Gibraltarian. Gibraltar is a diverse community. It is a community of different colours, it is a community of different beliefs, it is a community of different religions, it is a community of many different sexual orientations now that we recognise that, rightly, under the stewardship of Samantha Sacramento. It is a community that we are all proud to call home, and we all celebrate it in a different way. But that does not move us away from the objective reality of the laws that we are dealing with internationally and in New York, which, as I was telling the Hon. Mr Llamas a moment ago, that is an objective international reality. It is not a question of what colour we choose to wear.

Mr Speaker, to suggest that I am insisting on people wearing red and white and that I am trying to impose my view of Gibraltarianness while saying that he always wears red and white does not quite sit comfortably one along the other. It is almost as if to say 'Maybe I made a bit of a mistake in the context of the interview that I gave, and I am not going to allow Fabian to suggest that everybody must wear red and white on that day.' I wear red and white on that day because I believe it is right. If other people do not want to wear red and white it is up to them, but when they assert it politically let them defend it politically as well.

When he tells me that I do not have a monopoly on being Gibraltarian and what should be done or worn on 10th September, but yet he has tried to amend the motion to insist that people fly flags on that day, it is almost as if to say not 'Fabian, you don't have a monopoly on what being Gibraltarian means on National Day and it is wrong that anybody should assert it'; it is almost as if to say 'You, Fabian, don't have a monopoly on what should happen on National Day and what is Gibraltarian – I, Roy, do!' Well, we are not going to fall for that one either!

Mr Speaker, I was pleased to read that part of his interview where he said that in his lifetime there would not be a consideration of joint sovereignty. I did not for one moment suggest that he had said anything to the contrary and I am surprised that he felt that he had to say that in the context of this debate, but I am very pleased that he did because that means that we have moved on more considerably perhaps than people know, until today, from the GSD of Seville in 2010, although Mr Llamas still appears to agree with the Caruana convictions that the GSD of December 2010 is the GSD whose leader said 'I might one day consider the possibility of recommending a modern Andorra-style solution to Gibraltar.' I take it from what I have heard today that that is not his position, because for many of us that amounts to joint sovereignty. Titular or otherwise – but Spain has never really sought anything other than titular sovereignty – it amounts to joint sovereignty, so I am very pleased that he has said that that will never be the case under him.

There is a footnote to Keith Azopardi's book *Sovereignty and the Stateless Nation* – get it now on amazon.com – which suggests that the Andorra-style solution is not a joint sovereignty solution. I respectfully disagree with my friend Keith Azopardi in that respect. I believe it is a

joint sovereignty solution and I am very pleased that by saying no to joint sovereignty today the hon. Gentleman is indicating positively his view that he is rejecting even the possibility of one day recommending a modern Andorra-style ... Ah, no, he is saying he is not so sure. I do not know ... He is not so sure. Okay, well then we have not come as far as I thought we had come, so I will abandon the point and allow him to be captured by it, Mr Speaker.

Then he came on to the issue of the National Day holiday. I do not think he has understood this and I think Ms Marlene Hassan Nahon has also not understood this, Mr Speaker. National Day is a holiday on 10th September every year when it is a working day. It is not a holiday on a Sunday because Sunday is a day off. So nobody has moved the National Day holiday. The National Day holiday was celebrated on 10th September. The holiday given in lieu of National Day, which only happens in two out of every five years, was this year given – because it is in the discretion of the Chief Minister – closer to summer and closer to the MTV Festival than on the day after National Day. So, on the days when it is given the week day after National Day, or before National Day depending on when it falls, this year we made the choice of moving it another way. We have not for one moment abandoned the holiday of National Day – because how could we expect people to go to Casemates on 10th September if it is a working day? So hon. Members have got it completely wrong on the holiday, completely wrong. The holiday has not moved. It will not move. We are the GSLP Liberals. We believe 1st May should be celebrated on 1st May, an important day to recall the sacrifice of workers. We are the first Government to have done that, from 1988 to 1996. The Government after us undid that and we reinstated it after 2011. We are the Government that introduced the holiday on 10th September for National Day. We will maintain it on 10th September every National Day. When it falls on a weekend, whoever is Chief Minister will be able to decide when to give it.

Hon. Members may like to have a discussion with me behind the Speaker's Chair of why it is not in anybody's interest to have a long weekend exactly the weekend of National Day on some occasions. I am quite happy to have that discussion with them behind the Speaker's Chair, but perhaps if they think a little bit about it and they talk to the SDGG, who are the ones responsible for organising the National Day celebrations, they might better understand what is behind that. Literally, as soon as we break I shall tell them what the issue is.

Mr Speaker, therefore not everybody should go to bed at 10 o'clock like I do on National Day, as the hon. Gentleman imputed to me. Well, unfortunately, although I have a pretty exhausting National Day, National Day weekend and National Day week, in particular this year, I do not get to go to bed at 10 o'clock, in particular on National Day. I am surprised that he has said so, because we were together at 10 o'clock on National Day – not holding hands, but watching the magnificent display of fireworks organised by the SDGG over the Bay of Gibraltar up at the cable car together with a collection of people who I think were here doing some fantastic work for Gibraltar and he thinks were here on a jolly. So even when the hon. Gentleman makes an assertion as to the time, hon. Members need to check with me before they take it from him.

910 And as to the issue that both the Hon. Ms Hassan Nahon and Mr Clinton took of who is invited as a Member of Parliament to come to Gibraltar, because we made the mistake of inviting some leading Brexiteers who were jeered and booed, in the same sentence as I have
915 been told to include in the motion a reference to the All-Party British Gibraltar Group, leaves me a little cold because the Brexiteer who was jeered last year was the Chairman of the All-Party British Gibraltar Group, Jack Lopresti. Is it that hon. Members did not know, or had forgotten that, Mr Speaker? So, on the one hand I am told 'You must congratulate the All-Party British Gibraltar Group, those are the ones who should come', and on the other hand I am told, 'Don't bring the Brexiteers who are jeering.' They are one and the same. Mr Lopresti is no longer the Chairman of the All-Party British Gibraltar Group, but he was last year and he got booed.

Mr Speaker, hon. Members need to have a better grasp of the detail of politics before they stand up here and make assertions which make fools of them, because they are saying one thing on the one hand and the opposite on the other hand about something as important as a motion

920 on National Day. Please, we need to be a little bit more cautious when it comes to the detail of these things.

He ended with an assertion that his wife is very nice; well, so is mine, but you see, the point is this, and so is the partner of everybody here, Mr Speaker, because they do not choose to be involved in politics, they do not choose to have to go to endless parties, they do not choose to have to put up with all of the rest of us. The point is that none of us – indeed the hon. Gentleman sitting to his right – none of us have ever thought that someone’s partner is a target through which to get at the other, never, until the hon. Gentleman gave an interview to a particular newspaper, and that, Mr Speaker, I think is a new low in Gibraltar politics. So his assertion in response to me that his wife is nice does not take matters further. What this House needs is an assertion that we are not going to be using each other’s partners, as we never have before, to try and get to one of us on an opposite side. We do not need to do that. This is about a contest of ideas, about what we each defend for the future of our nation, and if the hon. Gentleman wants to lead he should lead from the front and he should attack from the front and he should attack at the front. He should not try and attack from behind, he should not try and use a person’s spouse or partner in order to try and get at them. That is the point, Mr Speaker, because I make the assertion that my wife is as nice as his, his wife is as nice as he thinks she is and all of our partners are perfectly nice and they do not deserve to be brought into the political frame.

Mr Speaker, the hon. Lady was very pleased with the celebration that we held on National Day, except for the issue of the bank holiday, which I have dealt with already. I was particularly pleased to see her and her mother and to see Mr Isola with his mother as representatives of Sir Joshua and Peter Isola at the magnificent concert that we held at the Victoria Stadium where the Royal Philharmonic Concert Orchestra played us into National Day with a patriotic Proms-style entrance to the celebrations, which I think everybody who was present on that day will never forget, and I think we have done proud the memory of the people who voted in 1967, the people who organised in 1967 and the political leaders who were part of that celebration. We saw magnificent video images of the day and indeed that small film then developed into a *Viewpoint* programme where we saw even more of what happened on that day and we had the opportunity of hearing from other Chief Ministers past and present, political leaders, about the significance of the referendum. Joseph Garcia is not here to hear me say it, but the work that he has done to bring to life the events of 1967 cannot be ignored.

Mr Speaker, the only point that I think is left for me to reply to in respect of the hon. Lady, apart from the issue of Brexiteers, is the issue of far-right DUP Members that she referred to. I have to take this point with her: is the hon. Lady saying that we should not seek to influence the group that holds the balance of power in Westminster? If that was the only reason we were doing it you might think, well, that is a bit mercenary, but nobody complained about Ian Paisley when Margallo was making it impossible for people to cross the Frontier and live their lives, when even the restricted mail, the diplomatic mail, between the United Kingdom and Gibraltar was being interfered with, when at that time Gibraltar needed friends and Ian Paisley stood up in the Houses of Parliament, in a style reminiscent of his father, and said, ‘What we should be doing is telling the Spanish Ambassador to get his sombrero and his donkey and go back to Madrid.’ Everybody clapped. Nobody looked at what his views were on equality. And yet now a person who has been coming consistently to support Gibraltar we are told is not somebody who should be welcomed. I do not know which barometer the hon. Lady chooses, because if it is the barometer of booing I do not bring the Chairman of the All-Party British Gibraltar Group, and if it is the barometer of cheering I do not bring those who are cheered but who have opinions which might be slightly different to ours. Ian Paisley Jnr, Bob Neill, Fabian Hamilton, none of them are members of the GSLP – they are all members of different political parties with different views. The hon. Gentleman might share views with Fabian Hamilton about nationalisation and not with Bob Neill about privatisation, or the other way round, and we might all share some views with Ian Paisley on issues relating to self-determination and sovereignty and none of his views in

relation to equality, but the man has been there to support us so I think we need to be a little bit careful about how we criticise those who have consistently been there for Gibraltar and not take a more populist attitude that might simply satisfy one particular interest group on one particular day.

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Mr Speaker, I was pleased to hear the Hon. Mr Llamas start with Jo Cox. I think Jo Cox is an emblematic politician. She was somebody who I was not aware of until she passed away, but going back to see what she stood for and some of the things that she said is a refreshing reminder of what politics should be about. This was a woman who was clearly against rancid nationalism, but who I think would have stood side by side by every Gibraltarian asserting our rights to defend our homeland and our right to self-determination.

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The Hon. Mr Llamas, however, then told us that he held true to Sir Peter Caruana's GSD and its views about National Day in the celebratory aspects trumping the political aspects, so I am interested to see how that develops in the context of how the leadership of the party opposite might develop. I do not know whether being part of Sir Peter Caruana's world view in the GSD makes you a part of Roy Clinton's world view in the GSD and whether it excludes you from being in the world view of a potentially Keith Azopardi led GSD, because that, last time I checked, was all about Casemates. So I am watching with interest from the side lines to see how that develops, Mr Speaker. But for all the reasons I told him before, and I do not intend to take him through again, this is not about nuance; this is about cold, hard international law and the importance of ensuring that what we do in Gibraltar and what we do in our relationship with the United Kingdom dovetails into what needs to be done in international law and in New York at the United Nations. Otherwise, mental masturbation aside, we have not achieved what we need to achieve in international law, however much we might want to think that we have and however much somebody in the past may have wanted to sell us a pup in respect of that matter – if you will excuse the pun in relation to his particular hobby – because the pup was sold to us by the man whose world view in the GSD he still tells us that he believes in.

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Mr Speaker, I want to end taking the House to somebody else's words, not to my own. I want to take the House to the words of the Chairman of the Self-Determination for Gibraltar Group in 1993, the year of the first National Day rally at Casemates. Peace broke out for a few moments there. There is an excellent photograph in that day's newspaper of Ernest Britto, then an Opposition Member for the GSD, with the magnificent Mrs Perez, the mother of Minister for Government Services then, Juan Carlos Perez, both of them enjoying the day at Casemates. So it is good to sometimes put our differences aside and enjoy ourselves together. They both looked magnificent on that day, Mr Speaker. The letter is called 'Identity' and it is from Denis Matthews, Chairman of the SDGG. It says this:

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If any doubts existed about the desire of Gibraltarians to be finally recognised as a people in their own right, then these must surely have been dispelled last Friday. The massive turnout and the overwhelming display of the Gibraltar colours have established a Gibraltarian identity in the most emphatic and least controversial manner.

Clearly that was not the day that someone strolled in wearing green.

Friday, 10th September 1993 will be remembered as the day Gibraltar came of age and the day that recognition of our rights by Spain began. In the words of the Chief Minister, the time will come when the Treaty of Utrecht and the Lisbon and Brussels agreements will be forgotten but the Casemates declaration will always be remembered.

The Chief Minister in that context was Joe Bossano and the reference to Spain was the reference to a group of Spaniards who came to Gibraltar to sign up to that declaration and recognise our right to self-determination.

The presence on the platform of Gibraltar's political leaders together with Spanish politicians, the President of the Amigos de Gibraltar, the Secretary General of the European Liberal and Radical Youth Movement and, last but not least, those old friends of Gibraltar who were able to recall that their last visit here at the time of the referendum, Lord and Lady Merrivale, made it a day of friendship and unity unequalled in Gibraltar's history. This was reflected

also by the crowds thronging the streets, the young people at the Rock Concert and all the people later on at the fair. Everyone in festive, happy mood with not a single incident to mark the occasion.

As the organisers of the Gibraltar National Day celebrations, the SDGG wishes to thank all those, too numerous to mention here, to whom time and effort meant nothing when working for our National Day. Most of all we would like to thank the people of Gibraltar who turned out in such large numbers and by their mere presence made our first National Day the tremendous success it undoubtedly was. We now look forward to seeing you all again at next year's celebrations.

1010 Mr Speaker, we are not going to change the name 'National Day'. We are going to ensure that National Day endures. That is part of our political DNA on this side of the House. We hear the whispers of the women of the 1967 generation and the murmurs of the men and will never let them down. *(Banging on desks)*

1015 **Mr Speaker:** I now put the question in the terms of the motion moved by the Chief Minister. Is a division required?

Hon. Chief Minister: Yes, Mr Speaker.

1020 **Mr Speaker:** Yes, very well.

Voting resulted as follows:

FOR	AGAINST	ABSTAIN	ABSENT
Hon. P J Balban	None	Hon. L F Llamas	Hon. N F Costa
Hon. J J Bossano			Hon. Dr J J Garcia
Hon. R M Clinton			
Hon. Dr J E Cortes			
Hon. D A Feetham			
Hon. T N Hammond			
Hon. Ms M D Hassan Nahon			
Hon. A J Isola			
Hon. G H Licudi			
Hon. S E Linares			
Hon. E J Phillips			
Hon. F R Picardo			
Hon. E J Reyes			
Hon. Miss S J Sacramento			

Mr Speaker: There are 2 Members absent, there is 1 abstention and there are 14 votes in favour of the motion. The motion is therefore carried.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House should now recess to this afternoon at 3.30 p.m.

Mr Speaker: The House will recess to 3.30 this afternoon.

The House recessed at 1.10 p.m. and resumed its sitting at 3.30 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 9.15 p.m.

Gibraltar, Tuesday, 10th October 2017

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The Gibraltar Parliament

The Parliament met at 3 p.m.

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

[ACTING CLERK TO THE PARLIAMENT: C Eagle *in attendance*]

GOVERNMENT MOTIONS

**Municipal cleaning services –
Tendering for new contract –
Motion carried**

Acting Clerk: Government motions.

The Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):

Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

THIS HOUSE

ACKNOWLEDGES the excellent work that the employees of Master Service (Gibraltar) Ltd have done and do in discharging their obligations to keep Gibraltar clean;

NOTES and acknowledges the recent complaints by the public generally and by the Government specifically, the latter made directly to the directors of Master Service, of the state of cleanliness of parts of Gibraltar, which is not satisfactory and which does not, in the Government's view, arise from any inaction on the part of the employees of Master Service;

CONSIDERS that such an unsatisfactory state of cleanliness is neither in the interests of residents nor of visitors to Gibraltar;

FURTHER NOTES the end of the period of the contract between the Government and Master Service, which contract was awarded by the former GSD administration without any competitive tender process having been followed;

FURTHER ACKNOWLEDGES and welcomes the decision of the Government to comply with European and National legislation in going out to tender for a new contract for municipal cleaning services which will be designed to transparently ensure that Gibraltar is provided with better value for money for the tax payer, a consistent high standard of cleanliness throughout Gibraltar and, additionally, that will provide stability to the employees of Master Service Ltd.

- 5 Mr Speaker, I feel that I am particularly qualified to table this motion. I have been known in some circles as *el jardinero*, and my duties as *el jardinero* included sweeping, collecting litter on a regular basis, emptying bins and taking them to the refuse dump on a regular basis, so I know how hard this work can be. Also I know how proud one can be having carried out these tasks, which some people may consider to be menial but are not menial at all because of the
- 10 satisfaction you get looking back on your work and seeing how an area improves and can be enjoyed by the whole of the community. So I have, myself, personally and regularly carried out a lot of the duties that the employees of Master Service carry out regularly day in and day out.

Mr Speaker, this last summer the issue of cleaning attracted a lot of attention. It is true that it is always at its worst at the end of the summer, with no rain and so on, but I am not arguing that this summer was not particularly bad. This was a concern of mine, indeed, and before it was on social media I had already met with the directors in order to require an improvement. It should not have required my direct involvement.

Let's, first of all, start by considering what causes dirty streets. The rubbish does not get there on its own; it gets there through the agency of humans, and I cannot emphasise enough that we must all work hard to make sure that that small minority that may be irresponsible litters even less. The type of litter is the traditional litter of crisp packets, bottles and so on dropped here and there, people putting out rubbish in the wrong place and at the wrong time or without the correct bags, irresponsible dog owners perhaps who fail to clear up. I repeat it is very much a minority, but sadly, as so often happens and as the workforce sees day by day, it only takes a few. Someone can work very hard in cleaning up an area now, and one irresponsible person can mess it up in an hour or two. But, as I say, it is the minority that has this effect.

We have to accept that we are not living in an ideal world and that there will be rubbish, and then the next step of course is cleaning. And of course it is the Government's responsibility to ensure that the rubbish that will occur, sadly but inevitably, is cleaned. Part of this responsibility was, of course, again back in 1999 contracted out to Master Service (Gibraltar) Ltd. It was a type of contract that, by the very nature of the way that it was set out and the way that there were insufficient controls by Government worked into it, could go very wrong and could end up most literally in a mess.

Mr Speaker, the workforce of Master Service work long hours in a job that, again by experience, I know can be tedious, is not always pleasant and often can be most unpleasant, and it takes dedication and commitment to carry it out. Most workers have to work weekends, or are currently working weekends, including bank holidays. The worst times for the workforce in terms of workload are those following when we are celebrating National Day – they must all be wondering what they are going to have to clear up the next day. Absolutely normal. I know from experience when we had to clean up after functions once again in the Alameda Gardens, and of course Christmas and New Year when we are out there celebrating and taking time off, and Master Service's workforce has to be aware of the work that is coming their way.

It is especially hard for all sweepers through periods of intense rain and stormy weather, when even the best waterproofs – if they had the best waterproofs – are powerless, and in these conditions they sometimes have to be working in the cold, when they are wet under their waterproofs, causing them to suffer from colds and throat and chest infections, which they frequently do in the winter months. This is almost a characteristic of the trade but not something that we should take for granted, but is often forgotten. They start their working day extremely early, many workers starting their day at 6 a.m.

Some of the workforce are in fact very highly trained and qualified. For example, those who work in the Upper Rock and have to carry out duties from the treetops specialise in rope work and are qualified in rope work, in health and safety, first aid, in the use of chain saws, hedge-trimmers, strimmers, forklifts and other machinery. And some of the equipment that they use, like the water-pressure machines, can be very dangerous. There was an incident some time ago when a single worker operating one of these machines at 5 a.m., all by himself, had an accident and the machine blew up. Thankfully, this was at a reasonable distance and there was no serious injury. Having to deal with the recycling bins and being criticised and people saying no, they are not doing it right, and then having to wait up for one and a half hours to drop off cardboard and other recycling items ... Something that people may not appreciate is that when there is very heavy rainfall in the region and the rivers in the region burst their banks, the cleaning of the beaches becomes particularly difficult, including the possibility of animal carcasses being washed up. They have included baby whales, cattle and even, in 2003, the carcass of a donkey that had to be cut up before being taken to the incinerator by this workforce. This is hazardous work and sometimes they do not have all the equipment that perhaps they might need.

65 So, among other things, Mr Speaker, the workers involved clean the Town area, the Upper
Rock, the beaches, estates and patios, parks, carry out the maintenance of the automated toilets
and other public toilets, the Upper Town area, all the roads in the South District to Europa Point.
They clean bin cubicles after the rubbish has been collected, flush down the streets, do weeding
70 in green areas and pick up cardboard for recycling. It is all hard work and I can say, once again,
that I know exactly how hard it is.

Mr Speaker, it can be heart-breaking to find your work undone, heart-breaking too if you do
not have enough equipment or are not given enough time to do it, or if in your opinion those
who manage you may not be prioritising the work in the way that you would with the
experience that you have. We all have frustrations at work, but in the case of these workers
75 their frustrations, through no fault of theirs, can become the next post on *Speak Freely* or the
next tweet by an Opposition MP. (Chief Minister: Here, here.)

Mr Speaker, this is simply not fair; nor is the Opposition motion by the Hon. Trevor
Hammond which is down for discussion later on, which also, in the way that it is worded, could
direct those who may not be aware towards the workforce. I would hope that in the light of this
80 motion that other Private Member's motion could be withdrawn. Making this sort of statement,
criticising the cleanliness of the streets without qualifying it, without any explanations in the
media, social media or in the press can, if you do not know the details, cast aspersion on those
who do the work. This was simply not good enough and is one of the reasons precisely why the
Government has brought this motion to this House, to clear the name of those who may be
85 blamed by those who are not aware of the facts, because what we cannot do is blame the
workforce.

In fact, the workforce were here this morning, expecting the motion to be taken, in a very
peaceful demonstration of their concerns – but I must add for the public record that they did
that in their own time, using the time afforded to them for their lunch breaks and so on, and did
90 not prejudice the work which they always responsibly carry out.

Mr Speaker, a member of the workforce does what he is told. He works where he is deployed
and he delivers his work in proportion to how he is provided with the means to do this work –
equipment, vehicles, protective clothing – and also to his morale, and management has the
responsibility to ensure that all this is available and that the morale is kept high by ensuring that
95 the workers are able to perform their duties to the best of their abilities, which as we have seen
are considerable.

It is management that decides in this type of contract how the money is divided between the
different aspects of the work and who decides what resources are put to the operational side,
the administrative side and the company and directors. It is not the workforce. It is management
100 who must ensure that they have brooms, bags, gloves, protective clothing, equipment and
vehicles so that the contractual duties can be delivered. It is management too who decide
whether to go that little bit further in delivering what they have been contracted to deliver – a
clean Gibraltar – both by supporting the staff and in response to a public outcry and to the direct
involvement several times by the Minister. It is not the workforce.

105 Add to that an out of date contract, Mr Speaker, awarded by the GSD in 1999 without a
tender process and then extended in 2004 on a month to month basis, and then in 2007 for
10 years with some adjustment but not reflecting the increasing needs of the community and
without the mechanism to make it dynamic and ensure that it kept up with the times. Gibraltar
is more populated, more areas need attention, more estates, more commercial activity. It is the
110 success of Gibraltar that leads inevitably to this and it is constantly under scrutiny. There is a lot
more awareness. We are more demanding and have greater expectations, and rightly so. So a
contract that requires an estate to be flushed once a quarter, which means just before and just
after the summer, is simply not good enough.

The need also, because of the restrictive nature of the contract, to make extra payment for
115 extra work. While sometimes this is justified, it is not fair on the taxpayer, and again the worker
is simply, obviously and most certainly not responsible for this.

In the face of all of this and of the legal requirements of the process, the Government has decided not to simply extend but to go out to tender. Many workers were upset. They came to see us, the Chief Minister and myself together and separately, wanting reassurance. They wanted reassurance on a number of things but on two main counts: (1) that their work output was not being questioned, and I think that the motion today clearly demonstrates that; and (2) on the uncertainty that being between contracts entailed.

In order to do away with at least some of the uncertainty I am happy to say, following Monday's Cabinet meeting, that the tender is now ready to go and will be published in the *European Journal* at the earliest opportunity – that is imminently, Mr Speaker – and that the document, and more importantly the contract that will emanate from it following the process, will contain all of the guarantees that the workforce and the GGCA in representing them have been asking for.

They deserve to be reassured because they really are proud of their work. They were disappointed, maybe even heartbroken, to see it apparently trashed on Facebook potentially by parliamentary motions and to feel that people may think that it is them, hard workers that they are, that are responsible. I must categorically say, Mr Speaker, that it is not a reflection on the workforce and that they have our full trust and confidence, mine and the Government's, which is why we have said from day one that they will be fully protected in any contractual transition and it is why I am proud to be bringing this motion today, (*Banging on desks*) and because it is only fair and it is only right.

Mr Speaker, the future is bright. There will be new specifications reflecting the current and future needs of Gibraltar, new areas covered at greater frequency and including a range of green areas which up to now have not been covered. So we must all look forward to a much improved, up to date and focused contract; a contract where all of the taxpayers' money will go towards cleaning our streets and our green areas and not that which can be decided by the contractors; a contract where the workers, ensuring a much cleaner and pleasant Gibraltar with their vast experience and dedication, will feel fully supported and valued, with the result that they and the whole of Gibraltar will be well and truly proud of their work and of the Gibraltar that they will help to define.

Mr Speaker, I commend this motion to the House. (*Banging on desks*)

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Minister for the Environment, Energy, Climate Change and Education.

The Hon. Trevor Hammond.

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

I would like to begin certainly by associating myself with some of the Minister's comments, which were very valid regarding the hard work done by people in the cleaning sector in Gibraltar, by the employees of Master Service. It is hard work, there is no denying that. The Minister mentioned that it is particularly hard work after days when others might be celebrating. That does not necessarily fall to the crux of the issue. It is always understood that after celebrations, whether they be National Day celebrations or whether they be the Cavalcade in Main Street, extra work is generated and certainly the whole debate that may have gone on in social media and elsewhere has been nothing to do with those special occasions but more about the underlying concerns, which I am pleased to say the Minister accepts in his motion regarding the general cleanliness of Gibraltar.

The Minister has, to some extent, put words into my Private Member's motion, which will hopefully be heard later today, regarding how that may impact or how it may be suggestive of somehow a lack of work on behalf of the workers of Master Service – and it could not be further from the truth. It is simply not the case. The motion that I put forward is purely about the cleanliness of Gibraltar and does not in any way subscribe or intend to apportion any blame in particular for the situation, but as will become clear when I make my speech to that motion –

170 because I will not be withdrawing it – it will be clear that no blame will be apportioned. Indeed, I
work in an industry where we operate in what is known as a ‘just’ culture. It is a no-blame
culture in that respect. We do not work in a space where if something goes wrong it has to be
somebody’s fault; far from it. That appears to be where the Minister is coming from, which is
175 very sad because it is a very old-fashioned view. No one is to blame necessarily for the state of
our streets. We need to look at the problem and we need to find the solution. That is what a just
culture is about, not about pointing fingers at the management of Master Service, or the
Ministers indeed, and certainly not the workers of Master Service. It is about having a just
approach to how we deal with this and a just way of moving forward on this.

I do have an amendment to the motion, which I hope the House will find acceptable, and I
would like to read that now, if possible, Mr Speaker.

180

Mr Speaker: Make a copy for me.

Hon. T N Hammond: Oh, has one not been provided?

185 **Mr Speaker:** Yes. You read it out, give me a copy and then we make copies of that and
circulate it.

Hon. D A Feetham: It has already been circulated.

190 **Hon. T N Hammond:** I believe it has been circulated, Mr Speaker.

Mr Speaker: It has been? Read it out.

195 **Hon. T N Hammond:** Mr Speaker, I propose the following amendment to the terms of the
motion standing in the name of the Hon. Minister for the Environment, Energy, Climate Change
and Education:

*In paragraph 2 delete ‘the Government’ and replace with ‘Members of this House’, delete ‘the
latter made directly to the directors of Master Service’, delete ‘Government’s view’ and
replace with ‘view of the Members of this House’.*

*In paragraph 4 insert ‘(Gibraltar) Ltd’ after ‘Service’, and delete ‘without any competitive
tender process having been followed’ and replace with ‘is imminent’.*

*In paragraph 5 insert ‘contract’ after ‘which’, after ‘stability’ insert ‘the recognition of the
service’ and insert ‘(Gibraltar) Ltd’ after ‘service’.*

I do hope I read that correctly.

200 Mr Speaker, I table my amendment to the Government motion in order to try and seek
unanimity in this House for an issue that is not only vital to our community but an issue that
affects the livelihood of many workers currently employed by Master Service who have done
sterling work for Gibraltar over these past 17 years.

There is no question and all seem to be in agreement that the condition of our streets, their
cleanliness, has been deteriorating over these past months. Indeed, were it not for some
unseasonable rain during August the situation could have been a lot worse than it is now.

205 It is not easy to understand why this should have been. It is certainly not being suggested
that there has been any lack of effort on the part of the employees of Master Service or even the
company itself. On this I believe we are all agreed.

210 We are also all in agreement that the present state of affairs is unsatisfactory, as is stated in
the Minister’s motion, and is not in the interest of those of us resident on the Rock, both
because none of us wish to live in such an environment and it is not the impression of our
beautiful and unique country which we would like visitors to take away. Indeed, in the long term

such impressions can be damaging to our economy, as such impressions are shared and spread amongst visitors both by word of mouth and through online media. Our tourist industry has been struggling to recover since the lows of 2012. We do not wish anything to inhibit future growth, so something needs to be done and something needs to be done urgently about the condition of our streets. On that we all agree.

Mr Speaker, Government has decided that it wishes to retender the Master Service contract. This is of course within its gift and we have no difficulty in supporting this. Government says it will do this transparently and I certainly hope that this means full transparency with full consultation with all stakeholders affected, and once a contract has been awarded the ability to test that commitment to transparency in this House without Government falling back on the usual excuses of commercial confidentiality to avoid answering difficult questions.

It is, of course, the workers of Master Service who are most affected and most vulnerable during this process, and it is they who must be protected. I myself have been through a number of retendering processes in my own employment and am acutely aware of how unsettling, even unnerving, it is. It introduces uncertainty no matter what assurances are provided, and where one's employment is concerned uncertainty is never a good thing. Above all else, I ask that Government keeps this at the forefront of its thinking during this process.

Many of the employees of Master Service have provided many long years of dedicated service to our community. It is not an easy job, as the Minister has said, and it is a job for which we are very grateful to them for doing. Having done such a superb job over so many years, if that is now to change it needs to be ensured that any new service provider can provide the service to the same excellent standards as has been the case with Master Service, and that the current employees of Master Service are completely protected in every aspect of their employment. Indeed, to this aim I wonder if Government would commit to reviewing the concept of nationalising the service to ensure the protection of the workforce.

Mr Speaker, it is a given that the Transfer of Undertakings (Protection of Employment) Regulations, commonly known as TUPE, will apply to any changes in the contract provider and therefore not only employment is protected but all terms and conditions associated with that employment. However, those terms and conditions are not protected forever. Indeed, TUPE Regulations apply for a year after the transfer and it is vital that the Government obtain guarantees from any new service provider, should there be a new service provider, that they will not in the future, in order to improve profits or for any other reason, begin to erode those conditions of employment applicable at the time of transfer. A commitment of this nature will go some way to allaying the fears of the employees of Master Service regarding their future.

Of course, another significant factor which might affect employees in any transfer of undertaking is what any new service provider might be offering by way of a pension, and here we are not able to rely on TUPE for safeguards. Here we have to rely on Government ensuring that the provision of employee pensions is a part of the tender requirement and that whatever pension is in place under any new service provider it is at least as good as that currently available to the workforce.

Mr Speaker, we all look to the day of our retirement and we all plan for that day many years ahead in terms of our pensions and investments. None of us wishes to rely only on the state for our pensions and neither does the state wish its people to rely solely on it for a pension, as providing such is not easily affordable. It is in the long-term interest of this community that employees of Master Service continue to be given the opportunity to invest in their futures through a pension scheme and it is the least that can be demanded of any new service provider that it make this commitment to the workforce.

Mr Speaker, in similar vein, it is important that the contract for which Government tenders is for the services as currently provided by Master Service, that is the whole suite of services provided by that company, and that the Government does not attempt to break this down into a series of smaller contracts. If such were attempted it would do a disservice both to the community and to the current employees of Master Service: a disservice to the community

265 because the management and oversight of several small contracts is more complex than for a
single large contract; a disservice to the employees as they will find themselves divided into
penny packets across many companies and are in this way more likely to see their employment
conditions deteriorate over time. The old adage of divide and rule would very much take effect
to the detriment of the workers. Government must provide assurances that this will not happen
and that there will be a single tender for one service provider to take over all of the services
270 currently provided by Master Service – and I say this without excluding the possibility that
Master Service successfully bid for the tender.

Mr Speaker, I hope that the House can see that my amended motion is designed to facilitate
agreement across this House – remove the politics, if you like, from an issue over which there is
much, a great deal of common ground and provide a platform from which unanimity can be
275 achieved, because I am certain that all of us here support those basic principles set out in the
motion that in the interest of the community our streets need to be cleaner, that the employees
of Master Service have done and continue to do an excellent job and that their employment
must be carefully protected, and that it is important to provide transparency and value for
money for our community.

280 Mr Speaker, I commend my amendments to the motion to the House. (*Banging on desks*)

Mr Speaker: I now propose a question in the terms of the amendments moved by the Hon.
Trevor Hammond. I would advise hon. Members that if they wish to speak on the issues widely
and not just specifically support the amendment they should wait until the amendment is dealt
285 with. These are relatively minor amendments, they can be dealt with specifically; however, if
they wish to speak specifically supporting the amendment moved by the Hon. Trevor Hammond,
they can do so and they would still be able to speak generally on the issue – but they have to be
careful that they do not do both. I hope the position is clear.

Does any hon. Member wish to speak on the Hon. Trevor Hammond's amendment? The Hon.
290 the Chief Minister

Chief Minister (Hon. F R Picardo): Mr Speaker, the introduction that we have heard from the
Hon. the Minister for the Environment has set out the position of the Government in relation to
the motion very, very clearly, and in doing so I think the Hon. Minister has dealt with a lot of
295 what the Hon. Mr Hammond now tries to undermine with this amendment. And so, without
speaking on the general principles of what the motion seeks to deal with and which I will deal
with in the context of a later intervention, seeking to deal only with the amendments and the
things that Mr Hammond has said after he moved the amendment, I think it will be obvious to
those who are listening that Mr Hammond has realised that he has made for himself a difficult
300 hook on which he started to hang when he moved the motion which is on the Order Paper
under Private Members' Motions and which talks about the state of cleanliness of our streets,
which he said in his Private Member's Motion was not meeting the standard that the community
would expect, without identifying there that he was not somehow trying to besmirch the
reputation of the good men and women who work at Master Service and who have been doing
305 the magnificent job that the Hon. the Minister for the Environment has highlighted in the course
of his introduction and which Mr Hammond has tried to salvage in the context of what he has
said.

Let's be very clear. Let us set in mind what was happening at the time that this opportunistic
motion came as a Private Member's Motion. There was comment in social media, there was
310 comment generally about state of cleanliness. The Hon. Ms Hassan Nahon made a comment in
this House that Gibraltar was 'smelly', she said, and then we receive this motion that does not
identify and properly exonerate the men and women of Master Service from those
circumstances.

Indeed, the hon. Gentleman now tells us that he operates in a culture of no blame, which he
315 appears to tell us is the sophisticated way of doing things, and blames us for not identifying that.

Well, has he ever been to a Question Time in this House when he is asking questions, or is he so detached from his own reality that he does not realise he spends most of his time in this House seeking to blame Ministers for things far beyond their political reach? But so be it, Mr Speaker. So be it. In the same way as we have been told that we should not be making announcements until the ink is dry, we will look forward to not being blamed for things and simply analysing during the course of Question Time how things could be improved without seeking to spread blame.

But what we are not going to be able to do in the context of a Parliament is not to be political. And so, when the hon. Gentleman says that the amendments are designed to take the politics out of the motion in the Gibraltar Parliament ... Look, I am sorry to say even the motion this morning where we were largely united in the end was a political motion. It is one thing to be partisan; it is quite another thing to be political. Everything that happens in this place is political. This is the political heart of our democracy. It is quite another to be partisan.

If what the hon. Gentleman intended to say was that he was trying to remove the partisan aspects of the motion, well then I would put it to him that what he is doing is actually trying to introduce a different spin on the partisan in the context of what he is trying to do. So what he is trying to do is to take out the fact from the motion that the contract was awarded without tender. This is, by Gibraltar standards, a huge tender. When it goes as one tender it is many millions of pounds a year. There are procurement rules – not Gibraltar rules, European rules which have now been transposed into Gibraltar law – which require under law that contracts like this are put out to tender. Why? So that there is not a failure of transparency in the award.

Gibraltar is always rife with rumours that tenders are going to be awarded to this friend of a Minister or that relative of a Minister, or this friend of an ex-Minister, or was given to an ex-friend of a Minister or a relative of a Minister. That is par for the course in Gibraltar and unfortunately it is constant that one hears those rumours. Under any administration you hear the rumours. Mr Speaker, it is one thing to hear rumours; it is quite another thing to see it happen, and what we are not going to do is to take out the reference in this motion that rightly condemns the former administration for having given a contract out of tender, in particular given the amounts that we are dealing with, which are required by law to go to tender, European tender.

So we are not going to remove that condemnation which is a core aspect of what is wrong here. We will not remove the words ‘without any competitive tender process having been followed’ because that is part of what the problem has been and it is right to identify that.

We are not going to agree that complaints should be reflected to be by Members of the House and not also by the Government, because the Government made specific complaint to the directors of the existing contractor about the state of cleanliness. It would be equally factually wrong to remove the reference of a lack of tender as it would be not to include the specific reference to the complaint from the Government to the contractor’s directors about their failings – not the failings of those who do the work at the sharp end, *their* failings as the contractor.

So is it that the hon. Gentleman thinks that he can persuade us to remove facts from a motion? Well, Mr Speaker, that is not to make the motion less political or less partisan; that is to make the motion less factual. Unless he gets up and persuades me that every Member on this side of the House and every civil servant that advised us missed the advertisement, we are not going to remove the aspect that says that it was not advertised and was not tendered. And because we know that the Minister made the complaint directly to the directors about their failures, not the failures of the men and women at the sharp end, we are not going to remove the factual reference in the motion to that complaint. It just does not make any sense that he should suggest that that is the case.

If he had said, ‘Look, I am prepared to withdraw my motion if this motion refers also, in addition to the reference to the Government’s own complaints, to the Members of the House’s view in addition to just the Members of the Government’ ... If he said, ‘Well, look, I’m going to

370 take away my motion,' – a motion which does not exonerate the workforce; I would be happy to see him withdraw it, because it does not exonerate the workforce – 'if you include also the complaints of Members of this House generally in the context of your motion,' well then we might have had an opportunity to work together. No, he does not want to do that. He wants to take out the reference to the Government's complaints and supplant for them the complaints of all Members of the House. That is not going to be acceptable to the Government, Mr Speaker.

375 And then he wants to add the words to provide not just the stability, which is our wording, and 'recognition of service to the employees of Master Service (Gibraltar) Ltd'. He wants to add the word 'Gibraltar' – that is just about the name of the company. The company already appears with its full name in the first line – I do not think there is any need to repeat that.

380 So, Mr Speaker, we would, in normal circumstances, accept an amendment that said 'and recognition of service' but it is the height of hypocrisy for the person who has moved the motion that does not recognise the service of those individuals and simply complains about cleanliness to be the one to bring that amendment here. But we are reflecting that recognition in the context of the first line of the motion. The first line of the motion that the Government is moving today, that the Minister is moving today and that I am giving the Government's full support to, says:

THIS HOUSE

ACKNOWLEDGES the excellent work that the employees of Master Service (Gibraltar) Ltd have done and do in discharging their obligations to keep Gibraltar clean;

385 Mr Speaker, I think that is, as clear as can be, a recognition. He just wants to add the words 'and recognition', but that is as clear as can be a recognition of the excellent work that the men and women of Master Service do that there can be in any motion brought to this House in respect of any subject.

390 I will tell him what I suggest, Mr Speaker: none of his amendments enjoy the support of this side of the House for the reasons I have given, but I commend to him that he add the first line of our motion as an additional first line of his motion – and if he does not move the amendment I will. So that when the time comes to consider his motion I will move an amendment, if he does not, so that it starts by reading:

THIS HOUSE

ACKNOWLEDGES the excellent work that the employees of Master Service (Gibraltar) Ltd have done and do in discharging their obligations to keep Gibraltar clean;

395 because what these men and women do not deserve is that there should even be read in this House a motion which does not have that recognition in it.

For all of those reasons, Mr Speaker, the Government will not be supporting the amendments put in this House by the hon. Member. (*Banging on desks*)

Mr Speaker: Does any other Hon. Member wish to speak on the amendment?

400 I call upon the mover to reply.

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

405 First of all, I would like to say I will certainly consider the Chief Minister's suggestion for adding the first paragraph of the Government's motion as it stands at the moment to my motion if that makes him feel better.

Hon. Chief Minister: It's not about me.

410 **Hon. T N Hammond:** But the reality is that he has taken the motion out of context, the Government has taken the motion out of context in order to try and grandstand and suggest that those on this side of the House, certainly those of the GSD, are not supportive of the workers of Master Service, or even acknowledging the excellent work they do and, as has been

415 cited in my own speech, that could not be further from the truth. Indeed, I know neither the
Minister nor the Chief Minister when he stood up – and I certainly hope it will come later on in
their further interventions – have provided any of the assurances with reference to things like
pensions or breaking up the contract that I sought in my own speech, which I think are very
important and should be established today in this House.

420 **Hon. Chief Minister:** Mr Speaker, I said specifically ... The hon. Gentleman is now replying to
my lack of reply to an aspect of what he said in respect of the main motion. I said I was
concentrating only on the words of his amendment. I will deal with those issues in the context of
my reply on the motion, and I think it is very unfair that the hon. Gentleman should say I have
not given assurances. I have said specifically that I am dealing only with the wording of the
amendment.

425 **Hon. T N Hammond:** Which is why I said, Mr Speaker, that I hope that is forthcoming in the
interventions, because I have not heard such so far.

430 The Chief Minister accuses me of being opportunistic with my motion. Again, that is just
laughable. Because there is an issue in Gibraltar, there are people commenting, there are people
concerned about an issue and we bring it to this House, that is not being opportunistic; that is
doing the job that we are paid to do. It is very simple in that respect. If you use that argument,
then on every occasion that the Opposition say anything that has been brought to them by a
member of the public they are being opportunistic. That is not opportunism; that is doing the
job that we on this side of the House have been elected to do, and it is as simple as that. So why
435 the Chief Minister should accuse us, or me in particular, of opportunism in this respect I really
cannot understand. What we are doing is listening to the people.

440 Again, I sensed that the Chief Minister was living in this blame culture and cannot get away
from it. He says at Questions we blame the Ministers. No, I do not blame the Ministers for
anything, that is not what it is about; what I do is I hold the Ministers to account because
Ministers are accountable for what goes on within their portfolios. They are the executive, the
buck stops there and they are accountable, and when they are failing they need to be held to
account. That is not the same as blame. It operates on a completely different level and it really is
high time that the Government understood the nuance of that, because it clearly is ... It is not a
445 modern way of thinking; it is just the way people think these days as opposed to the way they
were thinking perhaps in the 1970s, where somebody had to blame for everything. We are not
blaming people, we are holding Ministers to account, and we are certainly not blaming anyone
for the specific condition of our streets as they are today. We all acknowledge it is not good
enough, we all acknowledge something needs to be done to improve the situation, and that is
enough, and achieving an improvement is enough. No one is to blame here. In this case the
450 Ministers are not to blame, the company is not to blame and the workers are most certainly not
to blame. They do their job, they do the job they are paid to do and they do the job they are
paid to do very well. It is a tough job and I think everyone in this House agrees with that.

455 I am disappointed that the amendment to the motion will not be supported by the
Government, but I am not surprised. But I will certainly consider the Chief Minister's original
suggestion of adding a line in order to make absolutely clear that my own Private Member's
motion is not directed at blaming anybody for the situation, as will become clear when I speak
on that motion, which will be purely about the actual conditions of our streets. It will analyse the
condition in terms of the cleanliness and other factors, and I very much look forward to having
that debate, hopefully later today. (*Banging on desks*)

460 **Mr Speaker:** I now put the question in the terms of the amendment moved by the Hon.
Trevor Hammond. Those in favour? Those against? Can I ask how the hon. independent
Members are voting? (**Hon. L F Llamas:** Abstain.) Abstention. (**Hon. Ms M D Hassan Nahon:**
Against.) Against. So there are 5 votes in favour, there is 1 abstention, there are 2 Members
465 absent and 9 against. The amendment is defeated.

So we are still dealing with the original motion and only the Hon. Trevor Hammond has spoken on that, so anybody else can now speak on the motion moved by the Hon. Dr Cortes.

The Hon. Elliott Phillips.

470 **Hon. E J Phillips:** Mr Speaker, thank you.

I just want to speak to the part of the motion that considers the issue of unsatisfactory state of cleanliness and raise an issue that has not been raised by the hon. Member the Minister for the Environment in relation to cleanliness, and that is of course the wider participation by the community and civic participation in cleanliness. Clearly, at the present moment in time Master Service have a job to do and in the future some other company may have a job to do, but without the participation of every single member of our community to keep our streets clean they will have to do a lot more work than they are doing now. It is a civic responsibility to keep our streets clean.

480 In fact, one of the questions that I asked the hon. Member opposite in September of this year was how many fines had been imposed on those that were littering our streets, also how many people had been prosecuted and how many fines had actually been paid, and the answer very simply was this: in 13 months, since August last year, only 70 fines had been imposed, only 37 of those fines had been paid and only 27 people had been prosecuted for littering our streets. That is, in fact, shameful.

485 What we should be doing is a question of enforcement. These gentlemen and these ladies that clean our streets and keep our streets clean – and not smelly, as the hon. Member next to me said – deserve to have the reinforcement of the law to protect our streets and make sure that people are punished for littering our streets. What we need is a more robust enforcement policy and that needs to stem and lead from the front by the Government.

490 That is all I have to say about that, but ultimately it is about enforcement and the question of public participation, civic responsibility and pride in our community, Mr Speaker.

Mr Speaker: The Hon. Lawrence Llamas.

495 **Hon. L F Llamas:** Mr Speaker, I rise today to address the House in relation to this motion with mixed feelings. As the Chair will have gathered from the contributions by hon. Members, this motion comes to this House, chronologically at least, in the wake of a campaign that I designed to raise awareness of the very serious concerns I harboured about the disappointing state of cleanliness of our cherished homeland.

500 I had received many complaints and seen countless more on social media about this and it was gratifying to observe how, very quickly following the launch of the campaign under the slogan of *Aquí no se limpia* – we don't clean here – I began to receive news, anecdotally of course, of the improvements in cleaning in certain parts of the city. I am therefore thrilled to have played my part in raising awareness in the way the campaign did and that today, after a good few weeks, we are now debating this very important issue here in this Chamber.

505 A moment ago, however, I alluded to the fact that I was making this contribution with mixed feelings, and those mixed feelings are for two reasons: firstly, whatever has been done is simply not enough; but secondly, and more importantly, it is apparent to me, as it would be for anyone who has followed this matter online or in the press, that the Government has sought to offload responsibility again to the GSD administration which left office in December 2011 and that the matter therefore comes before us in debate with the inevitable partisan politicisation of the issue and the consequent lack of progress I worry that it might bring.

510 The Minister for the Environment has been quick to lay blame at the feet of the contractor responsible for cleaning our streets and public areas. The Government has complained that the contract awarded to Master Service, allegedly in a manner which they say was not proper, was agreed in such terms that the Government was not to blame, nor could they do anything about it. This has led the Government to effectively telling us that when the contract is now tendered

out, only then will they be free to restore Gibraltar to the level of cleanliness which we used to take for granted, a level of cleanliness which is sorely lacking today and which causes an untold harm in the context of the impression that we give, not to mention the health hazard it instinctively causes.

I set out on this campaign to raise awareness intending only to motivate or compel the Government with the force of public opinion to act. The issue with cleanliness boils down to this, Mr Speaker, a very simple accurate observation I have heard uttered by many and with which I wholly agree: our roads and pavements used to get washed with water, hosed down on a regular basis, and it seems that just stopped with the advent of this New Dawn. This was the basis of the concern and this was the nub of the exercise to raise awareness.

When the campaign began, I was surprised to be rebuked by a number of people who were telling me that I was playing right into the Government's hands, that the Government had always wanted to get rid of Master Service and that raising awareness as I did would only give the Government the leverage it wanted over the situation. Such rebuke always invoked the same response from me: whatever the issue is, whatever the reason why we are living in such filthy conditions and whatever the reason why our home is no longer maintained to the very high standard we had known for so long, all I want is for the Government to act and for the problem to be dealt with. That is why I set out to raise awareness and that is why I am here today.

A week after starting my campaign the GSD Opposition filed a motion on the matter, one that was quickly followed by a countermotion from the Government. The filing of a motion in the House was something I thought about, but I thought it was likely to achieve little by way of an actual result. I thought it would do little to tackle the dirt and rubbish on our streets, serving only to kick off another Punch and Judy session in this Chamber.

And so it seems this is what it has come to pass. I do not know the ins and outs of the contractual arrangements between the Government and the supplier of these services in the community and I do not care much for talk of revolutions at some point down the line when all we need to see is water being used to hose our pavements. It is not even so much the streets, as these tend to be kept quite well; it is the areas where we walk, in particular the areas in proximity to the Port and the cruise liner terminal.

I do not want to hear about a revolution, Mr Speaker, because it sounds expensive. I do not want to hear about revolutions, because it sounds like something was pretty short of the mark already and they have been in Government for the last six years. If during that time the Government was so concerned with the quality of the service Master Service was providing, was the Government legally completely unable to do anything to remedy the situation? Was the Government unable to do anything at all or take any legal action either to enforce delivery of the contracted services or to seek damages? Was it powerless to do anything at all?

There is also this, Mr Speaker: the Master Service contract is one thing, but the contract for the Midtown car park is another altogether. The contract for the cleaning of that particular location was awarded by this Government, as confirmed in answers to questions in this House, and that location is also falling woefully short of the mark in terms of its upkeep and cleanliness. It looks rather oppressively kept and the responsibility for that contract falls squarely on the shoulders of this administration.

Whatever the answers to these questions, I remain committed to raising awareness of this issue because it seems that the campaign has at least part of the intended effect – the matter is being discussed and hopefully we will see progress sooner rather than later.

There are two things that have also become clear to me since the start of the campaign. Yes, the people in our community are clearly and rightly incensed about the state of Gibraltar, but secondly it is clear that we have to do our bit. However much Government does to clean up our streets and our public areas, nothing will change if the community at large does not keep Gibraltar looking like a million dollars. This is another element of the campaign that I have been working on, which is so critical. Year after year we see hundreds of people cleaning hot spots in

570 the same locations, and yet day after day we see people dumping their rubbish and unwanted furniture illegally, people throwing wrappers and other waste out of car windows because they say *ya vendrá alguien para limpiarlo*. It is just a question of zero civic pride, a lack of education, or the result of so many years of plenty for this community.

575 Whatever the reasons, shouldn't tackling these counterproductive attitudes be the subject of sustained and intense campaigning by the Government and its agencies? I know awareness campaigns do happen every now and then but the civic pride issue is one that deserves much attention. I do not wish to denigrate the Government, because we all see on TV and in our schools, for example, how it tries to get the message across, but it is more a fundamental malaise born of our affluence that we have not yet identified, much less begun to tackle.

580 Finally, Mr Speaker, no debate on this issue can be complete without reference being made to issues of enforcement. In the residential and commercial context the rear of many restaurants are absolutely filthy and teeming with vermin and other pests. We need all those who do not maintain a clean property or recklessly sully our public streets to be met with a robust enforcement policy which will ensure that they think twice before they act in reckless
585 ignorance of the harm they do to this community.

I believe my approach and campaign have engaged with the community in a way which can only be productive and effective, more effective than simply bringing motions to this House and initiating a mudslinging debate as usually occurs in these situations, sidelining the subject of the motion and the fundamental and substantial matters relevant to it. The public are having their
590 say without a party-political spat developing unnecessarily.

I also hope that the employees of the current contractor can be, as far as possible, protected and guaranteed by the Government.

I am optimistic that despite the party-political spat that has arisen as a result of it, that my campaign has caused the Government to pause for thought. I hope that it has given the
595 Government new life in pursuit of these objectives and that I am confident one way or another the community will not allow this issue ever again to be allowed to slip the public psyche for reasons other than the return of our beloved, clean, hygienic, attractive and beautiful Gibraltar.

Thank you, Mr Speaker.

600 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, the Chief Minister earlier said this is the heart of democracy. This is the heart of democracy, this House, and yet this morning the Master Service workers were not allowed in this Chamber in order to hear what the heart of democracy had to
605 say. (*Banging on desks*) I counted about 40 free chairs this morning, and yet people who are invested in this debate were not allowed in this Chamber, and I would think it would be proper to have an answer as to why they were not allowed.

Mr Speaker: Perhaps you will allow me to intervene at this stage, lest it be thought
610 mistakenly that we in Parliament had something to do with that prohibition.

Neither the Government nor the Opposition, nor I as Speaker, had anything to do with whether those people were allowed into the Chamber or not. As far as I am concerned as Speaker, members of the public, including the employees of Master Service, are very welcome here and will always be welcome, the only requirement being that they do not try to in any way
615 make any demonstration or interruption of the proceedings of Parliament. They are very, very welcome here and I am not aware as to the reason why that happened.

The only situation that I can bring to the attention of Members is this. The Precincts of Parliament were, by ruling of the Hon. Major. Robert Peliza, deemed to include the pavement on the western side of Main Street. Therefore, any demonstration which is going to be held outside
620 Parliament has to be on the other side, on the eastern pavement of Main Street. That is the only

matter that concerns me, as Speaker, the ruling of Major. Robert Peliza, which I endorse most certainly.

625 I make it clear that the pavement downstairs is regarded as being within the Precincts of Parliament, but why members of the public have this morning not been allowed in to Parliament presumably by the Royal Gibraltar Police – I do not know, I have no idea – and I would say that it is a matter, if they so wish, for Members of this Parliament to ask the appropriate authority as to why that has been the case.

630 I would rather we did not take the matter any further. The point has been made by the hon. Lady, I have explained what the position of this Parliament and myself as Speaker is – let us have nothing to say further here and the matter, as I say, can be pursued outside this House.

635 **Hon. Ms M D Hassan Nahon:** I am grateful, Mr Speaker, I did not apportion blame to anybody. In fact, I raised this earlier with the Chief Minister and he seemed unaware of this, so I was just raising the point because I find it wholly inappropriate that they were barred from this House. And I will be asking questions; I do not shy away from asking questions, as everybody knows.

640 Mr Speaker, I was pleased to note that the initial paragraph of this motion acknowledges the excellent work that the employees of Master Service (Gibraltar) Ltd have done and do. I hereby take the opportunity to also commend their effort and their constructive response to the recent controversy, as it seems to me that, so far, these workers have been treated simply like collateral damage. It is only fair that someone lays out their concerns on the map and that all parties accept their share of responsibility on the sub-par state of our streets.

645 The Government shows good judgement when it states that little or no responsibility for the lack of cleanliness of our streets and neighbourhoods can be attributed to the workers of Master Service, because in my view, given the dramatic decrease in manpower, as we say in Gibraltar, *demasiado están haciendo*.

650 It is a shame, however, that the Government have decided to hide behind yet another dig at the GSD administration for having awarded this contract to Master Service with no tender process. Is the Government prepared to take any responsibility for the current state of affairs? A few 'smelly' issues arise from this controversy. Firstly, for how long is Government going to look to the past to justify their questionable U-turns? This is getting a little tedious now after six years in office. Furthermore, how can this Government have the audacity to highlight a contract awarded by the GSD administration with no competitive tender when what it is doing now is pulling the plug on an operation with 100-plus employees – which worked, because say all you want about the GSD's time in office but Gibraltar's streets and neighbourhoods were squeaky clean and that was something we could all be proud of. So, in those circumstances it is a bit like that old saying 'if it ain't broke, don't fix it'.

655 So, what do we effectively have today? A dirty, grimy Gibraltar which today has no idea about what the future holds for its streets and the employees who clean them. Mr Speaker, there is a lot of uncertainty – an uncertainty which began when the new contract was announced and has definitely not been of the workers' making. The workers have continued to work to the best of their ability despite all this uncertainty and despite having been treated like pawns in this situation. In my view, this process which they have found themselves in should at least lead to a review of their working conditions.

665 Also, when the Government talks about stability, what do they mean exactly? Perhaps the Government mean stability in terms of longevity of the workers' contracts, but what is going to happen with regard to their terms and conditions? Does Government have anything more than what has already been generically said to better reassure this workforce after almost a year of insecurity?

670 For example, the conditions at the moment for the Government refuse collectors are much better than those of the Master Service employees. Furthermore, according to the Employment Act, the workers' pension entitlement is not overly protected, so I was pleased to hear Minister

675 Cortes's assurances today that the Government will ensure that their pension rights on a transfer of undertakings will be protected to a higher standard than is required by the law and that this socialist Government is going to protect the worker by increasing his or her rights in a dignified manner, given they now have the opportunity to do so.

680 But nothing is yet totally clear, Mr Speaker. And when Government talk about the new contract designed to transparently ensure that Gibraltar is provided with better value for money for the taxpayer, will Government be willing to make the new contract subject to public scrutiny in the name of this transparency they talk about? That would certainly be a departure from the past and very recent bad practices and would finally show some real commitment to more accountability in line with the Government's manifested aims in this regard.

685 In terms of budget, where little has been said in the Government motion, both Government and the Master Service directors have indeed confirmed that the Master Service budget did not increase in the last two years, something which has naturally had an effect on output and productivity. This is where my 'smelly' comment came from a year ago: smelly streets and services were only a domino effect of this tightening of budget.

690 Government has reflected on this by saying the workforce had nothing to do with the dirty state our streets are in. However, they have failed to mention that, contract or no contract, the budget is effectively decreasing in relation to inflation and expansion. Where is the ownership by Government for this colossal lack of judgement? Or was it part of the plan to dump a GSD undertaking literally in the trash?

695 Mr Speaker, I am afraid this motion does not deal with the key issues, which to me are in more certain, and specific terms, reassuring the workers on future terms and conditions, reassuring the electorate that the new contract will be awarded based on principles of transparency and efficiency and reassuring the citizens that Gibraltar will be clean and that there is a plan amidst all this uncertainty to make it clean. There is also a clear avoidance of responsibility on the part of Government for the underfunding and neglect of this service under the current administration.

700 So based on these facts, I will be voting against the motion.

705 **Mr Speaker:** Before we move on, I have been informed by a member of my staff that this morning the police duty officer informed him, the member of my staff, that an agreement had been reached by the Police, apparently, and the general secretary of the union representing Master Service, that only she and two members representing the staff would be present here.

Be that as it may, I am glad to see that in fact this afternoon we have not only the general secretary here with us but what I would term is a significant representation of the members of Master Service, and I repeat that they are very welcome here. (*Banging on desks*)

710 The Hon. Roy Clinton.

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

715 This topic in respect of Master Service and the putting out to tender of the contract is something that has been going on since February 2017 at least, if not before, and the GGCA certainly in February 2017 were already expressing concerns about the anxiety this was causing their members and the uncertainty. And yet here we are eight months later, in October, and the Minister is saying to the employees of Master Service, 'We will be putting out the tender at the earliest opportunity, possibly imminently.' Could that mean 'shortly'? We all know what shortly means in this House.

720 **Hon. Chief Minister:** That's not what he said.

Hon. R M Clinton: So, Mr Speaker, in terms of their concern for the employees of Master Service, they have had eight months to address those concerns, and yet here we are today. I fear that this motion is nothing more than a fig leaf to cover their inaction over the last eight months.

725 In their motion they are very quick to blame others, but I see no solutions in this motion.
They say they have complained to the directors of Master Service. Well, what were the
complaints? I am sure the House would be interested to know. I think even more interesting
would be what was the response of the directors of the company. Could it be they said, 'Well,
730 look, we would love to do more, but you have cut our budgets and we have not got the budgets
anymore – we cannot do this because we need more money,' or whatever the reason is.

It is certainly not the fault of the workforce, because at the end of the day they do their jobs
as they are asked to do by a company, but a company can only do as much as it has the
resources to do.

735 If what the Government is saying is the company somehow has been negligent in provision of
this service and they did not know what they were doing, that is strange – they seemed to know
what they were doing for the last 10 years and it is only recently that suddenly it has become a
huge issue.

740 And so I would be very interested to hear what solutions it is that the Minister is going to
propose, not just for the employees but for Gibraltar as a whole. We hear that there is going to
be some magnificent new contract, but I really would like to know a little bit more detail perhaps
as to what is it that is going to change in this magnificent new contract. Is it that they are going
to double the budget? Or is it that there is going to be some new technology we do not know
about? Either way, the employees would like to know, as would this side of the House. I find it
unforgivable that eight months have gone past and we have had no tender gone out to resolve
745 the problems for the employees, the company and indeed this community.

When we talk about tender, I sincerely hope that when the tender does go out, albeit in the
European Journal, that it does not appear in a local paper for one day 10 days before Christmas
expecting a full proposal to be in just before the holidays, because that is hardly what I would
call fair. And in that tender I would expect to see full details as to what it is the Government
750 proposes, and I sincerely hope that we will see a significant difference in this tender to what it is
that Master Service already provides. I have heard no new ideas from the Government as to
what it is that they will do to do things differently and I have heard nothing that the Government
has said so far that provides any comfort to the people of Gibraltar as to how the services in
respect of cleanliness will improve.

755 Of course the employees are entirely blameless in this; I think we can agree on this in this
House. However, the Government cannot avoid its responsibility for the delivery of services, and
in doing so they need to provide solutions. Today we have heard no solutions and I would invite
the Minister to provide this House with solutions.

Thank you, Mr Speaker. (*Banging on desks*)

760

Mr Speaker: Is there any other contributor to this debate? The Hon. the Chief Minister.

765 **Hon. Chief Minister:** Mr Speaker, having dealt with the issue of the proposed amendments, I
am now going to deal with the substance of the things that Mr Hammond said in the context of
his speech.

770 When the Hon. Minister rose to introduce his motion he talked about the reality of what
everyday life on our streets is. Whether it is a day of rain, whether it is a summer's day, a sticky
Levanter day, a National Day, each of those circumstances produces a different sort of
environment that needs to be dealt with, and it is very ably dealt with by the men and women
who work at Master Service. That is the sort of complexity that people might not bother to seek
to understand when they are simply on social media trying to make a point about an area
looking better or less smart.

775 It is surprising that those of us who are elected to this House think that we need to run
campaigns on social media and that bringing motions to this House is not worth anything, as the
Hon. Mr Llamas has suggested just that we will have a political debate on it. Well, I commend to
Mr Llamas that he should resign his seat, he should make himself a social media activist and

allow those who are interested in coming to this House to make political arguments to do so, because that is what this House is about.

780 This is not about *Aquí no se limpia*; this is about *Aquí se debate*, Mr Speaker. Some of what we have heard said in the context of the past three quarters of an hour is really gobsmacking in the context of how people think that we are going to be able to conduct the political debate. All the senses are engaged, but surely we are not going to spend time thinking about whether something is smelly or less smelly; we are not going to spend time looking about our streets on an *Aquí no se limpia* basis/*Aquí sí se limpia* basis.

785 Indeed, if we are not going to fall into the culture of blame – which the Hon. Mr Hammond has invited us to do, although Mr Clinton has quickly brought the GSD back to its roots and said that it is all the Minister’s fault – what we are not going to do is sit here and pretend that all of this debate and the improvement of the quality of cleaning in our streets, when it comes, is down to Lawrence Llamas and his little camera and his *Aquí no se limpia* campaign. Even in the
790 context of what he has said, with the contributions from the opposite side, we can demonstrate that the position is not as he suggested, because Mr Clinton has said we have been having the debate about the tender since February 2017 and *Aquí no se limpia* was a short-run thing in late August, early September – and he admits that, Mr Speaker, when Mr Llamas says that shortly after he ran his campaign the motions came in, namely for the September session of the House.

795 So, even when it comes to trying to take credit the hon. Gentleman cannot get the chronology right, but this is a place to debate *how* we get things right and how we improve upon things – and Facebook, Mr Speaker, is a place where he can go and do that in debate with any other member of the community, and Twitter is a place where he can do it with any other member of the community, but in this place it is about something else. We have already had
800 Facebook and Twitter erupting in our Budget debate – let’s not bring it further into the proceedings of this House, Mr Speaker; it was not particularly edifying when it crept in then.

The Government dearly values the work that is done by the men and women of Master Service. The Hon. Minister has said so. He said that he himself has swept the streets at Alameda Gardens. Well, Mr Speaker, Joe Bossano became Chief Minister of Gibraltar and gave us all a
805 lesson this morning on international law and swept the streets of West Ham in London. On this side of the House we have family members who sweep the streets of Gibraltar – like I do, Mr Speaker – who have swept the streets of Gibraltar, like I do, and we sincerely and deeply value what that work entails.

That is why we will not denigrate it, and in particular we will not denigrate it – and this is a
810 point, I think, on which the whole House agrees – when people in our community fail to understand their personal obligation to keep our streets clean, be that with their children and teaching their children not to drop litter and not to litter generally, or be it themselves. I think it is disgraceful that a car with a Gibraltar number plate should be seen as a place from which people discard rubbish. It is absolutely disgraceful. (*Banging on desks*) It is the sort of thing that I
815 associate with number plates of another nation, not the number plates of the cars licensed in Gibraltar. The fact that people think that they can fly tip, which is also an issue that affects Master Service and the general refuse collection services of the Government ...

I think it is also important that we realise the fact that people do not clean up after their pets. That is not going to be fixed with two dog parks; it is going to be fixed by people taking
820 responsibility for their pets, and indeed it is going to be fixed by people sometimes thinking that they might not be able to own a pet if they have not got the facilities to ensure that they can clean up after them. I commend the Hon. Member for the Environment for the DNA testing facility that is going to, I think, make a difference in that respect, although it is not going to happen overnight. When people take their dogs out and allow them to urinate, in particular, and
825 defecate on the streets, in some instances people clean up after themselves, in most instances, even now, they do not. It is very easy to see where somebody has made a removal and the efforts have not been as successful as they could have been, but at least the person has tried to remove the defecation. But the animals still urinate and people do not take the vinegar and

830 water required to remove that, and that is endemic. Part of the problem on our streets is the
urination of animals – owned animals and the not stray animals – and that is not something that
the men and women of Master Service deserve to be blamed for. And it is not something that
happens under the GSLP any more or any less than it happened under the GSD or indeed under
any previous administration. It is something which requires civic pride, it is something that
requires a deep understanding of what we can and cannot do as a community and what you can
835 or cannot do as a property owner.

Now, Mr Speaker, dealing generally with the issues, I think it is important that we understand
that the number of fines there have been and the number of prosecutions there have been for
littering etc. is, by the measure of the Hon. Mr Phillips, low. Seventy fines and 27 prosecutions
he says is woefully low – I do not know whether he said ‘disgracefully’ low. *(Interjection)* In a
840 year, yes, every year. Mr Speaker, that is probably more than there ever has been in the history
of Gibraltar in that period.

Hon. E J Phillips: That’s not the point.

845 **Hon. Chief Minister:** He says that is not the point. Well, Mr Speaker, the point is now, today,
he wants a thousand fines for littering, and then when we have them Mr Hammond will get up
and say, ‘Ah, Mr Speaker, a thousand fines multiplied by a hundred pounds – they made a
million pounds because they are running out of money!’ *(Laughter)*

Mr Speaker, the hon. Members opposite have to know that they have to get beyond the joke
850 that they are making of this place, because it is absolutely right that the civic pride is linked,
unfortunately, to the enforcement aspect – of course it is – and if he wants to see more fines
and more prosecutions, fair enough, but can he at least acknowledge that there are more now
than there ever have been and that this is progress? And if it is progress, can he commend the
Government for that progress, even if there has to be more progress in his view?

855 Mr Speaker, I will say it to the hon. Lady, I will say it to him and I will say it to Mr Llamas: this
idea that we are not allowed to put the clock at zero on 9th December 2011 when it is
convenient to them ... When it is convenient to them, we are building on the legacy of the GSD,
but otherwise everything has to be judged as it is under us without us looking back. Don’t they
know that famous Churchill phrase: ‘It is only by looking far into the past that you will see
860 further into the future’? That affects everything that we are doing in relation to this matter. This
is not Picardo trying to take it out on the GSD; this is Churchill, somebody who we all regard as
demonstrating a deep understanding of the political makeup of our western civilisation. We
have to look back not to make the same mistakes when we go forward, and the mistake is to
give a contract to your mates, a large contract, a multi-million-pound contract, to your mates,
865 Mr Speaker –

Hon. R M Clinton: Mr Speaker, I must object to his reference to ‘mates’.

870 **Hon. Chief Minister:** I have not mentioned *his* mates, Mr Speaker, so I do not see what the
objection is – he might like to tell us what it is.

Hon. R M Clinton: Mr Speaker, with respect...

875 **Mr Speaker:** A point of order, is it? No point of order.

Hon. R M Clinton: Sorry?

Mr Speaker: The Hon. the Leader of the Opposition.

880 **Hon. R M Clinton:** Is there a suggestion of some impropriety?

Hon. Chief Minister: Yes, absolutely.

Hon. R M Clinton: There is?

885 **Hon. Chief Minister:** Yes, definitely, and I will tell you what it is.

Hon. R M Clinton: And you will be able to substantiate that?

Hon. Chief Minister: Absolutely, yes. Mr Speaker, that is what my speech is about. It is
890 improper that, contrary to European rules and contrary even to national rules which transpose
European rules, the GSD gave the contract for the cleaning of Gibraltar to their mates – I have
said it a hundred times; I do not know why it is that he has not objected the first time I have said
it – without a tender. Therefore, to now be told that it is hoped that we will not do the same
895 thing, when what we have announced is the opposite ... What we have announced is that we are
doing a European tender for this project because the amounts involved are so high that they
should never have been subject to being handed to one entity, a group of individuals or
otherwise.

We are going to European tender, to the *European Journal*. It is a good thing we are leaving
the European Union, Mr Speaker, because if Mr Clinton had to continue to grapple with the
900 European rules he would realise that there are specific periods of requirement of advertising
which you cannot get out of when you do a European tender. So there is no question of
something being advertised on one day for another in a local newspaper or otherwise; it has to
be advertised in the *European Journal* for a specific period of time.

That is what is going to happen here, and then the hon. Lady will not be able to say that we
905 have been anything other than entirely transparent in the context of this tender, as we are in
respect of all others, because when we do not grant something by tender we grant something
directly to someone after a process of three quotes, which is a mechanism introduced by
Members opposite when matters do not by law have to go to European tender. We do not willy-
nilly hand out any contract and I resent the suggestion that we ever have in any instance. We
910 have debated the instance of the MTV Festival, which is the instance that she might be alluding
to, which was an instance where it was absolutely right and in the public interest of Gibraltar
that we leverage the possibility to advertise Gibraltar's services around the world as we did in
respect of that particular contract, although I know that one of the people who appeared in the
video with her was particularly against that. Well, Mr Speaker, it was the right decision
915 (*Interjection*) and it could not have been more transparent. The whole world has seen what we
have done in Gibraltar with MTV on MTV, and that was the whole point. Everything we are doing
is subjected to absolute and utter transparency, Mr Speaker, and if she thinks it is not the case,
instead of attacking us with innuendo she should attack us with facts. She should tell us which
are the contracts she says have not been granted with full transparency and then we will deal
920 with those issues, because that is the way that we must deal with things, not on the basis of
'rumourology', which is fast becoming her style. That is not fair. It is not fair, in particular, on the
good men and women who are at the sharp end of the work that is done by Master Service
under all parts of the contract – the contract granted in 1999, the contract renewed in 2004 and
the contract then renewed again by the GSD in 2007 – for 10 years, by the way, I should say.

925 I was, frankly, this morning very disappointed to see that the workforce of Master Service
had been denied access to Parliament and I am very grateful that you have clarified what the
circumstances were, but when I walked downstairs I was met by members of the GGCA
committee and by members of the staff of Master Service, who explained to me what had
happened and I put the position to them exactly as you have today – that as far as I am
930 concerned, any member of the public is able to enter this place and they are subject only to the
control of the Speaker in the context of public order in the Gallery. I am very pleased that some
of them are here this afternoon. This is an issue that directly concerns them and that is why the

Government has moved the motion that defends the work that they have done, and I am very pleased to see the new attempts at one-upmanship on the other side, where Members opposite
 935 have tried to muscle in on the Government's defence of the work of the men and women of Master Service, having shamefully taken the position that they took in the Private Member's Motion that I have already alluded to, which does not mention the work of the men and women of Master Service.

Mr Speaker, the wider participation of the community is something which is essential and on
 940 which I agree with Mr Phillips. We see every year how the Clean up the World campaign, when undertaken in Gibraltar by volunteers with the assistance in some instances of Master Service and materials provided by them, leads to the collection of the most impossibly huge amount of rubbish – every year – and you wonder how does this accumulate.

Well, we cannot blame the tourists. We cannot say it is simply the tourists who are coming to
 945 Gibraltar and are discarding their rubbish because they do not care because it is not their home. It is absolutely true to say that there are Gibraltarians who are failing in their civic duty to this community to ensure that they do not litter. And beyond the men and women of Master Service, beyond the men and women of the Ministry for the Environment, what about the young children and the teams from around Gibraltar civic society who form part of the Clean Up
 950 Gibraltar campaign? I have formed part of those campaigns in the past and I see children from our schools who have the civic pride to go out and give up a Saturday during their weekend to collect rubbish that should not be there in the first place. I see divers who get into the sea and pull out rubbish that has been put there and I see people who go into very hairy circumstances on the Upper Rock and balance where I would not be too keen to balance in order to collect
 955 rubbish to clean up Gibraltar. You would have thought there would be less of this rubbish around and that every year there would be less because some of it looks like old rubbish and you think, 'Well, that's from a bygone era, we have more civic pride now.' No, Mr Speaker, every year there is the same quantity. That is absolutely not fair, it is absolutely the wrong thing to see happen in our community and it adds to the work that has to be done by the men and women
 960 who are at the sharp end of this at Master Service, and it adds to what the Government has to seek redress for in the context of the contract that will go out to tender.

That is what hon. Members will see. The contract that goes out to tender now in the
European Journal will be very detailed as to what it is that we are seeking to ensure is dealt with. That is the big idea and that is what has taken time. Hon. Members opposite seem to want to
 965 see things happen quickly, but they do not realise that in order to do things properly it is sometimes important not to move with great haste but to move with a little bit more care – and that is what we are going to achieve.

In the context of whether choosing to continue down that road or whether to go down the
 road of nationalisation of the contract, I could not see a more populist move coming. Frankly, for
 970 the Hon. Mr Hammond to say in this House that we should consider nationalisation, when what we favour actually is a successful tender which involves the men and women of Master Service in ownership of their own entity, is really their most populist measure I have seen deployed in this House.

It is impossible for the Hon. Mr Hammond to reconcile the position that he has taken with
 975 the stated position of the Opposition under both Mr Hammond and Mr ... I am confused which one of them is vying for what position, they are all at it ... under Mr Feetham or now under Mr Clinton or, I expect in the future, under Mr Azopardi, because one of the things that they made the hallmark of their election campaigns and their position in this House is the growth of the public sector and the growth of recurrent expenditure. And yet now he is encouraging me, I
 980 guess because it is popular, to take on another hundred into the public sector. Well, Mr Speaker, I am grateful for all of us that Mr Feetham is no longer in the leadership role, otherwise the explosion that we would have seen would have been tremendous. Maybe it would explain the burning that is going on, Mr Speaker! *(Laughter) Parece un bandolero.* It is just impossible to reconcile with the politics of the GSD of the past five years. Let us be honest and say 'We in the

985 GSD stand for whatever is popular at whatever moment in time we may be, depending on
 whatever audience happens to be in the room,' and if that is the case, people will judge you on
 that basis. But let us not also pretend to be consistent, because what there is is an
 encouragement by the hon. Gentleman for the Government to do the opposite of everything
 990 particularly in the Health Service, included more people in the complement, all we have faced is
 constant attack for having done so. So either they have not just changed their policy on joint
 sovereignty and on Spain and on National Day, they have gone out to subscribe to the politics of
 the GSLP, or they are being wholly inconsistent.

Mr Speaker, this was a contract granted under their administration and it was put at arm's
 995 length by their administration. I have said what I have said about the grant of it, but it existed as
 an arm's-length contract. The 1999 contract expired in 2004, it was renewed on a yearly basis
 for three years until 2007, and then it was renewed for 10 years under the GSD – for 10 years as
 a contract at arm's length. What is different now? That they are in Opposition and we are in
 Government? Because the Hon. the former Leader of the Opposition, who is with us in this
 1000 House, was in that Government which granted the extension for 10 years outside of European
 rules, why were they not nationalising then? I do not understand how, with a straight face – I
 guess a blameless straight face – he thinks he can make the argument now.

Better to advance the cause of the men to favour the possibility, if they can do it, of them
 being part of the ownership of the entity that takes the contract in the future, because that
 1005 would be better than just a few taking a handsome 10% profit on top of the cost of the contract,
 which is what the cost-plus contract that the GSD gave is all about. Just so that Mr Clinton
 understands this, the contract they gave outside of the European tender rules is a contract
 where what the contractor spends the Government must add 10% to. It is not a way of
 controlling cost; this is a way of encouraging more cost. That is what is wrong with the contract:
 1010 cost-plus. You, contractor, do the best you can to spend as much as you can and we will add 10%
 on top. And that does not go to the men, Mr Speaker. When you control the cost, I bet it is not
 the 10% that is controlled. I bet it is the men that suffer the loss of earnings, I bet it is the men
 that lose out on overtime; but the bonuses, those are not the ones reduced, Mr Speaker. The
 1015 10% cost carry over, that is not what is reduced. It is the men and the women at the sharp end
 who suffer. That is what is wrong with this contract in particular, and if they were genuine on
 the other side about being concerned about recurrent expenditure, they would condemn every
 single one of the cost-plus contracts given by the GSD. (*Banging on desks*) That is an area where
 blame must attach.

This is not, therefore, Mr Speaker, about offloading responsibility to the GSD; it is about fixing
 1020 the mistakes of the GSD. I do *not* recognise that Gibraltar is suffering filthy conditions and I
 certainly do *not* recognise that Gibraltar was squeaky clean under the GSD. How can you make
 that up? How can you even make that up?

I lived at Calpe all of my life until I moved away, and Calpe was not squeaky clean. It was not
 squeaky clean under the AACR, it was not squeaky clean under the GSLP, it was not squeaky
 1025 clean under the GSD and it is not squeaky clean today. I would love it to be squeaky clean and
 every corner of Gibraltar, and that is what this tender is designed to try and do. But the idea that
 we create a halcyon past, a pot and king village, which is what Gibraltar was under the GSD –
 look it up – and we pretend that we have moved from that to where we are today ... Come on,
 Mr Speaker, *aquí no se miente* It is nonsense.

1030 The suggestion somehow is that there is now a failure in the service. We do not recognise
 that at the sharp end of the service there is a failure, and that is why we brought this motion: to
 defend the people who *are* at the sharp end of the service, Mr Speaker.

At Midtown, which is an area which is not cleaned by Master Service, it is true that there is a
 want of cleanliness on some occasions, but this is a car park cleaned every day, with exhaust
 1035 fumes from diesel engines in there – we all hope one day there will be no exhaust fumes from
 diesel engines; it will be electric and then we will not have those issues – next to the biggest

building site in town. If you judge cleanliness by what happens when there is building going on, then all of us have lived in places which are filthy because all of us, I am sure, have had works done either in a kitchen or in a bathroom and, however much we try at home, when there are works going on it is impossible to keep things clean. You know that you clean and a few hours later, even when there is not work going on, because the dust is settling it becomes again unattractive and we have to clean again. That is normal, unfortunately, because the Government does not have a magic wand to control dust from a building site – and we have the biggest building site in Gibraltar today, which is the Midtown development, next to the Midtown car park. So I would say the hon. Gentleman should judge the cleanliness of the Midtown car park once the biggest building site in town has moved on in that respect.

Mr Speaker, the hon. Lady, when she raised the issue of the ability of members of Master Service to come into the House, wanted to say that they would always be welcome here, and she was absolutely right to say that. You followed up and I associate myself with that. But the men and women of Master Service are not just welcome in this place; they are welcome in my office, where they have been on a number of occasions and received the assurances that hon. Members here are trying to seek and extract on their behalf. They have had those reassurances in meetings with me about what it is that the Government intends to do. They have had reassurances about this being one contract. They have had reassurances about the protection and improvement of the terms and conditions of employment. Indeed, they have had reassurances even beyond that, because the Government wants to see the men and women of what is presently the Master Service crew succeed in the future.

This is not therefore about a dig at the GSD or about U-turns. What U-turns? We are not pulling the plug on an operation that works; we are ensuring that we pull the plug on an operation that was created improperly and we are going to ensure that the contract is now granted properly and in keeping with the proper rules.

I do not think it is fair to say that Gibraltar is dirty and grimy, although I think Gibraltar must be cleaner in the future. Words like that create the image of a Gibraltar that I do not recognise and that hon. Members should not be seeking to propagate. We fall into the trap sometimes in politics of talking everything down simply because we are not in Government. That is bad for this community, it is bad for the future of Gibraltar and it is, in my view, not fair politics.

So, stability is what will come from properly tendering this contract and properly ensuring the future of those who work in this company for the future, subject of course, as I said to her, to the full glare of public scrutiny in a European tender. But again, this is not about underfunding. Where is the under-funding? Simply because we have not increased the amounts that we spent in respect of the Budgets? Is it that hon. Members do not see the increases based on inflation? Is it that hon. Members do not see the increases in other Departments, like Health, based on inflation? Or is it that hon. Members are suggesting, because it is convenient to them today and they are not bringing the arguments that they bring during the Budget debate, that we should somehow have increased the recurrent expenditure of Gibraltar, the opposite of what they have been saying to us that we should do?

So this is not about fig leaves, Mr Speaker, although I think the GSD is left not even with a fig leaf to defend the way it granted this contract in the mid-90s and then in 2007, not even a fig leaf of protection for the way that they acted. What there is is now a plan to ensure the tendering of this contract for wider services as one contract and to ensure that that provides the security that the men and women of Master Service deserve.

Has it taken some time? Yes, it has taken some time, Mr Speaker. It was brought to our attention in February that the contract was going to come to a conclusion and we have designed the new tender requirements. This is not easy. It is not easy in particular when the procurement department is digitising the service that it is going to provide, it is not easy when Ministers have to ensure that we act in keeping with European rules, and it is not easy if we want to act to protect the interests of the workers, because we need to ensure that in the way that the tender is constructed that it is provided for.

1090 So, Mr Speaker, I think that this is a new big idea, this is the new way of ensuring that
Gibraltar's streets are cleaner than they have been in the past by giving the tools to the people
who we ask to be on the ground, at the sharp end, doing that work in the context of the way
that we tender for the contract and in the context of the way that the public's money is used in
that tender, so that we are not doing cost-plus and that additional amount is a bonus for those
1095 who are not getting their hands dirty, getting wet on a rainy day and ensuring that they do their
best and give their hardest work to keep Gibraltar clean, but to the people who sit round the
board room tables reminding themselves of how they managed to secure this contract in the
first place. That is what we are not going to do. We stand with them, Mr Speaker, not with those
who took the contract contrary to European rules. (*Banging on desks*)

1100 **Mr Speaker:** Any other contribution before I call upon the mover to reply?
The Hon. John Cortes.

Hon. Dr J E Cortes: Mr Speaker, I think it has been an interesting day – and there is a lot more
to come, Mr Speaker – and certainly this debate has been an interesting one.

1105 I think I can say I have been disappointed by a lot of the comments coming from the
Opposition benches, if only in that many of them were repetitive. I suppose the fact that we de
facto have three different points of view in the Opposition is one that is reflected today and will
be reflected in days to come.

1110 Mr Speaker, as the Hon. the Chief Minister has said, a tender of this nature is a long and
complex process, and I am proud to say that there has been a great deal of consultation with
stakeholders as well as commitment to the union and the workforce that they will be totally
protected. They well know that my office and that of the Chief Minister have been open and
continue to be open to discuss any uncertainties that they may have until this is finally
concluded.

1115 Mr Speaker, we have gone over and over the schedules, we have been responding to the
professionals and we have involved the Environmental Safety Group, who are the people who
for many years, as the Chief Minister has said, have been spearheading Clean up the World in
Gibraltar and doing excellent work. They have been involved in assisting us in drawing up the
schedules because we want to draw on the experience that they have, and this has taken time.

1120 This debate cannot be a review of the whole waste strategy of the Government. That is
something that we could debate another day and that is something that does turn up in our
Budget speeches, but I must say that any suggestion that the question of cleanliness has
somehow slipped attention until the Hon. Mr Llamas raised it on Facebook just does not hold
any water. This is something that my Department has been working on very hard over the past
1125 years.

The Hon. Mr Phillips mentioned fines and the Chief Minister answered that point in the way
that I am just going to repeat: how many fines had been issued in a similar period any time in
the history of our community? It was this Government that introduced litter tickets, it was this
Government that introduced litter wardens, it is this Government that reactivated the Litter
1130 Committee that meets regularly and discusses these things time and time again.

There has been a lot of work done in this field and the fact that we are now able to issue
these tickets and that we have increased the number ... certainly not enough, and, as I always
say, if anybody ever asks me is enough being done on any environmental topic my answer will
always be no, because I will always aspire to more.

1135 Mr Llamas does not have the exclusive on seeing the state of our streets, and it is very easy
to post on Facebook and do videos but that is very comfortable when you do not have to do
anything other than that. We have already taken up the question of our streets.

People do have short memories. Let me just explain, for example, one of the issues that I
tackled early on in 2012. This was the question of flushing the streets. People seem to think that
1140 the streets were being flushed during the so-called 'squeaky-clean' days of the GSD – when they

were not. I remember attending the first meeting of the committee that I set up and saying, 'With what frequency are we flushing the streets?'

'Well, really, we cannot flush any streets because people won't remove the cars and then there is no point and we cannot really deep clean in this estate or that estate.'

1145 I got a Street Cleaning Committee together and when I raised it again ... 'Well, people don't remove their cars.'

'Well, let us now enforce the removal of cars.'

'But there haven't been any signs on the estates for years and therefore we cannot remove the cars because the signs in the estates have fallen off and they haven't been replaced.'

1150 So it was our initiative that we reintroduce that. Nobody had even bothered to replace the signs on the estates, so they could not even move the cars so they could flush. So this thing about squeaky cleanliness in the GSD days is simply not true. But in any case, when we started cleaning and heeding the signs that we eventually replaced, we were down to contractual obligations and, as I explained before, the contract was simply not good enough.

1155 Mr Speaker, the tender will now be published at the next possible opportunity in the *European Journal*. It is not putting it off *sine die*; it is at the next possible opportunity. It has to be submitted and published in the *Journal* and then the detail in its schedules and so on will of course become public knowledge. That has been the work of the last few years in which we have realised the shortcomings of what was being done.

1160 Mr Hammond tried to jump on our bandwagon and it seems that every Member of the Opposition now thinks that the workforce of Master Service is the best thing since sliced bread. Well, hang on, we were the ones who said it first. Mr Hammond had the opportunity to include this in his motion and he did not. Now he is considering the Chief Minister's suggestion that he should. It is almost like he said, 'Oops! The Minister is right. I've put my foot in it. I'd better look like I really do feel that the workforce is absolutely wonderful and I'd better put it in my speech, and now the Chief Minister has given me the opportunity to exonerate myself and perhaps accept an amendment.' Well, Mr Speaker, he did not put it in, so either he does not really mean that he thinks so highly about these men and women or it did not even occur to him that he should – and that is almost as bad if it did not even occur to him that he should mention the workforce.

1170 Mr Speaker, the workforce will be protected and they know they will be protected. Government will ensure that their conditions are guaranteed and their welfare is guaranteed and that they have security in the present and in the future, and this has been very clear throughout in all my dealings with them.

1175 I look forward to an improved contract for the benefit of Gibraltar with guarantees for the workforce and that next summer those people who like to post on Facebook will have something else to write about.

I commend this motion to the House. (*Banging on desks*)

1180 **Mr Speaker:** I now put the question in the terms of the motion moved by the Hon. Dr John Cortes. Those in favour? Those against. I did not hear that. Those against? I think two. Shall we call a division?

Hon. Chief Minister: Shall we have a division?

1185

Mr Speaker: Let's have a division.

1190 **Hon. E J Reyes:** Mr Speaker, I did not have the speaker on, but I was suggesting politely that we have a division precisely because I foresaw this confusion, more so for the benefit of the Clerk – I think she has done wonderfully today, being her first session, (*Banging on desks*) so it is up to us to make life easier for her.

Voting resulted as follows:

FOR	AGAINST	ABSTAIN	ABSENT
Hon. P J Balban	Hon. Ms M D Hassan Nahon	None	Hon. N F Costa
Hon. J J Bossano	Hon. L F Llamas		Hon. Dr J J Garcia
Hon. R M Clinton			
Hon. Dr J E Cortes			
Hon. D A Feetham			
Hon. T N Hammond			
Hon. A J Isola			
Hon. G H Licudi			
Hon. S E Linares			
Hon. E J Phillips			
Hon. F R Picardo			
Hon. E J Reyes			
Hon. Miss S J Sacramento			

Mr Speaker: There are 2 Members absent, 2 have voted against the motion and 13 have voted in favour. The motion is carried. *(Banging on desks)*

1195 **Hon. Chief Minister:** Mr Speaker, can I venture to suggest this may be a convenient moment to recess for 15 minutes before we deal with the next motion?

The House recessed at 5.25 p.m. and resumed its sitting at 5.50 p.m.

**Calpe House –
Declaration of support and confidence –
Motion carried**

Acting Clerk: We continue with motions.

The Hon. the Minister for Economic Development, Telecommunications and the GSB.

1200 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):**
The last bit was the GSB, not the GSD. *(Laughter)*

Mr Speaker, I beg to move the motion of which I have given notice, namely that:

THIS HOUSE:

NOTES that Calpe House is an independent charity which has been in existence since 1989 and that there has never been any involvement by any Government in the affairs of the charity.

THIS HOUSE further notes and rejects the reports and comments put in the public domain which appear to question the honesty and integrity of the trustees and suggests that the donations made to the charity by the public are unaccounted for.

THE HOUSE therefore declares its full support for and confidence in the honesty and integrity of the trustees and directors of the institutions set up by the Charity.

THE HOUSE furthermore wishes to express its appreciation to those involved in the work of Calpe House for the many hours of unpaid work they have given and continue to give to the institution.

THE HOUSE in addition fully supports the decision to invest in new premises in order to provide improved facilities and assist a greater number of sponsored patients when in London for medical treatment.

1205 Mr Speaker, in moving the motion and in speaking to the motion I am seeking the support of
the Members opposite. I feel confident that I can count on the GSD Members to support this
1210 motion because I want to recognise that when some comments were made on an account on
Twitter, in fact it was the Hon. Mr Feetham who immediately came to the rescue of the charity
and criticised the campaign that was being mounted against the charity, which has done a
fantastic job for patients in the United Kingdom. Indeed, when we started downstairs with a
campaign for the raising of funds, he was the first one to personally put his money where his
1215 mouth is and say 'I support the campaign and I will do it by giving £100 a month to charity – a
decision which we then followed by giving £100 every month just to do better than he did!
(*Banging on desks*)

1220 There are three entities – an anonymous entity, the hon. Lady opposite and the media – that
have been involved in a year-long campaign which can only be described as one that has set out
1225 to undermine the charity. In moving this motion, what I am doing really is not trying to pick a
fight with anybody – although I am a battle-scarred veteran who is not afraid of fights, but I am
not looking for one – but I am defending something with which I feel very closely involved
because it was when the GSLP was in Government that this institution was created, like many
other things that were created during the GSLP administration of 1988-96, and it was created as
1230 a charity independent of the Government but with the support of the Government.

1235 That is what the first paragraph says and that is what happened in the eight years we were in
Government, what happened in the 15 years that the GSD was in Government and what has
happened since 2011 – that is to say no interference in the running of the organisation but
external support to a charity which is very highly valued and has been highly valued by the GSD
1240 in its time in Government and by us in our time in Government, and of course in opposition as
well, and I hope that will continue to be the case.

1245 I am not sure how the two former GSD Members will vote, given today's experience of their
voting pattern. The motion seeks to defend the position and to express the support of the
Government – not just mine – and, I hope, the support of the majority of the Members of the
1250 House.

On 1st August, a particular newspaper – I am not going to personalise it, I am not going to
mention the paper and I am not going to mention the writer, but people will know where these
stories have appeared – challenged the Government to make a statement and explain its
1255 position on what was allegedly happening with Calpe House. This motion effectively does that.

1260 Strangely enough, the very entity that on 1st August asked the Government to do this now
criticises me for doing it. So I feel that I need first to deal with and dismiss that criticism, and also
to use that criticism, which appeared the day after the motion was sent to the media, to
demonstrate how in fact it is possible for a newspaper to do more than publish information and
1265 publish news and in fact seek to convert the news that it is publishing into something that is not
what the news is.

1270 So, although there was a two-page spread in this particular newspaper saying 'the truth
about the Calpe House charity', it was not about the truth at all. The truth is that I have brought
a motion to Parliament which will explain the Government's position – as this newspaper said
we should do on 1st August – and will explain why the Government supports the trustees and
1275 why the Government supports the charity, and why we reject the accusations that have been
made.

1280 The newspaper has interpreted my motion as an attempt to sweep things under the carpet.
The motion does nothing here to tell anybody to sweep anything under the carpet. I am saying
this live and people are listening to me, and nothing is being swept under the carpet. The article
1285 says:

It is as if he is against public information about charities, which include millions of pounds of public funds, that
they should not be put in the public domain, as if he would prefer that the public be kept in the dark.

So the newspaper thinks that what I am doing by coming here and giving explanations is trying to keep the public in the dark. I hope the public stays switched on and keeps the light on.

In defence of its analysis of my position, which I reject totally, this newspaper says:

Public information contained in a letter on such and such a date to the Westminster Council ... says ... 'The three properties have been vacant for some time and are in a poor state of repair.' ...

Does Minister Bossano think that such information should have been swept under the carpet?

1255 Well, no, and nobody is telling them.

The article starts by saying that all the information that has been published in the last 12 months is all information in the public domain, available to the public. They did not need to buy the newspaper to find out; it was already in the public domain before it was published. That is what the opening paragraph says. And then it goes on to suggest that everything that they have published – which was already public knowledge, but they have emphasised it and interpreted it for the public, who clearly cannot be relied on to understand what they read without having it interpreted for them by somebody – is something that I am trying to prevent with this motion and sweep under the carpet.

1260 Well, what I am trying to do with this motion is in fact produce the truth about Calpe House and put the record straight about the things that have been said, which are not true and are wrong.

1265 One of the issues, for example, that has led to comments not just in the media but in what is called now the social media, on this thing called Twitter and the other thing called Facebook – which I know the Chief Minister said should not be brought in, and I do not normally bring it in because they are animals that I do not understand, but since they happen to be relevant I have no choice, I think, but to bring that to the attention of Members of the House and of the public who are listening – is that on 7th August the hon. Lady opposite made a statement in the media in which she said, and I quote:

When I last called for an investigation in Parliament in December last year, I was told in no uncertain terms by Mr Bossano that the Government had no involvement in Calpe House. We now know that HM Government of Gibraltar owned 51% of Calpe House Ltd at the time that I was given that answer by Mr Bossano.

1275 Well, Mr Speaker, that created and generated comment in the press and comment in the media on the assumption that the hon. Lady was telling the truth, but of course the hon. Lady was not telling the truth. In December 2016 when she asked me the question, the Government of Gibraltar did not own 51% of Calpe House Ltd. It did not own it then, it did not own it in August of 2017 when she said it, and it does not own it now.

1280 Clearly, the hon. Member opposite does not have a clue what a company limited by guarantee means, otherwise she would not have assumed that we own 51% of the company. It is only possible to own 51% of a company if you have got a company limited by guarantee and one guarantor has a guarantee which is 51 times what the other guarantors have. So, if you have got a company limited by guarantee and one guarantor has £1 and I am the Government and I have £51 as a guarantor, then you could say that I own 51%, although technically of course it would be incorrect because a company limited by guarantee does not have shares, so it is impossible to own 51% of non-existent shares. The closest would be if you were a guarantor of 51% of the guarantee and the other guarantors made 49%. That is not true, that is not the case, has never been the case and she could not possibly have learned that from anybody because one would have to be as ignorant as she is to have taught her that, and I doubt there is anybody that ignorant.

1290 So, what happens with that accusation is that it gets picked up immediately by what I assume is one of her newly formed movement participants – the people that are gathering around her – a certain Thomas Johnson, who on reading what she has said, that I had lied, in effect, accusing me of having lied in December 2016 because I said we had nothing to do with the involvement ...

1295 I will read what I said in December. It is a matter of public record, it is in *Hansard*, and
nowhere in the debate that took place – or rather in the answers to questions, but almost
deteriorated into a debate – do I say anything using the words that she attributes to me. What I
did say was what is the first paragraph of the motion, what I have said happened in the 15 years
of the GSD, and that is that in the running of the charity the Government is not involved; the
1300 Government is involved in giving support to the charity.

This particular supporter of hers ... and if that is not the case, even though he is very
complimentary of her and very critical of me, she can put the record straight, but we live in a
free society and people are entitled to have views of different politicians and of people who are
not politicians. But of course the consequence of her saying that we had nothing to do with the
1305 charity and claiming, as she claimed, that at the time we owned 51% of the business that we said
we had nothing to do with, is that this particular gentleman says:

You cannot trust a single thing that comes out of Bossano's mouth. I often ask myself how such a deceitful guy got
elected.

For 45 years is what I am saying.

He later on goes on to suggest that the best thing for me is to resign over my not having told
the Lady that we had 51% – which of course we did not have. I do not know whether after this
1310 debate he is going to ask *her* to resign for inventing the 51%.

I am afraid that it does not end there, because another of the companions of the new pristine
movement that is going to be the model for Gibraltar joins in and a certain Kyle Pecino goes on
to say that he does not mind being vulgar and blunt and that I am an evil four-letter word which
I will not repeat.

1315 Then, Mr Johnson explains that I am responsible in the early 1990s for having targeted his
grandfather and his pension because his grandmother is Spanish – I do not know if she is still
alive – and I stopped it. Well, of course not everybody in this House will know what this refers
to, but let me remind the Members that do and enlighten the ones that do not. In the 1990s
what happened was that we had Community Care, and what was happening with Spanish people
1320 in Community Care was that they were claiming that they should get Community Care the same
as people in Gibraltar should get it. In fact, a case was taken to court in the name of a Spanish
pensioner by Messrs Triay and Triay and I brought the motion to this Parliament condemning
that move – and in fact Mr Caruana, in order to distance himself from the action and save his
political neck, left the partnership and set up his own office and his own practice as a lawyer.

1325 That is the context in which I am being accused of having refused a Spanish grandmother a
pension, which probably means that she was unable to get Community Care in the 1990s, not
because I said so but because the rules of that charity – also at a distance from the Government,
as I said in an earlier question to the Leader of the Opposition – had rules which it was applying.
Some people benefitted from the rules and some people were worse off from the rules. But in
1330 fact the court case at the time was a test case taken in the name of the Spaniard, which in the
event was a complete setup because the guy whose name it was allegedly being taken in did not
even know it was happening. As a consequence of that in the 1990s here we are in 2017: that
person thinks I should resign because allegedly I lied about the 51% of the company that we do
not own.

1335 And it goes on. It does not just end with that. It then goes on, because these two individuals
continue with their use of derogatory language, which gets worse with every line – in Facebook
apparently they allow all these things; they are a very open media, everybody is free to call
everybody else what they like and get away with it, and I think that since these gentlemen have
put their names to it I would like the whole of Gibraltar to know it – and when somebody
1340 suggested to them 'Don't you think you should have a little bit more respect for somebody who
has been 46 years defending Gibraltar?' they would become even more vulgar.

1345 I do not know whether there is anything anybody can do or have recourse to, to stop this kind of thing being done, but I suggest to the hon. Member that if those are the kind of people she is recruiting into her new movement, the sooner she distances herself from them the better and maybe she will have an opportunity of doing so today when she contributes to this motion.

1350 This is an illustration, Mr Speaker, of how you can build up a momentum behind something on the premise that you make a false statement which people do not question, and then you have got a whole situation where I am the target of having lied in Parliament to the Member opposite by saying that we are not involved in Calpe House when we are supposed to own 51% of a company which I have just demonstrated is impossible for us to own and we do not own.

1355 And what is the situation as regards the existing building, which has nothing to do with the debate about the new building? The existing building in fact was originally, in 1994, given a lease that was in the name of the Governor, 100% as the Crown, and the Crown held that property for the benefit of the Calpe House Trust as to 49% and for the benefit of the Government of Gibraltar as to 51%. For a lease to be held by the Governor for the benefit of the Government as to 51% and for the benefit of the Trust as to 49% does not mean that we have been using that 51% beneficial ownership of that building to involve ourselves in 51% of the decisions that the Trust has taken between 1994 and now, any more than in the 15 years when the GSD was the 51% beneficial owner they got involved in running the Calpe House Trust or taking any decisions as to who did and who did not go in or how money was spent or not spent. So one thing has nothing to do with the other.

1360 In any event, let me remind the hon. Member of what I actually told her, which is not what she claimed on 7th August. I told the hon. Lady:

I am of course very close to Calpe House, as the hon. Member may know, because the original idea was launched back in 1988-89. We are all putting £100 a month of our money in Calpe House, so we have got a personal interest in making sure that the money is being well spent for what it is intended. But of course this is a private charity and is independent of the Government, and it is not the Government that has to do investigations because that would imply we do not trust the trustees.

1365 The hon. Lady was asking us to carry out an investigation. The answer was that we do not run the charity. We are giving £100 of our own money and we are supporting the campaign to raise money, and if we thought the trustees could not be trusted then we would do something about it, but we do not need to investigate the trustees – the fact that we are involved in supporting it is evidence of our trust in the trustees; we think they do a good job. We continue to think they do a good job.

1370 Let me tell the hon. Lady that the charity clearly has always, when it has had to take decisions which require Government support, always consulted the Government in order to ascertain whether the support would be forthcoming, and that is what they did before they bought the building. Before they bought the building of course they came to us. They told us the different buildings they had looked at, they said what this building was like and they asked the Government if they went ahead with buying it would the Government support it, because they would not commit themselves to doing it if the Government was not going to be behind them. That is not involving themselves or interfering in the decisions or telling them what to do. We could have said ‘no, we are not going to support this’ and then they would not have proceeded because that would have been something that the trustees would not have wanted to take on without the backing of the Government.

1380 The Lady opposite has told people, including the charity, that we match pound for pound every pound that is raised in the campaign for the donations. This is not true. She has made that up. We matched pound for pound the money that was raised in 1989 – she is 13 years out of date. Nobody has matched pound for pound the money. Otherwise, the Government would not be putting £100 for each of us every month, because we are giving £100 to the charity every month, so there would be £100 from our pocket and £100 from the Government’s pocket – this is not happening. What we have done is make sure that if there is a shortfall we will be there to

step in, but clearly we do not want people to think 'It doesn't matter, I won't give money to the charity because the money will be coming from the Government.'

1390 But I can tell the hon. Lady that the negative campaign in the media and the negative
campaign which she has aided and abetted has had some effect and that the people who are
involved in raising money are telling me that since that, because of the doubts that have been
created, they have found some resistance and that when they have been ... For example, for a
1395 charity that is totally independent of this one, that has a flag day and they had a flag day not
long ago where they were collecting – where they actually give financial support to the patients
and their families that go there who are on very low incomes and cannot manage with the
money that the Government pays ... When they have been out there collecting they have found
a situation where, when they approached people to put in some money, they said, 'If this is for
1400 Calpe House, I am not putting the money in.' They explained to them that it is not for Calpe
House, the money is directed at a charity that gives the money to the actual patient, who is part
means tested and has difficulty in going to the UK and meeting the costs there. So you have got
a situation where, on the basis of deliberate ... or misrepresentations based on ignorance – I
think the two have been there – damage has been done, and the damage has been done as
indeed Mr Feetham predicted was going to be happening when he entered into the Twitter
1405 account.

This Twitter account, we do not know who started it. All that we know is that there are
people there who are castigating the GSD for not being more hostile, so there seem to be people
who want the charity to have people hostile to it, and so far, the only ally they have been able to
find is the hon. Lady.

1410 Mr Speaker, the wording of the motion is self-evident: we reject the reports and the
comments put in the public domain which appear to question the honesty and integrity of the
trustees and suggest that the donations made to the charity by the public are unaccounted for.
We reject this. We reject it because it is not true, because if it was true ... if we believed it was
true that we had trustees that were dishonest and were pocketing the ... the first thing we
1415 would do is we would stop our own £100 – let's be clear – and then what we would do, as a
responsible Government, would be to do something about getting to the bottom of what was
happening with the money and taking action; and if in fact we were talking about criminal
activity, then it would indeed be very serious, seeing as one of the trustees himself is the head of
the Police.

1420 Mr Speaker, how can anybody think that the money is unaccounted for? Does the hon. Lady
really believe that we do not know where the money has gone? Who claims that we do not
know where the money has gone? I will tell the House who claims this: a lady who writes in a
newspaper, who is an English lady who lives in Spain, who has no connection with Gibraltar
other than writing in this newspaper, as far as I am aware, and who wrote an article in this
1425 newspaper on 24th August and the headline on the front page of the newspaper was 'Where
has the money the people have donated gone?' This lady, as well as claiming that the money
that the people have donated was not there because the company set up in the United Kingdom
as a charity had a zero balance sheet, so therefore where has all the money gone ... Having said
that *en passant*, she then took it upon herself to question the honesty and the integrity of Lord
1430 Hoyle. Lord Hoyle, who is older than I am, over 80, happens to be a man, like many, who when
he was a trade union leader supported us 50 years ago, when he got elected to Parliament
supported us, and when he left Parliament and got elected to the House of Lords continues to
support us – more than half of his life supporting us. I am happy to say that the person who has
criticised Lord Hoyle is not a Gibraltarian; it is an English woman. I am happy to say that because
1435 I would be ashamed of my own people if they had criticised Lord Hoyle unjustly and
unnecessarily and rubbed out in this place, it seems ...

I do not want and I have never wanted any credit for anything I do. I enjoy what I am doing. I
enjoy it now, I enjoyed it when I was on the other side, I enjoyed it when I was on the picket
lines, I have always enjoyed it – I am very lucky – whatever I was doing. But I think this place can

1440 be very ungrateful to people, and people do expect some kind of recognition for their efforts. So you spend 46 years in Parliament and a newly arrived Member in Parliament says you lied and you said we had nothing to do with something when you own 51% of it – it happens to be untrue – so you should get sacked.

1445 Well, look, the accounts are not published on time in the charity and they are six months out of date or nine months out of date, so therefore everybody should resign. Well, then, by that definition the 15 years of the GSD should have been wiped out. We are doing the accounts of 1996 now, so how can it be such a terrible crime to be late with a set of accounts that people have to be castigated publically?

1450 Don't the people who do that understand that we do not have a huge queue of people volunteering to do unpaid work for the public good, and that if what people do when they do something for no monetary reward is find themselves pilloried we are going to have even less? Why should anybody spend their time doing work for Calpe House on a committee and not getting paid, and thinking, 'Well, at least the community to which I belong will see what a good guy I am,' and instead he finds himself effectively having his integrity and his honesty questioned?

1455 This article that appeared on 24th August is very strange because the question is: where has the money gone? The money from all the donations, where is it? All the person who wrote this on 21st August had to do was to go back to the edition of 24th July, because the same newspaper on 24th July said where the money was. On 24th July, the same newspaper says all the donations in Gibraltar are in an account in Gibraltar, in a different charity called the Friends of Calpe House, which is answerable to the charity commissioners of Gibraltar and not the UK.

1460 This is either a monumental level of incompetence or a determined effort to put doubt in people's minds, because if people read the article of 24th July nobody would have been worried about putting their penny in the box, it is in the Friends of Gibraltar account in Gibraltar. But if people read on 21st August the newly formed company in the United Kingdom, Calpe House Ltd, has zero money, well, 'Zero money? Where is my £100 going every month?'

1465 If that is not a deliberate thing, then it is the height of irresponsibility, and if the hon. Member is supporting that campaign then she needs to know what it is she is supporting. If she is so keen on the truth and on transparency and on explanations, then she should make sure that she checks what she gets told by people before assuming it.

1470 Mr Speaker, apart from the position that has been put in these articles, we have a situation where I am telling Parliament that the building was bought after the charity got the go-ahead from the Government. So, if you want to blame anybody, you blame the Government – all the Government, we are all responsible.

1475 If you have got a situation where you are buying something as opposed to selling it, is it so strange that the person that buys a house says it is in a very bad condition and the person who is selling the house says it is in a very good one? Or is that something so new that nobody has come across it before? Let me tell the House that when we bought the first Calpe House I went to see it, as Chief Minister, before we bought it. At that point we were putting up half the cash up front, pound for pound. I went to see it and it was dilapidated, and I said to the guy, 'When you go, look at every crack that there is in the wall and every leak – find as many faults as you can to try and bring the price down.' Nobody then said, 'Ah! Look how many faults Bossano has found – he's crazy to buy the house.' This is part of what you are doing when you are bargaining to buy something. If I had been selling the house, I would have said to the guy, 'Paper all the cracks and give it a coat of paint.'

1480 So you put motives into people. What is it that you are saying? That somebody deliberately bought something and paid more than they should? Are you then saying that the people who took the decision ... and the decision was not a decision taken by them in the sense that we had the opportunity which they gave us to say do not go ahead and do not buy it? But we said yes, so are we being told that we have been overcharged for that building, that the people we

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contracted in the UK are also taking backhanders and that they are getting a cut of what we paid?

1495 Listen, we paid it to the National Health Service, the Trust – that is the people we bought it off. Is it that the Secretary of State is also getting a brown envelope? He actually overruled the
1500 Trust when they asked for compensation. They asked for £5 million compensation for removing the nomination rights that there were, going back a very long time, because this is a building that has always been associated with the Health Service in the United Kingdom. The nomination rights allowed the place to be used for staff for St Mary's Hospital and for the whole of the Trust – the Imperial Trust or something like that it is called, National Health Service Trust. There was a
1505 company called Catalyst that owned 50% of the equity in the building and the other 50% was owned by the National Health Trust. In order to remove that nomination right, which we said ... The Trust came back to us and said, 'We don't think we should take this with the nomination right. They never used it very much, but if we do the place up and it is in a very good state and they come back with a nomination of right saying "now we want to stay put – people we are
1510 bringing from outside, doctors or nurses or whatever, we want to put them in your building," the building we bought – we cannot stop them. So before we spend money in... It may not be an attractive place in the state that it is in now because it is run down, so you may have difficulty making use of it, but if we are going to spend money in doing it up they may want to use the nomination rights, so we have got to say to them with the nomination rights we don't take it.' That is the advice they gave us and we said, 'Okay, we support what you are doing.'

1515 Ninety-nine percent of the time, frankly, everything that has happened has been on the basis of them telling us what the problem is, advising us what they think the answer should be to the problem, and 99% of it is us agreeing. So it is not that we tell them 'do it this way'; it is just that we look at what they say, we look at why they say 'do A and not B' and, because it makes sense, we say yes.

1520 So they went back and said, 'We don't want the building with nomination rights,' and then they were told the nomination rights were going to cost five million quid and the company that had other property interests and other commercial reasons for wanting to get out quickly and reinvest elsewhere, because otherwise they would have lost the opportunity of other reinvestments, said 'I am prepared to give my 50% of the nomination rights free of charge.' The NHS Trust, because they are also short of money, would not give it up without their half, without the £2½ million, understandably. In fact, one of the trustees, using the longstanding relationships we have got with Members of Parliament and our political lobby, managed to get direct access to the Secretary of State for Health and persuaded him to waive the £2½ million,
1525 and therefore we got something that had been valued at £5 million thrown in for nothing.

1530 Is this something that we want swept under the carpet? Is it that they pocketed the £5 million and charged us? It is not. It is that when people are doing a job they do not come up with press releases every day. Politicians might want press releases every day because they need to keep their profile out there in order to get voted for, but the people who are in the Trust are not in that business. They just get on with the job. They do things. They have problems and they find solutions.

1535 So the nomination rights were removed at zero cost to the Trust. What is the explanation? What is this mystery of the company? Well, look, this started in 2014. The first approach was made to the Trust in 2013 by their lawyers in the United Kingdom saying, 'The previous trust had the beneficial ownership of the property but the property was in the name of the Governor of Gibraltar, in the name of the Crown. You may have a problem with a trust which is not a body corporate actually owning property. You may have a problem with Capital Gains Tax. You may have a problem with VAT. If the property is not going to be owned by the Crown and if it is not going to be owned by ... it may be that a trust is not the best way to do it.' They suggested two
1540 different options. One was a company limited by guarantee and another kind of company which is not a limited liability company and is one I had not come across before, and they

recommended the company limited by guarantee as the best option – and indeed the Financial Secretary at the time in 2014 made the same recommendation.

1545 Is this a secret that we have swept under the carpet? Or is it that we have to do a press release every day of every decision the Financial Secretary makes so as not to be accused of sweeping things under the carpet? If any Member opposite does not believe me, I will produce the email of the Financial Secretary of the time, if they think I am lying, when he said ‘I think this is the best way to do it.’

1550 When we make statements in the House we make ourselves responsible for the accuracy of the things that we are saying and we are not allowed to call each other liars because we are not supposed to lie in this place. The most we are allowed to do is to be economical with the truth, I think, but I am not being economical with the truth because I am willing to back everything I am saying if anybody puts in doubt what I am saying.

1555 So this is the point that I am trying to put across, so that Members will see that I am demonstrating factually; it is not blind faith, as the people in the Twitter account say – ‘Time to stop the blind faith.’ Well, look, it may be time to stop the blind faith if anybody has blind faith, but if we are going to replace trust by distrust then nothing will work in this place. If the people we have known all our lives we now cannot trust, even when there is no inkling, no indicator, nothing to show that money is missing or that anything is wrong, then what kind of society are we? What kind of people have we become in this place that people who have contributed their whole life ...?

1560 Lord Hoyle is being accused of being in a company that is fleecing people who are in debt – let me tell the House what the truth is – simply because seven or eight years ago, not now, a company was created in Chorley, where he was the MP, and he was a non-executive director for a short while eight years ago, and then some English lady from nobody knows where, who lives in Spain, has the temerity to put in question the integrity of the man who has defended Gibraltar and asked for nothing in exchange – except for the odd jolly on National Day – and defended us in the Commons, in the trade union movement, in the TUC and in the House of Lords. Well, we Gibraltarians know how to be grateful. We appreciate what people do for us –

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Hon. Member: From the Labour Party.

1575 **Hon. J J Bossano:** From the Labour Party, that is right. (Hon. Chief Minister: *Que estaba defendiendonos desde el AACR...*) Yes, absolutely, a long, long time, going back to... Salvador’s time.

1580 Independent of that, Mr Speaker, we have a situation, of course, that all this emanates from an original anonymous distribution of papers. Obviously, all those who are not interested in things being swept under the carpet and all those who are interested in everything being reviewed do not seem to be remotely interested in the identity of the anonymous so-called whistleblower – because they are not a real whistle blower because there is no whistle there to blow.

1585 But papers belonging to the charity were sent to the charity commissioners and the charity commissioners cannot ignore, even if it is anonymous, papers that are sent to them which say a building has been bought and there was asbestos and nobody looked at it. Well, look, if you buy a building for £8 million and you discover that there is asbestos, which you did not know was there before, and you spend a couple of hundred thousand pounds putting it right, it is £200,000 more than the £8 million. But of course if you buy a building for £4 million and you have to spend £4 million removing asbestos, then it is riddled with asbestos. ‘Riddled’ with asbestos is if it is costing you as much to remove the asbestos as the building cost you. That is riddled with asbestos, not that you find £150, 120 or £130 worth, which in any event, the only reason, as I explained already on 16th December, why the Trust was not going ahead with recovering it was because they were advised that the cost of recovery might be more than the cost of removing it

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in the litigation against the people who should have seen it before or should have noticed it before.

1595 So the charity commissioners in the UK look at this and they go through it and they say, 'Well, there are some things that we are not happy about, put them right, but at the end of the day I am satisfied that the trustees have acted correctly and that they have not done anything wrong.' If they had not been satisfied they would have taken action against Calpe House in the United Kingdom.

1600 But one of the things that they queried was: what have you done about the security, so that people cannot hack your computer or take your papers? That was the one thing the charity commissioners were left with, not what was in the paper but the fact that somebody who should not have had those papers had them and sent them. But that has not been questioned by either the Lady opposite or by the newspaper articles or by anybody else.

1605 So what is there about this entity which we do not know what it is? Well, I do not know if I can throw any light on this. It is somebody who has an email which is Leviticus 19:13 and for Members who are not as familiar with the Bible as I am, (*Laughter*) Leviticus 19:13 says you shall not rob your neighbour. That suggests to me that whoever decided to open that email thought that he had discovered that somebody was robbing his neighbour and that is why he shows that name.

1610 I do not know who that person was but I do know that in the newspaper that was carrying much of this material, a longstanding friend of mine, Emilio Duarte, on 20th September this year said he was very surprised at the GSD not voicing an opinion on all these issues that have come to light, commented on the article by the English lady whose name I will not mention, saying the Calpe House accounts which she had investigated had zero. So all the millions of pounds had disappeared; they were here, not there. 'Where has it all gone?' says Emilio Duarte and 'I congratulate Ms Hassan Nahon and the newspaper for pursuing this matter.'

1620 Well, I have known Emilio Duarte a long time ago. He used to be one of my shop stewards. I had not seen him for many years and he came to see me about a year ago – maybe a little bit more, eighteen months ago – to ask for my help because he had a personal grievance against one individual, who happens to be one of the trustees, and I did what he asked me to do and I have not heard from him since. I also know him to be a very religious man, so he will know what Leviticus 19:13 means.

1625 I think that because somebody has an issue with somebody ... I have had many issues in this Parliament with Peter Caruana and I had many issues in this Parliament with Sir Joshua Hassan and I would never have allowed any issues that I had at a personal level with either Sir Joshua or with Peter Caruana to put at risk Gibraltar, ever. Sir Joshua knew that he could get me to go outside there – he often did it and took me for a ride and said to me, 'Joe, this is very important for Gibraltar so please don't ask me anything,' and I did not – and maybe it was not so important, but it always worked.

1630 I think the same has to be true of what we do when we are talking about a charity as important as Community Care, which does a fantastic job and has done a fantastic job for so many years. So if you have got something on somebody or against somebody, or you suspect somebody, you go ... If you think somebody has put his hand in the till, you do what you should do: you go to the Police and you say, 'I've got this evidence,' and let the Police do their work, but you do not put innuendoes in the media, you do not put comments in the media and you do not tarnish people's reputations – you put your money where your mouth is.

1640 Therefore, if somebody has got a personal grievance – and I hope it is not Emilio, whom I have known many years – then ... Emilio should not have been a party, but I can tell Members that having known him almost all my life I cannot imagine him ever having been interested in any of the things in this letter if it was not because of the personal interest he had when he came to see me 18 months ago.

So, in asking Members opposite to support the motion, which has the support of the Government, of course, I am saying that the lesson to draw from this is that it is important to

1645 make sure that you have checked yourself what people are telling you before you embark on a
crusade, because if you do not, you carry the same responsibility as the guy who started the
thing, who lit the first match.

In Gibraltar it is very easy to walk down Main Street and say ‘I met somebody at one end of
Main Street and he was coughing,’ and by the time you get to the other end the guy is being
1650 buried in North Front. Every time it is passed from one to the other the guy gets worse. That is
something we have got to guard against, because we have got a responsibility, and more than
the average person would have a responsibility if we have been elected by the people because
people have got a right to expect that if somebody has been elected to represent them in this
Parliament then they speak with greater authority, and speaking with greater authority does not
1655 mean that you come here with every rumour that you hear and then you endorse it with
credibility because you believed it. You need to believe it because of the evidence that you have
got.

There is no evidence in support of any of this. It is not true that the charity decided to buy the
building and send us a bill. That is not what happened. It is not true that they suddenly decided
1660 to stop being a trust and became a limited company and that I am trying to sweep that under
the carpet because I do not want people to know it – because it was public information that that
is what was happening. We have not explained why; there is no reason why we should. We have
seen the professionals that we employ, our Financial Secretary in 2014 agreeing with the advice
given by the professional in the United Kingdom giving advice to the trustees. So the
1665 professional says to the trustees, ‘This is important, taking into account UK legislation, VAT and
Capital Gains Tax, for the future.’ Well, I do not know if it is right or wrong but the Financial
Secretary of the time says he knows and gives the same advice. So what are we supposed to do?
Say we are now going to tell Her Majesty’s Government Treasury in the UK that what we are
changing is so as to lessen our tax liability and we will send them a copy of the press release’? Is
1670 that what we do?

There has to be an element of an assumption of honesty before you start alleging dishonesty.
You do not start from the premise that everybody is dishonest unless they prove that they are
honest. There is not a presumption of automatic guilt and you have to prove your innocence.
That is the Spanish system, not the British system, not the one we have in Gibraltar

1675 Therefore, Mr Speaker, on the basis of the explanations that I have given, I hope I can count
on the support of all the Members of the House and I hope that we can put this to bed once and
for all.

As I started saying, I do not want to pick a fight with anybody, but I happen to think that this
is one of my babies and I will fight to protect it to the end. (*Banging on desks*)

1680

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon.
Mr Bossano.

The Hon. Ms Marlene Hassan Nahon.

1685 **Hon. Ms M D Hassan Nahon:** Mr Speaker, everyone in this House knows that I have sent a
letter to the Trustees of Calpe House with a list of detailed questions. If they have not yet read
it, I suggest that they do so, or that they should have done, as perhaps the questions raised
therein could have assisted them in deciding whether or not to support this motion. I have yet to
receive a written response to my questions, as I have requested.

1690 I find it disconcerting that the Government should be so concerned with committing the
Members of this House to a firm position with respect to the management of the Trust while
these questions remain unanswered. It is my opinion, Mr Speaker, that Government should
instead be investigating these questions itself. As I do not have all the answers that I seek on
behalf of my constituents, I am not in a position to support this motion. Furthermore, in light of
1695 the serious concerns I have raised and which remain unaddressed, I believe that this motion is
premature and unnecessary.

If I may turn to the first paragraph of the motion, it reads, and I quote:

Calpe House is an independent charity which has been in existence since 1989 and that there has never been any involvement by any Government in the affairs of the charity.

1700 Mr Speaker, I could not believe my eyes when I read this first point, as I could not understand how Government could base a motion brought to this Parliament on such a blatantly and demonstrably flawed premise.

Last December, when I initially asked questions about Calpe House in this House, I was told categorically by Minister Bossano, and I quote Hansard:

This is a private charity that is independent of the Government.

1705 I further asked Minister Bossano about the discrepancies between his statement and the written evidence available. For example: (1) the Gibraltar Government letterheaded correspondence with Westminster City Council; (2) the fact that the architect's website lists the Gibraltar Government as its client for the project; (3) the fact that the planning application to Westminster City Council reads, 'The applicant is the Calpe House Charitable Trust supported by Her Majesty's Government of Gibraltar'; (4) the fact that the current Chairman of the Trust has acted not only as Calpe House trustee but also as Government representative, as can also be seen in letter-headed correspondence.

All these facts showed clearly that Government was indeed truly involved and invested in Calpe House. Despite this, Minister Bossano defiantly argued it was an independent charity.

1715 Mr Speaker, lo and behold, it did transpire that at the time I was told that Calpe House was an independent charity the Trust had already been wound up and a limited company had been created in its place, of which the Government of Gibraltar has 51% ownership.

The Minister calls me ignorant – an insult that I am now getting used to, as it is not the first time that he tells me this – but if I am ignorant perhaps I am not alone, because in the *Chronicle* of 7th August an article reads:

the Government will be responsible for 51% and Calpe House limited for 49% of the property and of the associated costs incurred.

1720 So, if I have mistaken a company limited by shares for a company limited by guarantee, it does not change the fact that ultimately Government is responsible for 51% of the property and the associated costs. It changes nothing in terms of his denial of Government involvement in Calpe House. Semantics, Mr Speaker, pure Semantics.

1725 I have now learned from the charity's latest set of accounts that Government has loaned Calpe House just under £13 million and that Government will not seek repayment of the loan for the foreseeable future.

Furthermore, if I may point Minister Bossano to the Chief Minister's own words in the *Gibraltar Chronicle* on 7th September this year, just over one month ago:

We have been appraised of all aspects of the acquisition and the proposed refurbishment at every stage.

And on the matter of the changes in Calpe House's structure, the Chief Minister also added:

these had been done with the support of the Government "and for good reasons.

1730 Furthermore, the Chairman of the Trust was cited in the same article in the *Gibraltar Chronicle* as having stated:

There was no step taken without the full consultation of the government.

Mr Speaker, I therefore wonder if, prior to drafting that first paragraph in the motion, Minister Bossano should have consulted the man to his right, the Chief Minister, because it is abundantly clear that they have two very different views with regard to Government's involvement with Calpe House.

1735 Government is a majority shareholder of Calpe House Ltd. If this, as well as all the other evidence I have just cited, is not proof of involvement of the Government in the affairs of the charity, then the Government must have a very unique interpretation of the word 'involvement'. I daresay Mr Bossano and the Chief Minister should have cleared this up among themselves before bringing this motion to Parliament.

1740 In our last parliamentary session Mr Bossano told me that in this House 'we do not say to people you are not telling the truth' and that therefore he was 'left with only one alternative', that being that I did not know what I was telling was untrue. In this case, Mr Speaker, I wonder whether it is possible that the hon. Member did not know at the time that his own Government was a majority part shareholder of the company and therefore did not know that what he was saying was untrue, because of course far be it for me to suggest that Mr Bossano himself is ignorant, as he accuses me of being, and was not telling the truth.

1745 Perhaps now would be a good time to rectify this in light of all the information I have just provided him with in relation to the Government's involvement in the affairs of the charity.

Mr Speaker, turning to the second part of the motion, it reads:

THIS HOUSE further notes and rejects the reports and comments put in the public domain which appear to question the honesty and integrity of the trustees and suggests that the donations made to the charity by the public are unaccounted for.

1750 The motion refers to 'the reports and comments put in the public domain which appear to question the honesty and integrity of the trustees'. For my part, all I have called for is an inquiry to establish the facts of how we have gone about the purchase, and in this regard even the trustees have accepted that things might have been done better.

1755 Moreover, it would be for others to decide on questions of honesty and integrity once the full facts are transparent. As it stands, even the UK Charity Commission has been chasing the Trust's financial affairs and only reinstated the charity back into their books a few days ago after striking it off for some time for lack of accounting.

1760 Similarly, an auditor of Friends of Calpe House Gibraltar, a Gibraltar-registered charity which is audited separately with annual accounts filed with the Gibraltar Charities Commission, recently stated:

There is no system of control. There were no satisfactory audit procedures to confirm the accuracy of income received.

Although the importance of this has been played down by some, the reality is that it is a grave situation for the Trust to find itself in.

1765 Also, although I do read the press, I struggle to see where the comments referred to have been made. It would be immensely useful to know exactly what publications, persons and comments are being alluded to in the motion.

Furthermore, if the Trust thinks that the trustees have been defamed, then surely there is recourse in law and not a matter for this House to be involved in.

1770 More importantly, Mr Speaker, I do not think that this House should be in the business of effectively criticising and gagging the free press, and I will not be the one taking this dangerously undemocratic step. Mr Bossano's attack during his speech just now on the press and that they do not just report facts but read into them and interpret them is totally unacceptable. That is free journalism, Mr Speaker. How dare the Minister chastise the press for having the audacity to do their job as the free journalists that they are?

1775 Mr Speaker, the research by the free press, as well as my own research that has followed, has in the last year pointed to a series of discrepancies which have raised alarm bells and worried many in our community. These discrepancies have been plentiful and are highlighted in depth in my lengthy letter to the trustees which I referred to earlier and which have given rise to a long list of unanswered questions, that long list of questions to the fact that the charity was struck off the UK's register of charities for 'repeatedly failing to submit accounts', and we have legitimate reasons to ask questions.

1780 Mr Speaker, I know that the hon. Members opposite do not like it when I or other Members on this side come to this House with what they call gossip or hearsay from Main Street, but we work for those people up and down Main Street and I give you my word that from the moment I began to ask questions about the workings of Calpe House in this House, the people of Gibraltar have inundated me with their own concerns on this issue.

1785 Following the publication of my letter to the trustees, I have been thanked by countless members of this community many times, many of these well-known distinguished public figures who, for whatever reason, do not or cannot voice their concerns publicly. I may appear to be a voice in the wilderness on this issue, but I can assure you it is not me alone who has reservations about the management of this charity; it is every second or third Gibraltarian – our employers, Mr Speaker – who demand the answers, who are entitled to the answers, because they are the ones breaking their backs all year round to raise funds for this worthy cause. So, when those who want to twist my motives say that it is disgraceful of me to call into question the workings of a charity, it is precisely because it is such a noble project that it should be open to scrutiny and that Government should facilitate such scrutiny to its main donors, the people of Gibraltar.

1790 I do, therefore, unequivocally agree with paragraph 4, which reads:

THE HOUSE furthermore wishes to express its appreciation to those involved in the work of Calpe House for the many hours of unpaid work they have given and continue to give to the institution.

1800 I wholeheartedly agree with that sentiment, Mr Speaker, and to all those trustees and fundraisers alike who have given so freely without remuneration I say thank you for the countless hours spent working for Calpe House, for your altruistic acts of kindness and selflessness; for standing in the rain and the wind in the winter and in the unbearable heat of summer; for organising events and, in some cases, achieving amazing feats of physical endurance in order to raise funds and keep the charity afloat, all in order to accommodate sick and vulnerable patients, many of whom may even be too weak to thank you themselves. So, from this corner of the House I say thank you, because without you Calpe House would not be what it is today. And precisely because of your hard and unpaid work, it is you who deserve to know that the funds and the accounts that come from your good work are honoured and administered cleanly and correctly, which is the only mission in my line of questioning and the least you deserve.

1805 So, in answer to Mr Bossano's previous comment that I have been involved in a year-long campaign to undermine the charity, nothing could be further from the truth, Mr Speaker. My aim is precisely the contrary: to protect the charity.

Paragraph 5 deals with the premises acquired by the former trust, now company. I quote:

THE HOUSE in addition fully supports the decision to invest in new premises in order to provide improved facilities and assist a greater number of sponsored patients when in London for medical treatment.

1815 Mr Speaker, I do not know anyone in Gibraltar who has disputed the need for new premises. We all know that there was a pressing need to be able to accommodate more patients. I have said repeatedly the issue was not about needing new premises but rather about the need to purchase an expensive dilapidated grade II listed building. There are clear questions about the decision to purchase these specific premises given the amount of problems, issues and questionable circumstances surrounding the purchase of this particular building.

1820 So again I point any genuinely interested Members of this House to my letter to the trustees,
detailing my questions in relation to this purchase, and I ask Minister Bossano: given that there
are over 40 reasonable questions in that letter, why on earth is this New Dawn and Stronger
Foundations Government doing everything in its capacity to deprive the people of Gibraltar from
getting the answers they deserve?

1825 The Government can no longer tell us they have nothing to do with the charity, given that
they are majority shareholders. So surely, if there is nothing to hide there is no need to hide, and
the Government is responsible for providing us with answers we deserve as beneficiaries of this
Trust as well as the people who fund it both through our donations and through our taxes.

1830 Before I finish, Mr Speaker, I would like to make a point about the Opposition's reluctance to
ask any questions about the matters affecting Calpe House, especially as they are so keen to
establish Public Accounts Committees. Interestingly, I discovered that this House had a Public
Accounts Committee which, in 1980, looked into a situation where a company called RYCA
Supply Company Ltd was apparently selling goods to Government at inflated prices. The
managing director of RYCA was the current Chairman of the Calpe House Trust. The Public
Accounts Committee found that RYCA had not been helpful to the inquiry by 'consistently
1835 refusing to reveal to the committee certain manufacturers' invoices' that would have helped to
establish the facts. Ultimately the Committee found that, from the evidence it had managed to
obtain, it could 'not satisfy itself as to whether or not there had been malfeasance; however, an
earlier investigation to possible malfeasance may have resulted in a more positive conclusion'.

1840 Why do I mention this? For three reasons. Firstly, because I fear that delays in examining the
events around Calpe House will again leave us in a situation where we cannot ascertain the
facts. Secondly, because this example from 1980 shows the service to transparency and
efficiency of public institutions that an investigatory framework can perform. When there are
serious and credible concerns surrounding the administration of large sums of public funds, a
framework with powers of investigation can get to the heart of those concerns in a way that the
1845 press and my voice in the wilderness – that is this House – when it comes to this issue cannot.
We need a transparent investigatory committee that is fit for the present, not merely for the
1980s. I may not agree with the GSD on the mechanisms of Public Accounts Committees, but I
agree with them wholeheartedly on the principles of openness, transparency and accountability.

1850 Seeing and hearing Minister Bossano fight tooth and nail to prevent an investigation only
makes it more obvious that there needs to be a framework in place to ensure these principles
are adhered to. You see, Mr Speaker, the irony of all this is that the GSD has repeatedly called on
the Government to establish a Public Accounts Committee for the sake of transparency, an issue
the GSD claims is very close to its heart. Instead, it is a conspicuous reality that to date the GSD
has not said a word about the substantive concerns that have been raised by me and in the
1855 press. I urge the GSD and Mr Llamas, and even the hon. Members opposite: ask yourselves
honestly, objectively – forget that it is me who is asking – do you not think that an investigation
is warranted in light of all these discrepancies. Do a quick Google search and see the number of
press articles surrounding the issue. Look at the facts, talk to people, read the press articles.
There are serious questions to be answered and my constituents, *our* constituents, people from
1860 across the community, supporters of every corner of this House, are approaching me with those
questions and I do not have the answers for them.

Government should take heed because people are growing tired of things being brushed
under the carpet and of legitimate concerns being ignored. We should learn the lessons history
has taught us and see the benefits of having an investigative framework that can hold public
1865 institutions to account. This is something that the Opposition and I agree on and I cannot see
how the GSD can claim to want that yet remain so silent on this issue, considering the level of
public interest and concern.

I honestly hope that the result of the investigation is that there was nothing to be concerned
about, but I would urge the GSD to put personal antipathies aside and take a position on this so

1870 they can substantiate. Otherwise, the GSD are just also about transparency à la carte,
Mr Speaker.

It is quite clear to me that the motivation behind this motion of Minister Bossano is silencing
an Opposition MP and elements of the free press in relation to a clearly controversial issue and
obstructing our work through demagoguery by attempting to make those of us raising our well-
1875 substantiated concerns appear to be enemies of the charity and the work that it does for our
vulnerable patients. Minister Bossano has brought this motion on the blatantly erroneous
premise that Government has no involvement in Calpe House. He states this as a matter of fact.
It is incredible that the GSD should be silent on this issue and the concerns that flow from it.
Mr Bossano's word and that of his friends is not enough to give me or the community peace of
1880 mind and I am surprised that it is enough for the GSD.

Thirdly and finally, I raise the point about the RYCA inquiry because I have concerns about a
potential conflict of interest following research that I have carried out as a consequence of
learning of Calpe House's change in accountants from Grant Thornton to a firm called Cooper
Young, who audited the accounts filed at Companies House UK a week ago. The revelation that
1885 Calpe House has changed accountants prompted me to do some research into the issue. It
struck me as strange that Grant Thornton, a company described on its website as 'one of the
world's leading independent assurance and advisory firms' should not have the capacity to file
accounts on Calpe House's behalf. I was also slightly confused by the decision to appoint Cooper
Young, which describes itself on its website as 'a growing independent accountancy practice'
1890 and, from what I can see from its website, only has two practitioners working out of its offices.

Considering the myriad of complications arising out of the purchase of the new building and
the clearly complex financial structures surrounding Calpe House, together with the repeated
failure to submit accounts and therefore presumably the great deal of backdated accounts
information to be dealt with, I could not help but question the decision to appoint a small
1895 independent practice working out of London and with no apparent links to Gibraltar over an
international accountancy firm with a local presence, of which there are several other than
Grant Thornton. However, upon doing further research into Cooper Young I came across the
following publicly available information, which might explain the decision to choose this firm of
accountants.

On 13th May 1997, RYCA Supply London Ltd, a company of which Mr Albert Poggio was a
director, was voluntarily wound up. The proceeds of the liquidation went to Barclays Bank and
something termed the AAP Pension Scheme. RYCA Supply London Ltd's registered address was
then changed to that of Cooper Young on 29th June 1995. Upon further investigation, I found
1900 another link between Cooper Young and Mr Poggio. Another company of which Mr Poggio was a
director and to which it appears he retains close links is Antwerp Brokering Enterprises UK Ltd,
known as ABE Ltd, which is in the business of selling pharmaceutical goods to the GHA. ABE Ltd
has its registered office also with Cooper Young, who are also ABE Ltd's accountants.

There is therefore clearly a longstanding commercial relationship between one of the
trustees and Cooper Young. The fact that Cooper Young have assisted the Trust's Chairman with
1910 the administration of two of his companies is a fact which I believe could lead to the perception
that there might be a conflict of interest, Mr Speaker. Because of this potential conflict of
interest and given the pressure from the Charity Commission, I would have thought that we
would have wanted a leading set of accountants with an established reputation to complete the
auditing work quickly and thoroughly, rather than a modest high street outfit, so I will be writing
1915 another letter to the trustees raising these questions in addition to those already posed in my
first letter. I would have liked to have had the chance to raise this issue formally with the
trustees prior to raising it in this House, but this motion has forced me to bring this issue to light
here today before I have had time to contact them.

Mr Speaker, for all of the reasons I have touched upon, I cannot support this motion out of
1920 principle, difficult as that is when you are speaking of the worthiest of causes to be supported by
us all. I am indeed grateful to the trustees, who give freely of their time. If questions remain

1925 unanswered after they respond to my letter and if there is nothing to hide, an investigation could assist in increasing the efficiency of an institution which, by the trustees' own admission and clearly from what we know about the financial management of the Trust, appears to be lacking.

1930 The trustees acknowledged in the *Gibraltar Chronicle* that demands for scrutiny are legitimate, given the public funds involved. I understand the trustees' frustration that their voluntary work is being tarnished and that this may be having a knock-on impact on the appeal. I would urge the trustees to see that the best way to stop their voluntary work from being tarnished is to encourage full transparency, and I am still hopeful that the response to my letter will be transparent and comprehensive and negate any need for an investigation.

1935 People have raised, donated and contributed millions of pounds and they continue to do so. Is it not also a disservice to the appeal not to take steps towards achieving more transparency and efficiency into the management of Calpe House, I ask. Minister Bossano just said in his speech he wants to produce the truth about Calpe House, and based on all these discrepancies I have highlighted and the press have highlighted the only way is through an independent investigation. So, as much as I would like to support a motion on such an honourable cause, precisely in order to protect the charity, those who selflessly work to run the Trust to raise funds, those who donated and those who need it, I shall have no option but to vote against the motion today, Mr Speaker.

1940

Mr Speaker: The Hon. Edwin Reyes.

Hon. E J Reyes: Thank you, Mr Speaker, sir.

1945 It is a memorable day today for me: I never thought I would actually have my dear friend Joe Bossano quoting from Leviticus, but there we have it. Joe, may I quote back another book of the Torah to you. The Torah means the law where the commandments are given, one of which is honour your father and your mother, and certainly today you deserve to be honoured as Father of the House for the detailed explanations that you have given as part of this motion. It certainly cleared up the air and any doubts.

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1955 One thing that I have learned whilst being a Member of this House, nowhere near the number of years' service that the Father of the House has given, but certainly on this side it is only Daniel Feetham and myself, we are the two longest serving Members, and like many of you – Joe, the Chief Minister and others – we have served on both sides of the House. One thing we have learned is it is a special privilege to belong to this House, it is a privilege to serve the people, but one has to be careful in the service towards the people. Joe gave a very good and realistic example. You can start off, I think he said, at one end of Main Street saying that someone has a cough and by the time you reach the other he is dead and buried. That, Mr Speaker, I think you will agree you can multiply by 17 – the number of Members of this House – the way the exaggeration will take on board if a Member of this House just adds a little bit. What is a grain of sand coming from a Member of this House, given the respect that the electorate has, irrespective of who you voted for, that respect that we often show to each other and sensible people understand ... We have to be careful – a grain of sand for ordinary members of the public is actually a mountain if it comes from a Member of this House. Therefore, Joe, I think you gave a very good example.

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1965

1970 I used that because in the hon. Lady's contribution she has said more than once 'the GSD has kept quiet – I expected the GSD to do something.' Mr Speaker, from this side of the House I perhaps win the tournament for who has more white hair, and what one learns from that is if you have to say something, make sure it makes sense, make sure you know what you are talking about. (**A Member:** Hear, hear.) I was unsure on certain things about Calpe House. What I did was talk to certain individual trustees – one has the ability to do that in Gibraltar; you can have a cup of coffee with someone off the record – and those trustees allayed any fears I may have had towards any misappropriation of funds, so therefore there was no need for me, in the absence

1975 of facts, across the floor of this House ... More so, Mr Speaker – and I have double checked the date – after the due notice had been given by, like it says here, the Hon. Minister for Economic Development, Telecommunications and the GSB on the 18th September, I think it would have been improper for me to have tried to jump the gun and cast any further allegations without having given the hon. Member the chance that he had today and that I think he has used his intervention to clear up any minds.

1980 So, Mr Speaker, may I please contribute and stress in the record, in the *Hansard* of this House, that I could not agree more and wholeheartedly with the motion, especially paragraphs 3 and 4:

THE HOUSE therefore declares its full support for and confidence in the honesty and integrity of the trustees and directors of the institutions set up by the Charity.

And paragraph 4:

THE HOUSE furthermore wishes to express its appreciation to those involved in the work of Calpe House for the many hours of unpaid work they have given and continue to give to the institution.

The trustees do a lot of voluntary work, quite often, like anyone who does voluntary work knows, unappreciated, but I know they do go beyond the call of duty.

1985 I have a vested interest in making sure that there is a bigger and better Calpe House. Going back to the sad days of 1995, my family had the unfortunate experience that my mother was diagnosed with cancer and was sent to the Royal Marsden Hospital in January 1995 and she remained there until she died on Boxing Day of 1995, that is 12 months worth and during those 12 months I came across other fellow Gibraltarians – my colleague sat on my right was also there with his late mother. None of us could actually get allocation at Calpe House at that moment, so we had to rely on other charities but very much guided from the bottom of their hearts by members of Calpe House – constantly apologising; they even went overboard with apologies, ‘I am sorry, we simply do not have enough rooms.’ They knew it added to the burden of the family; they knew it added to the extra expense of the family. Luckily Mr Phillips and I shared many sad moments together in I think it was called Dame Unity House, like a little residence at the back of the Royal Marsden. But what a relief at the end of the day, when you have spent hours seeing your own mother slowly going away, to be able to meet a fellow Gibraltarian and to be able to talk in the way that we Gibraltarians can talk amongst each other. So, if we gain an extra room or an extra dozen rooms at Calpe House it certainly carries my full support.

1995 Just for the public record, like the mover of the motion said, there are many Members on this side of the House who also contribute through monthly standing orders. We even donate a whole month’s worth of salary because we believe it is a worthy cause.

2000 Long live Calpe House and thank you, trustees, for your hard work. (*Banging on desks*)

2005

Mr Speaker: Any other contributor? The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, perhaps I am the only one in this House who is uniquely qualified to talk about this subject, because I am, or have been, a professional auditor. I have all the pieces of paper to prove it. I have worked for big audit firms, including Price Waterhouse and KPMG.

2010 I find myself in a slightly unusual position of having to explain why the GSD Opposition do not engage in witch hunts. We have been silent on this matter because, frankly, we did not see there was anything to be said. However, that is not to say that I have not done my homework and done my own independent research on the subject.

2015 I have investigated frauds, I have investigated areas of concern in multimillion-pound cases. In this particular case, Mr Speaker ... and the hon. Lady will acknowledge that she had a

conversation with me and I said, 'Look, if you have evidence go to the Police. (*Interjection by Hon. Ms M D Hassan Nahon*) Yes, sorry, say it on the microphone.

2020

Hon. Ms M D Hassan Nahon: If I ever had an issue to take to the Police, the Commissioner happens to be a trustee: there you have another conflict of interest.

2025

Hon. R M Clinton: Well, Mr Speaker, I also asked her to bring it to me, and to date I have had no papers at all.

I cannot accept any criticism from the hon. Lady as to what we have or have not done, because I have done my homework, I did go to the Charities Commission here in Gibraltar in May of this year and I did pull out the accounts that were available at the time in the Charities Commission.

2030

This is where I really wish I had a whiteboard in here, because then I could explain with one of my famous diagrams as to what the structure is. (*Interjection and laughter*) I will beg Members' patience and indulgence, because what I am trying to embark on is to draw the picture of what it is that we are talking about, and unfortunately it is, in parts, complex.

2035

The first thing the House has to understand is when we talk about Calpe House we are not talking about one entity – and I am happy to be corrected by the Hon. Mr Bossano. We are talking about the old, as it were, Calpe House Charitable Trust, the very original one which was set up to own the original building in London, and there is also another charity called the Friends of Calpe House. They are two separate charities and they both file separate accounts at the Charities Commission, and then later on, as it gets more complicated, we have the limited company, which is called the Calpe House Ltd, which is the company limited by guarantee, as Mr Bossano has so eloquently described.

2040

Throughout all this, what I am trying to do is to allay the general public as to any fears they may have, because if there were any fears I would be the first one to have them and, as the hon. Lady has said, I would be the first one in here demanding an investigation if I had the evidence. Otherwise, she would quite rightly call me a hypocrite; but if she is calling me a hypocrite, give me the evidence – because I see no evidence.

2045

The accounts that are filed at the Charities Commission in Gibraltar are the ones for 31st March 2015. I have heard a lot in the press about 'we need more transparency, where was the information, we did not know about this entity being created, this is terrible, we need more transparency and disclosure'. Mr Speaker, the information is there in the accounts at the Charities Commission. Anybody can walk in and look at them.

2050

The Calpe House Charitable Trust, which is the original Trust, quite clearly states in the trustees' report 'Plans for future periods' and it talks about the three buildings being bought and it talks about the financing arrangements and it talks about Calpe House Ltd – and that is in the trustees' report.

2055

If you go to the back, which is where most accountants start because that is the most interesting bit, there is something – the auditors and accountants listening will know what I am talking about – that is called the post balance sheet event note. Basically, if anything happens that is of such significance as to be fundamental to the understanding of these financial statements, you are required under the relevant accounting standard to disclose it. And quite rightly, here in the accounts, which are signed, there is a note 15 which says 'Post balance sheet events'. Again, Mr Speaker, I beg the indulgence of the House so that I can read this into the record:

2060

In July 2014, a company limited by guarantee was created, called Calpe House Limited. Calpe House Limited is considered a related party as the directors and guarantors of Calpe House Limited are the same individuals as the Charitable trust's board of management and trustees.

– which we all know –

On 19 May 2015, the Charitable trust purchased 3 buildings located in Norfolk Square, Paddington, London (the '19-23 Norfolk Square Property'). The purchase was supported by loans from HM Government of Gibraltar. The refurbishment of these buildings is expected to be completed in March 2017. The new buildings will enable Charitable trust to substantially increase its activities. In order to finance the purchase and to finance the refurbishment of the 19-23 Norfolk Square Property, Calpe House Limited entered into a £10 million term loan facility agreement. The Charitable trust serves as guarantor to the loan. The loan is secured by a mortgage over the 47 Prince's Square Property and a guarantee from the Charitable trust for £5 million as secured by a mortgage over the 19-23 Norfolk Square Property.

2065 And then, Mr Speaker, it says at the very end:

The Charitable trust intends to transfer its beneficial interest in both the 47 Prince's Square Property and the Norfolk Square Property to Calpe House Limited.

So there is no mystery there, Mr Speaker.

2070 The area of confusion – and I can understand the hon. Lady referring to the 51%... Under 'Tangible fixed assets' in note 8 – and, Mr Bossano, again, please do interrupt me if I get anything wrong here – in a footnote, and this is where it talks about the freehold land and buildings, this is the original building before the purchase, it says:

The registered owner of the freehold land and buildings is HM Government of Gibraltar. The Charitable trust received the rights, among others, to use the said property under the deed of trust entered into between the Charitable trust and HM Government of Gibraltar.

This is where it gets interesting, Mr Speaker:

Under the deed of trust, HM Government of Gibraltar retains the power to sell the property, postpone the sale, hold the net proceeds of the sale and net rents/profits until sale as co-owners with HM Government of Gibraltar holding a 51% share of the freehold land and buildings and the Charitable Trust holding the remaining 49%.

Well, of course, as Mr Bossano has explained, this does not necessarily mean that you control the charity. You may have an interest in the assets of the charity, but you do not necessarily control the charity.

2075 Mr Speaker, one of the reasons why I have no concern is certainly the accounts which were audited by Grant Thornton – and I should point out to the hon. Lady that these accounts have been audited; and again I stand to be corrected by Minister Bossano – these have been audited on a pro bono basis and they valued the cost of the audit, because what they would do is they would say 'technically the cost is £4,500, we will give you a donation of £4,500, net cost to the
2080 charity is zero'.

Mr Speaker, the audited accounts of the Calpe House Charitable Trust for 31st March 2015 is what we would call in my profession as a chartered accountant a clean audit report. It says quite clearly in their report to the trustees 'Independent Auditors' Report to the Trustees – Grant Thornton' and it concludes:

In our opinion, the financial statements:

- give a true and fair view, in accordance with Gibraltar Generally Accepted Accounting Practice, of the state of the Charitable trust's affairs as at 31 March 2015 and of the Charitable trust's incoming resources and application of resources, including its income and expenditure, for the year then ended; and
- have been properly prepared

2085 And then it says:

Opinion on other matters

In our opinion the information given in the trustees' report for the financial year for which the financial statements are prepared is consistent with the financial statements.

We have nothing to report in respect of the following matters where we are required to report to you if, in our opinion:

- the Charitable trust has not kept proper accounting records; or

- if information specified by law regarding trustees' remuneration or other transactions is not disclosed; or
- we have not received all the information and explanations we require for our audit.

This is signed by Frederick D J White, Statutory Auditor, Grant Thornton (Gibraltar) Ltd, Gibraltar. So Mr White, certainly when he signed this audit report on 10th March 2016, had no concerns whatsoever about the Calpe House Charitable Trust.

2090 Keeping on the Trust, if we go on to the other Trust, the Friends of Calpe House Charitable Trust, and the comments and again there has been selective reporting of the audit report. Those of us who work in the profession will understand there are degrees of qualification of an audit report which range from 'we have not had all the information' to complete disclaimer saying 'we cannot reach an opinion'. In between those extremes – from a clean audit report, as I just read you, to a report where there is a disclaimer – there are, to use a favourite phrase of the Chief Minister, shades of grey, and one of those shades of grey which this newspaper has picked up on is about the recording or controls over cash income. It says:

There is no system of control over cash donations, membership subscriptions or other income ...

But then, of course, what has not been given enough emphasis is that the auditor then says:

Except for the effects of the matters described above in the qualified opinion paragraph, the financial statements are said to give a true and fair view in accordance with Gibraltar ... for the results at 31st March 2016.

So what the auditor is saying is 'except for that particular item on which I cannot get any comfort, I don't have a problem'.

2100 Mr Speaker, I will confess I have not seen those accounts, because in comparison – or I have seen them, but I do not have a copy with me – in comparison to Calpe House Charitable Trust they are not of the same magnitude or scale, but what I will tell the House is that it is not unusual for charities to have great difficulty over controlling cash because, let's face it, if you put a collecting tin in a shop and then you pick up that tin at the end of the week, how do you know
2105 that all the money that has gone into that tin you have taken back? It is the same when you have a flag day. To get a completely unqualified audit report in that particular area you would need to have pretty tight controls – you would have to have sealed tins signed out by two people, monitored by two people, the opening monitored by at least two people and the banking and the controls ... So it is always an area of weakness for charities and certainly in Gibraltar, where
2110 people collect cash out of the goodness of their hearts. But certainly if you had to sign an audit report, could you get any comfort that it was complete? And so that is the context in which that particular audit opinion has to be looked at, not extracted by itself. What you have there is the Friends of the Calpe House Charitable Trust collecting money and then, as I understand it, donating it to the main charity.

2115 Then, Mr Speaker, what we have is, as I have already described – it is all there in black and white in the accounts for March 2015 – that there was an intention to transfer the property across. In the accounts which are now filed at Companies House there is the report of the new auditor. Let's address the issue of the auditor.

2120 For a charity of this scale to employ a big five accountancy firm would be, in my view, somewhat unusual because it is going to cost you a fortune. I can say that for something of this scale to use an audit firm – and I have to emphasise the Lady disparages this firm, but this is a registered firm of chartered accountants which is regulated. This is not some backstreet unregulated accountant; this is a properly registered chartered accountancy firm which is regulated. Whether the charity's trustees consider that, in terms of what it is they need,
2125 whether this particular firm is cheaper – because I see they only charged £2,000 for the audit, compared to the £4,000 that Grant Thornton would have charged in Gibraltar, and in London I would double that, so it would probably be more like £10,000 ... and also you would want a firm in London that is familiar certainly with the rules and regulations in the UK and certainly tax and VAT.

2130 Mr Speaker, I am now looking live at the accounts at Companies House in the UK – and again I beg the indulgence of the Members. ‘Principal objectives and activity’ – this is for the period ended 31st March 2017:

The principal activity of the company was that of other human health activities

– which is a creative description but nevertheless true. And then it goes on to say:

Calpe House Limited, (a company limited by guarantee) was set up on 09 July 2014 and took up all responsibilities of *The Calpe House Charitable Trust* since 11 March 2016. *The Calpe House Charitable Trust* transferred all of its assets, liabilities and operations to Calpe House Limited. The Calpe House Limited is responsible for the control and administration of funds which may be available together with the administration and control of freehold properties at number 47, Prince’s Square and at number 19-23 Norfolk Square, Paddington, in the London borough City of Westminster.

The Objectives of the Charitable Trust are for the relief for sick persons who have been referred for treatment in the United Kingdom under the Government of Gibraltar Medical Health Scheme.

2135 Mr Speaker, the auditors ... and, in fact, technically there is no change of auditor because this is an entirely new entity in any case. What this auditor has written is quite simply ... funnily enough, he has given:

In our opinion the financial statements:

- give a true and fair view of the state of the charitable company’s affair for the year ended 31 March 2017 and of its incoming resources ...

– this is standardised boilerplate phraseology –

including its income and expenditure, for the year...

- have been properly prepared ... in accordance with the requirements of the Companies Act 2006.

Matters on which we are required to report on by exception

We have nothing to report in respect of the following matters where the Charities Act 2011 requires us to report to you if, in our opinion:

- adequate accounting records have not been kept, or returns adequate for our audit have not been received from branches not visited by us; or

- the financial statements are not in agreement with the accounting records and returns; or

- certain disclosures of trustees’ remuneration specified by law are not made; or

We have not received all the information and explanations we require for our audit.

2140 This is a clean audit report and this is signed again by Cooper Young & Partners, Chartered Accountants and Statutory Auditors, fully regulated in the United Kingdom.

Mr Speaker, without wanting to go into too much detail, a cursory glance at the balance sheet of Calpe House Ltd will show it has tangible fixed assets valued at over, well £14.9 million, has cash in the bank of £230,000 net ... well, unrestricted funds, it says basic reserves of £2.1 million. And so what is it I am supposed to be concerned about? Frankly, I do not see what the issue is.

2145

If we go through the notes:

Charitable status

The charity is limited by guarantee and has no share capital. In the event of charity being wound up the liability in respect of the guarantee is limited to £1 per member of the Charity.

They are there for everybody to see. I accept that tardiness in filing will never be accepted as an excuse by me, regardless of which company it was.

2150 There is again a long note at the end of it about the fixed assets in London of this company and a commentary, as the hon. Lady has just said, about the loans payable in more than five years’ time from the Government:

for the purchase and refurbishment costs of the freehold properties ... repayable on demand although HM Government of Gibraltar has indicated their support for the Charitable Trust and they will not seek repayment of the advances for the foreseeable future

in the amount of about £12.9 million.

2155 It even has a detailed breakdown of administrative expenses, which amount to about
2156 £180,000. In auditing and accounting terms this is not a large entity that would require the
expertise of a big five audit firm.

2160 Mr Speaker, what is it that the Opposition is reluctant about? I have been to the Charities
Commission, I have looked at the accounts, I have looked at the accounts here, I have looked at
the file at the Charities Commission and I see nothing that would warrant anything remotely like
an investigation. If the hon. Lady has evidence, bring it to this House. If the hon. Lady has
concerns of criminality, take it to the Police – unless she is suggesting that the Police in Gibraltar
cannot be trusted, in which case I would suggest that she perhaps goes to Scotland Yard in
London; maybe she will get more luck there. *(Laughter)* But frankly, Mr Speaker, to accuse this
2165 GSD Opposition to be lacking on precisely the subject matter on which I stood for election and
which I will always pursue – and that is transparency and accountability – is frankly
disappointing. I will always seek transparency and accountability in this House and outside.

2170 There is nothing that I have seen so far that would warrant any form of investigation, and so I
have to wholeheartedly agree with the Hon. Minister Bossano's motion that this community
should stand full-square behind Calpe House.

2175 If the hon. Lady has evidence, by all means pursue it. I will be first one who will stand up in
this place and shout murder, but I need to see the smoking gun. I do not work on the rumour
mill; I work on facts and figures – this is my bread and butter. To be told that I am somehow
remiss in what is my area of expertise is frankly regrettable. But again, the hon. Lady, I am happy
to help her – if she produces the evidence I will look at it. But if she has evidence, she should
give it to the Police, give it to whomever and put pay to it. If there is no evidence, I really believe
that she should stop doing what she is doing, because she is doing a disservice to this House and
a disservice to herself.

Thank you, Mr Speaker. *(Banging on desks)*

2180 **Mr Speaker:** The Hon. Daniel Feetham.

2185 **Hon. D A Feetham:** Mr Speaker, I am extremely grateful, I have to say, to the Hon. Minister
Bossano for bringing this motion to this House and for allowing this matter to be debated, and
indeed for allowing Members of this House to show their support for Calpe House and for its
trustees. Indeed, if Minister Bossano had not brought this motion to the House, I would have
personally brought this motion to the House because I feel very, very strongly about what is a
regrettable, lamentable and shameful campaign against an innocent charity and its trustees,
inflamed and given vent to by the hon. Lady peddling her version of the rumour mill in this
House and outside it without a shred of evidence – and I do not use the words 'credible
2190 evidence', because there is simply no evidence at all.

2195 It is the height of political hypocrisy for the hon. Lady to talk about how grateful she is to the
trustees and how very much she appreciates the work done by the trustees and those
associated with the Trust, when on the other hand she says that it is her mission – she said today
– to ensure that the funds and accounts of the Trust are administered properly and cleanly.
What she is really saying is that there has been misappropriation of moneys. That is what she is
saying. That is a serious allegation that the hon. Lady is making, because she would not be saying
she wants to ensure that they are properly and cleanly administered – that the funds are
administered in that way – if she was not really suggesting that it is uncleanly and improperly

2200 being administered. And she is doing so without a shred of evidence and indeed without any respect for the damage that it is doing to the reputation of people.

The people we are talking about are people like Olga Zammitt OBE, the Commissioner of Police Eddie Yome, James Neish QC, Lord Hoyle and Commodore Ian McGhie – and I do not leave anybody else out because I do not give them credit; it is just that these are very well-known individuals. The idea that any of these people would sit idly by whilst the money of the charity was being syphoned away or misappropriated or uncleanly administered is as fanciful as it is grotesque – because that is what it is: it is absolutely a grotesque allegation that is being made without a shred of evidence. Without a shred of evidence.

2210 My hon. Friend Mr Clinton said that he is an accountant and this is his business. Well, I am a lawyer; I have done many cases involving commercial fraud. You do not make allegations of fraud without having evidence, credible evidence, but there is not a jot of evidence of anything nefarious having occurred in relation to the funds in Calpe House.

2215 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am being accused of making allegations. I do not think that is right. I am not a barrister like them, so I cannot bring you Hansard and points of order.

Mr Speaker: I do not think that there is anything which the Hon. the Leader of the Opposition is saying which transgresses any of the Standing Orders.

2220 **Hon. D A Feetham:** Mr Speaker, I am extremely grateful.

It is also aided and abetted by anonymous Twitter accounts. The Hon. Mr Bossano mentioned the Twitter account involving Calpe House and some of the tweets I ... in the context, of course ... because this is what the motion is about, the campaign against Calpe House. Let me read some of the tweets:

Time for a moratorium on fund raising.
Where's the money gone?

2225 There is a photo then of Nathan Payas and then there is a tweet:

Raises £6,700 for financial black hole in the Calpe House.

That is the kind of campaign that is being waged on social media against this charity and its trustees and it is absolutely disgusting. Absolutely disgusting.

2230 And then, simply because on this side of the House we do not agree that this kind of campaign should be made against innocent trustees, there is then tweets – presumably because they think that I am the kind of individual that is going to bend in the wind because of mafia-style threats, because it has to be said that is what it amounts to, mafia-style threats, there is then a tweet:

It's all starting to feel a bit like Baltic, Papa Baltica. Daddy knows best. Boys' club.

2235 Obviously the inference here is that because my father served with the Hon. the Father of the House, somehow that is going to influence me – me, who has ended up in this party campaigning against the party that my father founded; me, of all people ... that that is going to prevent me from basically taking a stand on what I believe, rightly or wrongly but on what I believe.

2240 And of course it is, as the hon. Gentleman Minister Bossano says, having an effect on fund raising and that is the sad sub-story which should be the main story about the Calpe House. It should be about the community coming together and raising funds for what is an extremely worthy cause. And because of the hon. Lady and the campaign on social media and in the press, it is having an effect on the ability of these trustees to raise funds for what is that worthy cause.

And that is regrettable, Mr Speaker, it has to be said, and it is indefensible. It is absolutely indefensible.

2245 Mr Speaker, I would like to drill down on some of the allegations that have been made. I disregard some of the statements made by the hon. Lady today about serious questions, serious concerns, discrepancies, need to investigate. As both Minister Bossano and my hon. Friend the Leader of the Opposition have rightly pointed out today, show us the evidence. Come and show us what the evidence of the discrepancies are. What is there? What is there for the need of an investigation to arise? I disregard that, but I want to drill down on some of the allegations that I have seen in the press that have been made.

2250 It is said that there is some nefarious objective or reason behind the change from a Trust to a company limited by guarantees. Mr Speaker, I am a litigator. A large percentage of my work is advising professional trustees and indeed litigating in relation to trust matters. In the last seven years that I have been in practice following our loss at the General Election in December 2011, I have not come across a situation where I have found individual trustees ... in other words, Daniel Feetham as a trustee. Nowadays what you have is former trustees being directors of a company that acts as trustees, and there are valid reasons for that. Minister Bossano has outlined a number of reasons; there are others. For example, it is a valid concern of trustees that of course they are personally liable – and let me just explain that to this House, how it could possibly arise. And remember that what we are dealing with here are people who are volunteers. They are not professional trustees, they are not being paid; they are volunteers, community volunteers.

2260 If you had a situation, for example, where somebody fell down the stairs in Calpe House, it may lead to a claim for under occupiers' liability in the UK, which is virtually strict liability. It does not depend on fault – strict liability. You could have a situation where the trustees are then sued personally. If I were a lawyer advising Olga Zammitt, for example, who is a volunteer, I would say, 'Olga, I know that you want to give of your time to this particular charity, but nowadays you structure charities through a limited company, not trustees personally.' That is the reality of the situation, Mr Speaker. There is nothing nefarious about that. It has been done, as the Hon. Minister Bossano has explained, on the advice of lawyers for very sound reasons.

2270 It is then said that there is something nefarious because the accounts were not filed. Well, one has to bear in mind ... and I do not want to excuse the fact that accounts were not filed and that there was criticism by the Charities Commission in the UK for the fact that accounts were not filed, accounts should always be filed, but let's bear this in mind and place it into context. This is a company that was incorporated in 2014. The activities of the Trust were only transferred to the limited company in March of 2016. Before March 2016 there were no assets in the company, so indeed, if the company was going to be filing accounts for that year and the year before, it would be filing a nil return. That is the reality, Mr Speaker. In fact, anecdotally, let me just relate a story to hon. Members of the House to illustrate how that can happen.

2280 Just a year ago, I was involved in commercial litigation representing a trust company. We got to trial and the only asset of this particular company – it is public knowledge because there is a judgment etc. – was a chosen action; that is a claim brought against another party. That is the only asset, so this particular trust company should have filed for the preceding years accounts nil returns – they did not have any other assets. We got to court and the other side waved a paper in front of me and said, 'This company has been struck off the register for failing to file accounts.' Of course I turned round to my client and I said, 'You stupid so and so, you should have filed,' but the reality is they could have been all right. You should always file accounts and it was stupid not to do so. My client said to me, 'But it's a nil return, there are no assets.' He should have filed them.

2285 But to go from the failure to file an account, which can be criticised, to then imputing some nefarious plot to really keep the affairs of this particular trust – because that is really the implication – away from the public eye because there is something really going on behind the scenes with the trustees ... Well, I am sorry, but that is disgraceful and that is a leap that nobody sane can possibly make, Mr Speaker.

2295 Then there is the other point that has been raised – it has been raised here in this House –
and that is the question of asbestos. It is true that asbestos was found – as I understand it,
between the floorboards and the floor – that was not picked up by the survey. I accept the
explanation that has been provided by the Hon. Minister Bossano, which is the charity could
2300 but to put it right the cost was £130,000 and to actually sue the surveyors for professional
negligence in England would have cost at least £½ million. Well, that is not the figure that he has
provided. I can tell you, as somebody who practises, Mr Speaker – I apologise for using you, but I
can tell Mr Speaker – as somebody who has an active practice certificate in England, who
appears in the English courts, that that is what you are talking about: £½ million to sue the
2305 surveyors for professional negligence.

Mr Speaker, even if you had a situation where you could say actually the trustees are
susceptible to criticism because they asked for this particular survey but they should have asked
for a better survey, well maybe people make mistakes, but again to go from there to be scripting
some kind of plot by the trustees, in my respectful submission, is something that cannot possibly
2310 be done.

I am just going through the four – and this is the last one – the four concrete allegations that I
have picked up in the press in relation to this matter.

2315 Then it is said that the purchase of this particular property ... there is something not quite
right with the procedure adopted for the purchase. Again, the Hon. the Minister Bossano has
explained how the procedure was adopted, how this particular property was purchased, and I
for my part am prepared to accept the explanation that he has provided. Again, the procedure
might have been with the purchase of this property, but again you cannot make the type of
leaps that the hon. Lady and those that are actively campaigning against the Trust are seeking to
make.

2320 Mr Speaker, if the allegation is that anybody has taken some kind of hidden commission in
respect of the purchase of this property then people should have the courage of their
convictions to say so, not raise allegations in the hope that somebody might sort of pick it up
from here or pick it up from there. Let's invite members of the public to add one and one and
make 69: that is what is happening, and the reality here is that unfortunately this has turned into
2325 a bit of a kangaroo court as far as the trustees are concerned. That is why I am grateful to the
Hon. Minister Bossano for bringing this motion, for allowing Members to debate this motion and
for allowing us to clear the air and setting out what our positions are clearly.

Mr Speaker, that is all I have to say. (*Banging on desks*)

2330 **Mr Speaker:** Any other contribution? The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, what a curious session this is turning out to
be.

2335 The hon. Lady, in her contribution, has managed to put Members on this side of the House
and Members on that side of the House for the GSD into violent agreement (*Laughter*) – it does
not happen often – in support of a charity, the value of which I think all of us agree on, including
her. I think it is difficult for me to understand why it is that she has taken the route that she has
in respect of these particular trustees, in respect of this particular charity. We have not yet
heard from Mr Llamas, I do not know whether he is going to contribute in the debate, but
2340 certainly in respect of the position of the Government and of the official Opposition she is going
to stand alone on this issue.

I think it is absolutely right – and I think in their contributions Mr Bossano, Mr Clinton and
Mr Feetham have said so – that people should be free to ask questions of trustees, in particular
of trustees of charities that are important to a small nation like ours; and in fact we have seen
2345 those questions asked in part by her, in part in sections of the media – indeed, she referred us to
a lengthy letter that she has now written to the trustees that asks questions. Nobody is saying

2350 that she is not entitled to do that or that there is anything wrong with that, but when the questions tend to tarnish the very good work, here in particular, of the charity and of the trustees who make the charity a reality, then I think the hon. Lady needs to ask herself whether she may have allowed her questioning to get out of hand to the extent that it is now being interpreted – even if she does not intend it in that way – to become almost a questioning of the motives and the integrity and honesty of the trustees.

2355 I think that there are two ways of looking at this matter: there is the purely technical and there is the position that most people will take, which is the general political confidence that can be attached to the performance of the trustees and the performance of the charities.

2360 Joe Bossano has given us a technical analysis of the structure of the Trust, its operation and the reasons why there should be no technical concerns. He has given us an analysis of some of the media articles that have appeared and the answers that can be provided from reading indeed publicly available material and even articles published in that same media and other media which answer those very questions.

2365 And then there is the issue of what the public will think, and in the context of questions being asked the public sometimes will simply take the view that if questions are being asked there might be something wrong. I think, therefore, the position that the Government and the official Opposition are taking together is going to be an important one in demonstrating to the general public the confidence that they should have in the administration of the Trust of Calpe House and of the work that the charity is doing.

2370 The Hon. Mr Clinton in his own technical analysis has reached the self-same conclusions as Mr Bossano, and from another aspect – from the legal aspect rather than the accounting aspect – Mr Feetham has reached the same conclusions that Mr Bossano has reached. So, in that context and in the context of the reinstatement of the charity, which has been announced today, and all of the publicly available material, I think there is unanimity across the floor of the House between the principal party of Opposition and the Government and the parties in Government that there is that confidence in the operation of the Trust, in the aims and objectives of the charity and in the honesty and integrity of the trustees.

2375 Therefore, I think the hon. Lady needs to ask herself ‘is this the right issue for me to stand alone on?’ because politics can be a lonely place. Joe Bossano has stood alone in this House but he has stood alone on issues on which he has been proved right – for example, in the 1970s and in relation to the Lisbon process and the Strasbourg process and then Brussels etc. But on this issue I put it to the hon. Lady that she needs to read carefully what has been said in the context of the speech of Mr Bossano and in the speech of Mr Clinton and understand that a lot of the questions that she is asking she has had the answers to.

2385 This is not an easy area, trusts and accounts of trusts are not straightforward, but I think when people look carefully at what has been said in this House they will see that all of the answers are there and they are not answers that should raise concerns about these subjects – the operation of the Trust, the objects of the Trust, the work that the charity does, or indeed the honesty and integrity of the trustees in the context of the work that they do for the Trust.

2390 For that reason, Mr Speaker, the simple position of the Government and the simple position, as I understand it, across the floor of the House between the official Opposition and the Government is to say to the general public Calpe House enjoys the full support of the Government and of the Opposition.

2395 We have disagreements sometimes in areas where we should not have disagreements. The fact that we are passionately in agreement about this must send a message to the general public. We sometimes have disagreements about nuances on issues on which we agree in general. On this we do not even have a disagreement on the nuance and I think that is an important distinction and one that I commend that the hon. Lady should consider carefully as she analyses what should happen after today and when she considers how she should vote in the context of this motion.

Mr Speaker, in particular I think it is important that Calpe House should continue to prosper, and the idea of what Calpe House has done and will grow to do should be one that remains untarnished in the minds of Gibraltarians in particular and every resident of Gibraltar who would be entitled to use it.

Mr Speaker, for that reason and having heard what we have heard today, there is no reason why anybody should be persuaded by anything they have heard today that there is a need for an inquiry into Calpe House. If the Leader of the Opposition was saying across the floor of the House that the Minister for Economic Development and the Savings Bank had misled the House as to what is the publicly available information that he had reflected, or that there was something nefarious in the notes to the accounts and she was raising these issues that she is raising and not finding answers, which she is getting across the floor of the House in relation to a charity and in relation to a charity as important as this one, people might be persuaded that she was right. But the Government would not be persuaded because we can see the workings, we understand the workings and we have advice on the workings and we are told that this is working exactly as it should. But there is no such evidence that can lead her to that conclusion. Indeed, the interim Leader of the Opposition has said that in terms. So there is no need to carry out an inquiry, but simply calling for an inquiry creates a political issue that can send a message to people which then affects people's view of how a charity is operating and what support the charity should have.

I have just been shown by the Hon. Mr Bossano this account that the hon. the former Leader of the Opposition has referred to, and I must say apart from being shocked to see some of the things that this person hides behind the cloak of anonymity to say, I am shown a tweet of 31st August that says:

Donations to Calpe House must stop. Needs new management and transparency.

Mr Speaker, that is probably the most mendacious and pernicious social media post I have ever seen in respect of an organisation like Calpe House, which does such absolutely essential work. I am almost put in the position of thinking that ... That sort of tweet is something that I would never want to be associated with. I am sure the hon. Lady does not want to be associated with it. She should put distance between her questioning and this sort of social media campaign. But I am almost left with the impression that this is somebody, whoever he or she may be, who does not understand their own mortality, does not understand their own potential need for a place like Calpe House. Is it somebody who is so well off that they will never need to have a place to be looked after in London because they can afford a five-star plush hotel? Is it somebody who thinks that they will never be ill?

In the moving remarks from Mr Reyes, I was reminded of the times I have been to Calpe House and I have seen people using Calpe House, of the times that as Chief Minister I have been asked to intercede with the trustees of Calpe House when people need a place to stay in London and think that by calling my office I can somehow juggle around who is staying at Calpe House. This is work done by Sponsored Patients and the trustees of Calpe House, and if there is not room, there is not room – that is why we need a bigger Calpe House. The work that Calpe House does when people are at their lowest ebb in the United Kingdom is work that deserves the full support of absolutely everyone in our community, and frankly ... I have never said this before, I do not know if it is the said thing in relation to social media, but I wish the fingers of the person who wrote that would fall off, because that is frankly not the sort of attitude that anybody should be taking in relation to Calpe House.

It is important that we do not fall into the trap of bringing gossip or hearsay into this place and giving it the legitimacy of parliamentary debate. That is not, as the hon. Lady has suggested, a criticism of the press or an attempt to silence her. The press is the fourth estate; it is there to ask questions, usually of the Government, sometimes of other institutions also. But not agreeing with the press is not to suppress the freedom of the press. There are articles in the morning that

I enjoy and bring me a smile and there are articles in the morning that I do not enjoy and bring me no smiles – and they tend to be authored by Members opposite as press releases and carried by the media. There is no suppression of the freedom of the press in disagreement with an article that may have appeared in any particular press.

2450

This language of attempted suppression of the free press is not language that fits in with the reality that we live in every day. I do recognise the Hon. the former Leader of the Opposition used to talk about the ‘ring of steel’, but he was wrong about that. The press is right to pursue any avenue it wishes to pursue and the Government, on behalf of the people, is right to challenge those avenues where necessary. But everybody is free to say what they wish to say.

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If I may say so, Mr Speaker, the hon. Lady is wrong also to say that bringing the motion is an attempt to stop her from asking questions, because the motion – and Mr Feetham said if we had not brought it he would have put it – is an opportunity for the Parliament to express its view. That is not just done in the context of the terms of motions; it is done in the context of the debate. So the motion actually gives her a platform to put the issues that she has put in the context of this debate, with which we are disagreeing but we are not silencing her to an extent we are creating for her the opportunity to say in this Parliament the things that she has said, even though we disagree with her and even though we will vote on terms of this motion which she appears to disagree with. But this is not silencing –

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(Interjection by the Hon. Ms M D Hassan Nahon)

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Well, Mr Speaker, let me come to that point. In fact, I am pleased that she prompts me to it because it is the next item on my list. There is absolutely not one hair’s breadth of distance between the things I am saying and the things that Joe Bossano is saying; they are identical, Mr Speaker. That is why I say to her that she needs to look at the *Hansard* and analyse carefully what it is that we are saying and look at what the various entities in this group do and what the old structure was and what the new structure is and what the transition from one to the other is. We are saying the same things.

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These are highly technical things in some instances and I think that it is important that she looks at what has been said in the context of the *Hansard* so that she can read what Mr Bossano has said and she can read what I have said and what I have said in the past. In most instances, what we say in relation to the Trust etc. we say on advice, because although this is an area in which I would have been in practice, when I am Chief Minister I am not practising this myself and I am taking advice on these issues. The advice is very clear and is authoritative and it is identical to the things that Mr Bossano has been saying to her.

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Calpe House will not fail. It will not fail because it enjoys the support of the Government, it enjoys the support of the Opposition, it enjoys the support of the community – which is what we are trying to ensure never falters – and it enjoys the depth of affection of the many thousands of people who have already benefitted from it. Therefore, most families in Gibraltar will have been touched by Calpe House in one way or another.

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I want to join the view that was expressed in this House of thanking the fundraisers – in fact, I think it may be that she raised this point of thanking the fundraisers for Calpe House and those who give to Calpe House, which includes most of the people in this room, I am happy to say – but to go a little beyond that and also thank the trustees, which I think Mr Feetham has done and Mr Bossano has done and Mr Reyes, and go a little bit further as well. I want to thank also those at the Sponsored Patients department of the GHA who co-ordinate so effectively with the trustees to ensure the smooth running of people accessing Calpe House. I want to thank Jaime, the man at Calpe House who ensures everything is clean, everything is ready and who is from Latin America but has become an honorary Gibraltarian in London in the support and work that he gives to Calpe House. The fact is that Calpe House deserves that full support and the trustees, who are in effect the embodiment of Calpe House, deserve the full support of this Parliament.

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The new Calpe House, when it is sold many years from now, will be worth a fortune compared to what we have paid, as the old Calpe House will be when we sell it, and if we were going back and looking at what we bought in 1988-89 we would say that we bought a rundown

terraced property which, with Joe Bossano in the driving seat of the acquisition, was probably described as more rundown than it was in the context of the negotiations for the purposes of trying to get the price down, (*Interjection by the Hon. J J Bossano*) and we had bought a property that would be described as needing refurbishment. There was no question of us buying something that we could quickly move into. And so that aspect of the description of the new Calpe House is not something that creates discomfort to the Government; it is what we expect. We expect to purchase a property that we are going to do up to fit the purpose that we wish to see residents of Calpe House enjoy in the future. So that is not going to concern us in any way.

We were all no doubt disappointed that there was the issue with the asbestos during the works but, if I may say so, one of her earlier interventions in the House suggested that patients might be affected by the asbestos. This is something that was detected in the context of the works and this is going to be dealt with in the context of the works and it is going to add some costs to the refurbishment, costs that would have been there whether we had identified it or not at the time that the works were going to commence when the trustees were starting this work. Would we not have bought these terraced properties if we had known about the asbestos in the survey? The answer is we would probably have gone ahead with the purchase. (**Hon. J J Bossano:** Absolutely.) It would be very difficult to find a property in the United Kingdom, in London in particular, that does not have encapsulated asbestos. The only issue is have we been slightly delayed by the fact that it was found later rather than earlier. I think the philosophic calculus that would have been done in the context of whether to sue or not sue is exactly as the Hon. Mr Feetham has suggested, and therefore the decision has been made to just carry on and this is what it was going to cost us, whether we had known about it or not, to deal with. There is no additional cost; there is just a loss of time, which is unfortunate.

So, Mr Speaker, we are not silencing anyone. We are not suggesting that she should not take points and we are not for one moment trying to suppress her right to bring points, we are not silencing the media. All we are doing is disagreeing with her, which is a freedom the rest of us must continue to enjoy, and disagreeing with those sectors of the media that have taken the position that they have taken in respect of these aspects of the reporting. The same as we might violently agree with her on other matters and with those sectors of the media, we might be in violent agreement on other matters. That is not to affect the quality of our democracy and it is wrong to suggest that.

Mr Speaker, finally, we are never going to cover anything up. We are never going to align ourselves with any misappropriation. If I may say so, she needs to find a way of unpainting herself out of the corner into which she is painting herself in respect of a charity that deserves our full support in this House, including her full support. I encourage her to seek to re-establish a positive relationship with the trustees of Calpe House. I encourage her to look carefully at what has been said and what has been disclosed, so that she can see that there is none of the nefarious activity that she has suggested could be going on from anything that I have seen which is in the public domain, from any of my dealings with the trustees, from the announcements that we made with the Trustees early on about the purchase of this additional Calpe House, this new Calpe House, and that I am saying, on behalf of the Government, as Mr Bossano has said in bringing the motion, the Government gives the full weight of its confidence to the Trustees of Calpe House and to the charity that is Calpe House and to the work that Calpe House has done.

Mr Speaker, it would be disappointing indeed if Gibraltar had become a place where somebody can hide behind a cloak of social media anonymity and in some way therefore affect an institution as beloved and as important to the people of Gibraltar as Calpe House.

I commend the attitude that hon. Members in the party opposite have taken. We rarely agree on anything, and on this occasion we seem to agree on everything in relation to this motion. I think the hon. Lady should take notice of that, because if there were the slightest chance of us going at each other we would grab it and seek to bring conflict from the jaws of agreement – and if we are not doing so, she needs to think carefully about the position that she has taken in relation to Calpe House.

I commend the motion, as moved by the Minister, to the House. (*Banging on desks*)

Mr Speaker: I call upon the mover, the Hon. Joe Bossano, to reply.

2555 **Hon. J J Bossano:** Mr Speaker, I am, on behalf of Calpe House more than anything else,
extraordinarily grateful for the contributions from the Members opposite. In the 45 years that I
have been here I have never seen the same not just commitment but the same emotion
expressed in support of any institution. I think it is only when we have been talking about issues
of sovereignty and Gibraltar that there has been that kind of level of commitment between the
2560 Government and the Opposition.

I am extraordinarily grateful, for the sake of Calpe House, for the sake of the people who are
committed to making it work, that they will have, after today, the comfort of knowing that the
Government and the main Opposition, the two parties that are represented in this House ... and
I hope that we can count also on Mr Llamas's vote; I doubt that Ms Nahon is going to change
2565 hers. That will give them a lot of comfort and I think that it will be important because we want
the people there to stay – we do not want them to chuck it in and say, 'I'm not here if all I'm
going to get for what I am doing is having my name tarnished – I've got better things to do with
my life.'

I think so many arguments have been put already by the Members opposite that there is little
2570 that I can add, except that certainly I cannot make myself to be as generous and kind as the
Leader of the Government has been in relation to the attitude of Ms Nahon. I think my reactions
to her attitude are closer to those of Danny Feetham than they are to the views expressed by
the Leader of the Government. (*Interjection and laughter*)

2575 **Hon. Chief Minister:** We are all too tired.

Hon. J J Bossano: Okay. If we look at the Twitter account, the Twitter account started by
saying in the first tweet that people should stop donating. When we all go at the end of this
session, I shall make a point of looking in that corner to see if there are any fingers on the floor.

2580 I am sorry to say that my invitation to the hon. Lady to disassociate herself from the
comments on Twitter and the comments on Facebook was not taken up. I invited her to distance
herself and she has not; she has chosen not to. Well, that is fine. It is obvious that she, in
principle, sees nothing wrong with the comments that have been made here, because I asked
her to not speak and ignore what these people were saying because they are people who
2585 portray themselves as her supporters. In this new movement that she is starting, if this is the
calibre of people in her new movement we are going to have fun and games in the next few
years because I am certainly not going to stand for any of this nonsense from any of these
people. That is why I started by saying I am not looking for a fight but I am not running away
from one either.

2590 What is not acceptable in terms of the freedom of the press, which I am fully committed to,
what is not acceptable is that if, for example, the Government gets a question saying what is the
funding arrangement and we say we are hoping that ... which is, in fact, something we are very
confident about, but the official who writes the answer says we are hoping that the money that
will be realised from the sale of the existing Calpe House – which, by the way, was dilapidated
2595 and I persuaded the person selling, a Greek guy who was using it as student accommodation,
that it was so dilapidated that he would sell it to us for £600,000, and we are now told we are
likely to get £8 million for it, which is obviously ... If I had been doing the dilapidation speech, we
might have done a better deal with the new one. We hope that the £8 million from the sale of
that will mean that we will recover the money that is put in, but the commitment that we have
2600 given ... If the money is available because of the sales and we get it, that is fine. If we do not get
it ... We are committed. The Government is committed to the extent that if the campaign to say
to people 'don't donate' has an effect, then Calpe House will not suffer; the Government will

2605 make up whatever shortfall there is as a result of a campaign which is absolutely outrageous, as
Danny Feetham said from the beginning, before any of us. He was the first one to respond to
this Twitter business, in which he is involved and I am not, and of course he has been castigated.
Talk about freedom of the press! If you do not agree with what these people on Twitter say, you
are then attacked, so you have to agree.

2610 So who is here trying to stifle other people's opinions? When we say to a paper we are
hoping to get the money, the paper does not say simply the Government hopes to get the
£8 million and make a profit, as it cost them £600,000; no, the paper says the Government is
keeping its fingers crossed. We are *not* keeping our fingers crossed: their next article can say
their fingers are now *uncrossed* – we are confident that we will get the money.

2615 I cannot accept that the freedom of the press is something that allows somebody to say, as
she does echoing the things that she has heard, it is terrible that there should be no accounts
submitted and that you should be deregistered. The Charity Commission says it is something
that happens automatically, it is a computer programme; you get deregistered if the date arrives
and there is nothing there. But, as the Hon. Mr Feetham has said, the account that was not
submitted was a nil account, so now the newspaper discovers it is a nil account and what is the
new story? 'Where has all the money gone? It's a nil account.' Well, it is a nil account because it
2620 is a company that is producing its first account from zero. You know where the money is because
you said it yourself a month ago, on 24th July.

It seems to me that we have a situation here where there are people who do not want
answers to their questions; they want answers to questions which will only lead to more
questions. It is something I have accused the Leader of the Opposition of before, but after today
2625 I forgive him. (**Hon. Chief Minister:** For now!) For now, until the next meeting!

But that is what happens: she produces a list of questions. Well, look, she is entitled to ask
questions which go somewhere, but if the question is 'Why did you buy the property?' the Trust
bought the property because after doing what they were supposed to do, which is looking for
alternative properties, this property came at a price which reflected the limitations on the
2630 property, and the limitations on the property we succeeded in removing so that the price that
we paid, which was when there were limitations, is the price we paid after we removed the
limitations. Isn't that something we should all be celebrating?

I am telling the hon. Member that the fact that they came and told us they were going to buy
the property and we said go ahead and buy it when we looked at all the figures and we took the
2635 advice of our technical people and we sent Hector Montado over to the United Kingdom and the
Financial Secretary looked at it, we did not come up with saying 'tomorrow we are sending
Hector Montado'. That is not suppressing information and that is not sweeping things under the
carpet.

2640 We just do work every day. I work seven days and I do not come out with a press release
saying everything I have done every day since I opened the office at seven in the morning until I
closed it at eight at night. But if somebody asks me a question and I give him the information or
the information is put on the webpage, or if the information is available in the accounts, then it
is not something you have discovered, it is something that is available to the public. If you get it
and you then say 'Look, they don't produce accounts,' and then say 'The account has got no
2645 money in it, so where has all the money gone?' either you do not know what you are saying and
you have not got a clue, or you know what you are saying and you know that you are
deliberately misleading people.

I have to say that I take the generous view and I assume that the hon. Lady opposite does not
have a clue, because the other one would be worse, but it concerns me that there is a reference
2650 to something that happened in 1980 in the Twitter account and in her statement today. I do not
know how old she was in 1980 but this has happened on the watch of her father. The scandal of
RYCA which she has mentioned today is mentioned in the Twitter account. What has that got to
do with Calpe House, what has that got to do with the accounts and what has it got to do with
anything? Is that not throwing more mud to make things look worse? Or should we now

2655 investigate what was it that the AACR administration did wrong in 1980? They were responsible for the public finances – what did they do wrong?

Mr Speaker, I do not expect the hon. Member opposite, the hon. Lady, to vote in favour of the motion, given that she has said what she intended to say as if I had not spoken. The fact that I said to her that we do not own 51% of the company does not stop her saying it is just a technicality because it is a company by guarantee and not by shares. It is not a technicality. It is that owning 51% of a building is not the same as owning 51% of a business. If she cannot tell the difference in that, then she does not understand anything at all.

2665 So, on the basis that I am not even trying to convince her anymore, I commend the motion to the House and I am very grateful for the warmth of the support that we have got from the Members opposite. Thank you. *(Banging on desks)*

Mr Speaker: I now put the question in the terms of the motion proposed by the Hon. Joe Bossano. Those in favour? **(Members: Aye.)** Those against?

2670 **Hon. Chief Minister:** Mr Speaker, can we call a division, please.

Mr Speaker: Is there a need for a division? **(Several Members: Yes.)** Okay, if you want to take up another five minutes of a long day, we will.

Voting resulted as follows:

FOR

Hon. P J Balban
Hon. J J Bossano
Hon. R M Clinton
Hon. Dr J E Cortes
Hon. D A Feetham
Hon. T N Hammond
Hon. A J Isola
Hon. G H Licudi
Hon. S E Linares
Hon. L F Llamas
Hon. E J Phillips
Hon. F R Picardo
Hon. E J Reyes
Hon. Miss S J Sacramento

AGAINST

Hon. Ms M D Hassan Nahon

ABSTAIN

None

ABSENT

Hon. N F Costa
Hon. Dr J J Garcia

2675 **Mr Speaker:** There are 2 Members absent; 1 Member has voted against the motion, 14 in favour. The motion is carried. *(Banging on desks)*

PRIVATE MEMBER'S MOTION

**Cleanliness of streets and public places –
Failure to meet expected standard –
Amended motion carried**

2680 **Mr Speaker:** Given that I understand the Government does not wish to proceed with any Bills, I think we can therefore move on to Private Members' Motions. I call upon the Hon. Trevor Howard – Trevor Hammond. Sorry, what did I say, Trevor Howard? I have raised you to the level of *Mutiny on the Bounty!* Trevor Hammond.

Hon. T N Hammond: Mr Speaker, I fully understand, at this time of night, the confusion in name and I think on the same lines I beg the indulgence of this House to move the motion that stands in my name:

THIS HOUSE

NOTES that the Environment in which we live has a direct impact on the wellbeing of people as well as affecting Gibraltar's reputation in the eyes of visitors and that the cleanliness of our streets and public places is an essential part of environmental management and our tourism product;

AND THEREFORE CONSIDERS the current state of our streets does not meet the standards our community would expect.

Mr Speaker, I need to say right from the beginning that the motion is in no way aimed at apportioning any blame towards any entity specifically; it is purely a motion in order to debate whether or not we in this House consider the streets to be at an appropriate level of cleanliness and therefore what our views are in that respect. Cleanliness is next to godliness, so the saying goes, and, if true, then that maxim is being sorely tested at the moment in our own little piece of heaven.

Let me make clear again that this motion has nothing to do with the service delivery for cleaning the streets. It is broader than that and it has been made clear in my previous contribution to the Government motion that we on this side, representing Her Majesty's Opposition, believe that Master Service and its employees have provided outstanding services for many years. If there is an issue now, it does not rest at that door, and while not apportioning blame for the current public concerns regarding cleanliness, the only part of the equation that has changed these past 17 years is the Government, and many people who are attributing blame place it firmly at Government's door.

The environment in which we live has a direct impact on the wellbeing of the people, as stated in the motion; a truism that is often lost when discussing matters of the environment. Too often people think of environmental issues as being solely about conservation and protection of the natural environment. They do not make the connection between the environment and their personal health. Where the Health Services provide for us once we are ill, a healthy environment is the major factor in preventing us from getting ill in the first place. Whether it be air quality, water quality, noise pollution, waste management, urban planning or of course environmental cleanliness, all impact on our wellbeing. This can be directly, such as poor air quality leading to respiratory conditions and other diseases; or indirectly, like noise pollution causing stress, which can lead to a whole range of illnesses from heart disease to depression.

The cleanliness of our streets is certainly a factor causing stress for many at the moment and I think it has been agreed that our streets do not meet the cleanliness standards which our community demands. The causes are many. Air pollution – whether from Saharan dust or diesel exhausts from cars, lorries and even ships – certainly blackens our streets after it has blackened our lungs. Bird guano contributes, as do dog faeces or urine not properly removed by owners, chewing gum, littering, spillage from poorly disposed-of rubbish, items falling from backs of lorries or blown off lorries or from bins by the wind, to name only a few contributors.

Some of these, of course, can be helped with education and better self-discipline, as well as an appropriate regime of catching people and fining them. Fines for littering remain very few, despite the clear volume of littering that goes on. Campaigns to encourage people out of these antisocial behaviours are equally important and need to be persistent to work. I recall the Keep Britain Tidy campaigns of the 1970s, which really had an impact in changing the way that nation thought. We must campaign as vigorously and persistently here to try and achieve similar results. The same must be true of careless dog owners and we hope that the current DNA testing will lead to positive results in that respect.

2725 I know that the Chief Minister or indeed the Minister will argue in their replies that I am not an advocate of heavy fining. That is not true. I am an advocate of fining appropriately and I think whereas things like littering or leaving dog foul on the streets for me is a very black and white no and should not be tolerated in any circumstances, when it comes to parking I may have a slightly different and more reasonable view.

2730 I think Gibraltar has to move away, as has been alluded to previously, from the culture that there will be someone else coming along to pick up the mess. That needs to be ended. That is, of course, not to say that we should not have a good service in street cleaning and this should continue – it can only be more effective if we all play our part in reducing the dirt in the first place. Working together like this will lead to results and return us to the state of grace where our community was not stressed by the lack of cleanliness of our streets and visitors do not think less of our community because of the same.

2735 Sadly, it is not just dirt and litter which contribute to the general shabbiness of many areas of our community, and I now turn to the matter of refuse disposal, particularly that around the Town area. It simply cannot be acceptable to walk down Main Street just after seven in the evening – indeed, as we may possibly see this evening – and find the street littered with refuse which will remain uncollected until after nine o'clock. If you do this with a visitor it is very difficult to explain and, frankly, very embarrassing. Surely we can find a better way to do this through more efficient collection or by having proper covered disposal areas.

2740 Likewise, while it is laudable to have cardboard recycling areas designated – as, for instance, in the case of Bell Lane – the policy does not work if the piles of cardboard are permitted to accumulate to a point where the street becomes almost impassable and then others take advantage by adding their regular refuse to the pile. It is unsightly, it is unhygienic; it is not acceptable. I am frequently contacted by a businessman in Bell Lane, a Mr Den Bossano, who specifically asked that I mention him in this. He runs a bar there and his business suffers very badly as a direct result of the mountain of cardboard and other rubbish accumulated every evening outside his bar – no one wishes to sit amongst this to enjoy a beverage. I would invite anyone here to go and see for themselves. How it is allowed under the fire regulations I do not know. Mr Bossano, I am sure, is not alone in his concerns. Again, a solution must be sought: either more efficient collection or improved storage, or perhaps something else.

2745 All of these issues are more keenly felt in the heart of Town. In the very area where these concerns should be most effectively managed, they are least effectively managed. In the very area where thousands of tourists visit daily, certainly through the summer, Main Street should be pristine, clean and tidy. Many visitors love the quaint appeal of Main Street – let's not disappoint them but ensure that in every respect it looks as good as possible. Who knows, if it looks better we might get them spending some more money there.

2750 I have focused so far on the Town area, but what I have said is equally true of many other areas of Gibraltar. Our streets could be cleaner; they could be tidier. We can help ourselves as a community by ensuring we do not add to the problem, by acting responsibly in the way in which we discard our waste, but we need the Government to ensure that not only is the hard work of those who clean our streets provided with the proper support to do the best job possible, we also need to ensure that the general maintenance is conducted regularly. You cannot polish a ... well, I will let you finish that phrase. If an area is not well maintained, if paint is flaking – as indeed it does on the walls of certain areas of this House – if pavements are lifting, if roads are crumbling, it still looks like a pile of ... rubbish, and no matter how good a cleaning job you do, no matter how much effort you put into polishing that, it will still look bad because the maintenance simply is not good enough. Good maintenance is as important as good cleaning, and that is the point, and the standard of maintenance in many areas is simply inadequate.

2755 Winston Churchill Avenue – as you drive from the Frontier, the very first impression that visitors have and the welcome home we all receive – is falling apart. The road is crumbling. I know because we find parts of it on the runway often, it is that bad. There are very few roads that you can point to that are in any kind of decent condition. Markings are often faded, zebra

crossings almost invisible. All this neglect adds to the sense of a lack of cleanliness. Even if it is clean, it does not look clean. Pavements everywhere are uneven and often challenging to pass. This too adds to the sense that they are not clean. This is directly a Government responsibility and I would ask that it is addressed.

2780 To conclude, Mr Speaker, there is public dissatisfaction with the cleanliness of our streets and the community itself, with guidance, can do much to improve this situation. Certainly those who carry out the cleaning are doing all they can, but there is a question mark over whether they have the necessary level of support from Government. Government could certainly do more to manage the perception that Gibraltar is looking shabby by improving the work it does to
2785 maintain our streets and highways. Let's all play our part in cleaning up, but let's see Government leading from the front.

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

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon.
2790 Trevor Hammond.

The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, normal service has been resumed, thank goodness, even if it is late in the day.

2795 I do not identify with much of what the hon. Gentleman has said is the state that Gibraltar is in today. Those who are, to take his last point, driving into Gibraltar through Winston Churchill Avenue will today be greeted first by a soon to be finished, refurbished, fantastic-looking Laguna Estate on the left and by a magnificent-looking Glacis Estate on the right refurbished from the shabbiness that there was before, and if they look up to the Moorish Castle not only will they
2800 see the magnificent Tower of Homage with the Gibraltar flag flying above it, they will see also Moorish Castle Estate fully refurbished. They will see, in many areas, repainting work that is being done; they will see in many areas resurfacing work that is being done – resurfacing that had been left undone for many years and is being done now, again a trademark of the time that the GSLP is in Government.

2805 Mr Speaker, for all of the reasons that I indicated this morning, a motion like the one that the hon. Gentleman has put is not a complete motion and is the wrong motion for us to have on the Order Paper if it does not, in relation to cleanliness, have a clause in it that acknowledges the excellent work that the employees of Master Service (Gibraltar) have done and do in discharging their obligations to keep Gibraltar clean.

2810 It is not fair, in the Government's view, not to reflect the fact that the contract that has been in place to date is the contract that was granted by the former administration in 1999 and subsequently renewed, as I indicated this morning, without also reflecting that the Government is now moving to take cleanliness in Gibraltar to the next level by moving to a European tender for this service. And so, Mr Speaker, as a result of that, I have given you notice a moment ago,
2815 and I understand it has now been circulated to Members, of an amendment to the motion that the hon. Gentleman has put, to include a new paragraph by the inclusion, after the words 'This House', of the following:

ACKNOWLEDGES the excellent work that the employees of Master Service (Gibraltar) Ltd have done and do in discharging their obligations to keep Gibraltar clean;

I think there is a spelling mistake in the typing – it is 'do', not 'so', in that first paragraph, Mr Speaker.

2820 And, after the words 'Therefore considers' in the motion, delete all the words appearing, including the word 'considers', and add 'commends' and then what I have included in the reference. It will read:

And therefore commends the Government for now moving to, properly and in keeping with EU and Gibraltar procurement rules, go out to tender for the contract on cleaning Gibraltar, contrary to the position of the GSD, who when in Government granted the Gibraltar cleaning contract without competitive tender.

2825 Mr Speaker, I propose that those amendments should be included in this motion for all the reasons that I gave at length this morning when I was speaking on the motion that the Hon. the Minister for the Environment brought, which included the language of the acknowledgement of the Master Service employees' work and really was a motion where we set out in detail what it is that we are doing with the tender and why it is that we are going to tender.

2830 I do not think I need to take the House through that all again. We had the debate, it is fresh in our minds. It is now 10 to nine in the evening and I think Members will appreciate that I rely on their recollection rather than take them through all of the issues again. But amended in that way – and I do not know whether these amendments will enjoy the support of Members opposite – the motion will enjoy the support of the Government.

2835 So perhaps without more, I will allow others to give their views in respect of the amendment which I hereby move.

Mr Speaker: I now propose the amendment to the original motion as moved by the Hon. the Chief Minister. Does any Member wish to speak on the amendment?

The Hon. Trevor Hammond.

2840 **Hon. T N Hammond:** Mr Speaker, I will just speak very briefly on the amendment.

2845 I know the Chief Minister pointed out what he described as the magnificent work done on the estates, but the fact is getting to the estates is a messy business and the reality is the streets over which we have to travel, whether it be on two wheels, four wheels or indeed on foot, are not in a good state, and that is the impression that visitors receive on arrival and go away with, over and above whether they see a tower block that has received a relatively recent, although now some years ago, coat of paint. When they come around Main Street and this building – the centre, the heart of our political institution, our Parliament – they see flaking paint, and this is not the only public building that suffers such.

2850 I am not saying that every area of Gibraltar is in a state of disrepair, but there are many areas of Gibraltar which are in a state of disrepair and this does lend an air of shabbiness to the impression that visitors take away with them. It also lends an air of lack of cleanliness even when such does not exist, and this is an important issue.

2855 As the Chief Minister asked the question, clearly those Members of Her Majesty's Opposition on this side of the House, Members of the GSD, will not be able to vote with Government on this occasion in terms of the amendments that have been proposed.

Mr Speaker: The Hon Roy Clinton.

2860 **Hon. R M Clinton:** Mr Speaker, I echo the sentiments of my colleague, the Hon. Trevor Hammond.

2865 If the Chief Minister or the Government could see it in their way to using exactly the same language as in the motion this morning, instead of the one they are proposing, then perhaps we can come to an agreement and go home tonight. If we use the same language, I think it will provide exactly the same intent perhaps without the barbed comment that he has put in his amendment. I would urge the Government to consider using exactly the same closing paragraph as they used this morning.

Thank you.

Mr Speaker: Does any other Member wish to speak on the amendment?

2870 I call on the mover to reply. The Hon. the Chief Minister.

Hon. Chief Minister: Well, Mr Speaker, I think we are going to go home tonight, whether or not we agree to the hon. Gentleman's language.

2875 Just on this amendment ... the streets are not in a good state of repair and need resurfacing: well, I have already said to the hon. Gentleman there is a resurfacing programme going on. The fact that the road that he may traverse each day is not the one that has been done yet is perhaps not so relevant, in particular given the fact that the hon. Gentleman knows and will be pleased to be reminded that the whole entry into Gibraltar is going to change. It is going to be diverted towards the east and into the underpass and will not be continuing in the area of the runway. So, although there will be a resurfacing, that is not something that is going to be relevant in the future when people go east.

2880 It is not true that a few years ago we gave the estates a coat of paint. We did a substantive refurbishment piece of work, which included cladding, not just a coat of paint. But it is also true that when we do work and we spend money we get chastised for it in this House. So we were chastised for the refurbishment of the estates because it cost too much, and we are chastised when we deal with flaking paint – or is it that they forget that one of the biggest areas of complaint for them was that we spent money fixing Convent Place? What is it – that there are some buildings they will tick off we should not have flaking paint on and others where we are encouraged to allow flaking paint simply because they happen to house Ministers? This level of contradiction is really becoming quite nonsensical. Would the hon. Members just like to give me a list of the buildings that they would like to see refurbished, and if I think I have any chance of satisfying them at any time I might point to them when it is that those buildings are in line for refurbishment?

2885 Is the hon. Gentleman saying that the Government owns every building and it is only Government buildings that have flaking paint and not in fact many buildings of private landlords that have flaking paint, and some buildings which belong to the Government and some buildings which belong to landlords which are in an excellent state of repair? You cannot have it every way.

2890 We cannot have everything looking fantastic all the time, Mr Speaker; it is just not possible. The hon. Member might know that if you own a slightly larger home, by the time you finish with one room you are back refurbishing the one you painted last. To an extent, we only have two and a half miles by one mile. These things matter. I call them trivial matters that are essential because there is that juxtaposition.

2905 The Government is doing as much as it can to ensure that we are refurbishing, that we are repainting, that we have Gibraltar in the right state of repair. Gibraltar is becoming a more attractive tourist destination, not a less attractive one. And this is not just about tourists. This is about those of us who live here and want to enjoy the benefits of living in a place that does not look like it is in a state of disrepair. But that does not mean that with the weather we have in Gibraltar etc. you are not going to have humidity in old buildings, in particular in the old Town, or that you are not going to sometimes have flaking paint etc.

2910 If this motion has become about flaking paint, then the hon. Gentleman needs to wonder what it is that the people of Gibraltar elected him for. They did not elect him to come here and say there is a bit of flaking paint on a Government building. That is something that needs to be dealt with but it is not something for a motion in this House, frankly.

2915 Mr Speaker, when it comes to the language that we are going to use ... I do not know whether the Hon. Mr Clinton knows what he voted on this morning but this morning the GSD Opposition voted in favour of a motion that says that the contract that we were dealing with was awarded by the former GSD administration without any competitive tender process having been followed. *(Interjection)* Yes, Mr Speaker. And here all we are doing is commending the Government for moving to, properly and in keeping with EU and Gibraltar procurement rules, going out to tender for the contract on cleaning, contrary to the position of the GSD, who, when

2925 in Government, granted the Government cleaning contract without competitive tender. It is the same fact, Mr Speaker. The first limb of that paragraph is exactly the same as the final paragraph of the motion this morning and the second limb of that paragraph is exactly the same as the fact recited in the second phrase of the fourth paragraph of the motion that they voted in favour of this morning.

2930 So, at the end of the day, they voted in favour of the fact being reflected and the fact has just been reflected again. This morning they voted in favour of a paragraph that says ... this is what the GSD Opposition voted in favour of this morning, that they further acknowledge and welcome the decision of the GSLP Liberal Government – it is not in there in those terms – to comply with European and national legislation in going out to tender for a new contract for municipal cleaning services which will be designed to transparently ensure that Gibraltar is provided with better value for money for the taxpayer, a consistent high standard of cleanliness throughout Gibraltar and, additionally, that will provide stability to the employees of Master Service Ltd. It is exactly the same.

2935 Maybe they are having second thoughts about what they voted in favour of this morning, but that is what I am proposing to them now, and therefore I propose that the House now take a vote on the amendment because it is an amendment that properly reflects the unanimity that there was across the floor of the House this morning on exactly the same issue.

2940 Let us at least end as we started at least the second part of the session this afternoon – with unanimity also in respect of this matter. I am going to start getting jealous, Mr Speaker, and I am going to *grow Curro Jimenez* sideburns myself to see whether I can get people to agree with me across the floor of the House.

2945 **Mr Speaker:** I now put the question, namely the amendment as moved by the Hon. the Chief Minister. Those in favour? Those against? It is carried by a majority.

2950 So we now have before the House the motion of the Hon. Trevor Hammond as amended by the Chief Minister. All hon. Members, other than the Chief Minister, the Hon. Trevor Hammond and the Hon. Roy Clinton can speak on the motion if they so wish. If not, I will call upon the mover to reply, which he is entitled to do.

The Hon. Marlene Hassan Nahon.

2955 **Hon. Ms M D Hassan Nahon:** Mr Speaker, the Private Member's Motion presented by the GSD is right to say that the current state of our streets does not meet the standards our community would expect. This is an issue I also put forward in my response to the Government's motion on cleaning earlier today. It is also right in saying that the environment in which we live has a direct impact on the well-being of people as well as affecting Gibraltar's reputation.

2960 However, Mr Speaker, I am afraid to say that this motion fails to address the other salient issue which has direct impact on the state of affairs: the plight of the Master Service worker. Both the poor management of these employees and the general mismanagement of the service in the hands of Government have a lot to do with the sorry state of our streets and this has not even been reflected or addressed.

2965 Another point that has not been addressed – and on this one it really is our turn, as citizens, to be honest and self-critical – is our share in the blame for this very sorry situation. The dumping of heavy waste by some members of this community, as well as a widespread lack of civic pride and responsibility in dealing with our waste, have a grave impact on the state of many of our street corners. I hereby encourage all Gibraltarians, myself included, to extend the display of national pride and civic engagement like the one we show on days like National Day to other aspects of our lives, like doing our share in the cleanliness of our streets and the well-being of our environment. We live in a place where people have no problem tossing out a sofa, a mattress or a broken-down washing machine on our street corners. We need to stop dumping rubbish and heavy goods on our streets because it looks terrible, it is highly irresponsible, it is

2970

unsafe and it is environmentally very unfriendly. This behaviour has been going on for years and it is about time we made a stand as a community to put an end to it.

2975 Of course, the main issues with both these motions have stemmed from the conflict with Master Service, but if we really want to analyse our mindset and our trends in relation to waste, we all need to take a good look at our neighbourhoods and ask ourselves whether we are being part of the problem or part of the solution. Perhaps we should take this opportunity to, as an Opposition, call for stricter measures to stop this habit of throwing out heavy goods – like more
2980 CCTV in rubbish dumping hot spots or other tools in order to be able to enforce fines for those who dispose of large pieces of waste on our streets and our street corners. Further, Mr Speaker, Government implementing easier access to the refuse department would, I am sure, facilitate citizens to dispose of their heavy waste in a correct and timely manner.

Having said all this, however, as Gibraltarians we should be aware that in Gibraltar, barring
2985 Saturdays, there is a daily collection of rubbish. Other places do not enjoy such privileges. In most boroughs in London or mainland England, for example, rubbish collection is every four to five days. We therefore have to be grateful, in the circumstances, for the resources we have on this front and educate ourselves a little more on how to deal with our waste and each do our bit, from throwing litter in the bin, to using recycling areas properly, to getting rid of household
2990 rubbish responsibly.

However, going back to the original motion, Mr Speaker, I shall be voting against it, given the fact that it does not mention the plight of the Master Service worker, which to me –
(*Interjections*) This motion.

2995 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker –

Hon. Ms M D Hassan Nahon: The original one?

3000 **Mr Speaker:** On a point of order?

Hon. G H Licudi: Yes.

Mr Speaker: Are you sure that it is a point of Order?

3005

Hon. G H Licudi: Mr Speaker, the point of order is on relevance. The hon. Lady is speaking to a motion that does not exist and therefore the point that she makes is not relevant because she should be speaking to an amended motion, which is what the House has now voted.

3010 **Mr Speaker:** But the amended motion does have an element in it, at least a paragraph, of the original motion.

Hon. G H Licudi: No, Mr Speaker, the amended motion mentions specifically Master Service, and what she says is she is going to vote against because the motion does not mention Master
3015 Service. So that is the point of relevance.

Mr Speaker: Well, that is a mistaken comment on her part.
Please carry on.

3020 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I beg your pardon, I was under the impression we were still debating the original motion. It is late and I am sorry. (*Interjection*) Sorry? (*Interjection*) I understand.

Mr Speaker, I shall be abstaining from this motion. Thank you.

3025 **Mr Speaker:** Anybody wish to ...? The Hon. John Cortes.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, I am, like the Chief Minister earlier, not going to go and repeat all that was said in the motion earlier on today. It is all, as again he said, fresh in our minds.

3030 Just to remark on two or three very, very brief points, one is that the Hon. Trevor Hammond, who in that motion he made – maybe it is not as fresh in his mind – said that he does not play the blame game and then proceeded to blame the Government. Once again, he introduced in his speech a retrospective recognition of the Master Service employee, which he had completely forgotten in his first drafting.

3035 But the main thing is that I will not let him get away with giving the impression that nothing is being done on cleaning Gibraltar, on litter and on rubbish. That would be unfair to all the staff of the Department of the Environment, the Environment Agency and all the different agencies – including environment monitors, including litter wardens – who work very, very hard.

3040 To remind the House of what I said earlier about reconvening the Litter Committee, about introducing laws which allow us to fine ... Six years ago there was not a single CCTV camera directed at any litter hotspot; now we are complaining that there are not enough. We introduced those cameras and indeed some of the fines that have been levied have been as a result of many hours of monitoring the footage on those CCTV cameras.

3045 On refuse disposal we have removed the hotspots of rubbish that we had at the corner of Turnbull's Lane, at Mess House Lane, at the bottom of Prince Edward's Road near what used to be known as the Three Roses Bar, at Chatham Counterguard, and we are now actually in discussion with the Chamber of Commerce in order to jointly tackle the problem of the rubbish and the out of synchronicity that we have with the putting out and the collection of rubbish in Main Street, and we will be hearing more about that very soon.

3050 Mr Speaker, we must all pull together. There are people here who do the unacceptable when it comes to littering our streets and placing rubbish, and there is of course more to do but I think, as we have established today, it will be done and it will be done soon. (*Banging on desks*)

Mr Speaker: The Hon. Trevor Hammond.

3055 **Hon. T N Hammond:** Mr Speaker, I will be very brief because there are just a couple of points that I do believe need to be clarified or corrected.

3060 The Chief Minister spoke of Winston Churchill Avenue, the entry point into Gibraltar. I accept that in the future it will not directly be the entry point into Gibraltar, once the tunnel is completed; however, the tunnel is some way off. We know, in questions, that the tunnel is likely to be ready in the early part of 2019, but that is still the best part of 18 months away and in the meantime it is Winston Churchill Avenue that people traverse and it should not be allowed to deteriorate further. It really does need to be improved because, as I say, we do frequently find parts of it on the runway, which is never a good thing.

3065 I think the Chief Minister also started talking about refurbishment of buildings. I was not at any point referring to refurbishing buildings, I was talking about maintenance of buildings, and they are two very different things. If you refurbish a building it is usually far more expensive. Maintenance is a basic thing, a lick of paint – not cladding, not changing the dynamics, not changing the room sizes, not moving walls around; that is a refurbishment. All I am talking about
3070 is basic maintenance of civic buildings, which I think is important to give the right impression to foreigners and to tourists of our community. Whether the private sector and private buildings are maintained to the same standard, I do think Government should be setting the example on this.

3075 The Chief Minister also, to some extent, belittled the importance of maintenance, as if it is almost insignificant in many respects. Well, I can tell you there are aspects of maintenance that are absolutely critical to public safety – for instance, making sure that zebra crossings are clearly

3080 painted and marked. We have a lot of tourist vehicles on our roads – if they cannot see the zebra crossing... I know it is there, they do not know it is there – I go to cross, they do not stop. The Chief Minister might think it is a good thing that that should happen, but I certainly do not. The same happens with other road markings. If give-way signs are not clear, tourists are not aware of them and accidents will happen. This is the importance of maintenance. Apart from leading to a general shabbiness in our streets, it also leads potentially to accidents.

3085 I just wanted to make those points because I did feel that the Chief Minister did belittle the points I was making and they are important and they can have a direct impact not only on public perception but on public safety.

Thank you, Mr Speaker. (*Banging on desks*)

Mr Speaker: I will now put the motion as amended to the House. All in favour? Those against? Carried unanimously.

3090 The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, it is 10 past nine. This morning we started with a motion on National Day and news has come in on social media – sometimes useful for positive reasons – that the Gibraltar Football Association under-21 squad has won its first official international match 1-0. (*Banging on desks*) What a great way, with all of us banging our tables, to communicate to the young men of that under-21 squad the support of the whole House, and what a great way to end a day when we started with a motion on National Day.

3095 And so, Mr Speaker, reminding hon. Members that I said I would shortly be calling a House again, probably as early as tomorrow, for October, I move that the House should now adjourn *sine die*.

Mr Speaker: Before I put the Chief Minister's motion that we adjourn *sine die*, I am going to crave the indulgence of the House for a few minutes. I think that after presiding over the debates of four motions since 10 o'clock this morning I am entitled to do so, and hon. Members will see why.

3105 I received recently an anonymous letter which is a serious insult against Members of this House and this Parliament. I showed it to some Members during the coffee break. How I wish that it was not so late, because then there would be perhaps a chance that this very brave individual who has written anonymously might have been listening to the proceedings of the House and might have heard what I am about to say. (**Hon. G H Licudi:** We are still online.)

The letter asks two questions:

Is corruption an integral part of politics?

And the second question, to me specifically:

As a Roman Catholic, have you pondered that you preside over a den of thieves?

3115 My answer to the first question is that I am not aware, I have no experience, since this legislature was created in 1950 ... as long ago as that I am not aware that any Gibraltar politician has ever been convicted of corruption. I think the writer of this letter may be following events in another country, but certainly not in Gibraltar.

3120 Now have a pondered? I have pondered a great deal today – I have had plenty of time. I have not done so as a Roman Catholic, I do so as Adolfo Canepa, and I have to tell this person that, I have come to the conclusion that, given that we have been debating four motions, during which there has not been a single occasion when the Standing Orders and the Rules of this House have been transgressed – and hon. Members know that I sometimes chastise them if they do not stick to the standards that I expect from Parliament – I have come to the conclusion that I am very proud to preside over the deliberations of the elected representatives of the people of Gibraltar,

3125 who today in this Parliament have done politics proud, and I congratulate you all. (*Banging on desks*)

Hon. Chief Minister: Mr Speaker, can I, I think on behalf of all Members of the House, associate with the words that you have uttered and say that the refuge of the coward and the refuge of the corrupt is anonymity. (*Banging on desks*)

3130 **Mr Speaker:** The House will now adjourn *sine dine*.

The House adjourned at 9.15 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.34 a.m. – 1.00 p.m.

Gibraltar, Friday, 20th October 2017

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The Gibraltar Parliament

The Parliament met at 10.34 a.m.

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

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

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Friday, 20th October 2017.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 15th and 20th September and 10th October 2017.

5

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

Mr Speaker signed the Minutes.

Questions for Oral Answer

10

DEPUTY CHIEF MINISTER

Q577/2017

The Mount –

Update and proposed future use

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid; (vii) Reports of Committees. (viii) Answers to Oral Questions.

We commence with Question 577/2017. The Hon. L F Llamas.

15

Hon. L F Llamas: Mr Speaker, can the Government provide an update on the Mount and its proposed future use?

Clerk: Answer, the Hon. the Deputy Chief Minister.

20

Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker. The Government is currently in discussions with an interested party.

Hon. L F Llamas: Can the Hon. Minister explain or expand a little bit further as to what the proposed usage the interested party would be proposing to develop the area?

25

Hon. Deputy Chief Minister: Mr Speaker, the Government is not able to do that at the moment because obviously the discussions are ongoing, but the information will be made available to the public as soon as there is something concrete to make public. We do not have enough detail to be able to do that yet.

COMMERCE

Q578/2017

UK Dormant Bank and Building Society Accounts Act 2008 – Plans for similar legislation for Gibraltar

30 **Clerk:** Question 578. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, does the Government intend to introduce legislation along the lines of the UK Dormant Bank and Building Society Accounts Act 2008?

35 **Clerk:** Answer, the Hon. the Minister for Commerce.

Minister for Commerce (Hon. A J Isola): Mr Speaker, the Government has no present intention to introduce such legislation.

40 **Hon. D A Feetham:** Mr Speaker, is the Minister aware that the lack of legislation in this area has created a problem for a number of banks, particularly in a sector that is going through some reorganisation with some banks taking over other banks – there have been banks that have also exited Gibraltar – and during the course of that activity it has become clear that there are bank accounts, going back sometimes decades, where they have not been able to trace the holder of
45 the bank account and therefore those banks are then left with a situation where they need to go to court in order to get directions from the court and sometimes, for example, setting up trusts?

Let me explain to the hon. Member – if I may, with the indulgence of the Chair – by way of a practical example the difficulty in this area. I have recently been involved in a case – and it has been made public, which is why I refer to it – where there are three bank accounts going back to
50 the 1980s. The sums are relatively small: in total £115,000. The bank has been forced to go to court in order to obtain directions to set up a trust specifically in relation to these three bank accounts. You may say that banks make a lot of money, therefore what is the problem, but actually the problem is this: that under the UK Act, that money would have been, for example, donated to charity, so you could have had – *(Interjection)* Yes, after a process the money could
55 be donated to – *(Interjection)* Absolutely, after a process the money is donated to charity if you cannot locate these individuals through advertising etc. All that has been done by the bank in my example. The legal costs have been upwards of £60,000. There is a clause – *(Interjection)* Well, before my hon. Friend Mr Clinton says ‘Sixty thousand pounds!’ I have been involved in another case where a counsel has been charging £250,000 a week. The problem is that these types of
60 orders include a clause, for example, where there is then clawback in favour of the bank if these individuals are not traced. So, effectively, the bank comes out not a loser, it comes out the winner at the end of the day, and I just think that in this kind of situation it would have been painless and it would have been far more efficient for the bank just simply to go through the process that it has and then to have donated the money to charity, rather than ending up in the
65 pockets of lawyers and then, through a clawback, back in the pockets of the bank.

Therefore, does the Hon. Minister agree with me that there are distinct advantages in having legislation of this kind here in Gibraltar and that perhaps the Government ought to consider it?

70 Can I also say that I have drafted already a draft Act based on the UK and it is my intention to send a copy to the hon. Gentleman and then perhaps he can consider that legislation, because it is really painless from the Government's point of view – it is legislation that will have a positive effect with very little downside indeed.

Hon. A J Isola: Mr Speaker, the position, as far as the Government is concerned, is that we are not aware of a problem. It has not been raised with Government by either the Gibraltar Bankers Association or indeed the Finance Centre Council. It is an issue that has never arisen before; this is the first time I hear it is a problem for us in Gibraltar.

75 I think the difficulty with taking the process that the hon. Member refers to is that it is very easy to pass legislation, but then it needs to be administered, managed and looked after. The way that the system works in the United Kingdom is that there is a not-for-profit organisation which is in charge of receiving the money, managing the money, investing the money and dealing with claims. The company is actually called Reclaim Fund Ltd – in 2014. When you have got the amounts of money that you are talking about in the United Kingdom, you may have sufficient critical mass of cash to be able to make that cost effective, but in Gibraltar, with the amounts that the hon. Member has conceded are particularly small, the cost of setting up this machinery to manage these funds could put that beyond the risk of reasonableness and common sense.

80 And so the question is not that we do not want to do it; the question is (1) that we have not had any approach from anyone in the private sector to do it, and (2) from our limited understanding – and it is limited – the cost of setting this machinery up would way exceed the benefit that it would deliver.

90 I think these systems make sense but the charitable donation, which is a little bit of a carrot, comes at the end of the rump, and even after the money has been taken into this Reclaim Fund Ltd and held, it is still able to be clawed back should a family relative or somebody with the legal right to that money make a claim at some stage in the future. So it is not just as simple as receiving money – not heard from them for 20 years, give it to the charitable fund and it is spent. There is a clawback from the individual who may be related to the very original account holder that they have not heard from for 20 years. So it is actually quite complicated and the extent of the work involved in doing this, in our view, at this stage, is that it is not worth pursuing at this stage, but I would be very happy to hear from the hon. Member and explore it further.

Q579-80/2017

e-Gov –

Cost to date; expected live dates for services

Clerk: Question 579. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a schedule of money spent on e-Gov in each financial year to date since December 2011?

105

Clerk: Answer, the Hon. the Minister for Commerce.

Minister for Commerce: (Hon. A J Isola): Mr Speaker, I will answer this question together with Question 580/2017.

110

Clerk: Question 580. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a road map of which e-Gov services are expected to be live and when?

115

Clerk: Answer, the Hon. the Minister for Commerce.

Minister for Commerce (Hon. A J Isola): Mr Speaker, we are unable to accurately provide the schedule requested within the limited time because what constitutes e-Government is extremely wide and could comprise software, hardware, websites, portals, design work, ITLD time and technical consultants. For example, servers and hardware are essential elements of e-Gov but they have not been purchased specifically for e-Gov, and the same applies to each of the other ones that I have detailed above.

120
125 With regard to Question 580/2017, our plans for e-Government are significant and exciting. They build on the successful introduction of the e-ID card in our first term, perhaps one of the most ambitious projects to hit the public service in a generation. I could spend a significant amount of time just going over the different facets of the project; however, in general terms we are focusing our efforts in two main areas: e-Administration and e-Services.

130 Mr Speaker, e-Administration is about investing in technology and innovation to create better and more efficient systems at the workplace, automating core business processes and repetitive tasks that can streamline procedures, minimise errors and facilitate better use of existing resources. We are developing the following systems, which are all at different stages of implementation: Source to Contract, or e-Procurement, which is at an advanced stage and we hope to complete by December of this year; Purchase to Pay, e-Invoicing, which we hope to test and roll out by March 2018; Enterprise Resource Planning, which is integrated finance, payroll and HR systems, which we will begin to implement in January 2018 and complete the entire rollout within 18 months; the central database – work has already commenced on the architecture and design but we do not yet have an estimated implementation date, but certainly within the next 12 months.

135
140 e-Services are about bringing Government services online. Government proposes to develop a new concept of e-Services, which will make public information and Government services available anytime, anywhere to citizens, businesses and officials alike. This is still work in progress. I can say that we are working on two systems, which again are at different stages of implementation: the e-Government portal and customer relationship management systems.

145 Mr Speaker, where I have given dates, at this stage these are best estimates on the information available today, but they may move – hopefully forward.

INFRASTRUCTURE AND PLANNING

Q581/2017

Vehicles emissions testing as part of MOT – Number of vehicles failing

Clerk: Question 581. The Hon. T N Hammond.

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Hon. T N Hammond: Mr Speaker, is vehicle emissions testing conducted as part of the MOT; and, if so, how many vehicles have failed this part of the test since 1st January 2012?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

155 **Minister for Infrastructure and Planning (Hon. P J Balban):** Indeed, Mr Speaker, vehicle emissions testing is conducted as part of an MOT. This is a legal requirement.

DVLD has never kept statistics of specific vehicle failures as a result of mechanical faults or any other reason for failure. It would be a very laborious task to keep these sort of statistics, requiring extra human resources.

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Hon. T N Hammond: Mr Speaker, I have recently put two vehicles through the MOT testing requirements and neither was tested for its emissions, so I am slightly baffled to understand that it is a legal requirement to undertake such testing – unless I was very fortunate, or unfortunate, to be the only person not to receive testing. So could the Minister just clarify that every vehicle, regardless of its age, once it is subject to MOT testing must be emissions tested?

165

Hon. P J Balban: Mr Speaker, that is in fact correct and if the hon. Gentleman's vehicle was not tested ... I would need to check that, but it is a legal requirement and all vehicles should be tested for emissions.

Q582/2017
Electric car charging –
MidTown car park facilities

170 **Clerk:** Question 582. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Government say whether there have been any unserviceabilities or failures of the electric car charging facilities at MidTown car park; and, if so, how often and for how long?

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Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the electric charging points at MidTown car park have not been commissioned yet. No interest has yet been shown. As part of the requirements of the STTPP and the environment, Government is, however, currently planning on commissioning a few parking bays for this purpose in the very near future.

180

Hon. T N Hammond: Mr Speaker, I am somewhat taken by surprise by the answer. My understanding was that the provision of such bays was to incentivise people to buy electric vehicles, in which case, if the facility is not available there is no incentive to buy, or there is less incentive, to buy the electric vehicle. My understanding was the commissioning of this would take place with the opening of the car park, which has now been open for well over a year and yet there is still no facility.

185

When does Government plan to introduce that facility and will an announcement be made accordingly?

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Hon. P J Balban: Mr Speaker, as far as I am being told, there has been no interest shown. It would seem an awful shame to have – I do not know whether it is 15 or 20 spaces perhaps which are dedicated for this purpose ... to have them empty and not used, just waiting for an electric vehicle to turn up. Therefore, this is the reason why they have not been commissioned.

195

As part of the original reply, we are now going to be commissioning just a few for this purpose, again based on the fact that our policy is that we want to incentivise people to buy

200 them. People are not not buying electric vehicles because there is nowhere to charge them; that
is not the case. MidTown has nothing to do with that – it is not the reason for it. As part of our
policy – our environmental policy and our STTPP policy – we will not only be commissioning
some of the electric points within the car park, a limited number as I have mentioned, but we
are also looking at places on the public highway itself to try to encourage this. But again, a very
limited amount of parking spaces because we do not want to get rid of parking spaces for the
regular user. That is the intention and hence that is why we will be commissioning these quite
205 soon. In fact, I am working together with the Ministry for the Environment for this purpose.

The actual machines in MidTown are ready to go, the system is in place and if anyone were to
come in and request the facilities then this would have been accelerated and would have been
done earlier. But I can guarantee the hon. Gentleman that that is the reason why and they will
be rolled out very, very, shortly.

210 **Hon. D A Feetham:** Mr Speaker, with your indulgence – it arises out of the answer the hon.
Gentleman has provided.

I understand the dilemma that the Government has, that if you are going to have 16 spaces
at MidTown dedicated to electric cars, it is 16 spaces less for people to park.

215 I have noticed in recent times that the top two floors in MidTown car park have not been
open for public parking for some reason. Has that been a recent policy change? I tell you why I
am asking the question: in fact, I park at MidTown car park, in the public car parking spaces, and
in the mornings, right up to quarter past nine, normally you can find parking at the MidTown car
park. I think it is a wonderful resource, I have to say that to the Minister, but over recent times
220 there has been a difficulty, over the last week or so, with the public car parking spaces there,
and I did notice for the very first time that on the last two floors there is a makeshift sign that
basically says that those are private car parking spaces. They are not marked in red, as the ones
below, and I just wondered whether there had been a change in policy in relation to those two
floors; and if it has changed, when did it change?

225 **Hon. P J Balban:** Mr Speaker, the very top two floors are monthly rentals and those are as a
result of what used to be there before 2011 – the cars actually parked in that area when it was
the old makeshift multi-storey car park. When the construction began, those cars were then
moved on into the ICC and then brought back. So the top two floors of that parking area are for
monthly rentals and have been like that for quite a while now.

230 The makeshift sign, if there is a sign there, could be because if cars have mistakenly made
their way up there without reading the signage and have parked in someone's private space
which is a rental space, and then you come along and want to use it and you are not able
because there is another vehicle in your space ... That is probably the reason why there is a
235 makeshift sign, but the signage is extremely clear, or should be extremely clear, and these signs
are to make things even clearer in that respect.

Q583/2017

Varyl Begg Estate –

Loading/unloading bay for residents of Royal Sovereign House

Clerk: Question 583. The Hon. T N Hammond.

240 **Hon. T N Hammond:** Mr Speaker, on behalf of a constituent, can the Minister say if he would
consider the placement of a loading and unloading bay in Varyl Begg Estate adjacent to Royal
Sovereign House where there are currently red lines painted, in order to allow residents, many
of whom are pensioners, greater facility in getting their shopping to their homes?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

245 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the existing red lines were painted following the completion of the resurfacing works at Varyl Begg Estate as a result of representations received from the tenants' association on behalf of garage owners who were then encountering problems entering and exiting their private garages.

I am advised that more recently the tenants of the estate approached the Traffic Commission directly and, as a result, a site meeting was held, including the Chairman of the Traffic Commission and the Highways Engineer, to consider how loading and unloading bays could be demarcated in the area of Royal Sovereign House to serve the needs of residents.

250 All requests of this nature are assessed by the Traffic Commission, who then advise on the viability of any proposal. The Traffic Commission have now identified several different locations where they propose loading and unloading bays could be demarcated in the future.

The Government would not have any objections to the provision of loading and unloading bays in this area, provided that the advice received is that this would be possible and not have a negative impact on garage owners – but the decision is one for the Traffic Commission.

260

Hon. T N Hammond: Mr Speaker, I thank the Minister for his answer.

To put this in context, I was actually invited to attend that particular site meeting and that took place nearly 18 months ago now, so I think the Minister will appreciate the frustration of some of the tenants who are waiting and waiting and are being, frankly, put off by the Traffic Commission.

I did write to the Traffic Commission over a year ago, encouraging them also in the same direction. The response I got was that, because the letter had come from me on parliamentary letterhead, the matter was now political and I should refer it to the Minister, which is why I have raised this question.

270 I am pleased to hear that there appears to be progress, but could I ask whether the Minister could look into the matter and just ensure that it is dealt with in as expeditious a fashion as is possible from this point forward, bearing in mind the length of time that some of these residents have waited for an outcome to this particular issue?

275 **Hon. P J Balban:** Mr Speaker, although it affects, obviously, the people who live there are negative, it is quite a minor issue on which the hon. Gentleman could have picked up the phone and given me a call, and we could have perhaps discussed where it was or whatever and then I would have been able to perhaps give it a push in the right direction.

But having said that, it is not Government's intention to make life difficult for anyone, as you obviously can understand, and the reason why these red lines were placed there originally was because cars indiscriminately, unfortunately, parked opposite the garages, and while they are not being used there is absolutely no problem whatsoever but if you are unlucky and the moment you want to take your car out you cannot and you have to do a five-point turn to get out ... It is always that 'a *momentito*' in terms of approach – 'I'm just going to be a few minutes and take my food home' – but that can affect someone, and in fact we had a complaint from someone who had a member of the family who was very unwell, constantly unwell, a permanent issue that the person had, and they could not get out of the garage to get the person to their medical appointment, and that created trouble. That is why the red lines were placed there, to avoid this sort of thing from happening in the future.

290 Obviously, I can understand now that the other half of the coin says, 'Well, how can I take my food home?' and that is a thing that we live with on a daily basis. We do want to get our cars as close to the place we are going as soon as possible and as quickly as possible – that is the convenience part of things – but we are looking ... The reason why it has taken so

295 long is because the car parking spaces there are allocated to individuals and we obviously
need to make sure that they do not affect ... there is always moving from one parking space
and LPS manages that for us.

But as I said, it has got to be a happy balance – the bays that we find could well be too far
away for this purpose. So it is not as simple as we get the bays closest to this property,
300 because there are other blocks which will also want the same thing. So it is a bit complicated
in that respect as there are two sides of the coin, each requiring different things, and that is
why I think we have been stuck on this for a short while.

Hon. T N Hammond: Mr Speaker, again I thank the Minister for his comprehensive
305 answer and I fully understand why the lines were painted originally; the irony is that now
garage users are actually taking advantage of the situation – I have seen it for myself – and
parking vehicles directly outside their garages, occupying an extra space, which defeats the
object and actually is unfortunate and obviously creates further frustration for those who
simply wish to have an unloading bay.

310 That is what we are speaking about. We are not talking about someone who has ... People
should be fined if they park in the unloading bay and choose it as an overnight parking, but
this is very much just for people to take their shopping or whatever other items out of their
vehicle somewhere closer to their house, as I say, bearing in mind many are pensioners who
may have parking spaces 100 metres or 200 metres away in the estate, and obviously that is
315 undesirable. At present, the red line means no waiting, which means if you stop at all, as the
Minister knows, it is a £100 fine, which is quite concerning for those residents.

So, if the Minister can assure me, so that I can go and assure the people who have
approached me, that the matter is being looked into as a matter of urgency, I will take that
back to those residents and provide that assurance.

320 **Hon. P J Balban:** Mr Speaker, the only thing I can assure the hon. Gentleman about is that
there is a procedure, there is a way of doing things and it is via the Traffic Commission, which is
the authority which will make the decisions, so obviously that is in course.

To touch upon a few of the things that you have mentioned, the red line is a red line for
325 everyone, regardless of whether the red line is outside your garage and you are the owner of the
garage and you wish to park outside your garage to obstruct your own garage. It is still an
offence. Red lines mean red lines for all. Obviously it is something that is quite naughty, to park
your car outside your garage, because you are causing an obstruction, even if it is to your own
property. If the authorities come round at that moment in time they will be dealt with, but
330 obviously we cannot have people everywhere at the same time and now, obviously, many
people, the majority of people would get away with it – let's be frank.

A £100 fine: yes, the Traffic Commission decided that that should be the offence because that
would disincentivise people from doing not to do that, because if you say it is just a regular FPN,
and because you are caught so infrequently – because obviously you would have to have a
335 policeman there all the time – then it is well worth the gamble, whereas if it is £100 and you are
caught once, you will say, 'Well, I'm never going to do that again.' So that is the reason for that.

Just to complete the circle, there is a Commission that deals with these things and obviously I
will see where that is, but they will come back to me in a timely manner, I will ensure, and we
will see what the way forward is.

340

Q584/2017
Speed cameras –
Repairs following failure

Clerk: Question 584. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Government say whether there have been any unserviceabilities or failures of the speed cameras since their introduction; if so, how many and how long was it before repairs were effected, if those repairs were covered by warranty and, if not, what was the cost of the repairs?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is provided in the schedule which I will now hand over.

Mr Speaker: I will give the hon. questioner an opportunity to look at the schedule and you can ask supplementaries later on, if you so wish.

ANSWER TO QUESTION NO 584/2017

Speed Cameras Down Time Log

Camera Serial No.	Date of purchase	Out of service Date	Reason Transcript as per reporting officer	Back in service Date	Total days out of service	Cost of repair	Warranty Y/N
		08-May-17	Went live with cameras. Started issuing fines				
1174	06-Mar-15	09-May-17	Camera constantly beeping and we cannot connect to it. Sent to the UK for repairs	02-Jun-17	24	£0	N
1174 / 1173	03-Jun-17	03-Jun-17	Camera 1174 was replaced by camera 1173 at no cost to us.				
1173	06-Mar-15	03-Jun-17	Camera seems to have problem with motherboard. We received a new replacement camera under the terms of the guarantee	13-Jun-17	10	£0	Y
1179	06-Mar-15	11-Jul-17	Camera by Europa Advance Road had loose cable	13-Jul-17	2	£0	N
1173	06-Mar-15	08-Sep-17	Camera sent to the UK for repair. Problem with the Security System	26-Sep-17	18	£0	Y
1223	01-Aug-17	08-Sep-17	Motherboard needed changing. Camera sent to UK for repair	06-Oct-17	28	£0	Y

Q585/2017
Development and Planning Commission –
Submission of Government projects for approval

Clerk: Question 585. The Hon. D A Feetham.

Hon. D A Feetham: When will the Government submit Government projects to approval of the DPC rather than for advice and guidance?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

365 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, contrary to the advice received from Members opposite, who repeatedly urged us not to even submit Government projects for guidance and advice, the new Town Planning Act which is currently being drafted requires Government to obtain approval from the DPC and not just recommendations.

370 **Hon. D A Feetham:** That is certainly welcome news from this side, ignoring the barbed comment that he made to start his answer, but can he give some kind of a timeline as to when that legislation will be completed and will be published?

Hon. P J Balban: Mr Speaker, without actually wishing to pin myself down to a specific date – clearly, for obvious reasons – the Act is at the final stages. I can comfortably say it is virtually finished, but we are awaiting a response from the Government Law Officers on one aspect and there are also a few minor amendments that will need to be made before it is finally ready.

375 At the same time, they are also at the final stages of the draft and the regulations that will accompany this Act. So again, without wishing to say dates, I am told that ... again the word 'soon' is the word that we debate about, but it will be soon.

Q586/2017
Private parking spaces –
Planning applications

Clerk: Question 586. The Hon. L F Llamas.

380 **Hon. L F Llamas:** Mr Speaker, since December 2011, can the Government provide a schedule with details of how many planning applications to build private parking spaces or garages on private properties have been approved or refused, including (a) the area in Gibraltar, (b) the reason for approval or refusal and (c) the number of public parking lost?

385 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, this is publicly available information.

390 **Hon. L F Llamas:** Mr Speaker, unfortunately, when you go on the Government portal, or even sometimes in the minutes, you do not actually get to see what parts of the application have been approved and which parts have not. That is the only reason why I have brought this question to the House, because there are aspects of the application which get refused but do not get recorded.

395 Is there any way that the Government could look into this and perhaps email in the future with a potential answer to this question?

400 **Hon. P J Balban:** Mr Speaker, the answer provided is what is available: it is actually publicly available information. What is there is what is available for us to be able ... When the hon. Member asked the question I asked my staff to look for a reply and the reply is that. What is available publicly is the only information that we have to be able to give to the hon. Member.

Q587/2017
Redibikes –
Service user information

Clerk: Question 587. The Hon. L F Llamas.

405 **Hon. L F Llamas:** Mr Speaker, since the Redibikes came into operation, can the Government provide a daily schedule with a number of users who use the service?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

410 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is detailed in the schedule that I will now hand over.

Mr Speaker: Let's move on to the next question and come back to the previous one, if necessary.

Answer to Question 587/2017											
May		June		July		August		September		October	
Day	Rentals	Day	Rentals	Day	Rentals	Day	Rentals	Day	Rentals	Day	Rentals
1		1	11	1	6	1	4	1	2	1	11
2		2	5	2	5	2	3	2	2	2	4
3		3	7	3	5	3	0	3	5	3	1
4		4	4	4	2	4	4	4	4	4	1
5		5	12	5	10	5	6	5	4	5	2
6		6	4	6	6	6	16	6	1	6	3
7		7	0	7	6	7	9	7	0	7	9
8		8	10	8	7	8	7	8	4	8	7
9		9	7	9	1	9	15	9	2	9	6
10		10	4	10	2	10	4	10	2	10	3
11		11	5	11	0	11	5	11	3	11	2
12		12	9	12	2	12	4	12	1	12	2
13		13	2	13	16	13	55	13	0	13	2
14		14	7	14	8	14	54	14	2	14	6
15		15	5	15	3	15	0	15	2	15	
16	6	16	1	16	11	16	28	16	0	16	
17	6	17	4	17	1	17	93	17	2	17	
18	10	18	1	18	6	18	15	18	2	18	
19	6	19	2	19	2	19	7	19	1	19	
20	4	20	3	20	4	20	3	20	2	20	
21	8	21	2	21	1	21	17	21	0	21	
22	3	22	1	22	4	22	4	22	0	22	
23	5	23	3	23	9	23	3	23	5	23	
24	4	24	3	24	5	24	6	24	7	24	
25	8	25	9	25	0	25	2	25	8	25	
26	6	26	5	26	6	26	1	26	7	26	
27	10	27	1	27	7	27	10	27	0	27	
28	13	28	1	28	2	28	8	28	1	28	
29	16	29	7	29	4	29	2	29	1	29	
30	2	30	5	30	8	30	9	30	7	30	
31	1			31	5	31	13			31	

Q588/2017
Storm drains –
Maintenance

415 **Clerk:** Question 588. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, is the Government carrying out year-round maintenance on storm drains? If not, when was the last time they were surveyed and resolved their conditions?

420 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban:) Mr Speaker, yes, sir.

425 **Hon. L F Llamas:** Mr Speaker, I am sure the Hon. Minister is aware – and I did file this question before we had the little downpour the other day – within 20 minutes many of the areas in Gibraltar started to flood and I am sure if you do take a walk around you will see that many of the storm drains are actually clogged up with sand, dirt, cigarette butts and what have you. Clearly, many of them do not seem to have had any maintenance in quite some time – years, or God knows how long.

430 Has an actual survey been carried out throughout the last year, or at least in the dry months, in order to prepare for the upcoming wet winter months?

435 **Hon. P J Balban:** Mr Speaker, this is done by routine. There is year-round maintenance of storm drains, the sewers and the culverts within the public highway. This also includes the cleansing of road gullies. Regular inspections do take place and that is carried out by the infrastructural section of Technical Services department. So, regardless of whether there is ... When it rains in Gibraltar it tends to rain quite aggressively for a short period of time, and even with the best of drainage there will always inevitably be some accumulation of water, especially at the beginning of the year. But rest assured that there is a very detailed maintenance scheme and the works that are carried out are extremely extensive. Whether a particular drain has had extra leaf fall, that could happen, but the maintenance is there and it is carried out on a routine basis.

445 **Chief Minister (Hon. F R Picardo):** I do not know whether it is helpful for me to rise and just assist in this respect, and I do not know whether the hon. Gentleman watched the scenes on the Spanish news bulletins in the past days – and I find the Spanish news bulletins these days compulsive viewing, not necessarily because of the meteorological occurrences – but he might have seen that in Jerez and in Malaga cars were floating in the streets. We live in a part of the world where it is such a privilege to live, but we suffer the same meteorological events as those towns around us, and although on particularly bad days the Rock acts like a storm culvert itself – and there is an area at the entrance to Main Street that no Government in our history has ever been able to deal with, other than perhaps thinking about the conversion to a swimming pool between the months of November to February – we have never seen cars floating in the streets in Gibraltar.

455 Our systems, which are dealt with by the Technical Services department, as the Hon. Minister has said, ensure that we have the ability to get as much storm water out into the sea as possible so that those events do not occur. So, where we have perhaps a couple of inches of annoying water above the soles of our shoes when the water is not moving as quickly as perhaps we would all like it to, in the towns next door vehicles made of metal are floating because that level of water is falling. So I do think we need to keep in perspective and understand the excellent job that is being done by the Technical Services department to ensure that Gibraltar has the benefit that it has in such meteorological events.

465 **Hon L F Llamas:** Mr Speaker, I am grateful for that answer and I do understand, obviously, that we do deal relatively well in terms of flooding. I am just saying that there could be more to mitigate, because it is not an isolated storm drain in the south district or the north district – there seem to be many which would possibly prevent ... and resource us better, so that we would never have to see those sorts of scenes that we see on Spanish TV.

470 **Hon. Chief Minister:** Mr Speaker, I do not agree, because we have never seen those scenes in Gibraltar. That demonstrates that the work that is being done is the right work.

A few cigarette butts and a few leaves do not mean that a drain is blocked. The first rains sometimes just completely deal with that. A packet of crisps on the street is an annoyance, it is litter and it should not be there, but it does not make for a blocked drain. I think this is what is important, that we put into perspective what it is that the issues in Gibraltar may be, we understand where we may be able to improve but we do not denigrate that which is being done, which ensures that we do not have problems of that sort. If our storm water drains were blocked, as the hon. Member is suggesting that they are, we would have those scenes, and not of a few centimetres of water sometimes at worst – we would have cars floating on our streets, which is something we do not have in Gibraltar. We do not have rubbish bins floating on our streets.

When that has happened and we have had a little bit of a few inches of rain accumulate, it has been for a short period as the water gets out through the storm drains, not because the storm drains are blocked – because the storm drains, which are relatively impossible to widen because they are laid when infrastructure is laid and roads are built, and going into the Upper Town in particular and under Queensway would be ... nothing is, in engineering terms, impossible, but almost impossible ... just cannot take that amount of water in a moment. They can take it sometimes in five minutes, they can take it in 50 minutes. The hon. Gentleman will know that Queensway, Saluting Battery, even the area in front of the old ABN AMRO premises at the entrance to Main Street, if it is flooded it is flooded for minutes, not hours, as the water goes. That demonstrates that it is not a question of a blocked drain; it is more a question of capacity and the impossibility of creating further capacity without major civil engineering works that would make it very difficult to act without seriously disrupting the life of the city. You have to put that in the balance of the context of a few minutes, on a very, very, very, rainy day, of water moving slightly more slowly than we might all like to see it moving.

But it is not blocked drains; blocked drains would not be undone. You could have an instance of a blocked drain – it is impossible to say that that is not the case – despite the maintenance schedule that we ensure is proceeded with every year.

Hon. D A Feetham: Mr Speaker, may I? Indeed, Mr Speaker, I do not know whether the Hon. the Chief Minister travelled, for example, just to the neighbouring town of La Línea on Wednesday and on the stretch of road towards *El Higuero* the entire area was in fact flooded because of the rain water that had actually fallen on that particular day. So, by way of supporting what the hon. Gentleman has said, by parity of reasoning, if our drains had been in exactly the same state as theirs, we would have had that kind of water in our streets and it did not happen here in Gibraltar.

Hon. Chief Minister: And if I may say so – I am grateful for the hon. Gentleman's route indication towards that particular area of the flat of La Línea – Gibraltar benefits from this beautiful, magnificent, monolithic Rock that we all call home, which in effect channels all water that falls on a particularly rainy day on the western side towards the flat. The area of *El Higuero* is completely flat and most of the water that falls is just falling straight on the flat.

We deal with the water that falls on the flat – namely Main Street, Queensway, Saluting Battery etc. – and with all of the water that falls on the Rock, which comes like a culvert down to the flat as well, and we deal with it much more efficiently than hon. Members have rightly indicated is the case in the context of the neighbouring town. And not just the neighbouring town, which hon. Members will have seen recently describe itself as long suffering and lacking in investment, but even in capitals like Malaga and Jerez. In Jerez they had to cancel operations in the hospital because their hospital was completely flooded, and they had to cancel all classes in schools *for the rest of this week*.

It is right that we want to ensure that our nation operates at the best that it can, but it is also right that we put in context a few centimetres of water. We had an incident last year where St Mary's was flooded for a day – we had never seen so much rainfall in 24 hours – but within

24 hours we were operating the school again. That was an engineering error that appeared to
525 have been made some time ago, literally a decade or so ago, when a new development was put
up and a culvert was sent the wrong way, and on this particular occasion when it rained so much
we found out where the culvert was pointing: straight at the school.

So we have to understand and put in context how we are dealing with these things. We are
dealing with them very well. Where there is a problem it is an ad hoc problem. It must be dealt
530 with as soon as possible, but we must not allow ourselves to fall into the trap of thinking that we
have a major issue here.

Hon. L F Llamas: If the Government were to simply have a look, for example, at the storm
drains at the bottom of Bell Lane and Bedlam Court, obviously Main Street is pitched towards
535 the north and if those drains which are currently clogged – and I believe they still are, and they
are full with sand and dirt so it is not just that you see it is moist, you can see it is really, really
dry and it will take a little bit of manpower to unblock them ... If that water is coming down from
Castle Steps, which is notorious for its rainfall and accumulation of water, and comes down
through Bell Lane, there is nothing there to collect it because they are blocked and it goes on to
540 Main Street and Bedlam Court, which cannot cope either, and then all that water does end up at
the north end of Main Street, for example, and instead of having five inches of rain whilst the
drains that are at the northern end of Main Street try to manage the water that is pouring in,
you have 10 inches because there is so much water coming in from different directions and
there is nothing to mitigate along the way. That is simply my question for the Government

545
Hon. Chief Minister: Well, Mr Speaker, I think his question has been asked and answered by
an act of God, because clearly his questions must have been filed before the rain, in good faith
no doubt, but his supplementary must have been thought up before the rains as well because
we had the rains this week. The water came down from what is known as *El Caño Real* – in other
550 words, it was itself the great culvert from the Rock down to that point at the bottom of Bedlam
Court etc. and Bell Lane, and there was not an accumulation of inches of water, there was not,
and there was – (*Interjection by Hon. L F Llamas*) But, Mr Speaker, this is what I am saying to
him. Those same 20 minutes was the same meteorological event: it passed here and went
eastwards, caused the flooding and the closure of the hospital in Jerez.

555 What looks to him, or whoever it is that he is working with these days, like a little bit of dry
sand and a few fags – not an attractive sight; I know there are those who photograph aircraft
and photograph trains, but I did not realise the hon. Gentleman had a fetish for the inside of
drains – it is not an attractive sight, but one minute of rain clears it and if that were not the case
we would have had a blockage, whether it was one minute, five minutes or 20 minutes of rain.

560 So I put it to him that he should go back and look at the drain which he has asked the
supplementary about and he might be satisfied to see that those 20 minutes of rain dealt with it.
Otherwise, Mr Speaker, I will be left with thinking that his next slogan should be *Aquí no se curra*
because he might like to sit for a while and think of questions but he does not follow up with the
hard work of making sure that what he is asking about is right.

565
Mr Speaker: We move on, then, from the rain in Spain, or in Gibraltar, to the next question.

Hon. T N Hammond: Thank you Mr Speaker, can I just go back to Question 587 on Redibikes?
Just looking at the figures, clearly August was a good month. The rest of the months around
570 August seem to be fairly steady. Did Government have in mind, when they introduced the
Redibikes, what would constitute a successful ... or did they have in mind a target for the
number of users on a given month? The figures are quite random, August definitely being a good
month, which I presume is tourists but obviously I guess there is no way of knowing that. But
around those months there does not seem to be any kind of rise in the use of the bikes.

575

Hon. Chief Minister: If you are so keen, we would be surprised not to see you on the bikes.

Hon. P J Balban: Mr Speaker, in my mind any usage whatsoever is one trip less that is carried out by any other means – unless it is walking, clearly – and so we did not have any idea what we would expect to see in terms of numbers but clearly, we are aiming, our aim, and, through the work that we are carrying out, our intention is to promote this means of transport and we are hopefully expecting more usage.

We have, as the hon. Member is aware, clearly, recently reviewed the prices of Redibikes in case it was that perhaps people needed that little bit of incentivisation in terms of lowering the cost of usage, so what used to be a £2 daily fee has now become a £1 daily fee. But I think more than anything it is a question of really encouraging the mode of transport and trying to encourage people to use it. That is what we need to do. I do not think this is to do with price in that respect because I do not think the reduction in price has had that effect on usage. As you rightly say, the month of August is a good month and we can assume that there are more people who come across the border or on a cruise ship etc., tourists, who may be using the bicycles more.

But I am very happy with the progress so far. Clearly I would like it to be much, much more – that is what it is all about – and our efforts now will be to try to encourage the use of bicycles. In fact, tomorrow Redibikes will be used for the Peddling for a Cure event at Casemates. As well as in support of the charity, they are also there so people can use them, because it is imperative that people start using more sustainable modes of transport.

Hon. T N Hammond: Mr Speaker, I certainly agree with the Minister that people should be encouraged to use other means of transport, but it does concern me that the Redibike scheme has been in place for coming up to six months now and there does not seem to be an upward trend in terms of the local usage.

The figures for July are probably slightly better than the figures for September, in fact, which seem to amount to about 70 uses of bikes for the entire month. That is just two bikes a day and, considering the number of bikes available, that would seem to me to be a very small uptake from the community. Clearly that to some extent takes into account the reduction in price, though as the Minister said, the reduction in price has not impacted.

It slightly goes back also to the question that was asked earlier reference the charging points – Government is indicating it has a policy but there is no demand. Are we in a position where we have again a policy but people are not being incentivised in a way that makes it a meaningful policy, and what does Government plan to do to further incentivise people, hopefully, to take to this mode of transport?

Hon. P J Balban: Mr Speaker, I disagree with the hon. Gentleman in terms that we are only looking at a few months' worth of statistics. I think we need to look at the much wider picture. If you look at the statistics for the month of May and June it went up in June. It was about 108 rentals in May and it went up to 140 in June, went up to 154 in July and 407 in August. So there has been an increase in usage. Now the first month has shown a decrease but if you look at this month, which is October, it seems to be on the up again because we have got statistics about midway and it is close to already reaching the full month of September. So again, I think looking at such a small window is unfair and I think we will need to have this analysis later on in the day, once we see exactly what the full year of usage is and maybe compare that in the future as well.

I myself am a cyclist, as you know. I see a lot more people out there cycling, a lot of people buying them... There is also the issue of bicycles being quite inexpensive as well, so they might try the Redibikes and say, 'Well, I'm going to buy one now, and that again will have an effect.' But I think we need to look at this in a much broader way, not just the results of a few months.

630 **Hon. T N Hammond:** Mr Speaker, I do accept that point by the Minister. I think it is reasonable to wait longer and we have limited statistics. It was just that I was slightly disappointed by the numbers presented, which is why I asked, and the way the Minister answered the last question made me think maybe there is a target figure or something that you would like to see after a year of use of the bikes. We have seen the figures rise and fall again, perhaps rising again.

635 Can the Minister confirm that there is no ballpark figure that they would like to see as a monthly usage for the bikes for them to consider the scheme to have been a success?

Hon. P J Balban: Mr Speaker, it is very difficult. We have no value. Remember that the question that has been asked ... I think you need to look at the comparison: how many people were using bicycles before. I think just to have a ballpark figure of what we expect ... We do not know what usage is generally, so we did not pin it down to a certain usage. The fact that we had 640 407 people using Redibikes in the month of August means that there were 407 people not getting other modes of transport, be it the bus, be it a taxi, be it walking – well, walking would have been even better, but a car or private transport etc.

645 So again it is very difficult to see where these originate from. Do people come in their cars, park their cars and then get a Redibike, or do these people walk across the Frontier, or do these people come off ships? Obviously, I would like to see this becoming extremely popular and I am pretty positive it will because I can just see the number of people cycling nowadays compared to just a short while ago. Even the number of bicycles you see, the number of bicycle racks we are having to place – the demand for bicycle racks is incredible recently, and still we are struggling because still people are having to park bikes elsewhere because they cannot fit them. As I said 650 earlier, it is the whole concept of cycling. Redibikes is just one of those vehicles, but this may encourage people to purchase bicycles and I think we are achieving our aim if they do go down that route as well.

Q589/2017

**Foreign licensed vehicles –
Numbers towed for parking in restricted areas**

Clerk: Question 589. The Hon. L F Llamas.

655 **Hon. L F Llamas:** Mr Speaker, since December 2011 can the Government provide a monthly schedule of how many foreign licensed vehicles have been towed away for being parked in a public parking during restricted times such as cleaning campaigns?

660 **Clerk:** Answer, the Hon. Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is provided in a schedule that I will now hand over.

ANSWER TO QUESTION NO 589/2017

Foreign vehicles towed away*

	2012	2013	2014	2015	2016	2017
January	0	1	2	3	1	8
February	0	1	10	1	1	6
March	0	3	2	6	1	7
April	0	14	3	4	1	12
May	0	3	8	3	2	<i>101</i>
June	8	6	24	9	2	<i>38</i>
July	7	14	9	7	0	<i>34</i>
August	6	2	20	9	6	<i>40</i>
September	12	17	27	9	1	<i>25</i>
October	10	3	17	2	6	<i>14</i>
November	4	14	10	8	9	
December	8	1	5	1	0	

*The above figures pertain to foreign registered vehicles which have been towed away for being parked on the public highway during such time parking restrictions were in place specifying specific times. This includes but not limited to cleaning campaigns.

Figures in bold sourced from GCPL/DVLD records; figures in italics sourced from GPMSL records Information prior to June 2012 is not available.

665 **Mr Speaker:** Could I ask the hon. Minister at his convenience to provide an explanatory note to be included in the schedule as to what GCPL/DVLD stands for, and GPMSL, at his convenience, and we will incorporate it into the schedule.

670 **Hon. P J Balban:** Just to address that point, GCPL is Gibraltar Car Parks Ltd; DVLD is Department of Vehicle Licensing – what is colloquially known as the MOT; and GPMSL is the company that runs the parking enforcement, Gibraltar Parking Management Services Ltd.

675 **Hon. L F Llamas:** Mr Speaker, obviously we have seen a rise in 2017 of vehicles being towed, and I can talk from experience, having seen some vehicles towed the other day. I actually asked one of the employees of one of these companies why they were towing away and it was based on the cleaning campaign so that they could clean better. I could understand it if they were properly hosing down the area with water, but given that they were simply just using a broom and passing around vehicles, which is not going to do much in terms of cleaning the atmosphere, I could not understand why, apart from having to have the Fixed Penalty Notice, these vehicles were being towed away. And, Mr Speaker, what was even worse was they were being towed away whilst vehicles were returning to park in the area. I asked why, if the cleaning campaign had actually finished, why were they still being towed away – and they were unable to answer and said, ‘Oh, that’s a very good question.’

685 So I am concerned at the fact that so many tourists are actually being towed away rather than just clamped and made to pay the fee. Can the Government enlighten me as to why this policy is being implemented rather than just the clamping of vehicles?

Hon. P J Balban: Mr Speaker, vehicles are towed away if they are causing obstruction to the public highway. If it is as a result of the street-cleaning campaign, generally the principle is that an FPN is placed and, to be able to achieve that FPN and to make sure that the vehicle does not

690 go across the Frontier and abscond in that respect, then a clamp is placed. The clamp has no extra charge, it is just to ensure, and that is the same policy that was used in the past.

Again, it is only if a vehicle is causing an obstruction that the vehicle would be towed away. Other than that, it is a clamp. If it is a vehicle which is presumed ... it could be a derelict vehicle and it is not moving ... then that could be another reason why a vehicle is towed away.

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Hon. L F Llamas: Mr Speaker, unfortunately, those that I have witnessed have not been as a result of derelict ... or causing an obstruction, other than impeding the cleaning strategy at certain areas. At £60 a pop I can understand that they would have to pay the Fixed Penalty Notice, but to additionally burden and place tourists having to find where the vehicle has been towed to, rather than just simply placing the clamp, as has always been the case ...

700

Can the Government investigate at least as to whether this is simply a one-off or whether this is happening on a weekly basis, and therefore this could seriously be impacting the tourist experience in Gibraltar?

705

Hon. P J Balban: Mr Speaker, the policy is that cars should not be towed away unless they are causing an obstruction on the public highway, so I will obviously have a look at that and see why ... If the hon. Gentleman would like to give me further details as to where it was and the date, I can then –

710

Chief Minister (Hon. F R Picardo): We do not accept the argument on its own. He has to give us the details.

715

Hon. P J Balban: Of course, he needs to give us the exact details – let me know where it was and I will look at it, but it is not something that happens. Cars are only towed away when it is absolutely necessary that they are towed away. Otherwise, either an FPN is placed or a clamp is placed to ensure that the FPN is paid for, but otherwise there is no towing away.

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Hon. L F Llamas: Mr Speaker, I shall gladly expand further behind the Speaker's Chair, but I can assure the opposite side that I could have recorded the conversation I had with the employees when I challenged it and they simply could not answer the question, other than they were doing it just to make extra money.

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Hon. Chief Minister: Mr Speaker, that is, if I may say so, a ridiculous thing for an employee of a company that is not receiving remuneration based on how much money they make to give to the hon. Gentleman and for the hon. Gentleman to believe it. There is nothing about the people who are involved in parking management and nothing about their remuneration – there is no bonus structure, there is no remuneration to the company – that is based on how much they fine or clamp or tow. So, if he is told that, then he should have the presence of mind to say to them, 'It doesn't make any sense what you are saying to me,' or to record them, as he has suggested he would do, to add to the *telenovela* that he is treating us to on Facebook of his daily grind.

730

Nobody must listen to this debate and think that there is a policy on the part of the Government of towing a car that is not causing an obstruction. Only cars that cause an obstruction will be towed.

735

But I must tell him as a pedestrian that it is absolutely right that cars that are causing an obstruction should be towed, because I push a pram every morning when I walk to work and it is disgraceful the number of vehicles, which are foreign and locally registered, that are illegally parked and causing an obstruction not just for other vehicles, because we must not just look at the possibility of other vehicles being obstructed but of pedestrians being obstructed, and that means people who are pushing prams, people who are on wheelchairs and their ability to traverse a road and their ability to get into town, and they must be the ones we stand with.

740

745 There is no question of this being done for the purposes of making money or raising funds or profit, and if he has been told that I would be very grateful indeed if he indicated to the Hon. Minister when he was told and at what time, so that we can determine who said it so that we can put them bang to right, because that is not the policy of the Government, and in fact if it has happened it has happened contrary to the policy of the Government, which is entirely unacceptable to the Government.

750 **Hon. L F Llamas:** Mr Speaker, just for clarification, the Hon. Chief Minister is referring to the public highway and I would like to support the Government in the sense that obviously anybody who is obstructing the public highway, the pavements and so forth, should be reprimanded regardless – but my question was specifically based on public parking. That is why there is a little bit of confusion.

755 **Hon. T N Hammond:** If I may just ask one supplementary, Mr Speaker, I would just like to say I do endorse, regarding the public highway where obstructions occur, that certainly the vehicle should be removed from causing that obstruction.

760 I just wonder – and I will come back with a question if he does not have the answer: there is a spike in the figures for May 2017 of 101 vehicles being towed, which is about three times more than the monthly average. Is the Minister aware of any particular event or reason why the numbers are so high in that given month? If not, I will come back with a written question.

765 **Hon. P J Balban:** Mr Speaker, yes, there were a number of reasons why we saw a spike. In fact, a cleaning campaign was conducted at Western Beach, Bayside Road and Grand Parade, and that resulted in around 39 vehicles being towed away. Also there were pay and display areas ... they were actually within residential estates, general obstruction and mainly red lines.

770 So, in summary, the main reason was a cleaning campaign. When there are cleaning campaigns, obviously you will see an increase. There are various cleaning campaigns in a given month and if people leave their vehicles there, then obviously you will see a spike in that respect.

Mr Speaker: Next question.

Q590/2017

Electric hoverboards and scooters – Update re regulation

Clerk: Question 590. The Hon. L F Llamas.

775 **Hon. L F Llamas.** Mr Speaker, can the Government provide an update to Question 99/2017 relating to electric hoverboards and scooters?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

780 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, Government continues to work with HM Customs, the RGP and the Gibraltar Law Officers in relation to the importation and use of hoverboards and other similar self-balancing devices.

785 **Hon. L F Llamas:** Mr Speaker, these talks with the law enforcement agencies have been ongoing for quite some time and obviously we are seeing an increase in further scooters and electric hoverboards being used on our streets and pavements without regulation.

790 This was first chastised by the Government in December 2015, together with the drones. We have seen that the Government is taking a far more serious approach to drones, given their importance; however, I would urge the Government to look into this, especially when we know from the media that there can be issues of fire and safety with certain products which are not up to European standards, and therefore these could be being imported and end up causing a fire hazard in some of our buildings.

795 **Hon. P J Balban:** Mr Speaker, the position under the law is that all these devices are illegal imports. These bikes in Gibraltar are considered motor vehicles – their motor is an electric motor, but still it is a vehicle. They should not be driven. They should not be in Gibraltar in the first place, let alone be driven on a public footpath or even on the public highway. It is a matter of policing in that respect.

800 The legislation itself will see whether there is any potential use for these vehicles as part of Gibraltar. We were considering perhaps having areas for them and considering whether some could be classified as toys more than modes of transport. Some of these things really will not be able to work properly on the road because they are made for flat surfaces. Those are also illegal imports and those are generally the ones that have been accused of catching fire – the toy models.

805 But the biggest issue I think we have with the legislation is that these things are changing all the time. There is a massive evolution of types of vehicles and it is difficult to specify what these are. Recently I saw in Dubai the police testing a drone-type motorcycle, so things could even get worse if we continue down that line. But the way things are at the moment it is clear in the law that they are illegal imports, illegal on the highway and they should not be used.

CULTURE, THE MEDIA, YOUTH AND SPORT

Q591/2017

Gibraltar Music Festival – Vehicles hired by Government

810 **Clerk:** Question 591. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, regarding the transport arrangements in place for the GMF, can the Minister say if any vehicles were hired by Government to support the event; if so, how many, were the drivers employed Government drivers and what was the cost?

815 **Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, no vehicles were hired by Government.

Q592/2017

Gibraltar Sports and Leisure Authority – Vacancies

820 **Clerk:** Question 592. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, sir, can the Minister for Sport provide details of any vacancies which may currently exist within the Gibraltar Sports and Leisure Authority?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

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Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, at present there is an Administrative Assistant, GSLA Grade 9, vacancy within the GSLA.

830

Hon. E J Reyes: Mr Speaker, can the Minister clarify: I know in the past he has informed me that they were undergoing some type of staffing review and so on – would the Minister like to enlighten us as to whether this position has not been advertised because of the still-ongoing staff review, or has that now completed and then it is just a question of starting the recruitment process to be initiated?

835

Hon. S E Linares: Mr Speaker, the restructure has already taken place, which is most of the managerial and administrative part of the GSLA. This is a post that was left vacant at the end because, as he can see, it is one of the AAs at the bottom of the scale of the management. As I understand it, we are trying to recruit someone within the GSLA itself to see if there is anybody interested in getting that post. If not, it will just go through the normal procedure that we have done with the other posts.

840

Hon. E J Reyes: So, just for clarification, Mr Speaker, when the Minister says ‘we are trying to recruit someone from within the GSLA’, am I right in concluding that an internal advertisement for the vacancy has happened and then, subsequently, subject to the interest shown and a suitable person being identified, it will become public or not?

845

Hon. S E Linares: Yes, sir.

Q593/2017
Sports-related grants –
Payments made

Clerk: Question 593. The Hon. E J Reyes.

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Hon. E J Reyes: Can the Minister for Sport provide details of all payments made during this financial year in respect of any sports-related grants?

Clerk: Answer, the Hon. the Minister for, Culture, the Media, Youth and Sport.

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Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, I now hand over to the hon. Member opposite details of all payments that have been made towards sports grants during this financial year.

I would like to inform the hon. Member that this information is updated periodically online on the HM Government of Gibraltar statistics website.

Answer to Question 593/2017

Grants Awarded for sports development projects

Pistol Shooting	709.00
Badminton Association	606.75
Rowing Association	2,881.56
Hockey Association	3,684.00
Athletics Association	3,502.30
Basketball Association	814.04
Karate Association	961.00
Taekwondo Association	311.99
Ice Skating Association	397.23

Grants Awarded for International Competitions

Island Games	98,257.67
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Grants Awarded to Sporting Societies

Netball Association	13,340.51
Target Shooting	5,745.93
Shooting Association	11,933.61
Darts Association	15,812.50
Hockey Association	15,587.41
Tenpin Bowling Association	2,631.06
Athletics Association	6,302.11
Basketball Association	6,644.10
Triathlon Association	2,685.00
Rowing Association	2,381.56

Hosting of Special Sports and Leisure Events

Gibraltar Darts Trophy	132,245.20
Gibraltar Kennel Club	10,012.50
World Pool & Snooker Championships	248,176.00
Commonwealth Games	5,221.80
Gibraltar Classic Vehicle Association	1,200.00
Gibraltar Int Backgammon Tournament	37,500.00
Hockey Challenge Cup	850.00
Cleaning of Gibraltar Music Song Festival	192.00
International Bike Rally	241.64
Harley Davidson Club Rally	4,500.00
Maccabi Gibraltar International Competition	4,000.00
Cleaning of Boxing event	38.40
Eurafrica Trail	22,507.50
Gibraltar Int Junior Chess Championships	40,000.00
Bowling Tournament	16,000.00
Philharmonic reception	250.00
Squash Open	6,000.00
Queens Baton Relay catering expense	1,200.00

860 **Hon. E J Reyes:** I am grateful for the schedule, Mr Speaker.

Yes, the Minister has informed me in the past that something is available. For the record, on the day that I had to sit down and prepare this notice, the Government website said to me that it was undergoing maintenance and therefore I could not access any details whatsoever. Although I accept what the Minister has answered, he also has to accept my inability to obtain that information within the 48 hours one has in which to submit questions.

865

Hon. S E Linares: Mr Speaker, there is nothing much I can do if the IT department is doing a maintenance programme. All I am stating is that it is on the website, and if on that occasion it was not, well there is not much I can do.

Q594/2017
Cultural grants –
Details of awards

870 **Clerk:** Question 594. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Culture provide details of all cultural grants awarded this current financial year?

875 **Clerk:** Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, I now hand over to the hon. Member opposite the information requested.

880 I take this opportunity to remind the hon. Member opposite that it is updated and posted on the HM Government website with the proviso 'unless it is going under maintenance'!

Answer to Question 594/2017

Cultural Grants for financial year 2017-2018

MH Bland & Co Ltd - Book Grant 'What on Earth?' 'The Story of Gibraltar'	5,000.00
Gibraltar Productions - Sponsorship for the Gibraltar World Music Festival	50,000.00
State Media Ltd - The Art Bermondsey Project Space	4,000.00
M.O Productions - Organisation staging and production of the 16th Gibraltar International Dance Festival	5,000.00
Gibraltar National Dance Organisation - GNDO for IDO affiliation fee/dance workshops	11,700.00
Bayside & Westside Drama Group to travel to Medway Theatre in Rochester, UK to participate in the Duncan Youth Festival	2,000.00
Urban Dance - support to cover costs of participation at the "Vive tu Sueno" European Dance Finals in Paris	2,000.00
Gibraltar Face & Body Paint Association - Assistance for the Gibraltar Body Painting Festival 2018	3,000.00
Regina Danino - Installation costs for exhibiting work with group of artists at Bermondsey Project	3,000.00
Ayelet Shay - Book grant for the translation, production & printing of her book 'Relocation Darling Relocation'	6,250.00
Stylos Studios in support of their participation at the World Dance Movement Competition in Italy in July 17	3,000.00
Shane Dalmedo - Purchase of materials and tools for the project of the Encyclopedia of Migrants	2,000.00
Gail Francis Tiron - Book grant for the production and printing of book 'Don't You Just Love Them'	4,100.00
Sunbow Projects - Virtual Gibraltar Festival	10,000.00
Miss S A McLaren - Assistance for final year at the Northern Ballet School in Manchester, UK	4,260.00
Group 2000 - Assistance for the WW1 play presentation at the Gibraltar Garrison Library	500.00
The Gibraltar Photographic Society - Purchase of equipment	1,700.00
The Gibraltar Philharmonic Society - Support for various concerts promoting classical music	10,000.00
Gibraltar Cultural Services Ltd - Gibraltar Berlin Artist Exchange student sponsorship	6,000.00
R Barabich - The reprint of the book "The memoirs of Arnold Barabiscio"	1,320.00
Davinia Baglietto - Assistance for Return Flights post Mrs Europe Pageant	488.00
Gibraltar Cultural Services in conjunction with Leisure Cinemas Ltd - Cultural Development Programme	500.00
Gibraltar Horticultural Society - Forthcoming events and projects	2,000.00
Gibraltar Artisans Market - Support towards the Gibraltar Christmas Village 2017	5,000.00

Clerk: Question 595. The Hon. E J Reyes.

885 **Hon. E J Reyes:** Mr Speaker, before I read out Question 595 – I know you will allow us to come back – can I ask a very quick question in respect of the schedule of 593, which was in respect of the sports grants or sports payments made.

I see here, on the second page of the schedule under the subheading ‘Hosting of Special Sports and Leisure Events’ there is an expenditure for ‘Cleaning of Gibraltar Music Song Festival’.
890 Is that just a one-off payment, or an additional payment despite some other grant that was made? I do not quite understand why the cleaning part – one takes it to be post the event – is specified here. Sometimes, for the ease of book-keeping references, it is detailed like that, but it brings that question to mind: is it an additional supplementary funding, or whatever?

895 **Hon. S E Linares:** Mr Speaker, I will find out exactly why that is there, but I am assuming – but I will find out – that this is because the Music Song Festival comes under the cultural grants. What has happened, I assume, is that there have been issues with how they leave the Tercentenary Hall, and therefore the GSLA has seen it fit to get it under events, albeit that they are not sporting events but it is in the Tercentenary Hall. I will find out for the hon. Member
900 exactly why it is there, but I am assuming it is that.

Hon. E J Reyes: Yes, Mr Speaker, the Minister is right and I accept that he needs to look into it. One of the reasons why I brought it up is that two or three lines further down there is ‘Cleaning of Boxing event’ and obviously boxing immediately one connects with a sporting event
905 and automatically comes to mind the use of the Tercentenary Hall, which is where I think the Minister and I both agree. It was just that the Song Festival did stick out like a sore thumb and perhaps the answer could be that it was not left clean to a satisfactory standard and in order not to delay other sporting events that have been allocated you just bring in an external cleaning company and someone has to pay.

910 But I can wait patiently, Mr Speaker, and then the Minister may want to look up as well the boxing, just to double check on the event.

Hon. S E Linares: Yes, Mr Speaker, probably the CEO will do what they call a ‘JV’ in which the account is moved to another department. He might have got the money that time from there
915 and that is why it is in the list, and now he probably will claim the cultural side, those £192. But I will find out, thank you.

Hon. R M Clinton: Mr Speaker, just one supplementary.

920 The amount given by way of hosting special sports and leisure events for the world pool and snooker championships of close to £¼ million does seem in a different league to lots of the other grants – for example, Island Games, £98,000. Could the Minister explain to the House or perhaps give an explanation whether that close to £¼ million is purely costs, or was there an element of prize money in that number – and, if so, how much?

925 **Hon. S E Linares:** Mr Speaker, these are two major events. It is not only one, it is two. The only thing is that the company that runs these events is the same one. So probably it is one payment for two events. The hon. Member could well split that in two halves, because I do not know whether the hon. Member knows that the pool, for example, was live on Sky for four solid days and that is why it would cost around half of that. The snooker is the same, so these have a
930 lot of exposure for Gibraltar. They are very, very important tournaments, but they have been put together and that is why you are seeing it as a high expenditure. But if the hon. Member looks at, for example, the darts trophy, there is £132,000 there. These are, like I said, major events, very big events that are televised and have a lot of value. Pool and snooker I know are the same

935 company, and therefore it might have been paid together. So that is what it is, but they are two separate tournaments.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his clarification.

940 I just have two further questions: if he would be kind enough to identify what company he is referring to; and also, would he then expect that effectively the payment will cover any prize money paid out?

Hon. S E Linares: Mr Speaker, the moneys ... there is a whole list of things that it covers. For example, I can let the hon. Member know that when a snooker tournament is done here in Gibraltar, if he cares to go down to the Tercentenary Hall, they bring all the tables, they bring up
945 all the equipment, the cameras – everything comes from abroad to the Tercentenary. They take over the Tercentenary, they convert it into the tournament area and that is all included in the price, apart from any other things like the prize money and many other things.

The hon. Member must understand that, like I said, it has got a lot of value to have these here, and like, for example, the darts, the value of the darts is that there are many people now
950 coming to Gibraltar, so it is events-led tourism, whilst for the snooker and the pool the value is the exposure on television that there is. It is not so much ... For example, not many people from the UK come for a snooker tournament to Gibraltar, but it has a value because snooker is on TV for about four solid days – many, many hours – which is worth millions in the exposure.

955 **Hon. R M Clinton:** Mr Speaker, again I am grateful to the Minister but I did not quite catch the name of the company that I was asking for.

Hon. S E Linares: Match Room Sports.

960 **Hon. E J Reyes:** Mr Speaker, still on Question 593 – the Minister may know the answer now or may wish to inform us later on – under the heading ‘Hosting of special sports and leisure events’, the fourth line down is the Commonwealth Games. Perhaps I am being over critical in my narrative but we have never hosted the Commonwealth Games in Gibraltar, so perhaps some clarification of why does it come under the heading of host.

965 **Hon. S E Linares:** Mr Speaker, it is the Commonwealth Games but it is the Commonwealth Games Association who brought over all the Executive Committee to Gibraltar and that is why it has been put as one of the events. So all of the executive came here, they hosted meetings of the executive here and therefore this is the expenditure. I think we had one reception and then
970 somewhere else, so basically some expenditure, which is £5,221, was what the Gibraltar Commonwealth Games Association applied to us to host these meetings here.

Hon. E J Reyes: So, Mr Speaker, then it would be correct for me if I were to amend this to either the ‘Gibraltar Commonwealth Games Association’ or ‘hosting of meeting’ or something,
975 just for any future reference? I know what can happen, Mr Speaker: come Budget time or whatever, I am looking back at some notes and then I am not clear on the actual meaning of ‘Commonwealth Games’.

Hon. S E Linares: Yes, I will do.

Q595/2017
Europa Point shooting facilities –
Plans for relocation

980 **Clerk:** Question 595. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Sport inform this House in respect of the Government's plans for the possible relocation of the shooting facilities presently sited at Europa Point?

985

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, the Government is working very closely with the Gibraltar Target Shooting Association to relocate the association to adequate premises. An announcement will be made once the necessary plans have been finalised.

990

Hon. E J Reyes: Mr Speaker, is the Minister in a position to at least identify possible areas that are being looked at?

995

Can he confirm as well that unfortunately, in trying to identify a location, there is a stipulation from the international regulations that these shooting ranges should now be sited north-south facing as opposed to the non-restrictions before, where we ended up with east-west – because that could enlighten the situation as to why some areas cannot be looked into as feasible?

1000

Hon. S E Linares: Mr Speaker, I can tell the hon. Member that this has been a very, very challenging exercise to try and relocate the Gibraltar Target Shooting Association and it is to do precisely with what the hon. Member is saying, because not only has it got to be facing south-north – the shooters are on the south shooting towards the north – but, imagine in Gibraltar, it has to be 30 metres by 70 metres, and therefore it has been a massive challenge. We have had many areas where we have tried, we have looked at it, you say, 'Right, okay, there's 70 by 30 here ... Oh, but no, it's not facing north-south.' So it has been very, very, very challenging to try and find an area. We have identified a few, we have gone through planning and then we have had to come back because it is not quite exactly what their needs are.

1005

1010

But we are confident that, working closely with them, as in the answer to the question, we will get there and an announcement will be made very soon.

Mr Speaker: Next question. The Hon. Roy Clinton.

1015

Hon. R M Clinton: Yes. Thank you Mr Speaker. Could the Minister confirm that ... or at least advise the House if they are still seriously considering the top of MidTown car park for siting this range?

Hon. S E Linares: No, sir.

1020

Mr Speaker: Next question.

Q596/2017
Victoria Stadium –
Government/GFA negotiations re sale

Clerk: Question 596, the Hon. L F Llamas.

1025 **Hon. L F Llamas:** Mr Speaker, is the Government able to explain why the GFA and Government have not yet agreed on the sale of the Victoria Stadium.

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

1030 **Minister for Culture, the Media, Youth and Sport (Hon. S E Linares):** Mr Speaker, HM Government and the GFA are finalising lease negotiations in respect of the sale of the Victoria Stadium.

Q597/2017
Island Games –
Building of sporting facilities

Clerk: Question 597. The Hon. L F Llamas.

1035 **Hon. L F Llamas:** Mr Speaker, is the Government confident it will be able to build the sporting facilities in time for the Island Games without the need to use taxpayers' moneys, as stated in their announcement?

Clerk: Answer, the Hon. the Minister for Culture, the Media, Youth and Sport.

1040

Minister for Culture, the Media, Youth and Sport (Hon. S E Linares): Mr Speaker, yes, sir.

ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

Q598/2017
Camp Bay –
Remedial works

Clerk: Question 598. The Hon. T N Hammond.

1045 **Hon. T N Hammond:** Mr Speaker, are any improvement works planned to remedy the poor state that Camp Bay currently finds itself in?

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

1050 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, as in previous years, remedial works at Camp Bay and all other public beaches will be carried out prior to the 2018 official bathing season, addressing all problem areas and making these good in the best possible way.

1055 Further to this, extensive repairs and maintenance works will be carried out at the Camp Bay pools and its pumping, filtration and chlorination system. These works are scheduled to commence by the end of this month and once concluded the pools will be covered and prepared for the winter.

1060 A fully comprehensive resurfacing and refurbishment programme for the entire Camp Bay area is also being currently considered by Government. However, given the magnitude of the works required, works would probably have to be staggered over a period of at least two years.

1065 **Hon. T N Hammond:** Mr Speaker, I fully appreciate that there is a degree of routine maintenance and works that must take place. The reason I raise Camp Bay specifically is because (a) concerns have been raised with me directly about its condition and (b) because it is one of the areas that is not just used in the summer – of course there are playgrounds there, people take their children there to ride their bicycles and there are all sorts of other activities that take place there throughout the winter as well, which is why the concern was specifically raised about Camp Bay.

1070 I can fully understand the bathing season and its applicability to the other sandy beaches, but perhaps would Government consider bringing the works forward to at least make the area, first and foremost, safe but also user friendly to the users of Camp Bay over the winter months?

1075 **Hon. Dr J E Cortes:** Well, it is precisely because the area is used regularly throughout the year that we will have to stagger it. Clearly, we will have to carry out any major works in the winter months because at that time you could perhaps section off areas, whereas in the summer, because of the massive use, it would be less likely that that would be acceptable.

1080 As I say, we are looking at a comprehensive refurbishment and I am hopeful that we will be able to make some improvements certainly before next summer. As to whether we will be able to do anything major, the thing is that obviously we are putting resources into the pools. The pools were in need of comprehensive restoration, of pumping, filtration and chlorination equipment, and at the moment we are concentrating on that, which clearly has to be carried out in the winter months.

Q599/2017
Laguna Estate –
Problems with apes

1085 **Clerk:** Question 599. The Hon. E J Reyes.

1090 **Hon. E J Reyes:** Mr Speaker, can Government provide details of what measures it intends to introduce in order to curtail the ever-increasing problems of apes roaming around the area of the Laguna Estate?

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

1095 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the recent arrival of a group of Barbary Macaques in the area, which includes Laguna Estate, is due to a splinter group from Rock Gun being pushed down by another group. This is part of macaque behaviour.

1100 Once at the base of the cliff, the group has been attracted by food being provided in the area near Eton Park. Steps have been taken to stop this. In addition, as part of a multi-faceted approach, the Macaque Management Team is being deployed on a daily basis to patrol Laguna Estate and push the macaques back into the nature reserve. Further to this, all the macaques that have been in Laguna Estate recently are being carefully assessed by the management team and selected individuals sterilised.

1105 **Hon. E J Reyes:** I am most grateful, Mr Speaker, that the Minister has at least informed us that the control team is there and so on.

1110 I do not think I need to stress but I want to put on the record the great concern that seems to have been expressed by residents there. There are all sorts of reports of, unfortunately, the macaques going into people's homes. As nature incites them to look for food, they seem to know their way into kitchens and parents with young children are particularly worried on this issue.

1115 I have no doubt that the team is going there on a daily basis. Could I urge the Minister and plead on behalf of the residents of Laguna Estate, if possible, to try and extend the number of hours that they attend daily, or at least go twice a day? We can comply with the letter of the law by saying 'I have been there on a daily basis', but sod's law says you go at nine o'clock and it is all fine and by quarter past nine there seems to be a disco party going on amongst the macaques themselves.

1120 **Hon. Dr J E Cortes:** Mr Speaker, I am grateful to my friend, the Hon. Mr Reyes, for reminding me of the problem that macaques can create in urban areas. He did not need to do that, because I spent the first two years of my time as Minister trying to resolve the problem that I inherited with macaques all over the place, so I am familiar with that.

1125 We have been successful in the last two or three years. The incidents of macaques in urban areas, which will always happen as long as we have them in Gibraltar, is greatly reduced. There is this problem of a splinter group of about 10 to 12 that was forced down due to their own internal aggression between groups. Certainly we are there as much as we can be, and it does not necessarily have to be at a particular time because they do move around the area.

1130 But I am quite confident, the way that we are dealing with this, that within the next few weeks the incidences of these monkeys within Laguna Estate will be greatly reduced. It is something we have to be monitoring constantly because, as we have often said here, these monkeys are free to roam and long may they be there, but obviously we are doing all that we can to keep them away, and I think with considerable success in the last couple of years, but I have never said that we could guarantee 100% that the odd group will not appear in a few areas.

1135 The problem was that when people who were using Eton Car Park, or the car park below Eton Park, saw them here they started feeding them and we had to send our litter wardens to ensure that that stopped, but obviously they were already comfortable in the area and we have had to then deploy people to move them up. But, as I say, I am fairly confident that the problem will not be long lasting.

1140 **Hon. E J Phillips:** Mr Speaker, just one question in relation to this point. The Minister has spoken about a multi-faceted approach – can he confirm what measures are employed by that multi-faceted approach?

1145 **Hon. Dr J E Cortes:** Well, the deployment of staff to control the feeding is one that I have already mentioned; the litter wardens; ensuring that bin stores and so on are properly closed; being present to chase them up whenever they are in the area; and the assessment of the individuals so that we can see which of the females – and in the case of a group that you want to move away completely, it will be the majority of the females – should have contraceptive implants or should be sterilised in order that the group does not increase in size, because that

1150 would mean that we would have a larger problem in the future if they were to be chased down again. So that is four or five different aspects which are part of this multiple approach that I referred to.

1155 **Hon. E J Phillips:** Is relocation also considered in relation to the Barbary Macaques? And also just one further question that adds to that: are litter wardens also trained to deal with Barbary Macaques?

1160 **Hon. Dr J E Cortes:** I will answer the second one first. The litter wardens are not dealing with the macaques; the litter wardens are dealing with the people who are feeding the macaques, so they are telling people, 'Don't feed them, it's going to attract them, and if you do it again we can fine you,' which they could do on day one but we try and persuade and encourage people not to do that.

1165 The relocation, yes, ideally, and we are still trying to find other locations outside Gibraltar where we could send the group, but relocation from the point of view of trapping them and moving them to the Upper Rock is a strategy that has been used before which we still try – with limited access, because a couple of hundred metres down a cliff for a monkey is nothing, but certainly we do try that as well.

Q600/2017
New and refurbished schools –
Locations and sizes

Clerk: Question 600. The Hon. E J Reyes.

1170 **Hon. E J Reyes:** Can the Minister for Education provide details in respect of the locations and sizes of the new schools it has announced will be built and/or refurbished?

1175 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the details for this project will shortly be presented to the public. Until then, it is premature to make any piecemeal statements.

1180 **Hon. E J Reyes:** Mr Speaker, can I possibly have an indication of how long 'shortly' would be, so that one knows whether it is a question I should pose for the November meeting?

Hon. Dr J E Cortes: Within the next two weeks.

Q601/2017
Educational establishments –
Number of students registered

1185 **Clerk:** Question 601. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Education provide details of the total number of students/pupils currently registered per school or educational establishment, broken down by individual school, school year and gender?

1190 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1195 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, the information requested is set out in the schedule which I have handed over for the hon. Member's attention. This information represents the student population for this academic year.

Schedule to Question 601/2017

Total No. of Pupils at schools in Gibraltar 2017/2018

School Name	School Year 2017/18																															
	N		R		1		2		3		4		5		6		7		8		9		10		11		12		13			
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F		
St Josephs First	44	41	34	44	52	42	47	53	54	54																						
St Mary's First	11	21	24	17	23	18	25	28	43	31																						
St Paul's First	20	20	33	40	40	43	29	30	35	43																						
St Bernard's First	21	20	26	17	22	14	22	24	32	13																						
Governor's Meadow	31	11	39	34	35	28	38	29	40	37																						
Notre Dame			39	28	47	44	33	34	43	41																						
Varyl Begg Nursery	19	35																														
Hebrew Primary			9	8	12	9	5	12	7	9	9	17	4	8	10	6	9	9														
St Martin's Special	11	5																													34	16
Bishop Fitzgerald											66	44	56	64	53	48	57	44														
St Anne's											57	49	53	61	65	40	48	43														
St Bernard's Middle											40	46	37	36	43	41	34	37														
St Joseph's Middle											59	49	51	46	45	43	44	51														
Westside																					196		201		167		182		179		118	
Bayside																					216		214		190		182		157		129	
Gibraltar College																															131	187

Q602/2017

**Applications moved from discretionary to mandatory awards –
Cost of courses**

Clerk: Question 602, the Hon. D A Feetham.

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

1200 Further to answers provided to Question 122, can the Government please provide details of the costs of courses which were moved from applications for discretionary awards to applications for mandatory awards?

1205 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the information requested is set out in the next schedule which I hand over for the

1210 hon. Member's attention. This is a list in respect of the costs of discretionary awards converted to mandatory awards in 2016 and 2017.

Schedule to Question 602/2017

2016

Application	Outcome	Tuition per annum
1	Mandatory	£0.00
2	Mandatory	£10,500.00
3	Mandatory	£0.00
4	Mandatory	£9,000.00
5	Mandatory	£9,000.00
6	Mandatory	£7,800.00
7	Mandatory	£2,310.00
8	Mandatory	£7,500.00
9	Mandatory	£0.00
10	Mandatory	£9,000.00
11	Mandatory	£4,020.00
12	Mandatory	£8,420.00
13	Mandatory	£9,000.00
14	Mandatory	£5,150.00
15	Mandatory	£1,820.00
16	Mandatory	£9,000.00
17	Mandatory	£9,000.00
18	Mandatory	£9,000.00
19	Mandatory	£9,000.00
20	Mandatory	£13,800.00
21	Mandatory	£9,000.00
22	Mandatory	£9,000.00
23	Mandatory	£4,310.00
24	Mandatory	£9,000.00
25	Mandatory	£4,500.00
26	Mandatory	£5,900.00
27	Mandatory	£12,335.00
28	Mandatory	£12,335.00
29	Mandatory	£9,000.00
30	Mandatory	£9,000.00
31	Mandatory	£15,623.00
32	Mandatory	£0.00
33	Mandatory	£9,000.00
34	Mandatory	£0.00
35	Mandatory	£14,734.09

2017

Application	Outcome	Tuition per annum
1	Mandatory	£9,250.00
2	Mandatory	£9,250.00
3	Mandatory	£5,097.34
4	Mandatory	£15,000.00
5	Mandatory	£9,250.00
6	Mandatory	£9,250.00
7	Mandatory	£8,785.00
8	Mandatory	*
9	Mandatory	*
10	Mandatory	*
11	Mandatory	£9,250.00
12	Mandatory	£8,400.00
13	Mandatory	£8,400.00
14	Mandatory	*
15	Mandatory	£8,400.00
16	Mandatory	*
17	Mandatory	£9,250.00
18	Mandatory	£3,350.00
19	Mandatory	*
20	Mandatory	£9,000.00
21	Mandatory	*
22	Mandatory	*
23	Mandatory	*
24	Mandatory	*
25	Mandatory	*
26	Mandatory	*
27	Mandatory	*
28	Mandatory	£9,820.86
29	Mandatory	*
30	Mandatory	£9,250.00
31	Mandatory	£6,350.00
32	Mandatory	*
33	Mandatory	£8,400.00
34	Mandatory	*
35	Mandatory	*
36	Mandatory	*
37	Mandatory	*
38	Mandatory	*
39	Mandatory	*
40	Mandatory	£9,000.00
41	Mandatory	£9,250.00
42	Mandatory	£6,165.00
43	Mandatory	*
44	Mandatory	£12,000.00
45	Mandatory	*

* Awaiting invoice

Hon. D A Feetham: Mr Speaker, I will come back to this.

Mr Speaker: Yes. Next question.

1215

Q603/2017
New Schools –
Details of courses

Clerk: Question 603. The Hon. D A Feetham.

Hon. D A Feetham: Further to the answer provided to Question 122, can the Government please provide details of the courses relating to each entry on the schedule available in the records?
1220

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
1225 Mr Speaker, the information requested is set out in the next schedule. The hon. Member will be receiving both together. The schedule available in the records has now been updated to provide course details.

Schedule to Question 603/2017

2017

Application	Outcome	Tuition per annum	Course
1	Withdrew	N/A	N/A
2	Withdrew	N/A	N/A
3	Withdrew	N/A	N/A
4	Successful	£9,000.00	BA Music Production
5	Successful	£9,000.00	FdA Sports Coaching
6	Successful	£7,575.00	PhD
7	Successful	£9,388.55	International Beauty Therapy Diploma
8	Successful	£800.00	MCA RYA Day Skipper / RYA Radar Course / RYA Diesel Engine Course / Maritime Radio Operators Licence
9	Successful	£11,400.00	MCA RYA / SRC VHF incl GMDSS Fast Track Yacht master Offshore Motor Course
10	Successful	£950.00	STCW
11	Successful	£18,000.00	EASA CPL/IR Air Transport Pilot License
12	Successful	£10,920.00	GDL - Graduate Diploma in Law (Conversion Course)
13	Successful	£2,292.44	Microblading Course
14	Successful	£4,050.00	Level 2 Beauty Therapist
15	Successful	£755.00	ACCA Level 2
16	Successful	£2,305.00	Advanced Diploma in Accounting AAT Level 4
17	Successful	£755.00	ACCA Level 2
18	Successful	£907.00	ACCA Level 2
19	Successful	£1,450.00	CMI Level 5 Diploma - Management and Leadership
20	Successful	£750.00	MA Conference Interpreting (Quadrilingual)
21	Successful	£9,000.00	PGCE
22	Successful	£9,000.00	PGCE
23	Successful	£9,000.00	PGCE
24	Successful	£7,575.00	PhD
25	Successful	£4,052.00	MA Social Work
26	Successful	£7,575.00	PhD
27	Successful	£9,000.00	Foundation Addictions Counselling
28	Successful	£9,000.00	BA Health and Social Care
29	Successful	£9,250.00	BSc Computer Games (Software Development)
30	Regret	£9,000.00	PGCE History
31	Regret	£9,338.55	International Beauty Therapy Diploma
32	Regret	£0.00	A Level's & 1 Vocational Level

1230

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33	Regret	£1,560.00	S & C Accreditation ASCC
34	Regret	£9,975.00	MA Newspaper Journalism
35	Regret	£19,041.00	DPsych Counselling Psychology
36	Regret	£4,650.00	NCTJ Fast Track Diploma Journalism
37	Regret	£30,000.00	P/T Day MClinDent (Implantology)
38	Regret	£8,730.00	GDL - Graduate Diploma in Law (Conversion Course)
39	Regret	£9,450.00	MSc Graduate Law and Dispute Resolution
40	Regret	£3,233.00	CFA Chartered Financial Analyst
41	Regret	£9,000.00	BA/BSc Liberal Arts
42	Regret	£7,575.00	PhD
43	Regret	£7,575.00	PhD
44	Regret	£5,421.00	Diploma in Art and Design
45	Regret	£3,345.00	Level 3 Foundation Diploma IT
46	Mandatory		Performing Arts Dance
47	Mandatory		PGCE Primary
48	Mandatory		Hairdressing; VTCT Level 2 & Level 3
49	Mandatory		MSc Finance
50	Mandatory		International Business
51	Mandatory		Dance
52	Mandatory		Global Creative and Cultural Industries
53	Mandatory		MA Social Work
54	Mandatory		MSc Project Management
55	Mandatory		MSc Human Nutrition
56	Mandatory		PGCE Secondary Art & Design
57	Mandatory		BSc Liberal Studies
58	Mandatory		BSc Liberal Studies
59	Mandatory		AAS Physical Assistant Program
60	Mandatory		BSc Liberal Arts
61	Mandatory		MA Creative & Cultural Industries Management
62	Mandatory		PGCE Physical Education
63	Mandatory		MA Drama therapy
64	Mandatory		PGCE Primary English
65	Mandatory		Diploma in Dance
66	Mandatory		PGCE Secondary History
67	Mandatory		MA Photography
68	Mandatory		BA International Tourism Management
69	Mandatory		BVetMed Accelerated Veterinary Medicine
70	Mandatory		MSc Psychology of Education
71	Mandatory		Foundation Degree in Fashion Design
72	Mandatory		Primary PGCE
73	Mandatory		MuDr Medicine
74	Mandatory		MSc Geographical Information Science
75	Mandatory		BSc Psychology
76	Mandatory		BTEC HND RQF Level 4 Business

77	Mandatory		PGCE Modern Foreign Languages (Spanish)
78	Mandatory		BSc Liberal Studies
79	Mandatory		MBA Business Administration
80	Mandatory		BSc Sports Development
81	Mandatory		MSc Management
82	Mandatory		BVSc Veterinary Science
83	Mandatory		PGCE Secondary Biology
84	Mandatory		MA History
85	Mandatory		PGCE Geography
86	Mandatory		PGCE Geography
87	Mandatory		Foundation Degree in Politics
88	Mandatory		Primary PGCE
89	Mandatory		MA Real Estate
90	Mandatory		Primary PGCE

2016

Application	Outcome	Tuition per annum	Course
1	Withdrew	N/A	N/A
2	Withdrew	N/A	N/A
3	Withdrew	N/A	N/A
4	Withdrew	N/A	N/A
5	Withdrew	N/A	N/A
6	Withdrew	N/A	N/A
7	Withdrew	N/A	N/A
8	Withdrew	N/A	N/A
9	Successful	£9,000.00	BSc Psychology
10	Successful	£2,000.00	MBA Executive Management
11	Successful	£7,303.78	Beauty Therapy Level 2 & 3 CIBTAC
12	Successful	£1,500.00	Certificate in Therapeutic Play Skills
13	Successful	£5,000.00	Grand Diplome Culinary Arts
14	Successful	£9,000.00	PGCE Education
15	Successful	£7,500.00	Foundation Fire Rescue Service Management
16	Successful	£1,470.00	PGDip Physician Associate Studies
17	Successful	£7,303.78	Beauty Therapy Level 2 & 3 CIBTAC
18	Successful	£7,890.00	BA Theatre Arts (Prop & Special Effects)
19	Successful	£9,000.00	PGCE Citizenship
20	Successful	£2,750.00	Postgraduate Diploma Clinical Dermatology
21	Successful	£7,575.00	PhD Researcher
22	Successful	£9,000.00	HNC Construction
23	Successful	£7,575.00	PhD Researcher
24	Successful	£5,100.00	MSc Biology and Control of Parasites and Disease Vectors
25	Successful	£9,000.00	MA Broadcast Journalism
26	Successful	£4,819.00	BSc Business and Marketing
27	Successful	£7,575.00	PhD Researcher Social Work
28	Successful	£7,575.00	PhD Researcher Corporate Sustainability
29	Regret	Fee not disclosed	MA Business Administration
30	Regret	£13,800.00	Advanced Complete Make-up Artist
31	Regret	£9,000.00	BA TESOL and Younger Learners Top-Up
32	Regret	£20,000.00	MSc Insurance and Risk Management
33	Regret	£2,700.00	Level 3 & 4 Diploma in Exercise Referral, Physical Activity and Lifestyle Strategies for managing lower back pain and Specialist Exercise
34	Regret	£5,198.59	BA Accounting
35	Regret	£3,600.00	Level 2 & 3 Diploma Fitness Instructing and Personal Training REPS

36	Regret	£6,300.00	ACCA
37	Regret	£9,000.00	BA Music & Education - Drums (Music Industry Practice)
38	Regret	£9,000.00	BA Architecture
39	Regret	Fee not disclosed	PhD Rationale Behind Face-to-Face Killing by the SS
40	Regret	£9,000.00	BA Linguistics and Hebrew
41	Regret	£7,575.00	PhD Researcher
42	Regret	£5,255.00	Musical Theatre
43	Regret	£12,000.00	GDL, Graduate Diploma in Law
44	Regret	£4,670.00	CACHE Level 3 Childcare and Education (Early Years Educator)
45	Regret	£7,575.00	PhD Researcher
46	Mandatory		Level 3 Diploma in Art & Design
47	Mandatory		GDL, Graduate Diploma in Law
48	Mandatory		BTEC Creative Media Production
49	Mandatory		BA Education Studies & Special Inclusive Needs
50	Mandatory		PGCE Primary Education & Spanish
51	Mandatory		MA Understanding and Securing Human Rights
52	Mandatory		MA Education: Pedagogy
53	Mandatory		BFA Computer Systems Integration
54	Mandatory		BTEC
55	Mandatory		BA Special Educational Needs & Disability Studies
56	Mandatory		PGDip/BSc Specialist Community Public Nurse
57	Mandatory		GDL, Graduate Diploma in Law
58	Mandatory		PGCE Citizenship
59	Mandatory		MSc Global Governance
60	Mandatory		BA Accounting
61	Mandatory		Foundation Psychology
62	Mandatory		BSc Liberal Arts
63	Mandatory		BSc Liberal Arts
64	Mandatory		BSc Sports and Exercise Science
65	Mandatory		Advanced Complete Make-up Artist
66	Mandatory		PGCE Citizenship
67	Mandatory		PGCE Primary Modern Foreign Languages
68	Mandatory		ACCA
69	Mandatory		BSc Sports Coaching, Science with Disability Sport
70	Mandatory		PGCE with QTS
71	Mandatory		MA International Development

72	Mandatory	Professional Yacht master Course & Yacht master Coastal Sail-Power Conversion, RYA MCA + Yacht master Coastal Power
73	Mandatory	Professional Yacht master Course & Yacht master Coastal Sail-Power Conversion, RYA MCA + Yacht master Coastal Power
74	Mandatory	BA English (Integrated Degree)
75	Mandatory	BA Politics
76	Mandatory	LLM/Law Practice Certificate
77	Mandatory	Diploma Artist Development Diploma in Modern Song writing
78	Mandatory	BA History
79	Mandatory	Higher Education Diploma Science
80	Mandatory	MA International Relations

2015

Application	Outcome	Tuition per annum	Course
1	Successful	£2,482.76	Fashion Design
2	Successful	£5,590	Electronic Music Production & Performance
3	Successful	£3,580.00	Osteopathy
4	Successful	£2,750.00	Business Growth Programme
5	Successful	£9,000.00	Early Years with QTS
6	Successful	£9,508.00	Music Production, Sound Engineering & Business & DJ Diploma
7	Successful	£0.00	Law
8	Successful	£9,000.00	Psychology
9	Successful	£9,000.00	Chinese Medicine; Acupuncture
10	Successful	£9,000.00	Business & Law
11	Successful	£5,150.00	Computer Systems & Electronics
12	Successful	£14,415.00	Law
13	Successful	£0.00	Sports
14	Successful	£9,000.00	Make Up & Hair
15	Successful	£0.00	Childcare
16	Successful	£18,000.00	City & Regional Planning
17	Successful	£3,465.00	Medicine
18	Successful	£5,590	Electronic Music Production & Performance
19	Successful	£9,000.00	Research Life Sciences
20	Successful	£9,000.00	Real Estate
21	Successful	£0.00	Accounting
22	Successful	£1,414.00	Engineering & Physical Sciences
23	Successful	£9,000.00	English Literature
24	Successful	£9,000.00	Shipping & Port Management
25	Successful	£18,000.00	Business Administration
26	Successful	£0.00	Product Design
27	Successful	£7,362.00	PHD History
28	Successful	£10,290.00	Graduate Diploma in Law
29	Successful	£9,000.00	Dance/ Performing Arts

2014

Application	Outcome	Tuition per annum	Course
1	Successful	£9,000.00	Business Management
2	Successful	£9,000.00	Fashion Design
3	Successful	£9,990.00	Law (GDL)
4	Successful	£12,000.00	International Business Practice
5	Successful	£3,476.00	Osteopathy
6	Successful	£2,551.00	Health & Social Care
7	Successful	£10,000.00	Creative Leadership
8	Successful	£7,250.00	Sports Therapy & Sports Injuries
9	Successful	£4,950.00	Artist Development Diploma in Modern Music
10	Successful	£8,960.00	Early Years with QTS
11	Successful	£4,950.00	Artist Development Diploma in Modern Music
12	Successful	£0.00	Health & Social Care
13	Successful	£6,000.00	Law, Social Sciences & Communications
14	Successful	£15,995.00	Intensive Cordon Bleu Diploma
15	Successful	£9,740.00	Law
16	Successful	£9,000.00	Psychology
17	Successful	£9,000.00	Chinese Medicine; Acupuncture
18	Successful	£9,000.00	Business & Law
19	Successful	£1,298.00	Sound Engineering
20	Successful	£0.00	Tattoo Design
21	Successful	£7,500.00	Computer Systems & Electronics
22	Successful	£8,125.00	Sound Engineering and Music Production
23	Successful	£4,950.00	Song writing & Musical Performance
24	Successful	£7,995.00	Professional Music Performance
25	Successful	£0.00	Childcare
26	Successful	£8,160.00	GDL
27	Successful	£0.00	City & Regional Planning
28	Successful	£3,465.00	Medicine
29	Successful	£13,995.00	Music Production, Sound Engineering, Business DJ
30	Successful	£8,037.50	Research Life Sciences
31	Successful	£4,460.00	Network Technology & Management
32	Successful	£1,350.00	English Literature
33	Successful	£9,000.00	Shipping & Port Management
34	Successful	£7,995.00	RYA MCA Professional Yacht master
35	Successful	£9,000.00	Product Design

2013

Application	Outcome	Tuition per annum	Course
1	Successful	£9,000.00	Business Management
2	Successful	£1,530.00	Art & Design
3	Successful	£3,780.00	ACCA
4	Successful	£4,000.00	Creative Leadership
5	Successful	£8,700.00	Early Years with QTS
6	Successful	£0.00	Health & Social Care
7	Successful	£9,000.00	PGCE
8	Successful	£8,250.00	Social & Cultural Anthropology
9	Successful	£3,022.00	Business & Law
10	Successful	£20,900.00	Veterinary Medicine
11	Successful	£7,695.00	Yacht master
12	Successful	£3,465.00	Business with Accounting & Finance
13	Successful	£7,255.00	Tourism Management
14	Successful	£7,500.00	Computer Systems & Electronics
15	Successful	£1,750.00	Animal Osteopathy Workshop
16	Successful	£2,055.00	Contemporary Music & Technology
17	Successful	£9,570.00	GDL Conversion
18	Successful	£9,000.00	PGCE
19	Successful	£500.00	Professional Music Performance
20	Successful	£3,465.00	Business Management
21	Successful	£9,000.00	City & Regional Planning
22	Successful	£3,465.00	Medicine
23	Successful	£7,800.00	Conservation & Biodiversity
24	Successful	£10,940.17	International Hospitality & Tourism Management
25	Successful	£11,088.00	Economics & Management
26	Successful	£0.00	CACHE Extended Diploma
27	Successful	£19,900.00	Practical Filmmaking
28	Successful	£9,000.00	English Literature
29	Successful	£9,000.00	Product Design

2012

Application	Outcome	Tuition per annum	Course
1	Successful	£4,300.00	Psychology Conversion Course
2	Successful	£12,950.00	Law (LPC; Law Practice Certificate)
3	Successful	£3,950.00	Osteopathy
4	Successful	£1,145.00	Media (Film & TV Practice)
5	Successful	£5,600.00	Travel & Tourism
6	Successful	£8,559.00	Registered Mental Nurse
7	Successful	£3,465.00	Web Development
8	Successful	£10,000.00	Chemistry/Biology
9	Successful	£0.00	PGCE
10	Successful	£0.00	Podiatry
11	Successful	£3,465.00	Social Work Studies
12	Successful	£20,900.00	University of Edinburgh
13	Successful	£8,500.00	Computer Systems & Electronics
14	Successful	£8,500.00	PGCE
15	Successful	£2,000.00	Contemporary Music & Technology
16	Successful	£4,050.00	Guitar Performance
17	Successful	£7,450.00	Drumming Performance
18	Successful	£0.00	Professional Catering Studies
19	Successful	£0.00	Registered Mental Nurse
20	Successful	£3,465.00	Medicine
21	Successful	£3,465.00	Accounting & Finance
22	Successful	£5,250.00	Environmental Hazards & Disaster Management
23	Successful	£6,500.00	Haematology
24	Successful	£5,000.00	Graduate Diploma in Law
25	Successful	£19,900.00	Practical Filmmaking
26	Successful	£2,450.00	Creative Writing
27	Successful	£9,000.00	PGCE

Q604/2017
Moorish Castle –
Plans and progress update

Clerk: Question 604. The Hon. D A Feetham.

1240 **Hon. D A Feetham:** Mr Speaker, further to the answer to Question 120/2017, can the Government please state what plans it has for those parts of the Moorish Castle complex which formally formed part of HM Prison and/or are currently not open to the public, and what progress has the Government made with those plans?

1245 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the area of the Moorish Castle complex that formerly formed part of HM Prison is in itself made up of distinct areas with different potential, so I will deal with them separately.

All areas in the complex have been cleared and asbestos removed, and this allowed for surveys of the area to be carried out.

The area containing the old dungeons and gallows is currently being considered as an extension to the tourist product. Feasibility studies have been carried out, but it is important that before final decisions are taken on its use the guarantee of throughput of tourist visitors is secured, as the site would require a substantial investment and the current trend is for few visitors to stop at the Moorish Castle complex as they tend to prioritise St Michael's Cave, the Great Siege Tunnels and Apes' Den.

We are also looking at using the link as a throughput for the Northern Defences, this ensuring the sustainability of both areas and further enhancing Gibraltar's tourist offering.

With regard to the old accommodation, mess halls and common areas, no decisions have been taken on their use, but one of the possibilities is as part of the World Heritage Gorham's Cave complex research facility and accommodation for visiting archaeological teams.

Government will provide further information as decisions are taken.

Hon D A Feetham: Mr Speaker, just in relation to the latter part and bearing in mind that the Moorish Castle complex – and I include everything within that – is a wonderful resource and potentially a wonderful tourist attraction, those parts that are not open to the public, can the Government at least give a commitment that in principle there will be a presumption that all the areas within the Moorish Castle complex will be made open to the public at least during some months of the year and that we will not have a situation where parts of that complex are just going to be kept private for visiting professors and experts from outside Gibraltar, as indeed there are other potential tourist attractions which unfortunately are closed because of use in that respect?

Hon. Dr J E Cortes: Yes, Mr Speaker, this is just a possibility and that would be for short periods. Different areas of the Moorish Castle complex will be suitable for different things and perhaps not all of them would be suitable for people to access on a regular basis.

Certainly the possibility of periodic opening so that people can perhaps on an accompanied basis, as was done with the Northern Defences during the course of the works that are currently still ongoing, is a possibility that I think is worth exploring.

Hon. D A Feetham: And is the Government also considering retaining, for example, some of the cells that were formerly used by prisoners at HM Prison, which potentially is also a tourist attraction in itself because it shows how the complex itself has been used over the ages? I myself visited the complex when I was Minister for Justice. In fact, I visited when it had prisoners and I found it absolutely fascinating how prisoners were actually kept in the Moorish Castle – not in the best of conditions, I have to say – before we decided to build a new prison at Windmill Hill. But it is part of the history of Gibraltar and, certainly wearing my historian hat, I would think that it would be a matter of significant interest to tourists as well to see how prisoners basically lived during what was a very large period of time that this complex was used as a prison.

Hon. Dr J E Cortes: Mr Speaker, I am sure that can be considered.

Hon. E J Reyes: Mr Speaker, before we commence the next question, and whenever you consider appropriate, can I ask a supplementary in reference to Question 603, please.

Mr Speaker: Clearly the hon. Member is referring to the schedule.

1300 **Hon. E J Reyes:** The schedule, yes. Thank you, Mr Speaker.

Can I ask for some clarification from the Minister for Education. I see that in the details provided for the schedule relating the parts to year 2016, areas of grants in respect of PGCEs – that is Post Graduate Certificates in Education – are recorded as mandatory. In 2017, the same thing, they are recorded as mandatory, except for application number 30 where it says
1305 ‘regret’. I interpret the word ‘regret’ to mean unsuccessful, but if they are mandatory, as the schedule shows for the previous year and for 2016 year and 2017 year, how can this one be a ‘regret’ if they were mandatory – unless there is some other information that disqualifies?

Hon. Dr J E Cortes: I do not know specifically; I would have to look into it. I suspect that it
1310 probably was not mandatory or there was some other problem specific to that particular applicant, but I would need to research that and I am happy to do that and provide that information.

Hon. E J Reyes: Yes, please, Mr Speaker, whenever the Minister can, because unless there
1315 is a shift that PGCEs are not mandatory ... I am not trying to catch him out; I am just trying to be 100% clear. Are PGCEs now mandatory?

Hon. Dr J E Cortes: It may be that the applicant would not fall into the category of
1320 mandatory but wants to do a PGCE maybe more years after a first degree than would normally be the case, in which case those would not be mandatory. So there may be an exception to that particular applicant who may have wanted to do teaching or maybe in a subject which was not ... I do not know the details. I can see a couple of scenarios where that could be possible, but without looking into the specifics of the case I cannot assist, and I undertake to do so.

1325 **Hon. E J Reyes:** Thank you, Mr Speaker, sir. I refer to you, Mr Speaker, directly now. The Minister no doubt will look into it as soon as possible. If he has an answer and is able to present it through you, Mr Speaker, during the course of this current meeting of Parliament, then it is recorded in *Hansard*. Sometimes, with the best intentions in the world, the Minister
1330 provides me on a private basis with information and then it is not recorded in *Hansard*. So, are you in agreement with me, Mr Speaker, sir, that if he does have the answer before we adjourn *sine die* it is then presented through the Chair so that it becomes part of *Hansard*?

Mr Speaker: Yes. If he can, it is obviously not a problem at all.
1335 I cannot help but comment that, really, I do not think any Members of the Opposition can expect the Minister to come to this House with detailed information about literally hundreds of scholarship awards. That is unrealistic and hon. Members of the Opposition should bear that in mind. It is unrealistic for the Minister to come with that information available, which is not in his domain in any case.

1340 **Hon. D A Feetham:** He did not ask that.

Hon. E J Phillips: He didn't ask that.

1345 **Hon. E J Reyes:** I am sorry, Mr Speaker, I certainly was not very clear. I did not have an expectation –

Mr Speaker: There is specific information that he does not have, which he can and he says
1350 he is going to make available to you. If he is able to make it available during the course of this meeting I do not mind, under the rules, allowing him to do so. That is not a problem.

Hon. E J Reyes: That is it, Mr Speaker, we are now both singing from the same hymn sheet. Thank you very much.

1355 **Hon. D A Feetham:** He is likely not to have the answer to this question, it is a long schedule, but perhaps just on the off chance that he might – and if he does not, I will look at it and ask a written question rather than an oral question next time round ... But what I do see is, for example, there are a number of entries in my area, which is law, which are discretionary grants, and you see it in 2015 at item 7, you see it at item 12, there is an item 10, and over the
1360 page again at item 3 in 2014-15. My understanding is that if you do a primary degree in law and you choose to do a Masters in law related, that would be mandatory. Does he have any information as to what this might relate to? Is this the conversion course from a primary degree, let's say in geography, and they choose to convert then to law?

1365 **Hon Dr J E Cortes:** There are various possibilities there, Mr Speaker, again without the specific detail. I am grateful to you, Mr Speaker, for your understanding of the fact that I have tried to memorise them but failed! No, but seriously, it is impossible to remember all the cases.

1370 There are a couple of scenarios. It could be a conversion from one course to another, which would need the approval of the Department, for obvious reasons.

The other thing is that postgraduate degrees and postgraduate courses as a rule are mandatory and the rule of thumb is within two years of the first degree. After two years, then they do go through a process of assessment. So, if somebody wants to do a postgraduate degree – not just in law but in general – of a subject more than two years after they have
1375 completed the first one, that is not necessarily given automatically. They tend to be given, especially if it is three years and not 10, but somebody coming back maybe 10, even 15 years afterwards would go through the selection procedure.

But again, I am happy to refer this back to the team in the Department to give me more substance in order to look at those specifics.

1380 **Hon. D A Feetham:** Yes, I would appreciate it, and perhaps there is no need for a question if the hon. Gentleman can phone me at some stage and let me know.

The reason why I ask is because there have been parents in the past who have come to me – in fact, last year I had a number of parents telling me that the Government was not funding the conversion course from a graduate to law, which is a year's course and which in fact has
1385 always been discretionary, even in our time, and it may well be that even in our time when the GSD was in office there was a change in policy to a much more stringent look at those kinds of cases because of the number of lawyers we have in Gibraltar. But certainly I have come across it and there have been representations that have been made to me, so if the hon. Gentleman
1390 could look at that I would appreciate it.

Q605/2017

Chewing gum and cigarette butt littering – Plans to tackle problem

Clerk: Question 605. The Hon. L F Llamas.

1395 **Hon. L F Llamas:** Mr Speaker, will the Government be looking to tackle the irresponsible littering on our streets of chewing gum and cigarette butts; and, if so, how?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, littering is an offence and throwing chewing gum and cigarette butts in the street is no exception.

1400

Minister for Health, Care and Justice (Hon. N F Costa): We should ban them.

1405

Hon. Dr J E Cortes: Creating awareness and, where the perpetrators can be identified, enforcement of the law will continue.

1410

I want to add that littering shows a disgusting lack of civic pride. It is imperative that every member of our community pulls their weight and ensures that they do not litter. We must do better as a nation with all aspects of litter and waste and that means primarily rediscovering our civic pride. The Government roundly condemns all those who litter, all those who do not clean up after their dogs and all those who fly tip. As a community we must mature into extending the pride we have for the inside of our homes equally to the common areas of this small but great nation we call home. That is the only long-term solution and the only way to really help the employees of Master Service, who do such a good job, as the Chief Minister, I and all the Government reflected in our motion last week.

1415

Hon. L F Llamas: Mr Speaker, I could not agree more with the comments made by the Hon. Minister, but could he or the Government perhaps consider encouraging people and perhaps legislating that, for example, the people who are chewing gum or smoking on our streets do carry portable disposables to then deposit them rather than be allowed to throw them in the street? Obviously, it is very difficult to patrol – you cannot be patrolling absolutely everybody – but if at least the person who is smoking is asked whether they have a portable disposable ashtray with them, then at least maybe that could be a potential idea that the Government could consider.

1420

1425

Hon. Dr J E Cortes: This is something we should all encourage. Whether we should pass a law that makes it an offence not to carry something like this is something that should be the subject of a larger debate, but it is something we should all encourage and it is not just something that the Government should do but each of us as individuals. The people we know who do litter and drop their cigarette butts and chewing gum and so on, we should make sure that it is not acceptable to us and is something that clearly we will continue to do.

1430

Q606/2017

Lighthouse at Europa Point – Plans and estimated cost

Clerk: Question 606. The Hon. L F Llamas.

1435

Hon. L F Llamas: Mr Speaker, can the Government explain what the plans are for the plot of land by the lighthouse at Europa Point and the estimated cost involved?

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

1440

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, there will be a landscaped public area which will hold interpretation relevant to the World Heritage Site, as well as benches and paths. As an open area it will allow spectacular views of the Strait and will be enjoyed by residents and tourists alike.

The cost is estimated at £42,000.

1445 **Hon. L F Llamas:** Mr Speaker, I thank the Hon. Minister for the response and especially that progress is being made to beautify the area, which was very much in need of a little bit of TLC.

Does that mean then that the Government has abandoned the expression of interest which it invited in the community and will now pursue this venture instead?

1450

Hon. Dr J E Cortes: Yes, Mr Speaker, the Government took a view that, considering the construction, albeit low-scale and low-level construction, that there is going to be in the Europa Point area towards the west with the new sporting facilities, in order to maintain the open space at Europa Point, which had been the subject of a lot of public engagement during the time of the former stadium proposal by the GFA, we would like to keep this area open and available to the public. So the Government took the view that we would not progress on that and instead open it up, landscape it and use the bunker at the moment as an area where we will be placing interpretation panels in relation to the area and to the World Heritage site, and we feel that we are giving this back to the people as an open area.

1455

Q607-608/2017

Maintenance of green and planted public areas – Contracts and payments to entities

1460 **Clerk:** Question 607. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a schedule of how much has been paid to each entity since December 2011 in relation to the maintenance of Gibraltar's green and planted public areas?

1465

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
1470 Mr Speaker, I will answer this question together with Question 608.

Clerk: Question 608, the Hon. L F Llamas.

1475 **Hon. L F Llamas:** Mr Speaker, what contract exists between Government and entities for the maintenance of green planted public areas in Gibraltar, including the Upper Rock Nature Reserve?

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

1480

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, the information requested by the hon. Member is in the schedules which I now hand over.

1485 In relation to the second question, this is for planted areas excluding the Upper Rock as no contract exists for the maintenance of the Upper Rock other than some aspects of cleaning which are part of the overall cleaning contract that has now gone to tender. If I may just explain,

the works on the Upper Rock are carried out by a team that is directly under the Department of the Environment and is not a contracted service.

Answer to Question No.608/2017

Answer to Question No.607/2017

Schedule of payments made for each entity from December 2011 to September 2017

	ENTITY A	ENTITY B	ENTITY C
December 2011 to March 2012	£123,642.68	£26,626.35	£45.00
2012/2013	£518,631.47	£121,444.23	£180.00
2013/2014	£555,833.51	£114,747.30	£195.00
2014/2015	£573,442.83	£109,504.99	£180.00
2015/2016	£565,761.73	£110,049.72	£180.00
2016/2017	£563,278.50	£110,399.72	£180.00
2017 to date	£376,690.89	£55,669.86	£1,880.00

Information on the Contracts between GoG and entities for maintenance of green/planted public areas, excluding Upper Rock *

		Monthly Contract
Entity A	Contract 1 & 2	£37,706.40
	Contract dtd 9/2/99	£2,732.48
	Contract dtd 23/11/98	£2,351.55
	Monthly Agreements	£6,414.66
Entity B	Monthly Agreements	£9,293.31
Entity C	Monthly Agreements	£275.00

Upper Rock team carries out any maintenance within the Upper Rock Nature Reserve

£0.00

*No contract exists for the Upper Rock

Clerk: Question 609. The Hon. L F Llamas.

1490

Hon. L F Llamas: Mr Speaker, before I pass on to the next question, when the Hon. Minister has answered his question on 608 and referred to entity A, B and C, is it that the Government is unable to disclose the names of these entities?

1495

Hon. Dr J E Cortes: Mr Speaker, it is normal practice when we are asked – and certainly I have done this before in relation to questions to do with the Upper Rock and people owing money and so on – not to identify the companies. I have no problem in doing that behind your Chair, Mr Speaker.

1500

Let me just, by way of clarification, say that entity A, B and C are the same entity A, B and C in the two schedules; it is not two different entities A, B and C. So it is the same companies that are identified as entities A, B and C in each of the schedules. But at this point in time and without notice to them, I would rather not mention them by name.

1505

Chief Minister (Hon. F R Picardo): There is no question, Mr Speaker, of the Government disclosing the identity of a debtor to the Government across the floor of the House.

Hon. Dr J E Cortes: No, these are not debtors.

1510

Hon. Chief Minister: Oh, sorry, I thought we were dealing with the debtors question.

Hon. Dr J E Cortes: No. If I may just clarify, Mr Speaker, the debtors were the subject of another question, where we have not identified. I am sorry if I misled the House – it was not intentional, it was just by way of example.

1515

So that is the reason. Perhaps we could do that. I would be more comfortable if I did not, but for no reason other than their own privacy and not having consulted them as to whether they particularly want this done. But it is not a secret and I am willing to share it.

Q609-10/2017

O'Hara's Battery and Mount Misery Glass Lookout – When open to the public

Clerk: Question 609. The Hon. L F Llamas.

1520

Hon. L F Llamas: Mr Speaker, can the Government state since October 2016 which dates has O'Hara's Battery been open to the general public?

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

1525

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 610.

Clerk: Question 610. The Hon. L F Llamas.

1530

Hon. L F Llamas: Mr Speaker, can the Government update this House as to when the expected opening date for Mount Misery Glass Lookout is and why the delay of over a year in opening it?

1535 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, in answer to Question 609, every day except 25th December and 1st January.

1540 And to Question 610, the Mount Misery Glass Lookout, known as the Skywalk, will open this year. The delay has been largely attributable to the fact that additional works have had to be carried out in the vicinity of the Skywalk in order to make the area safe for visitors.

1545 **Hon. L F Llamas:** Mr Speaker, with regard to O'Hara's Battery, again I do not pass very often but I am told, other than when I do pass through there, that the gates have remained closed pretty much since October last year, and especially the exhibition I do not believe has ever been opened.

With regard to Mount Misery, does the Hon. Minister have an estimated date of when it will open in the coming months?

1550 **Hon. Dr J E Cortes:** Mr Speaker, in relation to O'Hara's Battery I am surprised that he has found the gates closed. The information that I have is that it has only closed in December and January. The exhibition specifically I will have to enquire as to that, but the question related to O'Hara's Battery as a battery and that is the answer I have prepared.

1555 With regard to the Glass Lookout, the problem there was that in assessing the surrounding area, which includes Douglas Path and some of the roadway in that area, with an expected increased throughput there were concerns expressed as to the safety of the path and we have had to carry out works, which has meant putting in some bannisters and so on just to ensure, without spoiling the natural look of the area, that it is not unsafe. I am told that most of the works on the path itself are now complete. There may be one or two other things that we need
1560 to do on the side of the road, but I could not be absolutely sure as to when that will be finished.

Mr Speaker: Next question.

Q611/2017

Moorish Castle, Great Siege Tunnels and St Michael's Cave – Visitor numbers

Clerk: Question 611. The Hon. L F Llamas.

1565 **Hon. L F Llamas:** Mr Speaker, since December 2011 can the Government provide a weekly schedule with statistics relating to the amount of persons who have visited (a) Moorish Castle; (b) Great Siege Tunnels and (c) St Michael's Cave.

1570 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1575 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, I am able to provide this information only for the period since April 2015, since that is the date from which computerised records are available of this statistic. Manual compilation will take more resources than it is reasonably practicable to apply to such an exercise. Therefore, Mr Speaker, we are working on getting as much as we can and when we have had some additional years then I will be providing that, but I have not been able to do so because it would

have been for a very short period. This is something that we will be taking on longer term and I have no doubt that the hon. Member will remind us if he does not receive it.

Q612/2017
Class sizes –
Projected numbers

1580 **Clerk:** Question 612. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a schedule of the projected number of pupils in each class as at the start of each academic year since December to September 2012, stating (a) the year the class relates to; (b) the school the class belongs to; (c) 1585 the number of children with special educational needs and (d) the number of learning support assistants per class?

Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education. 1590

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I am handing over a schedule to the hon. Member which contains information which is relevant to his question.

1595 However, as I mentioned to the hon. Member in my reply to Question 494, class sizes, issues relating to special educational needs and indeed the consequent deployment of support are constantly changing. Classes shrink and grow as children move across sets, enrol or leave midway through a term, complete core modules and are then subdivided to complete topics of choice. A child's needs today are different from tomorrow, additional temporary help will be 1600 needed at different stages of a child's journey and no stone is left unturned to ensure that this support is afforded every time.

The schedule provided will give the hon. Member a yearly snapshot of the students in each of the years in each of our schools, the total number of students with special educational needs in each school and the number of special needs learning support assistance deployed across our schools. 1605

Answer to Question 612/2017

Pupils per Year in Gibraltar Schools: 2012/13

School Name	School Year																																			
	N		R		1		2		3		4		5		6		7		8		9		10		11		12		13		2012/13					
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F				
SEN	48	39	37	39	35	42	49	37	54	60	51																									
St Josephs First																																				
St Mary's First	56		23	27	23	20	21	21	17	25																										
St Paul's First	44		36	38	36	39	38	24	38	41																										
St Bernard's First	61	18	16	14	10	11	14	14	14	15																										
Governor's Meadow	51	25	17	37	34	29	22	34	34	30																										
Notre Dame	72		30	41	37	27	34	23	35	27																										
Hebrew Primary	28		6	12	13	9	9	11	6	17	12	8	9	12	8	7	9	12																		
St Martin's Special	44	10	4																																	
Bishop Fitzgerald	84										47	52	64	39	52	63	69	56																		
St Anne's	65										62	52	50	45	61	41	53	51																		
Sacred Heart Middle	79										34	30	22	30	22	19	29	27																		
St Joseph's Middle	33										45	54	54	40	42	52	60	54																		
Westside	144																		185						220											
Bayside	223																		229		213		179		232		116		209		203		100		98	

SNLA's Employed: 78
 Long term needs of service: 1

Pupils per Year in Gibraltar Schools: 2013/14

School Name	School Year																																			
	N		R		1		2		3		4		5		6		7		8		9		10		11		12		13		2013/14					
	SEN	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F					
St Josephs First	64	42	42	55	35	45	41	45	50	55	37																									
St Mary's First	64	29	23	28	28	25	28	27	18	21	21																									
St Paul's First	52	20	21	32	35	37	40	37	39	40	25																									
St Bernard's First	60	25	9	18	14	16	11	15	15	17																										
Governor's Meadow	53	27	32	33	32	37	33	29	23	32	30																									
Notre Dame	67	24	36	32	29	32	44	38	27	31	22																									
Hebrew Primary	19			9	13	5	10	13	8	7	10	5	14	13	7	8	13																			
St Martin's Special	68	12	3																																	
Bishop Fitzgerald	84											48	50	48	53	64	38	55	63																	
St Anne's	70											60	47	60	59	48	40	59	42																	
Sacred Heart Middle	105											33	35	37	33	22	29	27	20																	
St Joseph's Middle	44											56	52	47	55	53	41	42	54																	
Westside	147																																			
Bayside	277																																			

SNLA's Employed: 78
 Long term needs of service: 1

Pupils per Year in Gibraltar Schools: 2014/15

School Name	School Year																																	
	N		R		1		2		3		4		5		6		7		8		9		10		11		12		13		2014/15			
	SEN	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F			
St Josephs First	59	39	46	48	47	47	47	45	38	42	48																							
St Mary's First	68	16	17	45	28	29	25	27	27	24	16																							
St Paul's First	41	21	20	34	44	32	34	37	38	38	42																							
St Bernard's First	48	22	14	26	8	17	15	15	9	16	17																							
Governor's Meadow	39	23	19	37	37	38	32	37	33	30	24																							
Notre Dame	88	24	23	38	44	36	32	35	45	44	25																							
Hebrew Primary	21			10	9	9	13	5	10	13	8	7	9	6	15	12	7	8	13															
St Martin's Special	64	5	4																										22	13				
Bishop Fitzgerald	82											64	42	49	52	49	56	70	37															
St Anne's	93											52	44	69	51	58	57	48	43															
Sacred Heart Middle	122											34	31	33	39	41	38	23	30															
St Joseph's Middle	43											42	56	46	40	45	53	53	43															
Westside	156																			197											183			103
Bayside	252																			194												236		100

SNLA's Employed: 78
Long term needs of service: 5

Pupils per Year in Gibraltar Schools: 2015/16

School Name	School Year																																					
	N		R		1		2		3		4		5		6		7		8		9		10		11		12		13		2015/16							
	SEN	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F							
St Josephs First	74	45	31	43	47	56	51	46	52	45	43																											
St Mary's First	63	15	15	27	31	42	31	30	25	24	27																											
St Paul's First	35	21	21	35	31	35	44	36	37	37	37																											
St Bernard's First	36	20	17	23	18	29	11	20	19	18	11																											
Governor's Meadow	50	23	19	35	28	39	38	38	32	38	33																											
Notre Dame	91	25	30	34	33	38	45	39	33	37	47																											
Hebrew Primary	26			6	13	9	8	9	15	4	9	12	8	7	10	3	13	14	0																			
St Martin's Special	83	14	3																																			
Bishop Fitzgerald	108											52	46	60	44	50	53	51	54																			
St Anne's	102											63	44	50	44	69	50	58	53																			
St Bernard's Middle	110											40	43	44	44	26	31	47	39																			
St Joseph's Middle	42											44	44	46	53	56	50	47	56																			
Westside	170																			166						199			227			173						
Bayside	296																			195						190			220			220		162		108		

SNLA's Employed: 78

Long term needs of service: 16

Pupils per Year in Gibraltar Schools: 2016/17

School Name	School Year																																			
	N		R		1		2		3		4		5		6		7		8		9		10		11		12		13		2016/17					
SEN	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F				
St Josephs First	61	32	44	48	37	47	55	53	52	52	49																									
St Mary's First	56	22	8	22	19	26	30	42	32	26	29																									
St Paul's First	43	17	25	40	43	30	30	35	44	40	39																									
St Bernard's First	58	24	17	21	14	23	20	31	15	18	23																									
Governor's Meadow	41	21	21	34	27	39	30	38	37	39	30																									
Notre Dame	89	24	26	45	42	33	35	42	44	38	33																									
Hebrew Primary	25			14	9	5	13	9	9	9	17	4	8	11	8	8	9	4	13																	
St Martin's Special	107	12	4																																	
Bishop Fitzgerald	94																																			
St Anne's	101																																			
St Bernard's Middle	94																																			
St Joseph's Middle	24																																			
Westside	175																																			
Bayside	328																																			

SNLA's Employed: 78
 Long term needs of service: 21

Pupils per Year in Gibraltar Schools: 2017/18

School Name	School Year																																			
	N		R		1		2		3		4		5		6		7		8		9		10		11		12		13		2017/18					
	SEN	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F					
St Josephs First	*	44	41	34	44	52	42	47	53	54	54																									
St Mary's First	*	11	21	24	17	23	18	25	28	43	31																									
St Paul's First	*	20	20	33	40	40	43	29	30	35	43																									
St Bernard's First	*	21	20	26	17	22	14	22	24	32	13																									
Governor's Meadow	*	31	11	39	34	35	28	38	29	40	37																									
Notre Dame	*			39	28	47	44	33	34	43	41																									
Varyl Begg Nursery	*	19	35																																	
Hebrew Primary	*			9	8	12	9	5	12	7	9	9	17	4	8	10	6	9	9																	
St Martin's Special	*	11	5																															34	16	
Bishop Fitzgerald	*											66	44	56	64	53	48	57	44																	
St Anne's	*											57	49	53	61	65	40	48	43																	
St Bernard's Middle	*											40	46	37	36	43	41	34	37																	
St Joseph's Middle	*											59	49	51	46	45	43	44	51																	
Westside	*																			196	201	167	182	179	182	157	179	118								
Bayside	*																			216	214	190	182	157	129											
Gibraltar College	*																																	131	187	

* SEN statistics are sent to Department for Statistics every June

SNLA's Employed: 78
Long term needs of service: 21

Mr Speaker: This is a lengthy schedule. We can come back to it, if necessary.
We move on to Question 613.

1615

Clerk: Question 613. The Hon. L F Llamas.

1620

Hon. L F Llamas: Mr Speaker, could I just ask, relating to Question 612 and the schedule we have just received, whether it is possible to get a breakdown per class rather than the year itself?

Hon. Dr J E Cortes: Mr Speaker, we had a fairly lengthy discussion last time. I suppose it is possible again to give a snapshot per class.

1625

I would very much appreciate, perhaps behind your Chair, if I understood what information the Hon. Mr Llamas wants to extract. If he then wants to throw something back at me, it is his perfect right to do so, but I am not sure how it would assist, and before I ask the team once again – after, despite our discussion last time, they have produced this one – to go back and divide all these into specific classes, which is again an onerous task ... I just do not understand the logic, but this is not perhaps for now.

1630

I will go back and enquire, but I am a little bit concerned, as we said last time, at the number of resources we would have to put into this at a time when we are trying to do other things with our education, even though the hon. Member clearly does not like the word ‘revolution’.

Q613/2017

Schools –

Annual health and safety checks

Clerk: Question 613. The Hon. L F Llamas.

1635

Hon. L F Llamas: Mr Speaker, can the Government confirm that as from January 2012 it has carried out annual health and safety audits of each school in Gibraltar? If so, can it provide the reports with the recommendations, including (a) recommendation resolved and (b) those which remain unresolved?

1640

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

1645

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, the main health and safety audit for public school buildings was completed by the Health and Safety Officer for Technical Services in January 2013 as others had been carried out by the former administration.

The recommendations have been met or are in the process of being met. Smaller-scale reviews are carried out on an ongoing basis and it is not Government policy to publish these reports, which are of an internal technical nature.

1650

Hon. L F Llamas: Mr Speaker, does the Minister then confirm ... or is he saying there have not been annual reports and surveys carried out as they promised in 2011 in their manifesto?

1655

Hon. Dr J E Cortes: Mr Speaker, there was one large report – ‘large’ is probably not the right word, but an intensive report – in January 2013, and then subsequently, on an ongoing basis, using that as a basis there have been smaller scale assessments. They have not been of the same level because there was a need to establish a base line, and following on that, the smaller scale

reviews based on how we have moved on from there, what has and has not been done, are being carried out. I think that is the distinction I have to make between them.

1660

Hon. L F Llamas: And therefore, Mr Speaker, if smaller surveys have been carried out, can the Minister confirm that these have been consistently applied equally through all the schools and they have been done on more or less an annual basis?

1665

Hon. Dr J E Cortes: Mr Speaker, I am not aware of the detail. The headteachers will, in conjunction with the relevant officers in the Department of Education, review any health and safety issues that there may be in the different schools. Quite what the format of that is I do not have all the details, but this is done on an ongoing basis to ensure that our schools are safe for students and staff alike.

1670

Hon. E J Reyes: May I, Mr Speaker, refer to the schedule the Minister gave out in reply to Question 612? On that schedule, except for the year pertaining to 2017-18, the academic year, that schedule at the very bottom of 2017-18 gives me figures for the Gibraltar College, but in all the previous years, although there is a list of schools there are no statistics at all provided in respect of pupils in the college. It could be an error, just outside the page when the printing was done, or the Minister has not been provided with it.

1675

Can I ask the Minister, if possible, can he search out the information in respect of the college and provide as and when humanly possible?

1680

Hon. Dr J E Cortes: Yes, Mr Speaker, it appears that the table has been truncated at some stage. The one I originally saw digitally I believe included them all. It may be that at some stage in the preparation or the printing the Gibraltar College has been left out and I will endeavour to have an amended one provided very soon.

1685

Hon. T N Hammond: Mr Speaker, if I may, on the question of health and safety audits at the schools can I just ask the Minister to confirm that it is the case that, in normal circumstances, matters of health and safety at schools, and indeed in any building, are the responsibility of the management of that building and that therefore routine health and safety issues would be dealt with by the management and would certainly not be a matter that the Government would routinely have to become involved in, unless a matter of great importance or great cost were identified as being an issue?

1690

Hon. Dr J E Cortes: Mr Speaker, yes. It would be the headteacher in liaison with the Department who would deal with routine health and safety matters on a daily basis, and these things – and I am grateful to the hon. Member for having given me the opportunity to confirm this – would be dealt with on a daily basis. If any issue arises or if there was anything major which required more extensive assessment or more allocation of funds, then it would be taken at a different level, absolutely.

1695

1700

Hon. E J Phillips: Mr Speaker, just in relation to the questions that have been asked in relation to education and the statistics that have been presented by the Minister, is the Minister aware, given the statistics that he has presented, what the optimum class size is for our schools?

1705

Hon. Dr J E Cortes: Mr Speaker, my hon. Friend and former teacher has assisted me in this. This was the figure that I had in my head. It is 20 for first schools, 25 for middle schools, and in secondary schools it will depend, because clearly we are looking at different options and different scenarios and you cannot have a hard and fast one. That is the optimum that we certainly aim at.

1710 **Hon. E J Phillips:** I am grateful for the answer.

I appreciate that there will be a little give in relation to those numbers, plus or minus two either way, but is the Government satisfied, is the Minister satisfied, that there is not an oversubscription in those class sizes that would cause some concern?

1715 **Hon. Dr J E Cortes:** Mr Speaker, the information that I have provided, because it is not divided into classes, is something that I cannot give the details – I have not been asked for that information.

1720 What I can say is that the population of young people in Gibraltar is increasing. If I may just give an example, when I became Minister for Health the average birth rate was about 400 and now it is closer to 500 consistently. So clearly the population of children in Gibraltar is increasing, which is something that we will absolutely assume in the new schools because we are building them looking towards the future and we do everything we can in order to maintain these ratios. How successful we are and how many may have a slight oversubscription I am not able to say right now because I do not have those figures with me.

1725 **Hon. E J Phillips:** I appreciate the answer to that question. I think it was a question that was alluded to by my hon. Friend Mr Llamas in relation to his question on class sizes. I think his question did ask about that and I appreciate the difficulty in obtaining statistics on that.

1730 The reason why I asked this question is that many of us do have young children in schools and many people I speak to and parents I speak to are concerned about classroom sizes generally. I am not saying that there is a concern but often a question that is asked is about classroom sizes, and that is why I asked whether the Minister was satisfied with the present situation, given the increasing numbers of students and particularly given, of course, the increasing complement as per the manifesto commitment on page 69.

1735 **Hon. Dr J E Cortes:** Well, the increase in our population of children is something that, as I have said before, we must recognise as a fact, and this is why we are doing major reforms to provide new and refurbished schools which will take this completely into account within the next two years.

Q614/2017
Two-story portakabins –
Modifications

1740 **Clerk:** Question 614. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide details and costs of modifications made to the two-storey portakabins after 1st September 2017 and when the instruction to make these modifications was given?

1745 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

1750 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, works to enclose a staircase were undertaken during the beginning of September. However, these modifications were commissioned as part of the modular installation and not after it was positioned. These include: (1) the staircase enclosure with window to allow natural lighting; (2) non-slip paint on stair treads; (3) air-conditioning.

1755 The only works requested by the headteacher after the modular installation are two gates that have been placed at the top and bottom of the staircase respectively. The costs of these modifications amounts to £12,773.

1760 **Hon. L F Llamas:** Mr Speaker, I would like to ask the Minister why, when this issue blew up, especially in the public domain, did he not provide parents and the public at large with assurances that ... not saying that I agree with the portakabins, but the main concern was the fact that the staircase was in the rain, the children were going to have to go up, it would be dark in the early hours of the morning, and more than anything the fact that obviously the staircase was in fact in the open air. Why didn't the Minister give these assurances at the time, rather than just defend the portakabins as a necessity of having to expand?

1765 **Hon. Dr J E Cortes:** Mr Speaker, I really do not understand the question: why did I not ...? Mr Speaker, what gives the hon. Member the impression that he knows what I did or did not say to the parents when I met them?

1770 **Hon. L F Llamas:** Well, Mr Speaker, but publicly, at least, I have not been in any meetings with you and the parents, but publicly there has been no clarification on the fact that the portakabins had not yet been fully commissioned, even though they were being used, and that further modifications were on the way.

1775 When I asked last month with regard to the cost, again the Minister did not say that there was an additional expenditure pending in modifications which had to be undertaken which had yet not been finalised.

1780 **Hon. Dr J E Cortes:** Mr Speaker, there is a long list of things that I have not said, because I have not said more things than I have said. There are lots of things that I know about that I do day to day that I do not issue press releases on or that I do not do YouTube movies on – because I have actually got work to do. (**A Member:** Ooh!)

1785 Mr Speaker, the hon. Member is the only person who made a public condemnation of this situation and I was responding to the people who I answer to, which is the people of Gibraltar, the children and the parents of the school. I met with them – I had several meetings. I gave them my reassurances. I did not have to fall into the trap of just answering Mr Llamas on Facebook or whatever. I am satisfied that the meetings with the parents went well, they were given these reassurances and that I have executed my duties in this respect absolutely.

1790 **Mr Speaker:** Next question.

Clerk: Question 615. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Does Government have any updates in connection with –

1795 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am just conscious of the time and I wonder whether that might be a convenient moment –

Mr Speaker: There are questions for the Minister for Education – can't we deal with those?

1800 **Hon. Chief Minister:** I am afraid, Mr Speaker, that, given the time, there are other commitments on this side of the House that we have to attend to.

Mr Speaker: He has commitments now? Five minutes to answer the questions.

1805 **Hon. Chief Minister:** No, Mr Speaker, this side has –

Mr Speaker: The answers are very short.

Hon. Chief Minister: Mr Speaker, I move that the House should therefore now recess to 2.30 in the afternoon.

1810

Mr Speaker: Two thirty, very well.

The House recessed at 1.00 p.m. and resumed its sitting at 2.30 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.33 p.m. – 5.07 p.m.

Gibraltar, Friday, 20th October 2017

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The Gibraltar Parliament

The Parliament met at 2.33 p.m.

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

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

Questions for Oral Answer

ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

Q603 and Q612/2017 – Further information; revised schedule

Clerk: The Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):

5 Mr Speaker, if I may, I have been busy over lunch as there were a couple of questions in relation to the schedules on education which I think I have been able to clear up.

10 The first one, if I may, was one PGCE which was clearly treated as non-mandatory. I am going to give generalities because, Gibraltar being the place it is and with the size that we are, if I give too many details as to subject, colleges and so on, people are going to know which student we may be referring to. So, in general terms, this was a person who had already completed a degree course and a postgraduate course on a completely different subject, was already in employment and applied for a PGCE in a completely different subject. They did not tick all the boxes, so it had to be treated as discretionary and the board did not feel that they could award it at the time. It was not a run-of-the-mill one.

15 In relation to the Law ones which were non-mandatory, they were in effect either conversions or similar requests for postgraduate work well after they had finished their first degrees, so they became discretionary.

Those were in relation to Question 603 and the schedule thereto.

20 In relation to Question 612, where the Gibraltar College was missing in some of the pages, this has now been amended and the revised schedule is being distributed now. My apologies for that oversight. Obviously it was just left out in one of the stages of dealing with the table on the computer.

25 **Hon. D A Feetham:** Can I ask a supplementary right now. Just in relation to the Law ones, I
have noticed from the schedules that the hon. Gentleman has provided that prior to 2015, the
Law ones – and indeed it refers to the diploma, so it is obviously a conversion course – those
conversion courses, were discretionary, then afterwards they are mandatory as from about
30 2015. Is the hon. Gentleman aware of a policy change in relation to this?

35 **Hon. Dr J E Cortes:** No, Mr Speaker, I am not. I was not Minister at that time, so if there was a
policy change, which there could have been, I was not responsible for that in the Department.
But I can enquire, and obviously not for today's session but I can provide the hon. Member with
the information outside the House if he is happy with that; if not, I would be happy to answer it
on another occasion here.

Q615/2017
Smoking in play parks –
Progress re banning

Clerk: We now move to Question 615. The Hon. Ms M D Hassan Nahon.

40 **Hon. Ms M D Hassan Nahon:** Does Government have any updates in connection with its
commitment from April of this year to look into banning smoking in play parks?

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

45 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**
Mr Speaker, no, sir.

Hon. Ms M D Hassan Nahon: Mr Speaker, can I ask why the U-turn – a public statement that
was made into reviewing the legislation has now stopped being under review?

50 **Hon. Dr J E Cortes:** No, there are no further developments. I know from my hon. Friend that
the GSLA does not normally allow it anyway, although it is not legislated. We just have not
progressed it. There has not been a decision not to do so.

We were looking, and I think I had some correspondence with the hon. Lady as to some of
the areas which she did not feel ... I think Commonwealth Park the hon. Lady mentioned to me,
55 and I think that the hon. Lady tried to clarify with me that she was talking about the children's
playgrounds. (**Hon. Ms M D Hassan Nahon:** Those enclosed.) Enclosed, yes.

So it is not that it is not happening or there has been a policy decision; it is just that it has not
been progressed, but it is certainly on our to-do list and we will be taking it further.

Q616/2017
Supply list teachers –
Payment of on-call allowance

60 **Clerk:** Question 616. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Would Government consider paying an on-call allowance to
teachers on the supply list?

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

65

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I apologise for being very short in both my answers to the hon. Lady, but the answer is, once again, no, sir.

70

Hon. Ms M D Hassan Nahon: Mr Speaker, my question is based around the concern for the supply teachers in the sense that they cannot apply for other jobs and they also cannot apply for unemployment benefit while at the same time they are being stuck every morning at the end of a telephone line.

75

From what I understand, other Government agencies do pay some type of on-call allowance fee in certain Departments, so perhaps ... I was just trying to enquire if this could be equalised or normalised.

80

Hon. Dr J E Cortes: Mr Speaker, I think the hon. Lady is not correct in what she is saying. On-call allowances are paid to staff in the employ of the Government when they have to be available for callouts. Supply staff – we cannot really call them supply staff – are not actually directly in the employ; they are available to be called in and I do not believe there are any supply staff within the whole of the public service or associated to the whole of the public service who have an on-call fee just in case they are called in to work. It is a different arrangement to an on-call allowance proper, which is provided for in the public service. It is not the same.

TOURISM, EMPLOYMENT, COMMERCIAL AVIATION AND THE PORT

Q617/2017

Number of persons registered unemployed – Question not answered

85

Clerk: Question 617. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government confirm the number of persons registered as unemployed?

90

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, we will be proceeding with the Questions to the Hon. Minister Bossano.

MINISTER FOR ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q621/2017

Technology-based apprenticeship – Plans to introduce

Clerk: We move to Question 621. The Hon. R M Clinton.

95 **Hon. R M Clinton:** Mr Speaker, does the Government intend to introduce a technology-based apprenticeship, and how does it envisage this working?

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

100 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, as the hon. Member is aware, the policy of the Government is to provide training for employment. The Member is also aware that my Department has written to all employers with five employees or more to ascertain whether they are interested in providing work-based placements for apprentices, and therefore any new apprenticeships that might be provided in future will depend on the result of establishing a demand for the skills in the private sector.

105

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his response. I do not recall hearing an answer as regards the people registered as unemployed.

110 **Hon. J J Bossano:** Mr Speaker, I was not answering that question; I was answering the other one.

**Q622-625/2017 –
Public finances –
Figures as at 1st August 2017**

Clerk: Question 622. The Hon. R M Clinton.

Hon. R M Clinton: Thank you, Mr Speaker. I now know where I am. Can the Government please advise how total liquid reserves are invested/held, giving details of all bank savings, bank accounts and cash held for the following date, being 1st August 2017?

115

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

120 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, I will answer this question together with Questions 623, 624 and 625.

Hon. R M Clinton: Mr Speaker, can the Government advise the balance on the General Sinking Fund as at 1st August 2017?

125 **Clerk:** Question 624. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise the total liquid reserves figure and its constituents, namely Consolidated Fund, Improvement and Development Fund, the Government-owned companies, deposits, contingencies and other funds, for the following date, being 1st August 2017?

130

Clerk: Question 625. The Hon. R M Clinton.

135 **Hon. R M Clinton:** Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date, being 1st August 2017?

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

140 **Hon. J J Bossano:** Mr Speaker, the position as regards the total liquid assets composition when, where and how these are invested on a particular date chosen by the Member opposite, continues to be as previously stated.

The figures requested for 1st August 2017 are: gross debt, £447.7 million; General Sinking Fund, £5.2 million; aggregate debt, £442.5 million; cash, £106.8 million; net debt, £335.7 million.

145 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer. I still seem to be missing the unemployed numbers.

150 **Hon. J J Bossano:** Mr Speaker, perhaps I can explain to the Hon. Member that I am not supposed to be giving him the unemployment numbers. The question was called when the Minister responsible for employment was not here, but I would happily have given it to him if I knew it.

155 **Hon. R M Clinton:** Mr Speaker, then I guess that question will still be pending and I apologise to the Minister.

Mr Speaker: We are going to have a short 10-minute recess to clear up one or two matters relating to questions which have not arrived.

*The House recessed at 2.50 p.m.
and resumed its sitting at 3.14 p.m.*

HEALTH, CARE AND JUSTICE

Q626/2017

Children in care –

Total number and number subject of care orders

160 **Clerk:** Question 626. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government say how many children are currently in care and/or the subject of a care order?

165 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, there are 36 children in care, of which 25 are subject of care orders.

Q627/2017

Health and Care Services – Agency workers

Clerk: Question 627. The Hon. E J Phillips.

170 **Hon. E J Phillips:** Mr Speaker, can the Government state the number of agency workers currently working within our care and health services by reference to each company which provides workers?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

175 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the number of agency workers currently working within our care and health services is as follows: ADA, 110; Grand Home Care, 142; Gibcare, 1; S&K, 36; Beta Service, 12; JFM, 18; Meddoc, 42; Athona, 1; Head Medical, 1; National Locums, 2.

180 **Hon. E J Phillips:** Mr Speaker, I wonder whether the Minister can help me with a supplementary question in relation to the impact of the Agency Workers Regulations 2012. In respect of those workers, of that total amount that the Minister has referred to with the various companies, how many have worked over the requisite 52 weeks under those Regulations?

185 **Hon. N F Costa:** Mr Speaker, we need notice of that question.

Hon. E J Phillips: I will ask it in the next session. Thank you.

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

Mr Speaker: Yes.

195 **Hon. D A Feetham:** Just so that I understand the Government's view of things, perhaps he can answer this question. The Government's policy is, or their interpretation of the relevant provisions, is that if a worker is employed by a recruitment agency, is therefore not employed by the Government, that therefore the Regulations that provide that if you serve a period of time effectively you should then be engaged on a permanent basis ... that those do not apply to the workers of recruitment consultants or agencies because they are not employed by the Government directly.

200 **Chief Minister (Hon. F R Picardo):** Mr Speaker, that, as I understand it, is right, but the hon. Gentleman may want to go back in his recollection to a time before the last General Election when we had a number of discussions around this subject.

205 I am unable to cite the authority right now, but there is a European authority that provides such agency workers with the right to apply for internal vacancies in the places of work where they have been posted by those agencies if they have been there for a particular period of time. That period of time I think is a year, so once you are in an agency and you are placed in a particular period, although the four-year period may not be relevant to you because in those four years you may be working for that agency in different places, and although you may be working for the agency for four years you may not be placed in the same place for that period ...

210 if the agency places you in a place of work and you extinguish a period of more than one year in that same place of work you are then entitled, by the operation of this European authority, to be dealt with as an internal applicant for vacancies in that organisation.

215 I think that is the benefit that many who have been placed with employment agencies in public sector places of employment have had the benefit of in the time that we have been in office.

Hon. E J Phillips: Mr Speaker, just one follow-up question in relation to that point.

220 I am grateful for the Chief Minister's intervention in relation to the right to apply for a vacancy. I was trying to direct my previous question as to the right of the individual concerned to enjoy the same rights as those permanent employees of the relevant organisations, such as the Health Authority, for example. So, would the agency workers enjoy the same rights – i.e. the rights to minimum wage, holiday/leave entitlement, sick pay and the rest of it?

225 **Hon. N F Costa:** No, Mr Speaker, the agency employee will be bound by whatever contract they have signed with the agency, but whatever laws are in statute ... of course the agency cannot vacate the rights afforded to any person by statute. So anything that is in the law they will have to comply with, but agency employees are regulated by whatever contract they entered into with the agency company.

Q628-630 and 659/2017

**Rehabilitation of offenders; updating of Gibraltar Courts Service filing systems;
sexual offences complaints; HM Prison staffing levels**

230

Clerk: Question 628. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, does the Government have any plans to amend existing provisions in our law in relation to the rehabilitation of offenders?

235

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Questions 629, 630 and 659.

240

Clerk: Question 629. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Minister confirm whether the Government has any plans to move towards an electronic filing system for issues of claims and applications for the Gibraltar Courts Service?

245

Clerk: Question 630. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government say how many complaints relating directly to sexual offences have been made by citizens to the RGP; and, of those, how many resulted in charges being brought?

250

Clerk: Question 659. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: In accordance with this Government's manifesto promise, where it committed to increase manning levels in HM Prison with the numbers recommended by the Joint Working Group, has it decided yet how many officers they are going to employ and by when?

255

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Hon. N F Costa: Mr Speaker, there are no current plans to amend the existing provisions in our law in relation to the rehabilitation of offenders. This however, is an area of the law which is kept under review and one which in particular may be informed by the examination of local sentencing laws by the Law Commission.

265

The Government currently does not have any plans to move towards an electronic filing system for issues of claims and applications in the Supreme Court. However, as part of the e-government strategy and in close consultation with the Hon. Minister for Commerce, Albert Isola, we are looking at the possibility of integrating such a system at some point, should it prove to be financially feasible.

270

In relation to Question 630, the question does not specify dates for which the information is requested; however, since April of this year to date the RGP has received 27 complaints, of which three have resulted in charges being brought.

275 In answer to Question 659, Government should be in a position to make an announcement in respect of HM Prison staffing levels within the first quarter of next year.

Hon. E J Phillips: Mr Speaker, in relation to Question 628, I am sure that the Minister will agree that there are certain barriers to employment and barriers to opportunity and access to those opportunities by those who have been convicted of criminal offences and have served a period of imprisonment. What they did in the United Kingdom was to lower the periods that we have in our jurisdiction to encourage more employers to take on those that have been unfortunately dealt with in that way insofar as a custodial sentence is concerned, and those changes happened in 2012, because I think the experience in that jurisdiction was that it did create significant barriers to employment and opportunity.

280
285 Am I right in saying that the Minister does anticipate that there will be a review of this process with the Law Commission?

Hon. N F Costa: Mr Speaker, the hon. Gentleman refers me to the changes in 2012. The Hon. the former Minister for Justice, Mr Licudi, came to the House in 2014 in order to make the rehabilitation of offenders provisions mirror those in the UK – *(Interjection)* Yes, it happened in 2014. So our provisions currently reflect those in the UK. Maybe the hon. Gentleman is referring to additional amendments in the UK with which I am not familiar.

290
295 I agree with him that the reason why the Hon. the former Minister for Justice attempted to mirror the UK provisions is precisely for the reasons that he mentions: we need to make sure that the period of rehabilitation is sufficient for the person to become rehabilitated but also quick enough so that the person can reintegrate and resettle into society. And, as he rightly points out and I think properly alights to, the most important condition for any person to be able to reintegrate into society is being able to be gainfully employed.

300 **Hon. E J Phillips:** With respect, I think the Minister definitely has the position wrong, but I am quite happy to have a discussion with him about those rehabilitation periods. I understand that obviously the law changed in 2014, but they do not reflect the position that was at in the United Kingdom regarding the top end. I am quite happy to have a discussion separately, offline, with him as it were.

305 **Hon. Ms M D Hassan Nahon:** If I may, a supplementary on Question 659, Mr Speaker.

Can I just ask the Minister whether with this new batch, the number that he will confirm, as he said, on the first quarter of next year ... will any number of this new complement be the same individuals who would eventually be a part of the new young offenders' facility centre, or would that be a different batch of individuals?

310
315 **Hon. N F Costa:** Mr Speaker, as I think I replied to the Hon. Mr Phillips in the last session, the issue of a secure accommodation for juveniles and the issue of a detention facility for juveniles – or it may have been the Hon. Mr Llamas, I am not certain; I think it was the Hon. Mr Phillips – is currently actively being looked at by different officials of the Care Agency, Her Majesty's Prison and other relevant agencies.

320 The options are being looked at as to whether it is possible to combine secure accommodation with detention facilities. I note that in the UK it has been possible to combine both, and therefore should there be a combined juvenile secure accommodation facility and a detention centre there would have to be an additional increase in resources, because currently the resources that exist do not cater for those facilities. And, as the hon. Lady and Gentleman will obviously realise, there will have to be a Bill, or certainly additional regulations, introduced –

but most likely primary legislation – to cater for secure accommodation, which would be entirely new, and a detention facility, which would also be entirely new.

325

Mr Speaker: Next question.

Q631-633, 640-647, 650, 653 and 655-656/2017

Sponsored patients –

Costs; policy re referrals; Tertiary Referrals Board; invoices; continued care

Clerk: Question 631. The Hon. D A Feetham.

330 **Hon. D A Feetham:** Mr Speaker, can the Government please explain the significant increase in expenditure on treatment of patients in foreign hospitals/medical establishments from £3.6 million in 2012 to £15.4 million in 2016?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

335 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 632, 633, 640-647, 650, 653, 655 and 656.

Clerk: Question 632. The Hon. D A Feetham.

340 **Hon. D A Feetham:** Can the Government please state what the expenditure on treatment of patients in foreign hospitals/medical establishments has been so far in 2017?

Clerk: Question 633. The Hon. D A Feetham.

345 **Hon. D A Feetham:** Can the Government please explain its policy for referrals to specialist clinics such as the Clínica Universidad de Navarra?

Clerk: Question 640. The Hon. R M Clinton.

350 **Hon. R M Clinton:** Mr Speaker, who are the members of the GHA Tertiary Referrals Board and what are their medical specialisms?

Clerk: Question 641. The Hon. R M Clinton.

355 **Hon. R M Clinton:** Mr Speaker, what are the terms of reference of the GHA Tertiary Referrals Board and on what date was it established?

Clerk: Question 642. The Hon. R M Clinton.

360 **Hon. R M Clinton:** Mr Speaker, who appoints members of the GHA Tertiary Referrals Board and what is the term of appointment?

Clerk: Question 643. The Hon. R M Clinton.

365 **Hon. R M Clinton:** Mr Speaker, in the period from 1st January 2017 to 30th September 2017 how many times has the GHA Tertiary Referrals Board met and on what dates?

Clerk: Question 644. The Hon. R M Clinton.

370 **Hon. R M Clinton:** Mr Speaker, how many cases have been considered by the GHA Tertiary Referrals Board in the period from 1st January 2017 to 30th September 2017, broken down by type of treatment or investigation; and, of those, how many have not been approved and why in each case?

375 **Clerk:** Question 645. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, how many complaints have been made to the Ombudsman in respect of the decisions of the GHA Tertiary Referrals Board in the period 1st January 2017 to 30th September 2017?

380

Clerk: Question 646. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, what is the appeals process in respect of the decisions of the GHA Tertiary Referrals Board?

385

Clerk: Question 647. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, What criteria is used by the GHA Tertiary Referrals Board in determining grounds for approval for treatment in another hospital?

390

Clerk: Question 650. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a schedule of payments made and invoices pending payment to each foreign health establishment in each financial year since April 2012 to date in relation to sponsored patients?

395

Clerk: Question 653. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government explain how, since the implementation of the GHA Tertiary Board, several sponsored patients are being refused their continued care with partnership trusts in the UK without prior consultation with the specialist consultant in the UK, and only just now the GHA has made initial contact with their consultant surgeon in the UK asking for their professional advice with a footnote of estimated costs to be forwarded for consideration?

400

Clerk: Question 655. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government confirm how many sponsored patients referrals have been approved by the GHA Tertiary Board since it commenced reviewing cases earlier this year, including (a) the cost of each referral; (b) the health establishment referred to; (c) the medical condition of the patient; and (d) the date the case was considered?

410

Clerk: Question 656. The Hon. L F Llamas.

415

Hon. L F Llamas: Mr Speaker, can the Government confirm how many sponsored patients referrals have been refused by the GHA Tertiary Board including (a) the estimated cost of each referral; (b) the health establishment referred to; and (c) the medical condition of the patient?

420 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, there has been a significant increase year on year, except for 2015, in the treatment and expenditure in establishments outside of Gibraltar. The reasons for this are multi-factorial and include: the rapid advance of medical technology and availability of new treatments and procedures; the increase in the population entitled to healthcare – resident population plus frontier workers; the changing population demographic, with a larger proportion of elderly members of our society. There are also non-clinical reasons, such as the decrease in the value of the pound versus the euro, which has caused fluctuations.

430 I can assure the hon. Gentleman and the House that improving the efficiency of the sponsored patients programme has been a top priority for Government. Working closely with the Medical Director and Sponsored Patients department's senior officials, the GHA has introduced improvements on the existing databases, which have resulted in the constitution of the Tertiary Referrals Board (TRB).

435 Mr Speaker, I refer the hon. Gentleman to my answer provided to Question W128/2017. The expenditure during the current financial year up to the end of September is £4,426,462.25 and invoices pending of £1,017,482.40

Mr Speaker, the GHA provides care to a relatively small community and this represents a unique set of challenges. We are able to deal with most common conditions and our clinical teams provide as much breadth of service as possible. There are many sub-specialities and complex treatments that cannot be provided locally and these treatments will need to be referred to specialist centres where the care of uncommon conditions is centralised. To ensure that standards are maintained, we will preferentially refer patients for care outside of Gibraltar to organisations with high clinical standards and robust clinical governance.

445 Patients are usually referred to the NHS in the UK. We have special contract arrangements, known as service level agreements (SLAs), with a number of UK NHS trusts where we preferentially send our patients. These SLAs allow us to monitor the quality of care delivered and, where necessary, work with that organisation to deliver the standards of care we expect. GHA patients also have access to non-SLA NHS centres for super-specialised treatments. These referrals will usually only be exceptionally approved when specific treatments are required that are not available in one of our SLA partner institutions.

We also refer patients to healthcare institutions in Spain. These institutions are either Spanish state hospitals or private hospitals with which we have a service level agreement. As is the case in the UK, GHA patients also have access to non-SLA Spanish centres for super-specialised treatment, and Clínica Universitaria de Navarra is one such centre.

455 The Board is tasked with monitoring the GHA policy for tertiary referrals. The current policy is as follows.

All patients having treatment outside the GHA need to have a named GHA consultant in charge of their care. This named consultant should provide treatment and follow-up locally, if possible. Where local expertise or necessary equipment is not available, the named consultant will refer the patient in the first instance to one of the visiting consultants if they have the necessary expertise. In cases where the necessary care cannot be provided by a visiting consultant, the named consultant will refer the patient to one of our contracted healthcare providers in the UK or in Spain. If the care required by the patient cannot be provided by one of our contracted healthcare partners, this will be sought in a non-contracted institution with the relevant expertise as determined by the Board members in partnership with the named consultant. Wherever follow-up can be provided locally, there is no clinical need for patients to travel outside of Gibraltar.

470 Mr Speaker, the Tertiary Referrals Board (TRB) for short, is composed of seven senior clinicians and clinical directors, whose specialities are varied. The names of the Board members are confidential to ensure objectivity and prevent any lobbying from interested parties.

Mr Speaker, in respect of Question 641, I refer the hon. Gentleman to the supplementary answers given to Questions 524-526/2017.

The terms of reference for the Tertiary Referrals Board are as follows.

475 The TRB ensures that all tertiary referrals are appropriate from the clinical perspective and in
accordance with the applicable GHA tertiary referrals policy. The Board considers all tertiary
referrals by way of a peer review process. All tertiary referrals, except for emergency referrals,
are approved by the TRB before patients are referred to the tertiary centre. The Tertiary
Referrals Board are convened and chaired by the Medical Director or his nominated delegate.
480 The Board members will be selected by the Medical Director, and these are senior clinicians. It is
envisaged that the composition of the Board will change regularly and in accordance with clinical
commitments of the Board members. Decisions are made by majority vote. In the case of a split
vote, the chairperson has a casting vote. The outcome of the referrals is communicated to the
referring consultant and secretary by email on the day, and patients are informed the next
485 working day.

Mr Speaker, the Board members are appointed by the Medical Director. The term of
appointment is not fixed, as this is a new process for the GHA and a period of assessment,
review and development is anticipated.

Mr Speaker, since the Board was set up on 4th May, the TRB has met 20 times, as follows:
490 4th May, 11th May, 18th May, 25th May, 1st June, 8th June, 15th June, 22nd June, 29th June,
6th July, 20th July, 27th July, 10th August, 17th August, 24th August, 31st August, 7th
September, 14th September, 21st September and 28th September.

Mr Speaker, since 4th May the TRB has considered 550 cases, of which 466 were approved
and 33 were not approved, as these did not meet the stipulated referrals criteria. Fifty one were
495 offered alternative care pathways, which resulted in either further local treatment or referral to
another external centre.

I also refer the hon. Gentleman to the answer I provided to Question 633/2017, which refers
to referral criteria.

Mr Speaker, I also refer the hon. Gentleman to my Budget speech, where I announced the
500 efforts of my top GHA management team in repatriating as many services as possible to
Gibraltar so that patients can be treated at home. This has been possible not only by the
continuous endeavours of the team but also at a reduced expenditure trend compared to the
spend last year to date, without compromising in any way the quality of care provided. On the
contrary, I am sure that the hon. Gentleman would agree that receiving the same level of quality
505 and professional treatment at home is in the best interests of our patients.

I again remind the hon. Gentleman of the unprecedented number of surgery interventions
conducted at St Bernard's Hospital, with a staggering 161 major surgical procedures requiring in-
patient stay, conducted during the first four months of the year, nearly double the number
performed in the same period last year. To date, a total of 340 major surgical procedures
510 requiring in-patient stay have been conducted. I again reiterate that there have been no
cancellations of surgical operations due to lack of beds since January of this year.

Mr Speaker, this achievement cannot be underestimated, not least given the answers that I
used to receive in this House when I was the Opposition spokesperson for Health, where I was
repeatedly told by the hon. Lady Mrs Yvette Del Agua:

What will the Government do to ensure that operations never have to be cancelled due to bed shortages?
Answer, nothing. There is nothing that the Government can do to ensure that no operation will ever have to be
cancelled because of bed shortage. Not in the GHA, not in the UK, not in the NASA Space Centre and not in the
Houston Medical Centre. Nowhere. When the hon. Member has a slightly better, broader and deeper
understanding of the health service about which he waxes lyrical at the moment, he will understand that it is a
nonsense to call for a guarantee that no operation will be cancelled due to bed shortage.

515 *(Banging on desks and interjection)* Yes. This is, Mr Speaker, the sort of answers we used to get
in the House.

In respect of Questions 655 and 656, I refer the hon. Gentleman to the answer provided to Written Question W128/2017.

520 Mr Speaker, up until 30th September 2017, five complaints have been made to the Ombudsman concerning the decisions taken by the Board.

Mr Speaker, if the referring consultant disagrees with the TRB's decision they may resubmit the referral with any additional information that the consultant feels is relevant and would assist the Board in its deliberation.

525 Mr Speaker, I refer the hon. Gentleman to answers provided in Questions 646 and 647 in respect of answer to Question 653.

In relation to the footnote, this is a standard inclusion in any referral letter and relates to the guarantee that any medical costs associated with the referral will be met by the GHA. This is purely for accounting purposes and is in no way a consideration of the TRB. All referrals are processed irrespective of costs. The footnote that is in all the referral letters have been there
530 since time immemorial.

Hon. L F Llamas: Mr Speaker, with reference to Questions 655, 656 and 650, the Hon. Minister is referring me to Written Question W128; however, in Question W128/2017 the answer is that the GHA will not reveal the amounts paid to each establishment for reasons of
535 commercial confidentiality.

I would like to refer the Minister to Q365/2016, which was June last year, where the Ministry undertook an enormous task under the former Health Minister and actually brought up to date that answer to June. So, given that we have the figures and the entities, the hospitals and the amounts paid, would it not be appropriate, unless there has been a change of policy by the
540 Minister, to provide an answer to this question?

Hon. N F Costa: Mr Speaker, I have no difficulty whatever in providing the totality of the amounts of the taxpayer spend to different centres. We are currently in a very active process of negotiations with different tertiary centres where we think that we can get more bang for our
545 buck in terms of different surgical, medical and clinical procedures. If we were to identify each tertiary centre with the amount that is provided, that may provide them with some clue as to what it is that we are paying other centres, and therefore it would be to shoot ourselves in the foot if we were to provide detail of the tertiary centre and the amount being paid.

550 **Hon. L F Llamas:** Will the Minister make an announcement when that process is completed?

Hon. N F Costa: With absolute pleasure.

Hon. L F Llamas: One more supplementary, Mr Speaker.

555 I do hope that this is an isolated case, although I do have two or three. Obviously when the Tertiary Board has been convened and started, I think there might be a transitional period where people are not receiving the appropriate care. There is a particular case which I have written to the Hon. Minister about and he has replied, but there has been further development on that and basically what I have and what has been given to me is a letter from 19th September this year
560 from the UK consultant surgeon to St Bernard's Hospital. I will quote, Mr Speaker, and it says:

I am writing regarding the above patient, whom I do not believe I have had any correspondence from you about. He is in the early stages of his follow-up and we are still managing his survivor's issues. He had an appointment with us last week at which he did not appear because his visit was not supported locally. This is all rather confusing. As I am sure you can appreciate, I would be grateful for some clarification from you so we can best support this patient during this ongoing treatment.

And then St Bernard's Hospital has written to the UK consultant – and this patient has a prostate carcinoma – and in this it actually asks the UK consultant:

We would be grateful if you could provide us with your expert opinion on this case.

565 So obviously this person is somewhat confused, stressed and obviously ill, and in the meantime is not receiving the care because he has still not been seen locally for his condition. At the same time he knows that he will have to undergo a further operation next year, which is what the UK consultant surgeon was telling him ... and is not being approved and he is not having the follow-up by the surgeon who operated on the first occasion and should be the one who could operate on the second one, having had, already gone and intervened.

570 **Hon. N F Costa:** Mr Speaker, I say this to the hon. Gentleman and he can take the advice if he likes, or not, but given that he knows that he can write to me at any time and that I always reply to him, if he is going to read from a statement or a letter, the least he could do – just out of courtesy, not for ethics – is to show me the letter before, so I can take it to my professionals.

575 Having said that, I can assure the hon. Gentleman that I am au fait with this particular case and I am extremely loathe and concerned about talking about any particular case across the floor of the House, because given remarks made by a relative of this particular person, it is already in the public sphere, so anything that I say will necessarily cast a light on what we may think within the GHA are the actions of this particular couple. Therefore, I would rather take any electoral criticism that comes to me from the public than to start telling you what I think about any particular case.

580 Let me tell him, however, that given that there have been 550 cases considered by the TRB and that 466 have been approved, and when not approved there have been 51 cases offered alternative treatment, I think the percentage is 80% approved and 20% not approved. There have been five complaints to the Ombudsman and I have met, if I recall correctly, two or three of the persons who have complained. It is inevitable that when there is a change in process and you have such a big institution like the GHA, there will unavoidably be an adjustment period and it will grate with some patients.

590 I just told the hon. Lady in the last session I fully understand, entirely, when somebody who feels comfortable with any particular hospital – for example, the hospital that the Hon. Mr Feetham refers to me, which is the Pamplona hospital, where Gibraltarians seem to have an incredible amount of faith in this particular institution – and that when we say to them ‘we can provide you with exactly the same treatment at home and with our clinicians, and all the research indicates that persons who live with cancer should not travel and therefore we ask you that you please give us the opportunity to manage your care’, I understand fully that some people do not want to be treated here because they have been treated elsewhere. But I think that, as I told the hon. Lady on the last occasion, it is a process of give and take between the GHA and these patients. As a result, the TRB has invariably – in other words, in every single case – allowed for a period of adjustment in allowing the couple or the patient to go to two or three more consultations outside of Gibraltar, even though we can provide the treatment here, in order to ensure two things: (1) there is a proper handover; and (2) not to provide any stress to the patient.

600 As I tell him and as I told the hon. Lady, I fully understand the concern and the anxiety that will be caused by saying that treatment will be stopped in the UK and Spain and we are going to be providing it here, but the reasons we are providing it here are for clinical and medical reasons and because we are convinced that it is best to treat people at home if we can provide the treatment.

Hon. L F Llamas: Just one final supplementary on this, Mr Speaker.

610 Will the Minister agree to consider this case behind the Speaker’s Chair, where he may be able to go back to his advisers and review this case, given the evidence which obviously they are bringing to my attention?

Hon. N F Costa: Mr Speaker, the hon. Gentleman again knows that I am approachable and he knows that I reply, and if he wants to bring any particular case to my attention he is free to do so, but I think I need to make an important point. I am not a doctor and I am not a surgeon, and even though some people think that by becoming Minister for Health I have acquired the status of being a surgeon and I am asked about different procedures, if I have certain professionals telling me that a particular course of action is clinically indicated I cannot argue clinically.

615
620 However, let me give this assurance to the hon. Gentleman. If a clinical indication is that a person should be treated locally but there are wider considerations of compassion, of humanity, that require the person to be seen one or two more times by the tertiary centre, then the Tertiary Referral Board is very good to ask me, and of course it is a policy decision for us which we can take.

625 **Hon. D A Feetham:** Mr Speaker, a number of supplementaries from me.

Just in relation to the exchanges that occurred a few moments ago between my hon. Friend and the Minister in relation to the breakdown of costs for foreign establishments in June of last year, it was my question and I think the hon. Gentleman – it was not the hon. Gentleman, it was in fact his colleague Minister Cortes – provided the cost in quite a detailed schedule relating to Xanit Hospital in particular, and I was actually surprised when last month I asked a similar question and, as has been pointed out, the answer was that for commercial reasons the Government was not in a position to reveal how much was being paid to each hospital.

630
When will the exercise be complete so that those figures will be provided to this Parliament?

635 **Hon. N F Costa:** Mr Speaker, it is actively being pursued and the hon. Gentleman should, I think, know that the sooner I can get to the end of the process the better, because I think that we can, as I said to the Hon. Mr Llamas, obtain better value for money. So it is something that I am actively pursuing.

640 Only yesterday I had a further meeting with my financial advisers and we are quite close to being able to proceed, but it will not be with only one tertiary centre, it will be with various. It will not be, as they say in the Spanish vernacular, 'frying an egg'; it will take some time, so I cannot give him today a date by which it will conclude, just to say that it is actively being pursued and if he wants to ask me again in a couple of months' time I may be able to give him a more definitive date.

645 **Hon. D A Feetham:** Mr Speaker, in relation to the first question that I asked, which is the question about the explanation in relation to increasing costs, just to put it in percentage terms, from 2012 to 2016 excluding this year, the cost of treatment in foreign hospitals and medical establishments has gone up by more than 400%. Does the Government accept that what we are seeing – and I am not criticising it, I am just asking in as neutral terms as possible this question – does the Government accept that effectively during those four years none of the factors that the hon. Gentleman has outlined are sufficient to explain either individually or collectively an increase of over 400% in cost, and what we have seen over the last four years is perhaps an opening of the tap in relation to this area and the Government is now effectively trying to row back on some of that expenditure that we have seen increased by 400% over the last four years?

660 **Hon. N F Costa:** Mr Speaker, I think, in the first place, to say that it is important that Gibraltarians have the best and most varied access to tertiary centres both in the UK and in Spain. I came in as Health Minister, I suppose, with a fresh pair of eyes and perhaps looking at the cost of certain things from a more commercial perspective and asking the question of whether certain surgical, medical and clinical procedures ought to cost the Government as much as they did. Inevitably, the results came back that perhaps we were not obtaining the best value for money in respect of some of the procedures, which is why I told both hon. Gentlemen that there is an active review process in place.

665 I would ask them, please, for the sake of Gibraltar, not to press me anymore because these discussions are live and we do not want to prejudice what we hope will be obtaining a better commercial deal for Gibraltar that provides exactly the same number and variety of treatments, maybe even more, but at prices that we are being advised would be far more reflective of what other institutions pay to private institutions than what we currently pay.

670 I think it is important that I make the point that I think that the first priority for any health authority is to make sure that patients have the care that they need, and therefore that is what has been happening. I have come in later, once the system has been in place, and have been looking at it, I think, with the benefit now of the system having been established.

675 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer.

I do not believe I caught an answer to Question 644, where I asked for the cases but broken down by type of treatment or investigation, in that kind of detail; he has just given me an overall figure. Is he able or willing to give me that breakdown?

680 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman has been listening to the exchanges that I have just had across the floor of the House. For the same reasons, I am not willing at this point to provide any additional breakdowns.

685 **Hon. R M Clinton:** I am sorry, Mr Speaker, I think we may be at cross-purposes; I am referring to Question 644, where I am talking about the cases referred to the Tertiary Referrals Board broken down by type of treatment referred and whether those have been approved, and why in each case.

690 **Hon. N F Costa:** Mr Speaker, I do not know what the hon. Gentleman thinks he is going to glean from breaking the figures down.

There have been 550 cases referred by a clinician, by a consultant. Out of those 550, 466 were approved, 33 were not approved, and 51 were offered alternative pathways. The criteria, as I have explained in my answers today, in the last session of Parliament and also in my Budget speech, is that it is only not indicated when the procedure can be done in Gibraltar. So, the only reason why a referral would not be made is either because it is not clinically indicated or because the procedure can be provided in Gibraltar. So, if it can be provided in Gib then the person will not be referred to the UK or to Spain.

700 **Hon. R M Clinton:** Mr Speaker, I am still none the wiser as to the type of treatment or investigation for which there is a referral. Is he willing to give me that, or is it just a blanket no?

Hon. N F Costa: Mr Speaker, even if I were to tell him right now every single investigation and procedure it would not matter.

705 What I am telling the hon. Gentleman is that if a consultant refers a matter to the Tertiary Referrals Board and that clinical, medical or surgical procedure can be done in Gibraltar, then the Tertiary Referrals Board will, unless there are reasons why the person should go to the UK or Spain ... be dealt with either medically, surgically or clinically in Gibraltar. So the only reason why a referral would not happen is because the care can be provided locally.

710 **Hon. R M Clinton:** Mr Speaker, I perfectly understand what the Minister is saying, but again he is not answering my original question: broken down by type of treatment or investigation. Is he willing or is he not willing to provide the information?

Hon. N F Costa: I have already told him that it is irrelevant to the question that he is asking.

715 **Hon. R M Clinton:** Mr Speaker, on a point of order, surely it is up to me to determine what is relevant to my question.

Mr Speaker: I am not in a position to give a ruling on this matter. I think hon. Members must understand that if 15 or 20 questions are being taken together I find it extremely difficult to keep tabs on what refers to what.
720

I can see that Question 644, from the overall answer that the Minister made, does not appear to have been answered specifically, in the sense that he has not given a breakdown. I do not see a breakdown here in respect of type of treatment. I do not think that it is irrelevant to ask that. Maybe the Minister is in no position to answer that type of question, or thinks that he should not because there are certain reasons why – dangerous, I suppose, that some patients could be identified. I do not know, I am not sure. He may have good reason as to why he has not answered it, but I am not in a position to make any ruling on this.
725

Hon. N F Costa: Mr Speaker, the whole thrust of all of the questions I have received on the TRB is why the TRB makes one decision and not another, and the thrust of everything I have told the hon. Gentlemen is that a referral will take place if the care is not provided locally.
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There have been 550 cases. If I were to ask the TRB to start going through every single file and provide every single surgical, medical and clinical reason, that would take away from the seven clinicians, who are all senior clinicians and are either operating or attending to their clinical duties, to provide the information. There may be some cases which will also be publicly known by the information that is being provided, but the reason why I have not provided that granularity of detail is only because to do so would take the clinicians away from the job.
735

If he really wants it, I will ask the team to do so in slow time and then it will take for as long as it takes, but what I am trying to tell the hon. Gentleman, without being obtuse or difficult, is that irrespective of what the procedure is, the answer will not change.
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Hon. R M Clinton: Mr Speaker – and, Minister, I am grateful for your answer – there is a fuller answer to my question I would have expected, and if I may, by way of explanation, say that the reason I asked for this was I wanted to get a feel for what are the types of cases that will be referred – whether we are talking about cancer related, heart related, surgical ... some kind of general feel for what the profile is of the referrals. That is really what the thrust of my question was about: is it that 90% of the referrals are cancer related, or is it that 90% of the cases are cardiac related? It was just to get a general idea as to where the workload is in terms of tertiary referral, and then that in itself would later on perhaps spin off other questions in terms of, okay, we have 90% that are cancer – how are those being addressed in terms of selection of hospitals. That is where I am coming from.
745

I certainly understand what the Minister said in the first instance, but I would be grateful if at some point in the future ... I am sure the Tertiary Referrals Board must keep a record of what cases are coming before them – I am sure they have an agenda – and it is just a question of statistics keeping, which I am sure they must do at some level.
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Hon. N F Costa: Yes, Mr Speaker, I think the hon. Gentleman alights on the point, but for a different reason that I will tell him.

Yes, of course they keep files on all of these cases and this is the point. If they were to go through the 550 cases he would not just receive information that said cardiology, urology, oncology – they would actually have specified the kind of treatment, the kind of surgical intervention. In other words, it would have been a huge task. If what he wanted to ask me were the general lines of medical inquiry – oncology, urology, cardiology – then of course that would be easily provided to him, Mr Speaker.
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Hon. R M Clinton: Mr Speaker, I would be satisfied with that kind of data without having to go too granular. If he is able to provide that to the House I would be very grateful.

Mr Speaker, while I am still on my feet, coming back to the general thrust of the questions, the questions I have asked the Minister are not because I have any particular curiosity myself
770 but these are questions driven from meetings with constituents who are expressing concern about the non-referral rate. I would ask the Minister, when he mentioned a change of process and that this Tertiary Referral Board came into being on 4th May 2017 ... The first question I have is why was there a change of process compared to what happened previously, what was it that happened previously, and does he think it is right that seven consultants, or hospital
775 appointees by the Medical Director, should second guess a consultant?

Mr Speaker, I will read here extracts from a letter sent to a patient where there is a responsible consultant named:

The Tertiary Referrals Board met on [such a date]. Your consultant referred you to another hospital for further medical treatment and/or investigation. A letter of referral was presented to the board for consideration. The board has **not** approved this referral. This decision has been reached by a board of senior clinicians who have considered the information provided in the referral letter. After reviewing your case, the board has determined that this referral does not provide the optimum treatment for your condition and has asked your consultant to review your treatment plan in partnership with you. We have organised an appointment for you to see your consultant in clinic as soon as possible in order to explain to you what the new treatment investigation plan will be. You will be contacted with details of this appointment in the next few days. Your consultant may request that the board reconsiders the referral by updating the board on any further relevant clinical information. Finally, I wish to assure you that whereas this may not be the decision you wish to receive, the board has carefully considered this matter with your very best interests at heart.

Mr Speaker, my question to the Minister is a patient in receipt of this letter who may be suffering from a chronic medical condition is not asking for a Disney cruise, they are asking for
780 medical treatment – and it is not even them who are asking for medical treatment, it is their consultant – so are we saying that the GHA consultants do not know what they are doing and have to go through another group of consultants to then say, ‘No, you’ve got this wrong, go back and try again’? In this process the patient is the one who seems to be none the wiser. Surely there must be a process whereby the consultant may at least have a peer-to-peer discussion
785 before making a referral letter. Or is it that the consultant does not know what he is doing? In which case, we need better consultants.

There is something there that does not quite work, in my mind. Certainly, yes, in the UK –
(Interjection) I beg your pardon? Yes. In the UK, certainly in hospitals, yes, there is a referral panel, but that tends to be at the GP level before they get referred to consultants. But once it
790 gets to the consultant level, the consultant is the one who determines the treatment. What we have here, it would appear, is consultants determining the treatment and then being overruled by another set of consultants. Surely there has to be a way to overcome this kind of problem.

I come back to my question: why has the process changed? In terms of the interests of the patient, which ultimately is what we all care about, surely we can come up with a better process
795 whereby patients are not subjected to this level of stress.

Thank you, Mr Speaker.

Hon. N F Costa: Mr Speaker, I think that the hon. Gentleman has become the greatest political social climber since Cinderella. I know that he wants to be the new Leader of the
800 Opposition and he is therefore making political speeches.

Mr Speaker: I am trying to be liberal and allow hon. Members to have exchanges on matters which are of grave importance, particularly to people concerned, those who are ultimately sponsored patients. I have allowed the Leader of the Opposition to make a question lasting
805 nearly five minutes. You all know what the Rules say, don't you? And so we are debating, really; that is what is happening. So unless the Hon. Minister can answer also more succinctly, I suggest

that we carry on and that either the Government or the Opposition make it their business to table a motion, when you can have a proper debate on the issue.

810 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman, in asking me his five-minute question, did present a whole series of inherent contradictions, which I will not address at the moment, but the point that he has to, I think, learn is this: if there were no quality controls within the GHA and if money was being spent willy-nilly, he would come to this House to accuse us of spending money without controls.

815 It is not at all unusual for one set of professionals to quality assure the work of another. If you go to any law firm or any other professional firm you have a firm of accountants and auditors – they come in and they check the work that is being done and they quality assure. A consultant will refer the matter to the Tertiary Referrals Board. This is one consultant, and therefore the Board will consider whether the referral is indicated at any particular moment. The consultant
820 may well have, without having to question the intelligence of the consultant or whether he knows what he is doing or not and all the disrespect that that entails ... is that he may have been unaware that, because of the pace at which we are repatriating services currently, that particular treatment is currently being provided by the GHA and that therefore the referral is unnecessary.

825 Mr Speaker, the TRB, in my estimation, has done an excellent job. There have been 550 cases only since May. Only 20% have been refused and, of that, alternative pathways have been referred. Therefore, if the Tertiary Referrals Board are there to ensure that the care of the patient is best provided and they are providing advice to the consultant of how best to achieve that, what is there to lose on the basis that 80% of all referrals are being approved and patients
830 are going to either Spain or the UK to receive their treatment? Quality assurance and quality controls are actually a very good thing.

Hon. D A Feetham: Mr Speaker, I agree with the hon. Gentleman that any system of public expenditure needs quality controls, otherwise you end up in a situation where the taxpayer ... at
835 the end of the day, everybody, including those who are being treated in hospitals, ends up overpaying.

But the problem here is – and I return to the initial exchanges which the hon. Gentleman and I had, which have been placed in sharper focus, some of those exchanges, by the exchanges now with the Hon. the Leader of the Opposition – in 2012 we were spending £3.6 million; by 2016 it
840 goes up to £15.4 million, over 400%; this year, in October, up to now, it is £4 million with £1 million in the pipeline. I would expect on those kind of projections that it is probably going to come in at about £6 million or £7 million at the most. That is half of what it was in 2016. Therefore, are we seeing a reaction to over-expenditure in the past and the turning on of that tap ... I hesitate, because he takes things very personally and I would not want to offend him, but
845 a reaction to that turning of the tap on to the ‘on’ position when the hon. Gentleman, *que es buena gente* but at the end of the day, when we are talking about public funds, had stewardship over his Ministry?

Hon. N F Costa: Mr Speaker, I wish that his estimates of expenditure were correct, but I think
850 I am afraid he is going to be off by around £7 million, so there is not going to be such a precipitous decline in expenditure from one year to the next. I wish he were right, but he is not right in that respect.

Mr Speaker, I did say this during the course of the Budget speech, accepting fully that it was a very long Budget speech, that we have been repatriating services to the GHA, as indeed my hon.
855 colleague did with oncology, and oncology is one of those services where we have had cases where people felt, I think understandably, very attached to their particular institution in either Spain or the UK.

860 So repatriation of services will mean that there are less costs for escorts, less costs for the patient, less costs in terms of transport and travel; and of course, very unfortunately, as a result of the unexpected collapse of Monarch Airlines, prices, as the House will know, have shot up, so what used to cost maybe £120 now may cost £1,000 return. So, unfortunately, his estimate is going to be even more way off because of that.

865 But no, Mr Speaker, what the hon. Gentleman is witnessing is simply a consideration of the contracts that we currently have with our private providers just to see that we get value for money. I have already said that we are actively engaged in that process and also that as we increase the number of services being provided in Gibraltar, even if we have to recruit two or three consultants to provide that service, it is going to be infinitely cheaper than the millions that we spend on transport and escort patients etc. That is why if hopefully we come down on sponsored patient costs it is only because we are providing more services locally.

870 **Hon. D A Feetham:** Mr Speaker, one final question. I do not know whether the hon. Gentleman has the information in front of him. I suspect that I know the answer, but are the ones that are being rejected referrals to the United Kingdom rather than Spain? I think that the logic of what the hon. Gentleman is basically saying, in terms of travel costs etc., is probably more applicable to the United Kingdom and elsewhere rather than Spain.

875 I ask this question because what we have seen ... if the hon. Gentleman looks at the answer that he gave me to Question 126, which is a breakdown of all the medical establishments and hospitals where people are being treated, in fact the numbers are static from 2015 to 2016 except for Xanit Hospital, where there is an increase in 2015 from 90 to 140 in 2016.

880 I just wonder whether there is a conscious policy of basically channelling many of these patients towards Xanit Hospital, to cut the costs in terms of travel etc., rather than the United Kingdom. Maybe I have got it entirely wrong.

885 **Hon. N F Costa:** Mr Speaker, the short answer is that I do not have the information as to what centres the Tertiary Referrals Board has not approved, although I suspect that it would be both from Spain and the UK because it would not make any difference whatever on whether somebody was referred. All that matters is whether the referral is clinically indicated – in other words, the patient requires the medical, surgical or clinical treatment – and whether it can be provided in the UK, Spain or Gibraltar. If it can be provided in Gibraltar then it will be provided in Gibraltar.

890 **Mr Speaker:** Any other supplementary? Short?

Hon. E J Reyes: Short and to the point, Mr Speaker.

895 In the Hon. Minister's answers he had to refer to the quality control and so on. May I ask the Minister: is he aware, or can he take it on board to look into, that the quality of the communication between the local medical services and the patient who is affected are top quality? The main concern coming from all the patients is the delays in being communicated that you are not able to go.

900 If I can give you one very brief example, a patient goes away from Gibraltar, is seen to and a consultant says, 'I want to see you back in six months' time.' When there is only one month left for that patient to go and they turn up at Sponsored Patients only then are they told, in a very casual and public conversation over the counter at St Bernard's, 'Oh, no, you're not going – you've got to be referred to the Board.' It comes as a shock to the system. That patient has been back in Gibraltar for five months and there seems to have been no follow-up. There *seems*, I am not saying there has not – at least, the patient is not resting assured that the best quality treatment is being given to him.

Is the Minister aware of that, or can he undertake to look into it, please?

910 **Hon. N F Costa:** Mr Speaker, we have already had this exchange across the floor of the House. Obviously, the Hon. Mr Reyes did not hear us.

I have explained now at least three or four times that some UK hospitals, instead of writing to the GHA, write directly to the patient, so it is not that the GHA decide in an unseemly public, inarticulate way to tell them when they arrive, it is just that we do not know, and as great as the GHA staff are, they are not mind readers, and therefore, unless the patient who receives the letter from the UK or Spanish tertiary centre tells us the moment they receive it, we do not know. That is why. I have already had this discussion with other Members of the Opposition before.

920 Believe you me, Mr Speaker, if things were done differently, which is what the Tertiary Referrals Board, funnily enough, is achieving, and he has alighted on it but again through a different way ... is that there is a communication between the GHA and the referral centre, and therefore all communications are between us, as opposed to what used to happen before, only with some centres, that once the referral was made by the GHA they would write directly to the patient, thereby completely bypassing the GHA. Therefore, Mr Speaker, I want to assure the hon. Gentleman and anyone who has been listening to this debate now for the fourth and the fifth time, that if they receive a letter directly from any centre from outside of Gibraltar they need to please tell us immediately so we can get cracking.

Hon. R M Clinton: Mr Speaker, thank you. I will be very, very brief.
930 I would be grateful if the Minister could indicate to the House whether the creation of the Tertiary Referrals Board was an idea that came from the Medical Director or was it his own.

Hon. N F Costa: Neither, Mr Speaker.

935 **Mr Speaker:** Next question.

Q634-639, 651 and 657/2017

Artificial limbs –

**Patients; GHA staff; sourcing; fitters and physiotherapists;
maintenance; amputees' clinic**

Clerk: Question 634. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, how many service users are in receipt of artificial limbs at 31st August 2017 are control scheme and for which limb?
940

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Chief Minister (Hon. F R Picardo): It's costing an arm and a leg.

945 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 635 to 639, 651 and 657.

Clerk: Question 635. The Hon. R M Clinton.

950 **Hon. R M Clinton:** Mr Speaker, I am sure the members of the public will be delighted to hear the Chief Minister's joke.

Who in the GHA is in charge of and qualified (*Interjection*) to attend to patients with artificial limbs?

Hon. Chief Minister: It's costing an arm and a leg.

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Clerk: Question 636. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, from where does the Government or GHA source artificial limbs?

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Clerk: Question 637. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, with which medical authority specialised in artificial limbs does the Government or GHA work in respect of orthopaedic fitters, prosthetic fitters and specialised physiotherapists?

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Clerk: Question 638. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how many service users are being provided with artificial limbs as at 31st August 2017; and, of those, how many are in respect of congenital deficiency and how many are amputees and for which limbs?

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Clerk: Question 639. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, what is the Government's and GHA's policy in respect of the provision of artificial limbs and their maintenance?

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Clerk: Question 651. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government explain why the amputees' clinic has been discontinued locally and what is the procedure for service users to access this service moving forward?

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Clerk: Question 657. The Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, how much did the running of the amputees' clinic cost the taxpayer per financial year since April 2012 to date, and how many service users accessed the service per financial year?

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Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I am afraid that I am unaware of what is meant by the term 'control scheme'.

Mr Speaker, the clinical management of patients with artificial limbs is conducted via a qualified multi-disciplinary team and co-ordinated by the GHA physiotherapy department.

995

The GHA currently accesses specialist orthotic services from two providers, namely Opcare Ltd in the UK and Clínica Ortopedia Poyatos in Malaga. Artificial limbs are sourced from the latter.

Mr Speaker, as at 31st August, 16 patients have been provided with prosthetics, all of which were in respect of lower limbs. There are no patients currently accessing GHA prosthetic services as a result of congenital limb malformations.

1000

Mr Speaker, following amputation and on recommendation from the relevant multi-disciplinary team assessment, all patients requiring a prosthetic limb are provided with a suitable prosthesis by a qualified orthotics team. All prostheses are regularly reviewed and maintained.

1005

Mr Speaker, the regular amputee clinic was discontinued locally, due to the professional qualifications of the prosthetic services offered by prosthetic technicians in Spain not being compatible with the qualifications recognised by the Medical Registration Board at the GHA, namely Health Care and Professionals Council registration.

1010 Opcare UK currently provide two clinical sessions per year in Gibraltar.

I am pleased to report to the House that currently there are no patients waiting for a prosthetic limb.

1015 Mr Speaker, the annual costs in relation to the running of the amputees' clinic is in the schedule I now hand over to the hon. Gentleman. These costs include all orthotic services, including the provision of prosthetic limbs. This information is commercially sensitive and should be kept confidential.

1020 **Hon. L F Llamas:** Mr Speaker, one supplementary with regard to the amputees' clinic. I understand the reason now for discontinuing the clinic; however, I am told that in servicing the artificial limbs, amputees have to travel to Malaga at the moment to undergo reviews and obviously this presents challenges to them, other than obviously having to lose a day out of their ordinary working day. Is this something that the Government is thinking of repatriating back to Gibraltar?

1025 **Hon. N F Costa:** Yes, Mr Speaker, absolutely. In the first place, as I said, Opcare UK currently provide two clinical sessions per year in Gibraltar, but we are most certainly looking at repatriating the services.

1030 **Mr Speaker:** Are there any other supplementaries arising from numerous questions. No? In that case I am happy we can move on to the next one.

Q648-649/2017

Cardiac rehabilitation –

Referral of new cardiac patients; waiting list

Clerk: Question 648. The Hon. L F Llamas.

1035 **Hon. L F Llamas:** Mr Speaker, does the Government, by way of policy, refer all new cardiac patients to the Cardiac Rehabilitation Unit?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1040 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the term 'cardiac patient' is very broad. Not all patients with cardiac – (*Interjection*) Oh, sorry, yes. I will answer this question together with Question 649. My apologies.

Clerk: Question 649. The Hon. L F Llamas.

1045 **Hon. L F Llamas:** Mr Speaker, can the Government provide details of how many persons are on the cardiac rehabilitation waiting list; and, if so, since when they have been on the waiting list?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1050 **Hon. N F Costa:** Mr Speaker, the term 'cardiac patient' is broad. Not all patients with cardiac
disease have indications or are appropriate for cardiac rehabilitation. Therefore, and in answer
to the question, it is not the policy of the GHA to refer all cardiac patients. The practice is to
refer those patients who both have indication for and are assessed as appropriate to receive
1055 cardiac rehabilitation. This can happen either way at the point of discharge from hospital, by a
consultant cardiologist at clinic review or by the patient's GP.

Patients' enrolment in the cardiac rehabilitation programme is prioritised clinically. There is,
therefore, no defined waiting time for entry into the cardiac rehabilitation programme.

1060 **Hon. R M Clinton:** Mr Speaker, if I may just ask one supplementary on cardiac care. Again, I
ask a simple question, the Minister may or may not have the information to hand.

What is the head count of the cardiac rehabilitation unit? Or rather, how many staff does it
employ?

1065 **Hon. N F Costa:** Mr Speaker, I am afraid I do not have that information with me. You will have
to ask me again.

Hon. L F Llamas: Just one supplementary, Mr Speaker.

Then I take it, and I would like to confirm with the Minister, that there are no people waiting
to join the rehabilitation programme?

1070

Hon. N F Costa: Mr Speaker, there are eight patients on the waiting list.

Mr Speaker: Any other supplementaries? Next question, 652.

Q652/2017

Alzheimer and dementia residents – Level of care and access to amenities

Clerk: Question 652. The Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, is the Government confident all Alzheimer and dementia
residents in the Elderly Care Agency receive the same level of care and have access to the same
amenities?

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Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the Elderly Residential
Service consists of different long-term care units, which are currently Mount Alvernia, John
Mackintosh Home, Calpe and Cochrane Wards in St Bernard's Hospital and Hillside, which
1085 caters exclusively for dementia patients.

Dementia, regrettably, is prevalent in our elderly residential population and therefore all
these units have patients with varying degrees of dementia.

1090

Each ERS unit has its own set of facilities and amenities and is run by qualified staff nurses
with specialist knowledge of dementia. All units provide the same ratio of staff per resident. All
the units have regular input from specialist doctors and consultant supervision from an elderly
care specialist.

All units have access to activity programmes and equipment for dementia patients. However,
depending on the particular unit, there are different levels of dementia support available and

1095 the activities will vary. Outdoor facilities – garden, terrace, and patio – are available in all the units and the use of which is only limited depending on patient safety.

If the Elderly Residential Service Multidisciplinary Team considers that a patient's needs are best catered for in a different unit, there are mechanisms for transferring patients in between units.

1100 **Hon. L F Llamas:** Does the Minister deem appropriate, perhaps, or even consider that moving forward it might be wise to consolidate these residents and provide a second specialised unit within Calpe? If you get all the residents who are scattered around the Elderly Care Agency and bring them all together, and ensure that there is the same sort of level of amenities and things as offered in Hillside, which is obviously the top of the range at the moment, is that something
1105 that the Government would consider moving forward?

Hon. N F Costa: Mr Speaker, Gibraltar is blessed with many, many things. Land is unfortunately not one of them, so I do not think we will be able to find a plot of land or a building big enough to be able to centralise all the different John Mackintosh Home, Mount
1110 Alvernia, Hillside, and the different wards which are situated in St Bernard's Hospital into one place.

If I may, I think that what the hon. Gentleman is trying to get at is whether I am satisfied that the amenities in the different places are to the standard of Hillside. Now, Hillside is, as he correctly says, a top-notch home, because it has just been rolled out. It has just been built, and
1115 therefore it will have a very new feel to it.

But in that respect, we do have funds available and we are replacing furniture as furniture breaks in different parts of our elderly residential units. We are replacing them with furniture that is always dementia friendly, so even if the elderly person who goes to that elderly residential unit does not live with dementia, he or she will nonetheless have that state-of-the-art
1120 furniture, because unfortunately as we live longer, sometimes persons who initially do not have dementia or who have low levels of dementia, may develop moderate to acute dementia.

So it makes sense to us that as the disease progresses, our elderly person is in a unit that has all of the most recent amenities.

Interestingly, he says to me that Hillside is top of the range. I would agree with him, that it certainly is state of the art in terms of what a dementia home should be, but there have been cases in my experience where people do not want to go to Hillside and want to go to Mount
1125 Alvernia or want to go to other wards. So it does depend as well on the views of the patient, sometimes initially but also family members.

Q654/2017

Children's primary care clinic – Government commitment

1130 **Clerk:** Question 654. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, is the Government still committed to a primary care clinic, with dedicated GP resources, exclusively for children, with a dedicated waiting area for children and their parents only?

1135 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, yes. The Government is entirely committed to a primary care clinic with dedicated GPs for children, and we are planning in that respect, Mr Speaker, to revolutionise the care that we provide to children in Gibraltar.

1140 The Government, for the past 11 months has been working closely with the Medical Director and Senior Paediatric Clinicians in all departments to produce an integrated care of primary and secondary services to children in a family-friendly environment.

Q658/2017
Health and care wards –
Staff changes

Clerk: Question 658. The Hon. L F Llamas.

1145 **Hon. L F Llamas:** Mr Speaker, since December 2011, can the Government provide details of wards within the health and care system which has seen a change in staff complement including (a) date complement changed; (b) former grades complement; (c) post change grades complement; (d) ward?

1150 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

1155 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, in answer to this question, it is important to note that the schedule that I now hand over to the hon. Gentleman was comprised using a snapshot of staffing levels on one particular day, as statistics vary on a day to day basis, depending on annual leave, sickness, any other absenteeism or redeployment of staff for operational reasons.

Answer to Question 658/2017

Ward	Former staffing levels	Date	Amended staffing levels	Date changed
Dudley Toomey (Acute Surgical)	1 CN/ 7 RGN/5 NA	Dec 11	1 CN/6 RGN/7 NA	Dec 12
	1 CN/6 RGN/7 NA	Dec 12	1 CN/9 RGN/5NA	Dec 13
	1 CN/9 RGN/5NA	Dec 13	1 CN/6 RGN/2EN/4NA	Dec 14
	1 CN/6 RGN/2EN/4NA	Dec 14	1 CN/7 RGN/1 EN/4 NA	Dec 15
	1 CN/7 RGN/1 EN/4 NA	Dec 15	1 CN/8 RGN/1 EN/3 NA	Dec 16
	1 CN/8 RGN/1 EN/3 NA	Dec 16	1 CN/6 RGN/2 EN/6 NA	Oct 17
John Ward (Acute Medical)	1 CN/8 RGN/3 EN/3 NA	Dec 11	1 CN/7 RGN/2 EN/4 NA	Dec 12
	1 CN/7 RGN/2 EN/4 NA	Dec 12	1 CN/6 RGN/2 EN/4 NA	Dec 13
	1 CN/6 RGN/2 EN/4 NA	Dec 13	1 CN/8 RGN/2 EN/4 NA	Dec 14

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	1 CN/8 RGN/2 EN/4 NA	Dec 14	1 CN/7 RGN/5 NA	Dec 15
	1 CN/7 RGN/5 NA	Dec 15	1 CN/7 RGN/6 NA	Dec 16
	1 CN/7 RGN/6 NA	Dec 16	1 CN/6 RGN/2 EN/6 NA	Oct 17
Captain Murchison (Elderly Ward)	1 CN/4 RGN/1 EN/7 NA	Dec 11	1 CN/4 RGN/ 2 EN/7 NA	Dec 12
	1 CN/4 RGN/2 EN/7 NA	Dec 12	1 CN/4 RGN/1 EN/6 NA	Dec 13
	1 CN/4 RGN/1 EN/6 NA	Dec 13	1 CN/3 RGN/2 EN/8 NA	Dec 14
	1 CN/3 RGN/2 EN/8 NA	Dec 14	1 CN/4 RGN/1 EN/8 NA	Dec 15
	1 CN/4 RGN/1 EN/8 NA	Dec 15	1 CN/2 RGN/ 2 EN/8 NA	Dec 16
	1 CN/2 RGN/2 EN/8 NA	Dec 16	1 CN/6 RGN/2 EN/7 NA	Oct 17
In September 2017, the ward was converted into a Rehab/Stroke care ward				
Rainbow Ward (Paediatrics)	1 CN/4 RGN/2 EN	Dec 11	1 CN/4 RGN/2 EN	Dec 12
	1 CN/4 RGN/2 EN	Dec 12	1 CN/5 RGN/2 EN	Dec 13
	1 CN/5 RGN/2 EN	Dec 13	1 CN/7 RGN	Dec 14
	1 CN/7 RGN	Dec 14	1 CN/7 RGN/2 EN	Dec 15

Ward	Former staffing levels	Date	Amended staffing levels	Date changed
Rainbow Ward	1 CN/7 RGN/2 EN	Dec 15	1 CN/6 RGN/5 EN	Dec 16
	1 CN/6 RGN/5 EN	Dec 16	1 CN/7 RGN/3 EN	Oct 17
Maternity Ward	1 CN/9 RM/2 NA	Dec 11	1 CN/6 RM/2 NA	Dec 12
	1 CN/6 RM/2 NA	Dec 12	1 CN/9 RM/3 NA	Dec 13
	1 CN/9 RM/3 NA	Dec 13	1 CN/9 RM/2 NA	Dec 14
	1 CN/9 RM/2 NA	Dec 14	1 CN/7 RM/1 NA	Dec 15
	1 CN/7 RM/1 NA	Dec 15	1 CN/7 RM/3 NA	Dec 16
	1 CN/7 RM/3 NA	Dec 16	1 CN/6 RM/2 NA	Oct 17
A&E	1 CN/5 RGN/4 EN	Dec 11	1 CN/8 RGN/2 EN	Dec 12
	1 CN/8 RGN/2 EN	Dec 12	1 CN/6 RGN/4 EN	Dec 13
	1 CN/6 RGN/4 EN	Dec 13	1 CN/9 RGN/1 EN	Dec 14

	1 CN/9 RGN/1 EN	Dec 14	1 CN/7 RGN/3 EN	Dec 15
	1 CN/7 RGN/3 EN	Dec 15	1 CN/9 RGN/2 EN	Dec 16
	1 CN/9 RGN/2 EN	Dec 16	1 CN/9 RGN/2 EN	Oct 17
CCU	1 CN/12 RGN	Dec 11	1 CN/11 RGN/1 NA	Dec 12
	1 CN/11 RGN/1 NA	Dec 12	1 CN/11 RGN	Dec 13
	1 CN/11 RGN	Dec 13	1 CN/10 RGN	Dec 14
	1 CN/10 RGN	Dec 14	1 CN/12 RGN	Dec 15
	1 CN/12 RGN	Dec 15	1 CN/11 RGN	Dec 16
	1 CN/11 RGN	Dec 16	1 CN/11 RGN/1 NA	Oct 17
Victoria Ward (Elderly Ward)	1 CN/7 RGN/3 EN/4 NA	Dec 11	1 CN/6 RGN/2 EN/5 NA	Dec 12
	1 CN/6 RGN/2 EN/5 NA	Dec 12	1 CN/5 RGN/3 EN/6 NA	Dec 13
Victoria Ward cont..	1 CN/5 RGN/3 EN/6 NA	Dec 13	1 CN/7 RGN/3 EN/5 NA	Dec 14
	1 CN/7 RGN/3 EN/5 NA	Dec 14	1 CN/6 RGN/6 NA	Dec 15
	1 CN/6 RGN/6 NA	Dec 15	1 CN/6 RGN/4 EN/3 NA	Dec 16
	1 CN/6 RGN/4 EN/3 NA	Dec 16	1 CN/6 RGN/2 EN/7 NA	Oct 17
KGV Acute	1 CN/3 RMN/3 EN/3 NA	Dec 11	1 CN/5 RMN/2 EN/2 NA	Dec 12
	1 CN/5 RMN/2 EN/2 NA	Dec 12	1 CN/4 RMN/2 EN/3 NA	Dec 13
	1 CN/4 RMN/2 EN/3 NA	Dec 13	1 CN/5 RMN/2 EN/2 NA	Dec 14
KGV Long Stay	1 CN/3 RMN/2 EN/5 NA	Dec 11	1 CN/5 RMN/1 EN/5 NA	Dec 12
	1 CN/5 RMN/1 EN/5 NA	Dec 12	1 CN/5 RMN/2 EN/4 NA	Dec 13
	1 CN/5 RMN/2 EN/4 NA	Dec 13	1 CN/4 RMN/3 EN/3 NA	Dec14
In 2015, the new mental health facility (Ocean Views) became operational due to the configuration of the building.				
PICU unit	1 CN/4 RMN/3 EN/3 NA	Dec14	1 CN/1 RMN/2 EN/2 NA	Dec 15
	1 CN/1 RMN/2 EN/2 NA	Dec 15	1 CN/1 RMN/2 EN/2 NA	Dec 16
	1 CN/1 RMN/2 EN/2 NA	Dec 16	1 CN/1 RMN/2 EN/2 NA	Oct 17
Horizon Ward	1 CN/1 RMN/2 EN/2 NA	Dec 15	1 CN/1 RMN/2 EN/3 NA	Dec 16
	1 CN/1 RMN/2 EN/3 NA	Dec 16	1 CN/1 RMN/2 NA	Oct 17

Dawn Ward	1 CN/1 RMN/2 EN/3 NA	Dec 15	1 CN/1 RMN/2 EN/3 NA	Dec 16
	1 CN/1 RMN/2 EN/3 NA	Dec 16	1 CN/1 RMN/2 EN/2 NA	Oct 17
Sunshine Ward	1 CN/1 RMN/2 EN/3 NA	Dec 15	1 CN/1 RMN/2 EN/3 NA	Dec 16
	1 CN/1 RMN/2 EN/3 NA	Dec 16	1 CN/1 RMN/2 EN/1 NA	Oct 17

Ward	Former staffing levels	Date	Amended staffing levels	Date changed
John Cochrane	1 Team Leader /7 RGN	Aug 15	1 Team Leader/6 RGN/1 EN	Aug 15
	1 Team Leader/6 RGN/1 EN	Jul 17	1 Team Leader/5 RGN/2 EN	Jul 17
Calpe Ward	1 Team Leader/6 RGN	Sept 16	1 Team Leader/5 RGN/ 1 EN	Sept 16
Jewish Home	1 Team Leader/ 5 RGN	Sept 16	1 Team Leader/4 RGN/ 1EN	Sept 16
1st Floor Mount Alvernia	1 Team Leader/6 RGN	Sept 16	1 Team Leader/5 RGN/1 EN	Sept 16
	1 Team Leader/5 RGN/ 1 EN	Jul 17	1 Team Leader/4 RGN/2 EN	Jul 17
2 nd Floor Mount Alvernia	1 Team Leader/5 RGN/1 EN	Jul 17	1 Team Leader/4 RGN/2 EN	Jul 17
3 rd Floor Mount Alvernia	1 Team Leader/8 RGN	Sept 16	1 Team Leader/7 RGN/1 EN	Sept 16
	1 Team Leader/7 RGN/1 EN	Jul 17	1 Team Leader/6 RGN/2 EN	Jul 17
4 th Floor Mount Alvernia	1 Team Leader/8 RGN/1.5EN	Sept 16	1 Team Leader/7 RGN/2.5EN	Sept 16
	1 Team Leader/7 RGN/2.5 EN	Jul 17	1 Team Leader/6 RGN/3.5 EN	Jul 17

**Q660-662 and 644/2017
A&E staff, gynaecologists, ultrasounds, Hospice –
Staffing and waiting lists**

Clerk: Question 660. The Hon. Ms M D Hassan Nahon.

1160 **Hon. Ms M D Hassan Nahon:** Does Government accept A&E staff assertions that low manning levels in the department are leading to poor quality of care and staff feeling burnt out?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1165 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with questions 661, 662 and 664.

Clerk: Question 661. The Hon. Ms M D Hassan Nahon.

1170 **Hon. Ms M D Hassan Nahon:** Can the Minister for Health state whether St Bernard's Hospital currently has an in-house gynaecologist or in-house gynaecologists to cater for the standard gynaecological appointments?

Clerk: Question 662. The Hon. Ms M D Hassan Nahon.

1175 **Hon. Ms M D Hassan Nahon:** Is Government satisfied with the waiting times for ultrasounds at St Bernard's Hospital?

Clerk: Question 664. The Hon. Ms M D Hassan Nahon.

1180 **Hon. Ms M D Hassan Nahon:** Will the Government be opening the Hospice they committed to be working on delivering with Cancer Relief as per its 2015 Manifesto?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1185 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I do not accept the premise of the hon. Lady's question regarding alleged staff assertions, of which I, for one, have not been made aware.

I can confirm that the A&E department is fully staffed, over and above the minimum recommended requirement. In fact, additional staff have recently been assigned to the department on 2nd April of this year, which has seen an increase of Sister/Charge nurses from one to three.

1190 Further, Mr Speaker, an experienced Senior Consultant has been recruited and is due to commence employment as from 13th November in the department, tasked with the overall management of A&E.

1195 As the hon. Lady may be aware from Press Release 533/2017, the A&E department has recently undergone a major expansion. The new area, fitted with the latest infection control furniture, includes five beds, a new nursing station with computer access and additional rooms and storage area. (*Banging on desks*) The department currently treats an average of 100 patients a day, which is a prominent increase in comparison to the number of patients treated when the new St Bernard's Hospital opened in 2005, where an average of 50 to 60 patients a day were treated at A&E.

1200 Mr Speaker, the GHA currently has a team of gynaecologists for all general gynaecological requirements in the community.

1205 Mr Speaker, the Government is constantly striving to improve access to GHA services and minimise waiting times for all patients. Urgent ultrasounds for inpatients continue to be performed within 24 hours. Urgent ultrasounds for outpatients are usually performed within three weeks.

1210 Since March of this year, waiting times for ultrasound services were recently reduced from 19 weeks to an average of 12 weeks, a reduction of over a third in terms of waiting times. A Radiographer has recently been tasked with conducting these services to assist in maintaining these reduced waiting times.

1215 Mr Speaker, the Government is at an advanced stage of discussion with Cancer Relief Trustees regarding the development of Hospice Services. I hope to soon be in a position to formally announce the next stage in the delivery of hospice care in Gibraltar in the new year.

1220 **Hon. Ms M D Hassan Nahon:** If I can take the supplementaries one by one, on Question 660, Mr Speaker, regarding the A&E staff assertions about low manning levels, I have heard these complaints from some members of staff themselves. Would the Minister continue to deny that these expressions are valid, because what we do not want in a department like A&E is to have serious incidents arising out of these low manning levels?

I appreciate the extensions, as he has just shown, but I am being told that at times there is only one A&E doctor on duty and it is something that I believe is relatively low and even dangerous. Can he expand on this?

1225 **Hon. N F Costa:** Mr Speaker, I do not want to enter with the hon. Lady into the usual discussion that we have about Standing Orders and as to whether we can comment on things that we hear from other people. I am not going to enter into it.

The hon. Lady is keen and fond of hearing things and then coming to me to tell me about them, and I have already referred her to the various Standing Order provisions which she
1230 breaches. I have already explained to her that if we were in this House to answer to every rumour, allegation and assertion made by people in the street, we would not leave this House.

Therefore it is important, I think, that the hon. Lady opposite, if she can, not come to this House with what she hears, as opposed to trying to verify what it is that she has said, or at least ask me in a different kind of way.

1235 I have read to her the answer, which is that since this year there have been two additional staff nurses engaged. That has gone from one to three. I have told her as well that we have engaged a senior consultant from the UK, who has links to Gibraltar, to lead the A&E department to be able to perform a review.

1240 So, two additional staff nurses, which as the hon. Lady knows, is the top tier nurse. A consultant at A&E which I am told by the Medical Director has not existed before, and therefore there has been an increase in the complement of A&E.

1245 Now is it possible that on any particular day, one doctor at A&E has because of sickness not been in and there has been a shortage of one doctor? That is entirely possible and plausible. But that does not mean that there is under-staffing or that the complement is down. The complement is up and therefore we are very gratified with that. I think that having a consultant from the UK who has led an A&E department in a place which I think would see quite good crime in the UK leading a Gibraltar A&E department, which thankfully sees accidents and emergencies that are not of the type that you can see in acute settings in the UK would be a very good thing indeed.

1250

Hon. Ms M D Hassan Nahon: So Mr Speaker, would the Minister want to reassure the doctors that the way they feel is not valid or justified; or will he just leave it as is?

1255 **Hon. N F Costa:** Mr Speaker, I thought that she was talking of staff members; now she tells me that they are doctors – alright. I am in fluid discussion with the current head of A&E, Albrecht Kussner, who I have to say, Mr Speaker, is absolutely magnificent. He has no problem in telling me what he thinks at any time, so I can assure the hon. Lady that if there were to be an issue, he would tell me. But as I say, with the best will in the world, and even after we have the consultant A&E managing the department, and even if he were to increase the staff nurses from one to
1260 five, there will inevitably be a day or two where there will be a huge rush of patients at A&E, and on that particular day, unfortunately one doctor is on sick leave and has not turned up, and there is very little we can do to remedy that, other than being told and calling somebody to come in. As I understand it, every time there is such absence at A&E, or CCU or other wards in St Bernard's Hospital, they do call people to come in.

1265 Mr Speaker, the Hon. the Chief Minister is referring me to the 2011 Manifesto, where we said that we were committed to staffing in key areas and that there is a need for an A&E consultant which is a manifesto commitment that has now been completed.

1270 **Hon. Ms M D Hassan Nahon:** Mr Speaker, regarding the question on the situation with the gynaecologists, I have received various complaints. I am actually a little bit confused as to what I am or what I am not allowed to bring to this House, because I think that people's testimonies are –

1275 **Mr Speaker:** What the Rules require is that every Member should make himself or herself responsible for statements made in the House. So you make yourself responsible for what you say, or for what you are told.

1280 **Hon. Ms M D Hassan Nahon:** I do make myself responsible for what I am told so therefore I do not think there is any harm in bringing these testimonies to the House – otherwise I do not know where we can get information, because actually when I have tried to get information from Government I have even gone as far as receiving an email recently from the Chief Secretary saying that Government workers are not even allowed to speak to me, so I don't know where I am supposed to get –

1285 **Mr Speaker:** What elected Members are not supposed to do is to contact heads of Departments, senior civil servants directly. If you want information, you either get it from the Minister or you may, in certain circumstances write to the Chief Secretary to ask for information. But what you cannot do is to phone a civil servant or a top Government employee, a manager and ask for information behind the back of the Minister. That is not allowed and has never been.

1290 **Hon. Ms M D Hassan Nahon:** Mr Speaker, that is fair enough, but I am bringing testimonies from constituents or members of staff, and I am also being told that again it is either 'rumourology' or I am not allowed to bring them here, so I am a little bit confused as to what I am entitled to talk about.

1295 **Hon. Chief Minister:** Mr Speaker, if I can try and be of assistance to the hon. Lady, I think Mr Speaker has made very clear what it is that the hon. Lady can do with public servants. Public servants are not there to answer the hon. Lady's political questions.

1300 But if she hears something on the street and she wants to bring it here, what the Rules say is that she must be responsible for that. So if you bring something here which you hear on the street and that is not a reliable place to hear things and to base political action on, Mr Speaker, what we are saying is that you are making yourself responsible for that. The person in the street says what they want – in other words, they say what might be third-hand hearsay. They say what may be one half of a story, because people in the street tend to tell politicians only that half of the story which suits them.

1305 Usually what I would have thought would have been more appropriate and is the way that things have been handled hitherto – and I commend it not just to her but to all hon. Members – is that if you hear something, pick up the phone and call a Minister. The Minister may not be able to be on the phone immediately, but we will try and get back to hon. Members opposite as soon as possible, alright? Say, 'Look, I have heard this – is this true; is this not true?' The hon. Lady will then get a reply, which will either justify what she has been told by telling her the other half of a story, or will give her the full picture and she might take the view that there is another issue to raise in this House; or indeed confirm a position. She is then able to come to this House with that full picture and say, 'Look, I heard this, and the Minister has told me it is true, and she told me this for this reason, and I think that is wrong for this reason.' There may be a disagreement and a good reason for asking a question.

1310 There is nothing to stop the hon. Lady to come to this House and put to us what is put to her on the street. But very often that is just not going to lead to a debate – or a question and answer, because we mustn't debate – that is going to be edifying in any respect. It is just going to get her closer to reality and we can get to reality much more quickly, and then she can come here and make a political point about that reality, rather than simply hear us say, 'Well, look, that is what you may have been told in the street; but there was never a consultant before at A&E, it was our policy that there should be a consultant at A&E – how can that now be not

1325 enough consultants at A&E?’ and get closer to the nub of the issue and then ask a political question based on the nub of the issue.

1330 **Hon. Ms M D Hassan Nahon:** I am grateful for that explanation, Mr Speaker. I just find it a little bit odd how it is always assumed that I am bringing issues from the street and it is assumed that I am not making myself responsible. I make myself responsible for everything I say and to the credit of the Hon. Minister for Health, I do consult him a lot, and I do write to him with issues from constituents, and he is always very helpful. So I am saying that openly, but that when I come with issues I make myself responsible. I just want that to be known – not to assume that they are from the street or third-hand. (*Interjections*)

1335

Hon. N F Costa: Mr Speaker, on a point of order. (**Mr Speaker:** Yes.)

Let’s just break this down. The hon. Lady asked me, ‘Does Government accept A&E staff assertions?’, right? Standing Order 17(1)(xiv) says:

a question shall not be asked as to whether statements [...] of private individuals [...] are accurate ...

1340 Therefore in my humble estimation, Mr Speaker, the question in fact is out of order, but the question has been permitted – entirely of course up to the Speaker’s discretion – and I have answered it, Mr Speaker.

1345 But the hon. Lady I think should be fair on us, because not only do I reply to her emails immediately, I always try to resolve her issues immediately, but also I am told that it has never been the case before that officials have briefed Members of the Opposition, and I have arranged for the hon. Lady to be briefed, because that is the sort of Government that we are – we are open, she has questions, and if we are not persuading her, for whatever reason, I have actually arranged for her to meet with my officials.

1350 So I think it is fair to say that the hon. Lady can ask me whatever she likes about anything at any time, and I will answer. But for the purposes of questions in this House, it is not appropriate to do so, Mr Speaker.

1355 **Hon. Ms M D Hassan Nahon:** Thank you for that. If I can just pick up on the issue of the gynaecologists, I was told just now that there does not seem to be an issue with gynaecologists but I am making myself responsible for having been advised that there is a huge backlog and that there have been some rather pressing issues with people who have not been seen and have had to go away from the hospital because of the lack of gynaecological medical doctors.

1360 So I would like to know if there is a plan in place to add any number of gynaecologists and if this happens, will extra clinics be held in order to get rid of backlogs? Because I also understand that there is quite a significant backlog and many women are waiting to be seen.

1365 **Mr Speaker:** May I suggest that in that instance, what the hon. Lady should do is to ask a question. You ask the Minister, ‘Is there a backlog in respect of appointments to see a gynaecologist?’ instead of making a statement here in Parliament, for which you then have to ... you ask a question. You put the burden on the Minister to reply. Another question that you can ask: ‘What is the waiting time for patients to see a gynaecologist?’

That is your job. Your job is to ask questions during Question Time. Other than that, you bring a motion and we have a debate. But what we cannot have is a debate during Question Time based on what the hon. Lady is being told by somebody, which she then repeats here and makes herself responsible for that.

1370 Ask a question: you will get an answer from the Minister.

Hon. Ms M D Hassan Nahon: Mr Speaker, I appreciate that, but from my information, the backlog is due to patients being told that there are no gynaecologists. This is why I bring up the question, 'Are there gynaecologists for standard appointments?'

1375

Mr Speaker: I have here in front of me the answer to Question 661 – I imagine that this is what the Minister said – 'The GHA currently has a team of gynaecologists for all general gynaecological requirements in the community.' That is what the Minister has said. I imagine it is true.

1380

Hon. N F Costa: Mr Speaker, for the hon. Lady's reassurance, there are 3.5 full-time equivalents – in other words, full-time persons and a part-time gynaecologist – and by 2018, in the first quarter, there will be four full-time equivalent gynaecologists.

There have always been three gynaecologists in the GHA since 2011.

1385

Hon. D A Feetham: Mr Speaker, may I? (**Mr Speaker:** Yes.)

Mr Speaker, just on that, may I draw the hon. Gentleman's attention to a question that I asked last month – it is Question 124/2017 – where I asked for waiting times for referrals from the primary care centre to the hospital and there the hon. Gentleman gave me an answer: the average waiting times for gynaecology is 16 to 20 weeks, which is in fact more than all the others.

1390

All the others are, for example, general physicians, 6 to 8 weeks; orthopaedic, 8 to 20 weeks; ear and nose, 5 to 10 weeks; paediatrician, 8 to 12 weeks. But for gynaecology it is 16 to 20 weeks. So it does appear that at least in relation to this particular issue, perhaps some of the things that the hon. Lady may be hearing with problems getting appointments may be reflected in fact in the figures.

1395

How can he explain, in the light of the answer about the resources, in this particular Department as to why the waiting times for gynaecology are more than all the others?

1400

Hon. N F Costa: Mr Speaker, I think that in the same answer, I told him that all urgent referrals continue to be within two weeks, and therefore if there is a diagnosis that requires urgency and emergency, the referral is done within two weeks. We are talking about routine referrals.

I have also told the hon. Gentleman that whereas since 2011, there were three gynaecologists; now there are 3.5 full-time equivalents. I have also told the House that as a result of the fact that I am not happy with the amount of time stipulated there, because as he rightly points out, there has been a continuing reduction trend in all specialisms, we are recruiting another gynaecological consultant to provide resilience to that list.

1405

1410

Mr Speaker: Yes.

Hon. E J Reyes: Mr Speaker, may I, please be patient with me if I get something wrong, because there were many questions collated there.

Am I right, did I hear correctly, the Minister said that in respect to the A&E department, there were provisions for three sisters? And if that is correct, can the Minister confirm that the three posts can be filled in or are any of them vacant?

1415

Hon. N F Costa: Mr Speaker, it would be extremely mischievous and misleading of me to say that there are three staff nurses at A&E but in fact they are vacant! Of course they are there and working.

1420

Hon. E J Reyes: The words I used was 'three sisters', Mr Speaker.

Hon. N F Costa: Alright, if he does not like the old terminology: three charge nurses.

1425

Hon. Ms M D Hassan Nahon: Mr Speaker, I have an email here from a patient who even had to discharge herself from hospital, because there was no gynaecologist on top of her and she had two major cysts, 13 cm on each side, and ended up in Spain for treatment.

1430

So I do not know how the Minister can tell me that there is no issue in terms of the complement of gynaecologists, and I am happy to pass on this email, because the patient wants him to have it anyway.

1435

Hon. N F Costa: Mr Speaker, only the other day, the hon. Lady sends me an email; she writes to me to say, 'This is happening'; I see the email, I talk to my principal secretary – problem solved.

If there is an issue with this patient, she can tell me and I will look into it – but I cannot possibly comment on individual cases across the floor of the House! (*Interjection by Hon. Ms M D Hassan Nahon*)

1440

Hon. Chief Minister: He is not the gynaecologist!

Hon. Ms M D Hassan Nahon: It is retrospective – I did not know at the time. I have just received it after this happened, otherwise I would have sorted it out.

1445

This is a complaint that supports the point I am trying to make. I am not taking the advantage of somebody who I could have asked the Minister for help at the time. I did not know at the time. This has come to me after I put the question.

1450

Hon. N F Costa: Then why ask me now, across the floor of the House? Mr Speaker, it is just grossly unfair. I assist the hon. Lady with everything she gives me – *everything* – and she tries to embarrass me across the floor of the House by saying, 'But look at this!'

Mr Speaker: We are going to –

1455

Hon. N F Costa: If she only received it after the question, the hon. Lady should not have, on the floor of the House, in public, tried to embarrass me!

Mr Speaker: We are going to move on. That it. Next question.

1460

Hon. Chief Minister: Mr Speaker, can I just... in an effort to ensure that we do not this sort of spectacle again, if somebody is already *in hospital* – the hon. Lady has referred to somebody who is an in-patient in the hospital – with an existing medical problem – I assume it is not today, because the person is obviously on Wi-Fi and able to send her material –

1465

Hon. Ms M D Hassan Nahon: No, I have had this email for a couple of days.

Hon. Chief Minister: Well, in that case –

Mr Speaker: Hon. Members are going to sit down.

1470

I am getting a bit fed up and tired at the manner and way in which the Rules are being transgressed now. I have said that that is the end of that. We are moving on to the next question. (*Interjection by Hon. Chief Minister*) And let hon. Members take on board the reason why I am doing so. I do not want to have a repeat of this kind of spectacle again. It is not right that we should do so. Does the Hon. the Chief Minister not agree? Does he think he needs to add more to what I am saying?

1475

Hon. Chief Minister: Mr Speaker, I would be grateful if you indicated which of the Rules, I am transgressing, given that you have asked me to sit down. Which Rules did I transgress?

Mr Speaker: But is there any need for you to say anything else then?

1480

Hon. Chief Minister: Mr Speaker, I am trying to assist the House to ensure that this sort of thing does not happen again, so that the hon. Lady understands that if she has a live complaint from a patient, there are ways of dealing with that, which is not to put to the Hon. Minister that the things that he has said cannot be true, because there is one case where somebody has a gynaecological problem that has not been dealt with. We would want, for the purposes of this community, to ensure that if there has been such an issue, we understand why it arose, because if we have more gynaecologists than we have ever had before, and we think that we are able to refer people who need urgent emergency treatment more quickly than before – which is what the hon. Member has told the Hon. Mr Feetham is the case, in respect of urgent referrals which are being done within two weeks – how can there be an instance, if that is true that the hon. Lady has referred us to in the course of that email?

1485

1490

Now, this is what I said to her earlier: very often, we only get half of the truth from a constituent – the truth as that constituent sees it. It may be that there is another half to the truth, or it may be that the constituent is absolutely and completely right, because medicine is not an exact science, and sometimes we find that we are not able to provide the care that we might like to see dealt with.

1495

But it is not something that we are able to resolve across the floor of this House, because this House at Question Time is not the Tertiary Referrals Board; it is not the board that is looking at the care of the individual in question. But we must be able to deal with it.

1500

Mr Speaker: The Chief Minister is perfectly right, and that is why I am saying let's move on to the next question.

Q663/2017
Hillsides Residential Centre –
Plans for zebra crossing

Clerk: Question 663. The Hon. Ms M D Hassan Nahon.

1505

Hon. Ms M D Hassan Nahon: Has Government got plans to – like it did with the Bella Vista Day Care Centre – implement a zebra crossing by the Hillsides Residential Centre as well?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1510

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the Government does have plans to implement a pedestrian crossing at Hillsides, as it did at the Bella Vista Day Centre.

Senior officials from the relevant departments have been liaising these past months and proposals are being presented to the Traffic Commission for consideration.

ADJOURNMENT

1515

Hon. Chief Minister: Mr Speaker, I move that the House should now adjourn to Monday, 6th November at 2.30 in the afternoon.

Mr Speaker: The House will now adjourn to Monday, 6th November at 2.30 in the afternoon.

The House adjourned at 5.07 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.45 p.m. – 4.04 p.m.

Gibraltar, Monday, 6th November 2017

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The Gibraltar Parliament

The Parliament met at 2.45 p.m.

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

[CLERK TO THE PARLIAMENT: C McDonald Esq *in attendance*]

PRAYER

Mr Speaker

Congratulations to the Chief Minister on election as Bencher of the Middle Temple

Mr Speaker: Before we proceed with questions, I want to take the opportunity to congratulate the Chief Minister on his being elected as a Bencher of the Middle Temple. He is the second of Gibraltar's Chief Ministers to have been so elected, following in the footsteps of
5 Sir Joshua Hassan.

Congratulations, I am sure, on behalf of everyone. (*Banging on desks*)

Questions for Oral Answer

CHIEF MINISTER

Q696/2017

Gibraltar Private Sector Workers and Pensioners Association – Government decisions

Acting Clerk: We continue with answers to oral questions.

Question 696/2017. The Hon. Ms M D Hassan Nahon.

10 **Hon. Ms M D Hassan Nahon:** Has Government made any decisions yet in connection with the Gibraltar Private Sector Workers and Pensioners Association following the association's discussions with Government for the last six years and also following the general statements of the Chief Minister in his budget address of this year?

15 **Acting Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am very pleased to be able to inform the House that the Trustees of Community Care have now informed the Government that, in coming days, they will be making a statement specifically on the additional financial support measures

20 for pensioners in order to ensure that the standard of living of such pensioners keeps up with the growth in the economy.

The reason the statement has not been made before today is that this question has been pending answer in this House.

25 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I appreciate that answer, but as the Chief Minister might understand, we have seen assurances twice in the 2011 manifesto, 2015 manifesto, we have had announcements in the Budget, we have had union representatives making announcements on *Viewpoint* and *GBC*, also announcements in the May Day Rally this year.

30 How can the Pensioners Association be assured that this time these announcements are for real and can we have any idea of an implementation date as well?

Hon. Chief Minister: Mr Speaker, I am sorry to say to the hon. Lady that she is woefully confused.

35 The announcements by the union leaders that she is referring to relate to the introduction of the principle of pensions in the private sector for those who are working now. That is completely different to the issue on which she has asked me a question, supposedly on behalf of the Gibraltar Private Sector Workers and Pensioners Association – incidentally an association that my Government is the only Government to have entertained and an association with which we have had a long association.

40 But it is true to say that we have not been able to make an announcement before. What I have said is that it is very likely that these payments would not be payments which the Government would be responsible for, that they would be matters that would be dealt with at Community Care.

45 We have had discussions with Community Care. I said I expected to say something in September, which has not been possible. She filed questions in mid-October. That stopped the clock because if we answer questions once hon. Members have filed a question, they get upset that things happen. So what I am saying to her is: the minute this session is over, I understand that the Trustees of Community Care are ready to make that announcement.

50 But it is not an announcement which relates to the issues which union leaders have been dealing with and have been raising in programmes and have made other announcements in relation to, which we are also progressing on. This is a separate issue. It is about existing pensioners, not future pensioners, who are receiving amounts which in many instances are even below the minimum wage.

55 **Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker.

Can the Chief Minister give us any idea of implementation dates?

60 **Hon. Chief Minister:** Mr Speaker, I always hesitate to deploy with her the sort of remark that I might deploy with others. But she should know that when it comes to Community Care, the Government is not in any control and therefore the Government is not going to be able to make a statement as to implementation.

65 The reason for that is not to try and avoid a question. The reason for that is not to try and avoid giving information to members of the Private Sector Workers and Pensioners Association for whom I have the very highest regard and who have done a magnificent job in advocating for those who might be less well-off in our community; but because Community Care is an independent charity. And if it were perceived not to be an independent charity, then what it does so successfully for Gibraltarian resident pensioners, it might not be able to continue doing.

70 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Chief Minister give us any assurances that he may ensure that things move on as independently as he can from that further position once

he has told us that there will be an announcement? If we do not hear anything, can we hear something back from the Chief Minister?

Hon. Chief Minister: Well put it this way, Mr Speaker: the Chief Minister stands by what he says in this House. She is not going to get the opportunity to embarrass me by asking in Parliament next month whether what I said in answer to Question 696/2017 is going to materialise in December, instead of in November.

But the answer I have given her talks about the aspects of this that the Government had to deal with itself. That I have told her, in the context of this answer, has now been dealt with. Action now moves to an independent third party, who must remain independent for the reasons I have already indicated.

Now, if she will excuse me for saying, if she stops playing to the gallery and lets things just play out in coming days, as this statement I have just read suggests, she might find that the Gibraltar Private Sector Workers and Pensioners Association are very pleased indeed with the work that the Government has done on their behalf in the past six years.

Mr Speaker: The Hon. Roy Clinton.

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

If I may ask the Chief Minister, the Scheme that is envisaged to be announced, is this going to be on the same form or structure as the previously discussed Universal Credit Scheme that was communicated to the Gibraltar Private Sector Workers and Pensioners Association?

Hon. Chief Minister: Well, Mr Speaker, I am grateful for that question from the person in a caretaker leadership capacity in the party that did not entertain them when it had the opportunity to do so as a government, because he too needs to understand that what I have said is that an announcement is going to be made by an independent third party. So therefore, it would not be an independent third party if I was making announcements on behalf of it in this House.

Mr Speaker: The Hon. Mr Feetham.

Hon. D A Feetham: Mr Speaker, just to be absolutely clear, Community Care is an independent charity, it is run by independent trustees and the Governments on both sides of whatever political persuasion throughout the years have always defended the independence of Community Care.

Therefore, although this is an announcement that the Chief Minister is making in answer to a question from the hon. Lady, just to be absolutely crystal clear, this is an initiative from independent trustees who have made independent decisions to effectively pay this money at this particular rate but it is not a decision that is a decision of the Government.

There might have well have been discussions in the background but this is an independent decision from independent trustees out of the resources of that particular trust.

Hon. Chief Minister: Mr Speaker, that is absolutely right and this is an issue that is very topical. In fact in the news overnight, people may have seen the issues that now surround Lord Ashcroft in respect of the management of a trust beyond the reach of the trustees who should be making independent decisions according to what we have read in some newspapers and seen on some television programmes.

That is why the statement that I have read simply says that I am very pleased to be able to *inform* the House that the trustees of Community Care have *informed* the Government, because a question has been asked of the Government and I sought their views, that they will be making an announcement about what they have agreed to be paying.

125 It is true that we have made representations to the trustees on behalf of the Gibraltar Private
Sector Workers and Pensioners Association which the hon. Member will have heard me say
before in this House, but I entirely support the way that he has phrased the independent
decision-making which must occur in the context of this trust, Community Care Trust, as there
must be independent decision-making in respect of every single trust. That is why, Mr Speaker,
no GSLP Chief Minister will ever consider Community Care as a ticking time bomb or anything
like that.

130 **Hon. R M Clinton:** Mr Speaker, just one final question on this. If for any reason the Gibraltar
Private Sector Workers and Pensioners Association are not satisfied with the forthcoming
announcement, to whom should they turn? Should it be the Government or Community Care?

135 **Hon. Chief Minister:** Well, Mr Speaker, it certainly should not be to the party that had the
opportunity of assisting them when they were in Government and did not.

Hon. R M Clinton: Mr Speaker, I do not believe I had an answer to my question.

140 **Hon. Chief Minister:** Sorry, Mr Speaker. It certainly should not be to the party that had the
opportunity of assisting them when they were in Government and did not.

145 **Hon. R M Clinton:** Mr Speaker, I know he may have been made a Bencher of the Middle
Temple, but we are here in this Parliament and I have asked a very simple question on behalf of
the people in this gallery – he does not even have to look at the camera; he can look at them
directly. If he can turn to them and tell them, if they are not happy, who do they turn to?

150 **Hon. Chief Minister:** Oh I see, Mr Speaker, so the Leader – well, the putative or current or
caretaker Leader – of the GSD has now taken to making representations for the Gibraltar Private
Sector Workers and Pensioners Association, the group that they ignored when they were in
Government. Well, I see.

Well, Mr Speaker, if that is the question, then what the Gibraltar Private Sector Workers and
Pensioners Association know is that they can continue to turn to the only Chief Minister that has
entertained them in the time that they have had an opportunity of doing something.

155 And I know that they are all there, they are very welcome, like every citizen of this nation, to
come and see us and hear what we have to say, in particular when we are fulfilling our
commitments to people – those commitments which we acquired when the party that he now
leads failed to even meet them.

160 **Mr Speaker:** The Hon. Daniel Feetham.

165 **Hon. D A Feetham:** Mr Speaker, the Hon. the Chief Minister has indicated that the trustees of
Community Care will be looking at 8% – sorry not 8%; 8% is the increase in GDP – increases in
GDP. Does he know what would be the position, for example – or perhaps the discussions have
not gone that far, bearing in mind that it is the trustees that make the decision – but if there is a
slow-down in the economy and for example there is no economic growth, do we then envisage
that there will be no increase in payments because of it?

170 **Hon. Chief Minister:** Mr Speaker, I am quite surprised that the hon. Gentleman who was
Minister for Justice in the Government that did not entertain this collective is now pursuing
what would happen in the event of the economy not growing, given that when the economy was
growing, he as Minister for what must now be referred to as *injustice* failed to address the issue.

But, Mr Speaker, I think from my own logic, what would not make sense is that there should
be any group that might see their rewards grow when others do not. So if the economy were not

175 to grow, therefore if inflation were to be at zero, for example – and growth in the economy can
be measured in many different ways, but one of the ways in which it is also determined is if
there is growth by way of inflation – and if state pensions did not grow, then it would be
surprising to see other benefits also grow which related to pensions.

But that would not be a matter for me. He is asking me a question that I should simply have
180 answered by saying it is entirely hypothetical because he is asking me in effect to do that which
he warned me not to do, and put myself in the position of the trustees and make a decision for
them, if only by way of indication, if not by determination.

In which case, if what he is asking for is by way of indication, not determination, that is
hypothesis and that is not an appropriate question in this House.

185

Hon. D A Feetham: Mr Speaker, the hon. Gentleman, I have to say, even in my semi-
retirement, manages to sort of lure me out of my semi-retirement state!

Hon. Chief Minister: Welcome back.

190

Hon. D A Feetham: Thank you very much.

Mr Speaker, there is and this is precisely part of why I asked the question that I asked ...

The hon. Gentleman has stood up; he has on the one hand attempted to claim credit for this
initiative by answering the question from the hon. Lady. And then on the other, he has said, as
195 must be the case, because it is the trustees of Community Care of course – it must be the
position – it is not the Government's decision; it is the decision of Community Care.

So he cannot have it both ways. He cannot claim credit and say, 'Because I have entertained
and I am the one that should be gaining the credit for this – but it is a decision that has been
taken by the trustees of Community Care.' If it is a decision of the trustees of Community Care, it
200 is a decision of the trustees of Community Care.

But he is wrong, Mr Speaker. He is wrong in his analysis and there is a serious point – forget
about all the political toing and froing, there is a serious point here – and it is this: that you can
have a situation where you can have rampant inflation, for example, and an economy that is
contracting. You could have that kind of situation.

205 I am just trying to drill down into what would happen – now if he does not have the answer,
he does not have the answer – but what would happen if there is a contraction in the economy
but there is a growth in inflation and therefore effectively these individuals would be losing out
– losing out because the economy contracts, but also losing out because inflation increases. I
just wonder what the position would be in that situation.

210

Hon. Chief Minister: Mr Speaker, I miss him so much. *(Laughter)* I never thought I would, I
really never thought I would.

Mr Speaker, I miss him because he manages to conflate and not clarify, in the process of
seeking answers to questions.

215 There is a very important point here and the very important point, Mr Speaker, is that there
are people in our community who do not have pension provision made available to them which
allows them to have a dignified retirement. That was the point that was made to me in 2011 and
that is the point that I have analysed with the Government in Cabinet and that is the issue which
I told the House before we would be making representations to Community Care about. And
220 that is what Community Care have now, as a result of those representations, told us that they
will seek to address in a statement that they are about to make.

Now, what the hon. Gentleman is asking me to do is to look forward to a situation which has
not occurred and say how it will be dealt with. That is a hypothetical question. It is a question,
Mr Speaker, that is not in order under the Rules.

225 But I will tell him, Mr Speaker, why it is also in my view, not a relevant question. Because in
Gibraltar, at least in the time that I have been in office and indeed in the time that my

predecessor as Chief Minister was in office, state pensions have always grown by the rate of inflation, not with a view to the growth of the GDP.

230 So, Mr Speaker, looking into the future is a mug's game and I will not do it. But by looking at the past, I can tell the hon. Gentleman that everything that relates to pensions in this community has gone up based on the growth of inflation, not on the overall growth of the economy.

235 **Mr Speaker:** May I point out to the Chief Minister that during the years when I was in Government, state pensions, old age pensions, were increased in accordance with the increases in average earnings. Just for the record – nothing to do with inflation.

Hon. Chief Minister: Thank you, Mr Speaker.

240 I was not around then and I do not want to debate with you but those who were seem to recall that there might have been some instances where that was not quite the case, but we are not here to debate; it is Question Time.

Mr Speaker: Next question.

Q671/2017

Emergency Services hub at Rooke site – Government intentions

245 **Acting Clerk:** Question 671. The Hon. R M Clinton, on behalf of the Hon. E J Phillips.

Hon. R M Clinton: Mr Speaker, can the Government confirm that it intends to create an Emergency Services hub at the Rooke site?

250 **Acting Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, this continues to be one of the opportunities potentially available.

255 **Hon. R M Clinton:** Mr Speaker, just by way of clarification, would the Chief Minister then confirm that there is a project or there are plans certainly to move at least the Fire Brigade to another location?

Hon. Chief Minister: There is a similar question in the Order Paper later on, Mr Speaker.

Q673/2017

Bus fleet purchase agreement – Expiry date on buy-back clause

260 **Acting Clerk:** Question 673. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Minister say if there is an expiry date in the purchase agreement for the bus fleet of the buy-back clause and if so, when that date is?

265 **Acting Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, there is no expiry date.

Q674-675, 693-695/2017

**Fire Station; GBC; roof gardens; amphitheatre; domiciliary care –
Government plans**

Acting Clerk: Question 674. The Hon. T N Hammond.

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Hon. T N Hammond: Mr Speaker, when does Government intend to move the current City Fire Brigade Fire Station as proposed in its 2011 manifesto and to what location?

Acting Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 675 and 693 to 695.

Acting Clerk: Question 675, the Hon. T N Hammond.

280

Hon. T N Hammond: Where does Government intend to move GBC to as proposed in its 2011 manifesto and when does it consider that the move might take place?

Acting Clerk: Question 693, the Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, can the Government explain why the roof garden displayed in their 2011 manifesto on affordable housing projects never materialised and confirm if they intend to provide roof gardens in the affordable projects recently announced where artist's impressions provide these?

290

Acting Clerk: Question 694, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, does the Government intend to construct the 400 outdoor amphitheatre promised in their 2011 manifesto?

295

Acting Clerk: Question 695, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, will the Government be expanding domiciliary care to include cooking, shopping and household chores as promised in their 2011 manifesto?

300

Acting Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, Questions 674, 675 and 693 to 695 relate to manifesto commitments of the GSLP Liberals for the 2011 General Election.

305

As a matter of principle, the Government will not subject itself to examination by the hon. Members about pre-Election facts and periods because in a democracy elections renew the mandate of the Government and they draw a line under the arguments of the Opposition up to that date because the electorate have expressed their judgement on those political arguments.

310

Hon. T N Hammond: Mr Speaker, from that answer, can I just confirm with the Chief Minister that therefore all, or any, of the *many, many many*, non-delivered commitments of the 2011

manifesto will now not be delivered or that the Government will not in any way be accountable for their delivery, including the move of GBC and including the move of the City Fire Brigade?

315 **Hon. Chief Minister:** Is that despite having seen the expressions of interest announced in *The Chronicle* a couple of weeks ago, Mr Speaker?

Hon. T N Hammond: I do not think that answered the question, Mr Speaker.

320 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has seen in the local press that there is an advertisement in respect of the relocation of GBC. So is he asking me the question in light of that public statement which he will have seen in the local press?

325 **Hon. T N Hammond:** Mr Speaker, I have not seen that advertisement in the local press and I do not know if that advert went out after this question was submitted or not. But perhaps the Chief Minister could clarify where it is the intention to move GBC, which is the nature of the question.

330 **Hon. Chief Minister:** Well, Mr Speaker, I am not here to answer questions about things which are public and the hon. Gentleman is expected to at least keep up with the local newspapers, Mr Speaker. And there has been an advertisement in the local press, not when hon. Members filed questions – it was not a statement; it was an advertisement seeking expressions of interest for a particular site in Gibraltar, including for the relocation of GBC.

335 Now, it is really quite something if a Member of Her Majesty's loyal Opposition does not read the papers, Mr Speaker.

Hon. T N Hammond: Mr Speaker, with regard to the City Fire Brigade, is it the intention to move or has an advert gone out in similar vein, because I missed that one as well.

340 **Hon. Chief Minister:** Well no, Mr Speaker, he did not miss an advert; he missed an answer a moment ago. Because the hon. the current acting Leader of the Opposition – let me rephrase that. The hon. the current Acting Leader of the current Opposition –

Mr Speaker: Let me clarify the position.

345 As far as I am concerned and therefore, in consequence Parliament, when the Hon. Daniel Feetham resigned as Leader of the Opposition, I was asked by the majority Members of the Opposition of the GSD to recognise the Hon. Roy Clinton as Leader of the Opposition.

Consequentially we have recognised him here in Parliament and he is being therefore paid by the Treasury the appropriate allowance in respect of that.

350 So as far as I am concerned, until I am told otherwise, Mr Roy Clinton is the Leader of the Opposition.

Hon. Chief Minister: Except, Mr Speaker, he has referred to himself as caretaker and acting. But I have no problem, Mr Speaker, let me put it this way. The current Acting Leader of the GSD, his party, has just asked me a question about the emergency services hub at Rooke and I have just given him an answer about that.

He did not even have to read the papers – just had to keep his ears open.

360 **Hon. T N Hammond:** Yes and, Mr Speaker, I believe part of that answer was that there is another question on the Order Paper, which was specifically about the City Fire Brigade, not an emergency services hub.

So I am talking about the City Fire Brigade which was specifically committed to in the 2011 manifesto for it to be moved to another site.

365 Now, the other question I do understand, refers to an emergency services hub, I can see the
two could go together. However, that was not clear and when the Hon. the Leader of the
Opposition asked a follow-up question specifically to the City Fire Brigade, the Chief Minister
replied, there is a further question in the Order Paper referring specifically to the Fire Brigade,
which is why I am now asking questions specifically about the Fire Brigade, because it does not
370 necessarily follow that an emergency services hub would contain the City Fire Brigade, although
of course it may do.

Hon. Chief Minister: It would.

375 **Hon. L F Llamas:** Mr Speaker, the reason why I asked questions about the 2011 Manifesto is
because the Government at the time gave the undertaking in the manifesto that they would
complete their manifesto commitments within the four years.

However, there is part of one of the questions which is to do with the current manifesto and
the plans that have been recently announced to do with the housing projects, whether those
gardens, the roof gardens which did not materialise in the 2011 affordable projects – the
380 affordable projects done in the first term of office and we did not see them transpire – if those
will be happening, given that they have been shown once again in artist's impressions and they
did not materialise in the last parliamentary legislature?

385 **Hon. Chief Minister:** Well, Mr Speaker, the hon. Gentleman told us in this House last time we
were here, in a debate on matters relating to self-determination that he continued to be a
disciple of Sir Peter Caruana and some of the things that he had set out when he was Leader of
the GSD.

What I have read out to him, Mr Speaker, about how you account in this House is *word for*
word Peter Caruana in answer to Question 627/2007. It is actually vintage Caruana if you had
390 seen the performance on the day and the hon. Gentleman, as an admirer of my predecessor, the
former Chief Minister, would have enjoyed being in this House when he uttered those words.

So, Mr Speaker, in relation to the 2011 Manifesto, we have the obligations that we have. I
think it is clear that we are continuing the process of delivering, but in relation to the current
housing that the hon. Gentleman is talking about, all that we have seen at the moment are
395 outline designs, more about massing and look. It is not clear yet whether those will be the final
architect's designs.

But if he looks at the architects designs announced at the time that the projects got
underway under the last manifesto, they have been built exactly as those who were purchasers
and saw the designs actually were led to believe at the time that they bought.

400 I would say something else in that respect, Mr Speaker, if he cares to look again, because he
is obviously the person to have most recently read it from cover to cover, at our 2011 New Dawn
manifesto he will see that Mons Calpe Mews has been built identically, almost, to the images
that appeared in that magnificent manifesto for the 2011 General Election, which I am reminded
we were in the process of fighting this month six years ago.

Q676/2017
Gibraltar Development Plan –
Plans to revise

405

Acting Clerk: Question 676. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, are there any plans to revise the Gibraltar Development
Plan?

410 **Acting Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes sir.

Hon. D A Feetham: Mr Speaker, can the Hon. the Chief Minister give an indication of when
415 the exercise of revising the Gibraltar Development Plan will be completed?

Hon. Chief Minister: No, Mr Speaker, I cannot give an indication.

Hon. D A Feetham: Can he at least inform the House as to whether the Gibraltar
420 Development Plan will be binding upon the Development and Planning Commission?

Hon. Chief Minister: Mr Speaker, the position in respect of the Development Plan will
continue to be the same under the current legislation, whether it is reviewed or not reviewed,
and under the new legislation, provision will be made in relation to Gibraltar Development Plans
425 which is set out in that legislation. I have seen a draft and I expect it will be published shortly.

Hon. D A Feetham: Yes, thank you very much for that answer, but can he give any
information as to whether there will be a tightening up of a requirement that the Development
and Planning Commission basically adhere to the Gibraltar Development Plan.

430 I mean, there is a considerable amount of concern, certainly the people that I have spoken to
from the Heritage Trust and indeed others, that there are a number of developments that have
been built or are planned to be built, particularly within the walls of Gibraltar, that have been
given the go ahead by the Development and Planning Commission that do not comply with the
Gibraltar Development Plan and that it is important that there be clarity as to the legal status of
435 the Gibraltar Development Plan.

There is a school of thought for example that suggests that the Gibraltar Development Plan at
the moment is binding. I know that the Government and certainly the Development and
Planning Commission take a different view. But is there going to be clarity in relation to that and
a tightening up of the requirement that the Gibraltar Development Plan be adhered to?

440 **Hon. Chief Minister:** Mr Speaker, that is a matter that will be clearer when the Bill is
published. There has been already a Command Paper which has led to a considerable number of
representations made to the Government, the Government will publish a Bill that will take into
consideration those of the representations which we have believed to have merit.

445 But all of these concerns, of course, Mr Speaker, that the hon. Gentleman refers to, do not
equate to the considerable relief that is expressed to the Government by those who are very
pleased indeed that the DPC now sits in public, that it publishes its minutes and that the debates
of the DPC can be attended by any member of the public, and indeed that members of the
public can make representations if they wish to object to a particular development because it
450 contravenes the Development Plan, the current GSD Development Plan which, from memory, I
think was developed almost more than a decade after they took power.

And, Mr Speaker, all of that I think demonstrates that there is a better opportunity today to
give vent to those concerns in the context of decision-making in front of the DPC than was the
case when the DPC met secretly under the administration that he was a member of and did not
455 publish its minutes.

But if I may end on a more conciliatory note, Mr Speaker, I recall that in my early days of
becoming politically aware, there were a raft of articles in a publication now defunct called *The
Democrat*, I believe, which related to just this issue of the Development Plan. In particular in
relation to a development over Rosia Bay, which I think became known as Rosia Plaza, and there
460 one particular practitioner from a firm he used to practice in set out in great detail in those
articles his in-depth knowledge of planning law and whether or not the plan should be binding

or not. I think that might have been – talking totally from memory – 1986 or 1987. It is a debate that has run and run and I expect that the Bill, when published, will deal with it.

Q677/2017
Official travel of Ministers –
Policy on air miles

465 **Acting Clerk:** Question 677. The Hon. D A Feetham.

Hon. D A Feetham: Thank you very much. What is the Government's current policy in relation to who should have the benefit of air miles accumulated as a consequence of the official travel of Ministers?

470

Acting Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the position of the Government is set out in the Ministerial Code.

475

Hon. D A Feetham: Mr Speaker, it is a Ministerial Code that as I understand it is still not effective.

Now of course, again not wishing to become unduly belligerent in my semi-retirement state, can I say that of course I recall, and he must recall as well, that when he was on this side of the House, he would almost – well it was not monthly, but every time that we had a session of Parliament, he would ask about this particular issue because he felt it was an important one.

480

And therefore, six years on, when can we expect that the hon. Gentlemen opposite take a leaf out of the Hon. the Chief Minister's discourse when he was on this side of the House and ensure that air miles that are accumulated as a consequence of ministerial travel go effectively for the benefit of the Taxpayer?

485

Hon. Chief Minister: *Already*, Mr Speaker, is the answer to that question, because that is the way in which this Government has behaved, even before we published the draft Ministerial Code, which I consider to be binding as far as I am concerned and indeed I think colleagues take the same attitude.

490

But in relation to this, as I said in Question 695/2008 to the then Chief Minister, I think the Taxpayer is entitled to the credit for the miles that are paid for by his/her pounds, shillings and pence and that is how we have acted from the moment that we were elected.

But not every airline gives air miles, Mr Speaker, and Ministers now do not ensure, as they might have done in the past, which he might remember was also one of my bug bears, that they fly with the airline that gives them miles even if it is more expensive for the Taxpayer simply because they are then able to spend them for themselves and their family, as was the case, Mr Speaker.

495

He will recall me saying, in the time that he was a Minister in the former Government – although I do not know what he uses his air miles for – but there was one particular individual who I was very fond of, Mr Speaker, although he was on the other side of me, who was notorious for the collection of air miles, the spending of air miles on his own family's travel and indeed, Mr Speaker, other practices in relation to travel which I will not deal with in the context of this answer.

500

But he can rest assured that I acted in keeping with my own views from the minute that I was elected in relation to this matter.

505

510 **Hon. D A Feetham:** Well, Mr Speaker, I am very glad to hear that and indeed therefore, the answer to the original question, it had nothing to do with the Ministerial Code because the Government as I understand it, all the Ministers that is the answer that the hon. Gentleman, correct me if I am wrong, all the Ministers of the Government have acted in accordance with that policy since they were elected in December 2011.

515 **Hon. Chief Minister:** Mr Speaker, that is a discussion we had in Cabinet and the position we took in Cabinet.

By the way, Mr Speaker, we had that discussion reminding ourselves of what we called the 'lack of shame' of practices before our time.

Q678, 686-689/2017
Civil Service recruitment –
Grades, promotions, sub-contracts, vacancies

520 **Acting Clerk:** Question 678. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, further to the answer to written question W119/2017, can the Government please explain why the recruitment process for those AA vacancies is still on hold?

525 **Acting Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question 686 to 689.

530 **Acting Clerk:** Question 686. The Hon. L F Llamas.

535 **Hon. L F Llamas:** Mr Speaker, will the Government consider whilst it considers whether or not it is going to recruit AAs in the Civil Service of ensuring the persons who are covering these positions from recruitment agencies receive the basic scale of the post they are covering and the minimum leave entitlement of civil servants?

Acting Clerk: Question 687. The Hon. L F Llamas.

540 **Hon. L F Llamas:** Mr Speaker, can the Government provide a schedule with sub-contracted workers in the public sector including (a) since when has the person been sub-contracted; (b) reason for cover; and (c) the Department providing services for?

Acting Clerk: Question 688. The Hon. L F Llamas.

545 **Hon. L F Llamas:** Mr Speaker, can the Government provide a schedule of officers in the public sector who were temporarily promoted including (a) the grade the officer holds; (b) the grade the officer has been temporarily promoted to; (c) date of temporary promotion; and (d) the department.

550 **Acting Clerk:** Question 689. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a schedule of vacant posts in the public sector including (a) grade; (b) dates since when the post has been vacant; and (c) the department.

555

Acting Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the GSLP Liberal Government is committed to maintaining the number of civil servants at the level at which the previous Government had left it in December 2011.

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Between 2011 and 2015 the numbers were increased, not as a result of representations from the staff side, in the majority of cases, but in order to meet the demands created by the implementation of Government manifesto commitments and other policy decisions. These additional Civil Service numbers are spread over the whole of the service and are therefore above the threshold inherited in 2011.

565

As has been repeatedly stated, the Government is now undertaking an efficiency review in the light of changing working methods and technology, in particular the introduction of e-government which requires less manual processing of paperwork. The vacancies are therefore on hold to be reviewed once we see the effect of the implementation of the changes in technology.

570

Given that the GSD and in particular the former Leader of the Opposition regularly criticised us for having invested in and grown the size of the Civil Service, it is incomprehensible that he should now, in the light of his alleged impending departure from this Parliament, be pressing for positions to be filled when they became vacant. Indeed, I memorably recall, Mr Speaker, statements that, in the GSD's view, the Civil Service was bloated.

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It is really quite remarkable, therefore, that they should now seemingly be asking us to further increase the numbers, unless they have changed their position on this also in the past few months.

As regards the rate of pay of supply workers, this is determined by the recruitment agencies that provide these workers; they are not employees of the Crown and will not be paid Civil Service salaries.

580

In fact, Mr Speaker, quite recently I recall the acting caretaker Leader of the Party opposite and Leader of the Opposition, saying 'Civil Service pay is not based on merit. There is no merit in it at all. There is just relativity', he said.

585

The Hon. Mr Llamas, having been a civil servant, knows that prior to 2011, shortages in Departments were not provided with supply staff. Departments were therefore expected to cope with shortages with the existing staff remaining. They had to cover the work of absent colleagues themselves or have individuals temporarily allocated to the departments where shortages were greatest.

590

Mr Llamas will also know that the introduction of supply staff was an initiative of the GSLP/Liberal Government in order to ease the pressure on civil servants in departments that were experiencing staff shortages for a variety of reasons.

I am not sure if this innovative and positive introduction of temporary cover is one of the things he was on about, when he said almost exactly two years ago that he had seen things in the Tax Office that worried him so much that he decided he had to stand for election with the party he has since left!

595

There is, of course, no shortage of candidates – if you will excuse the pun – for the supply list, given that being employed in the provision of supply services greatly improves the prospects of recruitment when vacancies arise. The experience gained is also useful when applying for vacancies that arise in the private sector.

600

The public sector as a whole includes the Civil Service and the employees of Government agencies, authorities, companies, etc. but does not have a complement of posts in the way the Civil Service itself does. As a result, there are no vacant posts as such.

605 That is to say, if one employee moves from one agency to another agency, authority or company, or within the departments of any such entity, it is not the case that he or she leaves behind a vacancy that requires filling.

This was in fact one of the great disadvantages that the GSD under Sir Peter Caruana put forward at the time that it decided to fragment the unified Civil Service and convert it into a range of different employers as separate Government agencies, authorities and companies.

610 The Hon. Mr Llamas has said that he still believes in the positions set out in a whole host of issues as set out by Sir Peter. I am, sure, therefore that the fragmentation of the Civil Service which I have alluded to must have enjoyed his support.

615 This Government believes that that fragmentation ushered in by the GSD has led to diseconomies of scale and ways are being explored of addressing and correcting this problem through the efficiencies which I have referred to at the beginning of this answer.

As regards the Civil Service positions, I will write to the hon. Gentleman in coming days to provide the figure requested.

620 **Hon. D A Feetham:** Mr Speaker, I have to say that I do not know who is the greatest disciple of Sir Peter Caruana – the Hon. Mr Llamas or the Hon. the Chief Minister! Today I have seen something that I did not think I would ever see and that is, quoting word for word an answer that Sir Peter had given when he was there and he prays in aid of that answer in order to answer us a question from this side of the House.

625 Mr Speaker, the reality in relation to the question that I have asked, the AA vacancies – and I am not commenting one way or the other about whether they should be filled or whether they should not be filled; I am asking a specific question about Government policy in relation to those vacancies – but the reality is that shortly before the General Election in 2015, the Hon. the Chief Minister made public statements and, if I may say, made a considerable song and dance about the fact that those AA vacancies had come out and that they were going to be filled and that here you had a situation where ‘This nasty Opposition, led by Daniel Feetham, wants to contract the Civil Service, whereas here we are in Government, led by me and we are releasing these vacancies.’

630 Now, that was over two years ago, because I think these particular vacancies, if my memory serves me right, were advertised either before December 2014, or just after December 2014. Therefore I think that the public deserve an answer as to how long at least will the process take for these efficiencies, so that we know one way or the other whether these vacancies are going to be filled.

640 Mr Speaker, may I also say this: that the position in relation to the public finances of Gibraltar and in relation to whether those public finances could stand increases in the Civil Service have been well known well before the 2015 election. The question therefore arises as to whether the Chief Minister was entirely candid with those people who were invited to apply for those AA vacancies just before the 2015 election.

645 **Hon. Chief Minister:** Well, Mr Speaker, a very nasty Opposition it was too – very nasty, Mr Speaker. *(Interjection)* So nasty in fact, Mr Speaker, that it made some of the elderly residents in our community fear for their savings in the Gibraltar Savings Bank because of investments that that bank or lending that that bank had done through Credit Finance. *(Interjection by Hon. D A Feetham)* No, no, Mr Speaker, I am sorry the hon. Gentleman raised the issue of public finances before the election and accused me of not being candid. I am going to deal with that point.

650 **Mr Speaker:** Briefly.

655 **Hon. Chief Minister:** And the lending that Credit Finance Company Limited had done to the Sunborn, Mr Speaker, which hon. Members said was a huge gamble that could go wrong,

Mr Speaker. I have not heard them say the word 'Sunborn' since that company announced that it had repaid Credit Finance entirely. (**A Member:** Hear, hear.) So, Mr Speaker, people will be putting the nastiness of that Opposition into its proper context, Mr Speaker.

660 But, Mr Speaker, it is true that I have quoted on two occasions Sir Peter Caruana as authority for a proposition in this House. I have done so advisedly, (*Interjection*) of course, because I am facing, in the context of *this* question in particular, the hon. Gentleman Mr Llamas who has said only in the previous meeting that he continues to believe in a place of hope called Peter Caruana and the way he used to do things, and I am dealing with the hon. Gentleman who is reputed to have said that Sir Peter Caruana was the greatest Gibraltarian of *all time*. (*Interjection*) Not of his
665 time or of our time, allegedly what he said, Mr Speaker, was that he was the greatest Gibraltarian of all time.

But I will give him a by on that because whether he said that he was the greatest Gibraltarian of all time, his time or our time, he thought him pretty good. (*Laughter*) And so what I do not want to do, Mr Speaker, is offend the hon. Gentleman's sensibilities by not quoting Sir Peter
670 with authority for a particular proposition.

Now, it also appears to me, Mr Speaker, that the only thing that unified them on that side of the House was Sir Peter Caruana and his iron fist, because nobody else seems to be able to keep them together, not even their common dislike of us sitting on this side of the House.

675 But having said all that, Mr Speaker, what I have answered is the question that he asked. 'Why are the vacancies on hold?', he asked. He did not ask until when, he asked why. That is Question 678/2017 and I have told him why in the context of my first answer.

Mr Speaker: Any other supplementary?

680 **Hon. D A Feetham:** Just one, Mr Speaker, because I do get a lot of representation. When?

Hon. Chief Minister: Mr Speaker, I need separate notice of that question. That is not the question he asked.

Q679/2017
Developing the Rooke site –
London and Regional interest

685 **Acting Clerk:** Question 679. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, is London and Regional still interested in developing the Rooke site?
690

Acting Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as drafted that question would appear to be one addressed to London and Regional.
695

Hon. R M Clinton: Well, Mr Speaker, I think the Chief Minister should be in a position to answer the question, in that he made a great big announcement during the Gib Day in London in October 2015, making a great big fanfare about London and Regional developing the Rooke site. Surely he can advise this House whether London and Regional are still interested in developing
700 the site.

705 **Hon. Chief Minister:** Well, Mr Speaker, he is not asking me whether we are involved in discussions with London and Regional or not. He is asking me, is London and Regional still interested in developing the site? Well, that is not a question addressed to me; it is a question addressed to London and Regional.

But perhaps, Mr Speaker, what I should do is instead of quoting Peter Caruana back at him, I should quote him back at him. Or is it that he has forgotten in the halcyon days when he did not carry the responsibility that he carries, perhaps for another few weeks or perhaps for longer, that he said before the summer, I would ask that we as politicians refrain from making
710 announcements until the ink is dry on the agreement and the money is in the bank.

So I am going to follow his advice, Mr Speaker, and now until an agreement is signed and the money is in the bank, I am not going to give him any information about what may be going on.

715 **Hon. R M Clinton:** Mr Speaker, I love hearing myself quoted back to me, it is always a good sign.

So, Mr Speaker, will the Chief Minister then confirm that he has no agreement signed with London and Regional?

720 **Hon. Chief Minister:** Mr Speaker, I do not think he needs to ask me that question because if I had, following his advice I would have made an announcement. So he might like to hear himself quoted back at himself, but he does not seem to pause to work out what it was that he said that is now being quoted back at him.

725 **Hon. R M Clinton:** Mr Speaker, a very simple yes or no answer would be appreciated from the Chief Minister.

730 **Hon. Chief Minister:** Well, Mr Speaker, you see the trained cross-examiner is me, Mr Speaker, and I am not here to answer questions in the way that the hon. Gentleman might wish.

Hon. R M Clinton: Mr Speaker, I believe here on this side of the House we are the ones asking the questions, so therefore, Mr Speaker, I ask the Chief Minister once again: is there or is there not an agreement signed with London and Regional?

735 **Hon. Chief Minister:** Yes, Mr Speaker, they are the ones asking the questions and we, Mr Speaker, are the ones answering them. Therefore, Mr Speaker, to use the parliamentary parlance used at Westminster, which he might be a little bit more schooled on by the end of the month, although it might or might not be of any use to him, I refer the hon. Gentleman to the answer I gave a few moments ago.

Q680/2017
Blue Water development –
Negotiations with Camoren Holdings Limited

740 **Acting Clerk:** Question 680. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, is the Government still in negotiations with Camoren Holdings Limited in respect of the Blue Water development?

745 **Acting Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Now that is a better question, Mr Speaker, it is very easy. Yes, sir.

750

Hon. R M Clinton: Mr Speaker, conscious of my previous statement about not saying anything until you have signed a deal, I assume that no deal has been signed yet with Camoren Holdings Limited.

755

Hon. Chief Minister: Mr Speaker, I refer the hon. Gentleman to the statements he made in lines 1715 to 1720 of the *Hansard* for this Parliament of Monday, 26th June 2017.

760

Hon. D A Feetham: Mr Speaker, I recall when I was a young boy, my grandmother used to tell me, *El cuento de la buena pipita*. When will this particular *cuento de la buena pipita* end, and when does the Government expect the process with Camoren Holdings – which is yet again, one of those which the hon. Gentleman announced with great fanfare before the 2015 General Election – when does he expect, if at all, that that process will bear fruit for the people of Gibraltar?

765

Hon. Chief Minister: Well, Mr Speaker, the problem is that the *cuento de la buena pipita* was one that I started to hear from the hon. the former greatest Gibraltarian of all time – (*Interjection*) Sorry, the former Chief Minister – he may still be the greatest Gibraltarian of all time in the hon. the former Leader of the Opposition's estimation – some years ago.

770

What I have told the hon. Gentleman is that we are in negotiations. When we are able to finish those negotiations in a way that is in the interest of the Taxpayer, we shall make an announcement. But, Mr Speaker, they cannot tell us not to make announcements until we have signed agreements and then press us to make announcements before we have signed agreements.

775

Mr Speaker, I do not tire of saying it although perhaps I have not said it whilst the current putative Leader of the party opposite and also of the Opposition has been in post, but this is starting to become reminiscent of Monty Python. They tell us to do one thing and then ask us to do another. I mean, it really is quite remarkable!

780

Hon. D A Feetham: But, Mr Speaker, does the Hon. the Chief Minister not agree that on this side of the House and indeed, by extension the rest of Gibraltar, can treat the announcements that he made in 2015 and this process now with Camoren Holdings Limited, with a huge, huge pinch of salt? Because you have a situation where this has now dragged on for more than two years and I think that people are entitled to a straight answer from the Chief Minister as to when he expects that process to be complete.

785

Or at least, for the Chief Minister to come to this House to say, 'Look, I made the announcement in 2015. Unfortunately there have been events that have overtaken that announcement and therefore I do not believe that this is going to happen.'

790

But this has now taken over two and a half years and certainly on this side of the House there is a significant amount of scepticism, even though of course we want it to succeed and of course we want it to come to fruition, but people are entitled to know, Mr Speaker, how long the Chief Minister thinks that this process is going to continue.

795

Hon. Chief Minister: Mr Speaker, they announced two projects on the East Side development. The East Side Reclamation, as it was known until 1996 by those who were Members of the GSLP, was known as a rat-infested rubbish dump by the then GSD.

The morning after the 1996 election, that area became the East Side Reclamation also in their parlance, and then they did a deal with one developer and then with another, including Norman Foster Designs and for well nigh on the 15 years that they were in office they were telling us the

800 *cuento de la buena pipita* of the towers that Norman Foster was going to build on that land, right?

Now, in all of that time, I will recognise one objectively justifiable delay: the Joint Sovereignty issue, which stopped things for a considerable time in Gibraltar, it created uncertainty as to future investments in Gibraltar, because of course Joint Sovereignty with Spain does not create certainty that things are going to go better. Joint Sovereignty with Spain makes capital fly from the potential that Gibraltar might not be entirely British, as he and I completely agree.

805 Now, will he recognise that I have said beyond this House, on television on two occasions, that Brexit which happened months after we made this announcement has had a negative effect on the ability to deliver *that* project in *that* way and that therefore negotiations have been affected by that? Because I have said that already. I have said that already.

810 So we made one announcement about 24 months ago and something called Brexit happened about 18 months ago – at least the announcement by Mr Cameron of the referendum which halted everything and then the referendum more than 12 months ago, 16 months ago.

So, Mr Speaker, I have recognised that has had an effect on the Blue Water Development. Does he simply just want me to keep saying that? Because if he does, is it that he wants me to send out a signal of a lack of confidence in Gibraltar? Because I would have thought that in retirement, in semi-retirement or in active, what we all need to do is to demonstrate our confidence that Gibraltar is going to do very well in the future and that projects like Blue Water will not just take off; they will be a great success whoever is in Government to the profit of our whole community.

820 **Hon. D A Feetham:** Mr Speaker, of course everybody wants this particular project and many other projects to succeed. I am a partner in a business here in Gibraltar employing over 300 people. Part of the business belongs to me. If Gibraltar does not do well, I do not do well personally. I hope my children continue in Gibraltar, and continue to thrive and prosper in Gibraltar.

825 But I have a duty to discharge from this side of the House, as every Opposition Member on this side of the House has a duty to discharge, and that is to ensure that the Government is held to account through questions, particularly questions about projects of this nature, because people are entitled to know, Mr Speaker.

830 And therefore, I accept everything that the Chief Minister has said about Brexit – indeed, even before Brexit. If he reads my 2015 Budget speech, the Hon. the Chief Minister will see that I retraced the history of the East Side development. It was a particular project that when the Hon. the Father of the House was in Government, there was quite a lot of optimism that the first GSLP Government could pull off an East Side development and if they had, the economy would have grown even further than it did at the time.

835 But it is a particularly difficult project, it is not an easy project. There have been three Governments that have attempted to make this project a success. And all that, I accept. I accept all that.

840 But, Mr Speaker, I think that I am entitled on behalf of the people of Gibraltar the exercise of my role is to drill down and to see whether for example, it is envisaged that rather than having the Blue Water scheme, which is a rather grandiose scheme which the Government announced at the time would be worth £1 billion, whether it is now envisaged that there might be a smaller scheme worth significantly less.

845 And perhaps may I ask the Chief Minister, whether that is the position at the moment, whether the Government is trying to downscale or is talking about with the developers, the downscaling of this particular project from that £1 billion project to something that might be smaller, might be more manageable and then of course, we would be able to ask further questions and drill down further about whether that involves, for example, hotels, whether it involves a marina, etc.

850 But that is our job; our job is to ask questions in this House.

Hon. Chief Minister: Mr Speaker, really I always considered him a gift when he was Leader of the Opposition, and it is for reasons like this you see. He says in this tone of high representation and almost quasi-indignation, it is our role to ask questions, to get to the bottom, to dig. Whilst
855 he told us that the Budget speech from the now current Acting Leader of the GSD and of the Opposition was one of the best that he had ever heard. And in that speech we are told not to answer questions like the one that he has asked.

In other words, we are told by the one hand of the GSD make statements only when the ink is dry and we are told by him in righteous indignation, give us a blow by blow account of what is
860 happening on that plot. And he tells us that he has to come here to find out what is happening.

Well it may be, Mr Speaker, because he seems to have switched off a little bit from politics, that he is not watching quite as assiduously my *Direct Democracies*. But I have dealt with this question when I have had it asked of me by Members of that group of people that he used to consider the ring of steel, who nonetheless also honestly discharge their obligations as Members
865 of the fifth estate and ask me difficult questions. And I have given them the answer.

So I refer him, Mr Speaker to the detailed answers I have already given in public about the progress of negotiations in relation to the East Side and the potential for that plot to change, grow or to be in alternative use as it develops for the future for Gibraltar. It is at the end of the day a property lung for Gibraltar. It is an opportunity for further expansion and development, Mr
870 Speaker.

There is the opportunity that the plot might grow further, so that instead of there being a marina which houses boats, there may be more land which houses more properties for a larger development. So he need not, with his eye cocked on the gallery, hoping to see if he can persuade people that things may not be going quite so well, (*Interjection*) – the gallery is virtual
875 these days, Mr Speaker, it is not just current – that things might not be going as well, Mr Speaker, because look, what we all have to ensure is that things do go as well.

And Members on this side of the House, every single one of them works every hour that we have available in order to ensure that we do deliver on these and better deals for Gibraltar, across our geography and across our portfolios. Because that is our obligation and that is what
880 we will ensure happens and that is what will ensure that Gibraltar does very well, Brexit or no Brexit, Mr Speaker, for his children, for mine and for all future generations of Gibraltar.

Q681/2017

**Mount Alvernia site–
Potential sale to hotel developer**

Acting Clerk: Question 681. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government confirm if the site of Mount Alvernia has
885 been sold, or is being negotiated to be sold, for the amount of £53 million to a hotel developer?

Acting Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I really do not understand that part of this question which goes to ‘or negotiated to be sold’ when that comes from exactly the person who asked me not to make any statements until things had been signed and ink was dry.
890

But, Mr Speaker, no sir, there have been no negotiations at all with any party at any time for any purpose or any price in respect of this site.

895 The hon. Member appears to have swallowed an empty rumour, hook, line and sinker. He should, however, have worked this all out for himself when we told him in September, in answer to Question 456/2017 that there were no plans to relocate Mount Alvernia.

Maybe he is getting forgetful, Mr Speaker, or maybe he just needs to learn not to believe everything he hears on his coffee mornings in Main Street and the bars and coffee shops of Gibraltar which he is happily sipping at Taxpayers' expense whilst Ministers are working hard for this community!

Q682/2017
Consultative Council –
Ad hoc membership

Acting Clerk: Question 682. The Hon. R M Clinton.

905 **Hon. R M Clinton:** Well, Mr Speaker, I thought it was part of my job description to meet the electorate, but never mind.

Mr Speaker, can the Government advise to whom it has written or communicated in respect of invitation to ad hoc membership of the Consultative Council and what was the selection criteria for each individual identified?

910

Acting Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): It is his work description and all of our work descriptions to meet members of the electorate, which we all do, Mr Speaker. It is in nobody's work description to swallow rumours, hook, line and sinker – something of which they will happily accuse others in this House but do not realise they sometimes fall for too.

915 Mr Speaker, the Government will make a full announcement in respect of ad hoc membership of the Consultative Council in due course.

920 **Hon. R M Clinton:** Mr Speaker, if I may ask the Chief Minister, has he actually issued any invitations, as at today's date?

Hon. Chief Minister: Yes, sir.

925 **Hon. R M Clinton:** And, Mr Speaker, would he be willing to advise the House how many invitations have been issued?

Hon. Chief Minister: No, sir.

Q683-684/2017
Construction of affordable housing schemes –
Financing

930 **Acting Clerk:** Question 683. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how it intends to finance the construction of the three new affordable housing schemes announced on 28th September 2017?

935 **Acting Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question 684.

940 **Acting Clerk:** Question 684. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, how does the Government envisage to finance the affordable housing projects?

945 **Acting Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the Government is considering a number of different options to finance the housing projects. As the House should appreciate, we are at an early stage of this process having only just sought expressions of interest that will help with the makeup of these buildings in the form of one-bedroom to four-bedroom properties.

950 This exercise will have an impact on cost, which will need to be included when financing the affordable housing projects. As is required for these large projects, we will be pursuing competitive procurement for this work. It is anticipated that the procurement notices will include a number of options including design, build and finance of these projects.

955

Hon. R M Clinton: Mr Speaker, if the Chief Minister would just indulge me, there is a question at the end of this.

960 Going back to the construction of the Aerial Farm site at Eastern Beach and the Coach Park site, in that development, those two developments, 944 units were created at a cost of about £115 million according to the press release in September 2013. That equates to about £122,000 per unit, add a bit of inflation, call that £133,000 per unit. For 1500 units, that would come to about £200 million.

965 Mr Speaker, what I would like the Chief Minister to advise is if with these ballpark figures – and again, they are ballpark – how would he intend to finance this construction? Is it by direct Government borrowing or will it be indirect Government borrowing, through Government-owned companies?

Hon. Chief Minister: Mr Speaker, I do not do ballpark and I have already given my answer.

970 **Hon. R M Clinton:** Well, Mr Speaker, I will ask the question in much simpler terms. Does the Government intend to borrow directly in order to finance these projects?

975 **Hon. Chief Minister:** Mr Speaker, it is not that I did not understand the question; it is as I told him, I do not do ballpark and I have already given the answer as to financing. It is in my first answer.

So as I said before, he will realise when he goes to the House of Commons what this phrase means: I refer the hon. Gentleman to the answer I gave a few moments ago. It is already in that answer.

980 **Hon. R M Clinton:** So, Mr Speaker, if I recall his answer correctly, there was an element of design, build and financing. Can the Chief Minister then confirm that this design, build and financing will be with a Government company or with the Government of Gibraltar as the contracting party?

985 **Hon. Chief Minister:** Mr Speaker, he just does not get it. The first sentence –

Mr Speaker: I am going to read out the first line of the answer.

Hon. Chief Minister: Exactly.

990

Mr Speaker: Maybe the hon. Member did not hear it.
The first line is:

the Government is considering a number of different options to finance the housing projects.

Hon. R M Clinton: Mr Speaker, it may be beneficial in future if we get a copy of that as well.
(Hon. Chief Minister: Exactly!) It is very difficult because you overpowered me with your wonderful speech.

995

Hon. Chief Minister: Thank you very much. It's the nicest thing you have ever said to me!
(Laughter)

1000

Mr Speaker: Any other supplementaries? We move on.

Q685/2017
Waterport Terraces purchases –
Excessive delays

Acting Clerk: Question 685. The Hon. L F Llamas.

1005

Hon. L F Llamas: Mr Speaker, can the Government provide details of the compensation paid to all who suffered 'excessive delays' in completing their purchases of Waterport Terraces?

Acting Clerk: Answer, the Hon. the Chief Minister.

1010

Chief Minister (Hon. F R Picardo): Mr Speaker, the issue of delays on payment of compensation happened during the GSD administration, for which we are not accountable.

1015

Hon. L F Llamas: Mr Speaker, this question has been filed as a result of their 2011 Manifesto where they pledged that they would be looking into paying out compensation. Therefore, can the Chief Minister confirm that this Government has not paid out any compensation to any purchasers of Waterport Terraces who have suffered excessive delays?

1020

Hon. Chief Minister: When this administration was elected, all those who had suffered damage had had the amounts paid to them or commitment to pay to them, entered into by the former administration which was the GSD administration.

We did a trawl, we sent out a notice, we received representations, we took advice and everybody who had suffered delays and had suffered loss, had had monies paid to them by then.

Q690/2017
Imperial Ocean Plaza –
Waiving of import duty for construction and fitting out

Acting Clerk: Question 690. The Hon. L F Llamas.

1025 **Hon. L F Llamas:** Mr Speaker, can the Government explain whether it was this administration's decision to waive the import duty for the construction, fitting out and equipping of Imperial Ocean Plaza and if possible, the estimated revenue this project would have generated had the import duty not been waived?

1030 **Acting Clerk:** Answer, the Hon. the Chief Minister.

1035 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the certificate of exemption from import duty was signed by me on 3rd March 2017. The logic behind the decision is the same as has been the case in every instance that a Chief Minister has waived such duties – namely, to encourage development and economic activity and to ensure that such development occurs within a specific period.

It is not possible to gauge the level of import duty that would have been generated had it not been waived, as presently the site is still in its very early stages of development and very few imports have been registered.

Q691/2017

Question withdrawn

1040

Acting Clerk: Question 691. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, I give notice that I have withdrawn this question. Thank you.

1045

Mr Speaker: This question has been withdrawn.

Q692/2017

**Affordable home purchasers –
Obtaining mortgages**

Acting Clerk: Question 692. The Hon. L F Llamas.

1050 **Hon. L F Llamas:** Mr Speaker, is the Government confident that eligible prospective affordable home purchasers will be able to obtain mortgages?

Acting Clerk: Answer, the Hon. the Chief Minister.

1055

Chief Minister (Hon. F R Picardo): Mr Speaker, yes sir.

Questions for Written Answer

Acting Clerk: Answers to Written Questions, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions numbered W131 to W188/2017.

ADJOURNMENT

1060

Chief Minister (Hon. F R Picardo): And, Mr Speaker, I am grateful to the Hon. Mr Llamas for having withdrawn Question 691 after the discussion that he and I had earlier.

I now move, on a day that I note from a reference in that august daily *Panorama* is exactly 14 years after I left Hassans to go into politics in Gibraltar, as Leader of this House, it is now my pleasure to now ask that the House should adjourn *sine die*.

1065

Mr Speaker: The House will now adjourn *sine die*.

The House adjourned at 4.04 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.35 p.m. – 2.46 p.m.

Gibraltar, Wednesday, 22nd November 2017

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The Gibraltar Parliament

The Parliament met at 2.35 p.m.

[MR PRESIDING MEMBER: Hon. J J Bossano *in the Chair*]

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

Adjournment

Clerk: Meeting of Parliament, Wednesday, 22nd November 2017.
Order of Proceedings: Mr Presiding Member.

5 **Mr Presiding Member:** The Hon. Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): I have the honour to move that this House do now adjourn to Tuesday, 5th December at 3 p.m.

Mr Presiding Member: I now propose a question, which is that this House do now adjourn to Tuesday 5th December.

I now put the question, which is that this House do now adjourn to Tuesday, 5th December at 3.00 p.m. Those in favour? (**Members:** Aye.) Those against? Passed. Do I have a vote? (*Laughter*)

10 **Hon. D A Feetham:** We were expecting a prayer from you! (*Laughter*)

Mr Presiding Member: This House will now adjourn to Tuesday, 5th December at 3 p.m.

The House adjourned at 2.46 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON: 3.03 p.m. – 6.16 p.m.

Gibraltar, Tuesday, 5th December 2017

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The Gibraltar Parliament

The Parliament met at 3.03 p.m.

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

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

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Tuesday, 5th December 2017.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 20th October and 6th November 2017.

5

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

Mr Speaker signed the Minutes.

10

COMMUNICATIONS FROM THE CHAIR

Clerk: (iii) Communications from the Chair.

15

Mr Speaker: Hon. Members, yesterday the Hon. Roy Clinton formally signified to me his intention to step down as Leader of the Opposition.

In a parliamentary democracy such as ours it is the long-established convention that the post of Leader of the Opposition is held by that elected Member of the Opposition who commands majority support from his elected colleagues sitting on the Opposition benches.

20

I have also been formally notified in writing that the elected Members of the GSD decided yesterday morning that the Hon. Elliott Phillips should, as from today, discharge the duties of the post of Leader of the Opposition. Accordingly, I now formally recognise him and congratulate him as such. Consequentially, this Parliament will also now recognise the hon. Member as the Leader of the Opposition.

25

Hon. E J Phillips: Mr Speaker, thank you very much for that acknowledgement of the role of Leader of the Opposition.

30

Of course, I should comment from the start that the GSD has had a democratic vote insofar as the leadership of the party is concerned and returned Mr Azopardi with 65% of its members and 60% of a combined vote between the executive and the membership. Therefore, our view is and will currently be from now on that Mr Azopardi will lead the GSD. However, I understand

what Mr Speaker has said in relation to convention, practice and everything else that concerns the role of Leader of the Opposition in this House.

35 What I would say is this, though, Mr Speaker. I have no concern as to who addresses me as what; what I want to do is get on with the job that I have been asked to do and hopefully do it as well as I can and to the best of my abilities.

Mr Speaker: The Hon. the Chief Minister.

40 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it is my pleasure to get up to congratulate the Hon. Mr Phillips for being recognised as Leader of the Opposition, therefore as Leader of the GSD in this House, and to thank Mr Clinton for the way that he discharged his obligations as Leader of the Opposition in the short time that he did so. I think we enjoyed a combative on-stage and convivial off-stage relationship, which I hope I will also be able to emulate with
45 Mr Phillips. Mr Speaker, Bob Peliza had one, Joshua Hassan had four, you had one, Joe Bossano had two, Peter Caruana had two and I have got four, three in just one year – Leaders of the Opposition, that is. It is a pleasure to see that we are going to have now the opportunity to cross political swords.

50 What we are referred to in the context of this Parliament is important in the context of our parliamentary democracy. We have a system of laws which requires us to refer to each other by a particular way. Hon. Members are the first to grab Standing Orders when they think that we are imputing their motive or otherwise breaching the rules. We will not do so. We will recognise the Hon. Mr Phillips as the Leader of the Opposition in this Parliament and outside it, insofar as parliamentary precedence requires.

PAPERS TO BE LAID

55 **Clerk:** (iv) Petitions; (v) Announcements; (vi) Papers to be laid – the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table the Audited Accounts of the Gibraltar Regulatory Authority for the year ended 31st March 2017.

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

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

Questions for Oral Answer

INFRASTRUCTURE AND PLANNING

Q697/2017

**Pedestrian experience –
Measures to make safe and pleasurable**

Clerk: We commence with Question 697. The Hon. T N Hammond.

65 **Mr Speaker:** I am glad to see he made it! *(Laughter)*

Hon. T N Hammond: Oh, barely caught my breath! Thank you, Mr Speaker.

What measures have been introduced since January 2016, and I quote, 'to make the pedestrian experience a safe and pleasurable one'?

70 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, there have been numerous pedestrian enhancements since January 2016.

75 Four new zebra crossings have been installed in several areas throughout Gibraltar, namely on Rosia Road by Bayview Terraces, Europa Road by Shorthorn Farm Estate, Europort Avenue at the entrance to the hospital, and by Midtown Coach and Car Park on Reclamation Road.

In addition to these zebra crossings we have also installed a much needed light-controlled crossing by Ocean Views facility on Europa Road to facilitate the users and visitors of the centre alike.

80 Following on from the highly successful countdown timers situated at the traffic-light crossing at the Line Wall Road junction by City Hall, we announced in July this year the installation of two new countdown timers to the light-controlled crossings in the area of Waterport Road, one by the eastern side of the Water Gardens complex and the other at Queensway junction with Waterport roundabout. Further enhancements to existing light-
85 controlled crossings are planned to be rolled out at other crossings throughout Gibraltar.

With regard to improving pedestrian safety and encouraging walking, several schemes have been rolled out, which include the following: a new pavement along Governor's Street and the beautification and pedestrianisation of Wellington Front.

90 Main Street and Irish Town delivery times and restrictions have also been implemented successfully to limit the amount of vehicles entering and conflicting with the main pedestrian zone. In addition to this, three new commercial loading and unloading zones have been created at Fish Market Road, John Mackintosh Square and Main Street South. These loading and unloading commercial zones have effectively and positively segregated commercial vehicles from the main pedestrian thoroughfare, thus making Main Street and Irish Town a safer
95 environment for the general public to enjoy.

New pedestrian walking sign improvements have recently been installed by Waterport Road from the Waterport roundabout to the Cruise Terminal. These improvements form part of the sustainable travel initiatives to promote walking and accessibility around Gibraltar, which builds on already installed signage by the area by Midtown Car Park and city centre directional signage
100 by Waterport Road, Reclamation Road and by Corral Road. Walking time signs will also, in due course, be implemented at key locations showing approximate route times, which will aim to enhance and encourage walking and at the same time highlighting distances to key destinations to pedestrians who are unfamiliar with the surrounding areas.

105 **Hon. T N Hammond:** Mr Speaker, the Minister has certainly read out an extensive list of, when you add them up, relatively minor things in terms of improving the pedestrian experience.

My experience in general, walking around Gibraltar – Main Street excepted, because it is a pedestrianised area – is that obviously the majority of Gibraltar is not pedestrianised and therefore it is noisy, with often polluted walks; pavements are usually uneven and difficult to
110 navigate also, particularly in the area of the Frontier, around Queensway, Rosia Road – in fact many of the areas where otherwise it would and should be a rather pleasant experience to walk, and the conditions at present do not encourage people to walk.

Does Government have a programme in place to improve pavement surfaces to make them more easy to navigate? And are there any plans to pedestrianise other areas in order again to
115 enhance that pedestrian experience?

Hon. P J Balban: Mr Speaker, it very much depends on which side of the House you are on, because in my mind there have been vast amounts of improvements in terms of pedestrian safety and comfort. Obviously, the hon. Member will look at things from the other side and try to find where the potholes are and where the nooks and crannies are; that is part of the game we play here. But I think no one can deny the fact that vast improvements have been made and the Government continues, as recently happened with Governor's Street – an area where there has traditionally never been a pavement, an area where you would walk out of a business, walk out of an establishment and find yourself right on the road ... In certain places around Gibraltar it is impossible to make small narrow roads safer in that respect, but every effort and opportunity possible is taken to make the pedestrian experience safer. We also look very carefully at areas where there are vehicles constantly obstructing. For example, the obstruction to pedestrian access on pavements: when cars are parked on pavements we make sure that these cars are removed, or fined, or taken care of in that respect. As part of general highways maintenance, Highways is constantly looking at improvements, especially when it comes to accessibility. We look at drop curbs we look at the studded surfaces before you get to zebra crossings to ensure that people with disabilities are also able to enjoy the public footpath.

As part of the Sustainable Traffic and Transport Plan, clearly we want to encourage people to walk, we want people to adopt that form of transport, so to speak, in preference to the motorised vehicle, and every effort will be made to make the experience better – as we have seen as well in Main Street, where the filling of the tiles in Main Street has also made that a much better and more comfortable thing to do for people, especially persons wearing high heels, and that is something which has been mostly carried out. I think there is a small area remaining, but it is another important improvement.

As part of the Traffic Plan, as the initial question did specify, the next stage is actually quantifying distances so people are aware that the town centre is only a mere five-minute walk and it is probably going to take you a lot longer to find parking, if that is what you are inclined to do.

Hon. T N Hammond: Mr Speaker, I would just like to point out that I do not actually go out looking for pot holes; they tend to find me – because there are so many of them – if I just happen to stumble into them.

You did raise Main Street, Minister, and you mentioned the cobbles being filled in. Has that project been completed? My understanding is that there are still areas of Main Street which have not been finished.

Hon. P J Balban: Mr Speaker, that project in fact should be close to completion now. A vast area has already been carried out. It has been done over two financial years. I have mentioned the project and I am pretty sure it is almost ready. I think there is a little bit of work left to do, but in the main it is almost ready. Obviously, if it is not ready, then it is very close to it.

Q698/2017
Vehicle MOTs –
Emissions testing

Clerk: Question 698. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, having conducted a small survey with approximately 20 respondents, 90% of them indicated that their vehicles did not undergo emissions testing during their MOT. Can the Minister say why testing is not being conducted, despite this being a legal

requirement, and how he reconciles this failure with Government's commitment to improving air quality?

165 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, in order to answer this question accurately it would be useful to see how the survey was conducted and how the questions were defined – for example, the class, type and propulsion of vehicles and the dates
170 on which those vehicles were tested at the Vehicle Test Centre. This is because, under our legislation, certain vehicles – for example, vehicles registered or put into service before 1st January 1980 – are exempted from the Opacity tests, or it may have been the case that a vehicle emission analyser may have had to be sent to Madrid to undergo major repairs or calibration due to the fact that calibrating the equipment is a requirement for emission testing.
175 Therefore, without approximate dates it is difficult to give you an accurate answer.

Notwithstanding, if it were the case that the gas analysers were out of action, as specified in our legislation, when this equipment is out of service vehicle testers undertake visual inspection tests in order to ascertain if vehicles have leaks which could affect emission measurements.

180 **Hon. T N Hammond:** Mr Speaker, surely just a visual analysis would not actually give you any indication as to whether the catalytic converter is working, whether what level of emissions, whether there is a tolerable level of emission; it is just quite impossible to tell in that respect.

I can tell the Minister that my own two vehicles were a motorbike – a moped 125 – and a saloon car. Both underwent MOT tests this year, neither was tested, and that seems to be the
185 general response when people are asked: that vehicles are not tested.

I understand if the equipment is not serviceable it would be unfortunate that there is not any kind of proper way of measuring and that vehicles may get through the net that way, but certainly it would appear to me that it would not account for the volume of vehicles which are not undergoing proper emissions testing.

190 Of course, this is a very important matter because it does directly affect the quality of the air we breathe, particularly as pedestrians if we are walking around alongside a highway and we are breathing those fumes, so it is very important that vehicles are tested. Therefore, I would ask the Minister to look at the way things are done in that respect to see how tests are conducted, to understand how frequently these emissions-testing machines are unserviceable, if that is the
195 case, and certainly for the legislation to be applied to ensure that our air quality is as good as it can be with respect to emissions from vehicles.

Hon. P J Balban: Mr Speaker, a survey of 20 vehicles – of which two were the hon. Gentleman's himself, as he seems to have alluded to there – is not a very big sample. It is very
200 unfair to say that the tests have not been happening for a long period of time.

I think we agree that air quality is paramount to us and obviously to increase the benefits to those people who do decide to walk.

The catalytic converters ... as I said, because I do not have an exact date I cannot really say whether it was as a result of a piece of equipment that had been down or otherwise. In fact,
205 recently there was a situation whereby the test equipment was down because of our proximity to salt water and sand at the actual MOT venue. The wind blows – it is always a very windy environment – it gets into the system and they need to be serviced more regularly than expected. So that can happen, there can be a period of that and I think there was a period where perhaps both of the items were down. But again, do we stop MOTs? Do we put a halt on
210 everything? The best thing that can be done under the circumstances is to carry out a visual inspection and, as the hon. Member has rightly said, they will be caught up in the next one, but there is little more that can be done in that respect.

Mr Speaker: Next question.

215

Hon. E J Phillips: Mr Speaker, just one question in relation to that. It is an issue that has been raised directly with me by a number of young people who have not clearly taken part in this survey that my hon. Friend has conducted. What I would say is, given the fact that the Government is committed to the environment and certainly Dr Cortes has said to us on a number of occasions ... made submissions in relation to improving air quality – and I entirely agree with the Government's position with improving air quality – should we not encourage those that are working in the relevant Department to ensure that this legal requirement is conducted? Because the information that I receive from young members of the public who are interested in the environment, interested in air quality and improving it, is that they should be given that reassurance that the Government is doing everything it can to improve the air quality of our community.

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Hon. P J Balban: Indeed, Mr Speaker, everything that can be done is done. The only issue is, as I said, because I do not have the dates in particular I do not know whether this 18 or 20-person survey ... whether these are the ones that you have captured as well within your membership, or not.

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But if there is a moment in time when the equipment that is used is down – and it has to be serviced in Madrid and it is sent away regularly ... If the machine has broken down and there are none available of the two I think we have in our possession, then obviously for that short period of time while servicing or repairs happen there is little we can do. I am actually looking with the Department at the possibility of purchasing a third unit to be sure, but again you could have a situation ... Where do you draw the line? It is a bad environment, a lot of sea water, as I have said, a lot of sand and a lot of wind. They are very sensitive pieces of equipment. Particles get into the system and make the system fail, and once they fail, obviously they do not provide accurate results and they need to be serviced and they need to be repaired.

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So I think it has been an unfortunate event that has happened because again this is not a complaint that has been happening or coming to us for a very long period of time; it has just been for a short period. As I said, I cannot specifically say without a time range whether it was to do with that.

Q699/2017

No idling signs –

Progress; introduction of legislation

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Clerk: Question 699. The Hon. T.N. Hammond.

Hon. T N Hammond: Mr Speaker, has Government made any progress regarding the placement of no idling signs in key areas around Gibraltar, and does it envisage introducing legislation accordingly?

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Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, yes, no idling signs have been installed before approaching the runway in both northern and southern approaches.

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There are no imminent plans for introducing legislation at present, but this option is still a possibility.

Q700/2017
Government vehicle fleet –
Expression of interest re leasing

Clerk: Question 700. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, further to Question 101/2017 and Question 237/2017, can
260 the Government advise if it has made a decision in respect of the one expression of interest
received for the leasing of its vehicle fleet; and if so, what are the financial terms agreed?

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the answer remains
265 as set out to Question 101/2017.

Hon. R M Clinton: Mr Speaker, I would be grateful if the Minister could indicate to the House
270 whether, given that the tender, I believe, was in December 2016, whether the Government now
has abandoned the idea of leasing its vehicle fleet, seeing as we are now obviously in December
2017.

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman and I have exchanged
275 views in respect of this on a number of occasions. In fact, I seem to recall that when the tender
came out the hon. Gentleman said something about the Government obviously being desperate
to sell every asset it had to raise money, including its vehicle fleet. Well, if nothing else, the delay
shows that he was wrong about that, but the Government is considering the best possible
options for the taxpayer. Making that determination is not an easy one because it is a fairly large
fleet that we have, so it is not that we have abandoned the idea but it is not something that can
280 move very quickly and it is not something that the Government needs to see move very quickly,
but it is an idea that is being analysed in great detail.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his intervention.

If I may ask him: what is the main consideration? Obviously value for money for the taxpayer
285 must be at the top of the list, but is there anything in particular in respect of the original tender
that is causing the Government to consider it for over a year now? Or a year, let's say.

Hon. Chief Minister: And what a year it has been, Mr Speaker! Not just three Leaders of the
290 Opposition in one year, but also I worked out, once I was sitting down, that there are now more
Members of the GSD in this Parliament who have been Leader of the Opposition than those who
have not been. So, Mr Reyes and Mr Hammond, there are still two years to have a crack at the
whip, so to speak!

That aside, the issue is value for money. Making the assessment is not easy, because we have
295 such a disparate fleet that whilst in respect of some vehicles in the fleet the leasing option may
be a good one, when you start to get into the types of vehicles that we have it is not always clear
that when you bring the whole fleet together the maths stack up on the basis of this being
better value for money. Therefore, that is an exercise that has to be done in very great detail.

To give the hon. Gentleman some idea of the issues, if you are dealing with a vehicle like a
300 vehicle for conveying VIPs, that tends to have quite a long shelf life, it tends to be easy to look
after that vehicle, and so changing that vehicle every three years, which is the sort of thing that
a fleet option gives you, does not necessarily deliver the best value for money, depending on
how that lease is structured and what you pay for the lease of that vehicle. When you are
dealing with a refuse vehicle, then the turnover there might be slightly different but the vehicle
is also a more expensive vehicle to procure. You can extend the shelf life of that vehicle with

305 very able mechanics, and the Government has very able mechanical abilities at its disposal either
 in house or bought in. So, doing the exercise of what we expect a vehicle to give us in terms of
 shelf life and the replacement of that vehicle, which then needs to work for whoever is
 310 extending the fleet deal to us – they need to have something which is not just a wreck at the end
 of it, they need to be able to realise the value of that vehicle as well – is not an easy exercise,
 and that is what is taking time to determine. We could simply say, ‘This is too difficult, we’ll stop
 trying to do the exercise,’ but if the final conclusion of the exercise is that it is better value for
 money for the taxpayer, then we should not turn our backs on such an exercise simply because it
 is potentially harder to reach the conclusion that we might have wished or wanted that to be the
 case.

315 He can rest assured that there is no urgency in needing to hock the Government’s fleet of
 vehicles – as he might have, in a moment of madness, tweeted a year ago. The exercise is an
 ongoing one. It may be that it comes to a conclusion which sees no further action taken or it
 may mean that it comes to a conclusion that sees us act on the proposals put to us.

Q701/2017
Fixed Penalty Notices –
Updated schedule

Clerk: Question 701. The Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, further to Question 450/2017, can the Government provide an
 updated schedule, together with (a) the number of FPNs paid, (b) the number of FPNs pending
 payment, and (c) the number of FPNs cancelled, together with the reasons why?

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Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the information
 requested by the hon. Member is detailed in the schedule that I will now hand over.

330 No FPNs are cancelled as the speeding offences, as captured by the static speed cameras, are
 vetted by the RGP before they go to the next stage in the procedure, which is the issuing of NIPs
 (Notice of Intended Prosecution). The RGP will filter out all foreign-registered vehicles,
 emergency service vehicles and front-facing motorbikes. They will also remove from the system
 offenders caught speeding over 100 kph, as they will go to them directly and arrest them for
 dangerous driving.

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Answer to Question 701/2017

Record Vehicles Caught Speeding													
2017	Goods	57- 59.99	60- 69.99	70- 79.99	80- 89.99	90- 99.99	100- 109. 99	110- 119.99	120- 129.99	130- 1000	Paid	To be Paid	Issued
May	60	103	124	24	3	nil	nil	nil	nil	nil	3	35	38
June	81	176	207	26	12	2	2	nil	nil	nil	52	145	197
July	357	567	814	163	64	10	8	4	nil	2	142	206	348
August	220	406	546	98	41	13	2	1	2	1	201	101	302
September	32	60	111	26	7	nil	nil	nil	nil	nil	123	49	172
October	124	153	189	30	9	4	nil	nil	nil	nil	205	91	296
November	21	61	68	9	nil	nil	nil	nil	nil	n1	87	7	94
December													

**Q702/2017
Vehicle towing's –
Updated details**

Clerk: Question 702. The Hon. L F Llamas.

340 **Hon. L F Llamas:** Mr Speaker, further to Question 589/2017, can the Government provide an updated schedule including (a) location vehicle was towed away from, (b) date and time the vehicle was towed away, and (c) whether the parking restrictions were in respect of cleaning campaigns or other?

345 **Clerk:** Answer, the Hon. the Minister for Infrastructure and Planning.

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is detailed in the schedule that I will now hand over.

Answer to Question 702/2017

May-16

Date	Time	Location	Reason for Tow	Table Group
02/05/2016	1030hrs	Ocean Village	Parking Rescriptions 1400 Onwards	Parking Restrictions

Jul-16

Date	Time	Location	Reason for Tow	Table Group
31/07/2016	1517hrs	Castle Road	Vehicle causing an obstruction	Obstruction

Sep-16

Date	Time	Location	Reason for Tow	Table Group
27/09/2016	2315hrs	Customs Outfield	Customs request	Customs request

Oct-16

Date	Time	Location	Reason for Tow	Table Group
10/10/2016	2310hrs	Customs Field	Customs request	Customs request
13/10/2016	1130hrs	Naval Hospital Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
15/10/2016	2250hrs	Sundail Petroil	Broken down vehicle & losing oil	Obstruction
17/10/2016	2230hrs	Reclamation Road	Vehicle parked in a Keep Clear area	Parking Restrictions
23/10/2016	0839hrs	Bayside Road	Customs request	Cleaning Campaign
24/10/2016	2030hrs	Devil's Tower Road	Vehicle parked in a Bus Stop	Parking Restrictions

Nov-16

Date	Time	Location	Reason for Tow	Table Group
02/11/2016	1030hrs	Ocean Village	Vehicle parked outside demarcated area	Parking Restrictions
03/11/2016	0005hrs	Bayside Road	Customs request	Customs request
07/11/2016	2100hrs	Coaling Island	Vehicle parked outside demarcated area	Obstruction
10/11/2016	1045hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
13/11/2016	0701hrs	Linewall Road	Other RGP sign	Portable Sign (None Cleaning)
13/11/2016	0705hrs	Linewall Road	Other RGP sign	Portable Sign (None Cleaning)
13/11/2016	0032hrs	Reclamation Road	Other RGP sign	Portable Sign (None Cleaning)
13/11/2016	0247hrs	Linewall Road	Other RGP sign	Portable Sign (None Cleaning)
27/11/2016	2245hrs	Customs Outfield	Customs request	Customs request

Jan-17

Date	Time	Location	Reason for Tow	Table Group
07/01/2017	1435hrs	Coaling Island	No P&D Ticket	Pay and Display
15/01/2017	1015hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
22/01/2017	0300hrs	Landport Ditch Car Park	P&D expired ticket	Pay and Display
22/01/2017	0340hrs	Fish Market Road	Vehicle causing an obstruction	Obstruction
25/01/2017	0815hrs	Bayside Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
25/01/2017	0815hrs	Bayside Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
25/01/2017	2200hrs	Town Range	Vehicle exceeding max 14 days	Exceeding max stay
31/01/2017	0945hrs	Cumberland Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign

Feb-17

Date	Time	Location	Reason for Tow	Table Group
09/02/2017	2300hrs	Western Beach	Other RGP sign	Portable Sign (None Cleaning)
18/02/2017	0935hrs	Europort Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
20/02/2017	2345hrs	Linewall Road	Vehicle parked outside demarcated area	Parking Restrictions
24/02/2017	2310hrs	Harbour Views Road	Customs request	Customs request
24/02/2017	1030hrs	Harbour Views Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
28/02/2017	0030hrs	Harbour Views Road	Vehicle parked in Cars Only parking bay	Obstruction

Mar-17

Date	Time	Location	Reason for Tow	Table Group
08/03/2017	0010hrs	Linewall Road	Contravention to sign	Portable Sign (None Cleaning)
08/03/2017	0000hrs	Linewall Road	Vehicle causing an obstruction	Obstruction
09/03/2017	1015hrs	Western Beach	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
10/03/2017	0020hrs	Western Beach	Contravention to sign	Portable Sign (None Cleaning)
17/03/2017	0115hrs	Glacis Estate	No Permit	No permit
24/03/2017	1600hrs	Ragged Staff Car Park	P&D expired ticket	Pay and Display
24/03/2017	1746hrs	Waterport Wharf	P&D expired ticket	Pay and Display

Apr-17

Date	Time	Location	Reason for Tow	Table Group
08/04/2017	2145hrs	Queensway	Motorcycle between car space	Obstruction
26/04/2017	1900hrs	Landport Ditch Car Park	P&D ticket not displayed	Pay and Display
26/04/2017	1750hrs	Sir Herbert Miles Road	No permit	No permit
26/04/2017	1515hrs	Waterport Wharf	Other Sign	Portable Sign (None Cleaning)
27/04/2017	1305hrs	Coaling Island	Other Sign	Portable Sign (None Cleaning)
27/04/2017	1830hrs	Landport Ditch Car Park	Expired P&D ticket	Pay and Display
27/04/2017	1610hrs	Ragged Staff Car Park	P&D ticket expired	Pay and Display
27/04/2017	1600hrs	Ragged Staff Car Park	Parked outside demarcated area	Obstruction
29/04/2017	1157hrs	Coaling Island	Parked outside demarcated area	Obstruction
29/04/2017	1628hrs	Landport Ditch Car Park	Other Sign	Parking Restrictions
29/04/2017	0845hrs	Western Beach Car Park	Parked outside demarcated area	Obstruction
29/04/2017	0912hrs	Western Beach Car Park	Parked outside demarcated area	Obstruction

May-17

Date	Time	Location	Reason for Tow	Table Group
01/05/2017	1545hrs	Bayside Road	Parking restrictions	Parking Restrictions
01/05/2017	1035hrs	Emerson's Place	Vehicle causing an obstruction	Obstruction
01/05/2017	1020hrs	North Pavilion Road	Abandoned Vehicle	Abandoned vehicle
02/05/2017	1500hrs	Romney Huts Car Park	P&D ticket not displayed	Pay and Display
03/05/2017	1650hrs	Airport Terminal	P&D ticket not displayed	Pay and Display
03/05/2017	1030hrs	Arenco's Palace Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
03/05/2017	1230hrs	Bayside Road	Parking restrictions	Parking Restrictions
03/05/2017	1305hrs	Landport Ditch	Other RGP Sign	Portable Sign (None Cleaning)
03/05/2017	1135hrs	Landport Ditch	Expiry of P&D ticket	Pay and Display
03/05/2017	1310hrs	Landport Ditch Car Park	P&D ticket not displayed	Pay and Display
03/05/2017	2110hrs	Transport Lane	Vehicle parked on yellow lines	Parking Restrictions
03/05/2017	1345hrs	West Place of Arms	Other	Portable Sign (None Cleaning)
04/05/2017	1001hrs	Airport Terminal	P&D ticket not displayed	Pay and Display
04/05/2017	1607hrs	Bayside Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
04/05/2017	1630hrs	Mons Calpe Road	Vehicle causing an obstruction	Obstruction
05/05/2017	1610hrs	Landport Ditch Car Park	Expiry of P&D ticket	Pay and Display
06/05/2017	1702hrs	Glacis Estate	No permit	No permit
06/05/2017	0940hrs	Landport Ditch Car Park	Expiry of P&D ticket	Pay and Display
06/05/2017	1125hrs	Waterport Wharf	Vehicle causing an obstruction	Obstruction
06/05/2017	1553hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
07/05/2017	1700hrs	Bayside Road	Parked on yellow lines	Obstruction
08/05/2017	17545hrs	King's Lines	Vehicle parked on yellow lines	Parking Restrictions
08/05/2017	1148hrs	Landport Ditch Car Park	Expiry of P&D ticket	Pay and Display
08/05/2017	1005hrs	Mid Harbours Estate	Vehicle parked in a No Parking Zone	Parking Restrictions
08/05/2017	1645hrs	Romney Huts Car Park	P&D ticket not displayed	Pay and Display
09/05/2017	1330hrs	Airport Terminal	Parked outside demarcated area	Obstruction
09/05/2017	1240hrs	Bishop Caruana Road	Parked outside demarcated area	Obstruction
09/05/2017	1240hrs	Bishop Caruana Road	Parked outside demarcated area	Obstruction
09/05/2017	1700hrs	Frontier	RGP Request	RGP request
09/05/2017	1634hrs	North Mole Road	Vehicle causing an obstruction	Obstruction
10/05/2017	1331hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
10/05/2017	1340hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
10/05/2017	1310hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign

GIBRALTAR PARLIAMENT, TUESDAY, 5th DECEMBER 2017

10/05/2017	1305hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
10/05/2017	1355hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
10/05/2017	1654hrs	Romney Huts Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/05/2017	1655hrs	Bayside Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/05/2017	1738hrs	Landport Ditch Car Park	P&D ticket not displayed	Pay and Display
11/05/2017	1753hrs	Landport Ditch Car Park	P&D ticket not displayed	Pay and Display
11/05/2017	1629hrs	Romney Huts Car Park	P&D ticket not displayed	Pay and Display
11/05/2017	1026hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/05/2017	1028hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/05/2017	1014hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/05/2017	1008hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/05/2017	1023hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/05/2017	1035hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/05/2017	1030hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/05/2017	1032hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
13/05/2017	1305hrs	Landport Ditch Car Park	P&D ticket not displayed	Pay and Display
13/05/2017	0950hrs	Ragged Staff Car Park	Expiry of P&D ticket	Pay and Display
14/05/2017	1030hrs	Airport Terminal	P&D ticket not displayed	Pay and Display
15/05/2017	1545hrs	Landport Ditch Car Park	Expiry of P&D ticket	Pay and Display
15/05/2017	1345hrs	Ragged Staff Car Park	P&D ticket not displayed	Pay and Display
16/05/2017	1702hrs	Landport Ditch Car Park	Expiry of P&D ticket	Pay and Display
16/05/2017	1535hrs	Mons Calpe Road	Vehicle causing an obstruction	Obstruction
17/05/2017	0900hrs	Bayside Road	No permit	No permit
17/05/2017	1635hrs	Bayside Road	No permit	No permit
17/05/2017	1015hrs	Cumberland Road	Vehicle parked outside demarcated area	Obstruction
17/05/2017	1330hrs	Grand Parade	Contrary of a sign	Portable Sign (None Cleaning)
17/05/2017	1310hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
17/05/2017	1305hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
17/05/2017	1350hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
17/05/2017	1033hrs	Landport Ditch Car Park	Other RGP Sign	Portable Sign (None Cleaning)
17/05/2017	1820hrs	Landport Ditch Car Park	Expiry of P&D ticket	Pay and Display
17/05/2017	1200hrs	North Mole Road	Vehicle causing an obstruction	Obstruction
17/05/2017	1611hrs	Romney Huts Car Park	Expiry of P&D ticket	Pay and Display
17/05/2017	1453hrs	Sir Herbert Miles Road	No permit	No permit
18/05/2017	1302hrs	Airport Terminal	P&D ticket expired	Pay and Display
18/05/2017	1016hrs	Harbour Views Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
18/05/2017	0945hrs	Harbour Views Road	Other	Portable Sign (None Cleaning)
18/05/2017	0935hrs	Harbour Views Road	Contrary of a sign	Portable Sign (None Cleaning)
18/05/2017	1515hrs	Landport Ditch Car Park	Obstructing the flow of traffic	Obstruction
18/05/2017	1245hrs	Rodger's Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
20/05/2017	0804hrs	Amar's Bakery- Linewall Road	Parked in a No Parking Zone	Obstruction
20/05/2017	1045hrs	Landport Ditch Car Park	Expiry of P&D ticket	Pay and Display
21/05/2017	0908hrs	Glacis Road	Obstructing the flow of traffic	Obstruction
21/05/2017	1324hrs	Waterport Road	Vehicle parked on yellow lines	Obstruction
24/05/2017	1625hrs	Landport Ditch Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
24/05/2017	1750hrs	Ragged Staff Car Park	Parked outside demarcated area	Obstruction
24/05/2017	1239hrs	Western Beach Car Park	Vehicle causing an obstruction	Obstruction
24/05/2017	1330hrs	Western Beach Car Park	Vehicle causing an obstruction	Obstruction
25/05/2017	1148hrs	Landport Ditch Car Park	Expiry of P&D ticket	Pay and Display
25/05/2017	0845hrs	Romney Huts Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
26/05/2017	0940hrs	Bishop Caruana Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
26/05/2017	1551hrs	Bishop Caruana Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
27/05/2017	1203hrs	Bayside Road	Parked in a pedestrian crossing	Obstruction
27/05/2017	1147hrs	Watergardens	P&D ticket expired	Pay and Display
27/05/2017	1552hrs	Waterport Wharf	Vehicle causing an obstruction	Obstruction
28/05/2017	1445hrs	Bayside Road	P&D ticket expired	Pay and Display
28/05/2017	1500hrs	Bayside Road	Vehicle parked on pedestrian crossing	Parking Restrictions
29/05/2017	1146hrs	Airport Terminal	Parked outside demarcated area	Obstruction
29/05/2017	1240hrs	Bayside Road	Vehicle parked on pedestrian crossing	Parking Restrictions
29/05/2017	0946hrs	Bayside Road	Vehicle parked on pedestrian crossing	Parking Restrictions
29/05/2017	1314hrs	Bayside Road	Vehicle parked on pedestrian crossing	Parking Restrictions
29/05/2017	1028hrs	Halifax Road	Vehicle causing an obstruction	Obstruction
29/05/2017	1703hrs	Linewall Road	Vehicle parked on yellow lines	Parking Restrictions
29/05/2017	1554hrs	Rosia Road	Other RGP Sign	Parking Restrictions
31/05/2017	0945hrs	Cumberland Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
31/05/2017	1752hrs	Landport Ditch	Expiry of P&D ticket	Pay and Display
31/05/2017	2230hrs	Landport Ditch Car Park	RGP Request	RGP request
31/05/2017	2300hrs	Landport Ditch Car Park	RGP Request	RGP request

Jun-17

Date	Time	Location	Reason for Tow	Table Group
01/06/2017	1310hrs	Cemetery Road	Exceeding Max Stay	Exceeding max stay
01/06/2017	1515hrs	Coaling Island	Other RGP sign	Parking Restrictions
01/06/2017	0920hrs	Ocean Village	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
02/06/2017	0903hrs	Landport Ditch	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
03/06/2017	1315hrs	Bayside Road	Parked on Pedestrian Crossing	Obstruction
03/06/2017	0930hrs	Fish Market Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
03/06/2017	1302hrs	Grand Parade	No Permit	No Permit
05/06/2017	1257hrs	Glacis Estate	No Permit	No permit
06/06/2017	1708hrs	Both Worlds	Parked in Permit Only area	No permit
06/06/2017	1630hrs	Europort Road	Exceeding Max Stay	Exceeding max stay
06/06/2017	1540hrs	North Mole Road	Blocking Flow of Traffic	Obstruction
06/06/2017	1759hrs	Ragged Staff Wharf	Expiry of P&D	Pay and Display
07/06/2017	1122hrs	Jews Gate/ Engineer's Road	Blocking Flow of Traffic	Obstruction
07/06/2017	1448hrs	Linewall Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
07/06/2017	0045hrs	MOT Centre Devil's Tower	Customs	Customs request
07/06/2017	1140hrs	Romney Huts	Expiry of P&D	Pay and Display
08/06/2017	1646hrs	Bishop Caruana Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
08/06/2017	1750hrs	Bishop Caruana Road	Other RGP sign	Portable Sign (None Cleaning)
08/06/2017	1020hrs	Western Beach	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
08/06/2017	1054hrs	Western Beach	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
08/06/2017	1207hrs	Western Beach	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
08/06/2017	1245hrs	Western Beach	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
10/06/2017	2130hrs	Devil's Tower Road (Coville)	Customs	Customs request
10/06/2017	1139hrs	Landport Ditch	Expiry of P&D	Pay and Display
10/06/2017	1029hrs	Prince Edward's Road	Aqua Gib	Works
10/06/2017	1029hrs	Prince Edward's Road	Aqua Gib	Works
13/06/2017	0945hrs	Gardiner's Road	Parked on Yellow Line	Obstruction
14/06/2017	1029hrs	North Mole Road	Blocking Flow of Traffic	Obstruction
14/06/2017	1248hrs	Watergardens	Other RGP Sign	Portable Sign (None Cleaning)
15/06/2017	0832hrs	Fish Market Road	Other RGP sign (towed on the following day)	Portable Sign (None Cleaning)
19/06/2017	1733hrs	Ragged Staff Car Park	Expiry of P&D	Pay and Display
21/06/2017	1438hrs	Grand Parade	Blocking Flow of Traffic	Obstruction
21/06/2017	1500hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
25/06/2017	1500hrs	Bayside Road	Parking restrictions	Parking Restrictions
25/06/2017	0900hrs	Queensway	Parked on Yellow Line	Obstruction
26/06/2017	1426hrs	Harbour Views Road	Parked on Yellow Line	Obstruction
28/06/2017	1030hrs	Queensway	Other Sign	Parking Restrictions
29/06/2017	1615hrs	Landport Ditch	Expiry of P&D	Pay and Display

Jul-17

Date	Time	Location	Reason for Tow	Table Group
05/07/2017	1235hrs	Landport Ditch	Obstructing the flow of traffic	Obstruction
05/07/2017	0850hrs	Landport Ditch	P&D ticket not displayed	Pay and Display
06/07/2017	1020hrs	Corral Road	Vehicle parked in PSV area	Parking Restrictions
06/07/2017	1600hrs	Town Range	Vehicle parked on yellow lines	Parking Restrictions
07/07/2017	1554hrs	Landport Ditch	Obstructing another vehicle	Obstruction
07/07/2017	0920hrs	Reclamation Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
09/07/2017	2300hrs	Western Beach	Other	Portable Sign (None Cleaning)
10/07/2017	0020hrs	Western Beach	Other	Portable Sign (None Cleaning)
12/07/2017	0845hrs	Customs Frontier	Customs request	Customs request
12/07/2017	1635hrs	Fish Market Road	Other RGP sign	Portable Sign (None Cleaning)
12/07/2017	1337hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
12/07/2017	1322hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
12/07/2017	1220hrs	Montagu Curtain	Other RGP sign	Portable Sign (None Cleaning)
13/07/2017	0705hrs	Linewall Road	Contrary to sign	Portable Sign (None Cleaning)
13/07/2017	0032hrs	Reclamation Road	Other RGP sign	Portable Sign (None Cleaning)
13/07/2017	1435hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
13/07/2017	1220hrs	Western Beach Car Park	Other RGP sign	Portable Sign (None Cleaning)
13/07/2017	1435hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
13/07/2017	1435hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
13/07/2017	1144hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
13/07/2017	1000hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
13/07/2017	1415hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
17/07/2017	1014hrs	Glacis Estate	Contrary to sign	Portable Sign (None Cleaning)
18/07/2017	1430hrs	Grand Parade	No permit	No permit
19/07/2017	1550hrs	Coaling Island	Obstructing another vehicle	Obstruction
19/07/2017	1315hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
19/07/2017	1450hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
19/07/2017	1345hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
20/07/2017	1530hrs	Harbour Views Road	Contrary to sign	Portable Sign (None Cleaning)
25/07/2017	1646hrs	Europort Avenue	Vehicle parked on yellow lines	Parking Restrictions
26/07/2017	1614hrs	Ragged Staff Car Park	Parked in a non demarcated Zone	Obstruction
27/07/2017	1200hrs	Emerson's Place	Vehicle causing obstruction	Obstruction
27/07/2017	0900hrs	Mid Harbours	Obstructing the flow of traffic	Obstruction
28/07/2017	1530hrs	North Mole Road	Vehicle causing obstruction	Obstruction

Aug-17

Date	Time	Location	Reason for Tow	Table Group
02/08/2017	1123hrs	Grand Parade	No Permit	No Permit
07/08/2017	1250hrs	Harbour Views Road	Obstructing outside Morrisons Supermarket	Obstruction
07/08/2017	1700hrs	Sir Herbert Miles Road	No Permit	No Permit
08/08/2017	1525hrs	Grand Parade	No Permit	No Permit
08/08/2017	1523hrs	Ragged Staff Car Park	Other	Portable Sign (None Cleaning)
08/08/2017	1315hrs	Zocca Flank	Vehicle parked on yellow lines	Parking Restrictions
09/08/2017	0940hrs	Cemetery Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
09/08/2017	1140hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
09/08/2017	1400hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
09/08/2017	1420hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
10/08/2017	0850hrs	Mid Harbours Estate	Gibeleg parking restrictions	Works
10/08/2017	1155hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/08/2017	1235hrs	Bayside Road	Parked on Yellow Lines	Obstruction
14/08/2017	2135hrs	Devil's Tower Road	Requested by Customs	Customs request
15/08/2017	1600hrs	Med Rowing Club	No Permit	No Permit
16/08/2017	1156hrs	Coaling Island	Coaling Island to be cleared	Fair Clearance - Coaling Island
16/08/2017	1305hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
16/08/2017	1320hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
16/08/2017	1050hrs	Harbour Views	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
18/08/2017	1150hrs	Coaling Island	(DVLD) Area cleared for Fair (HMGOG)	(DVLD)
18/08/2017	1100hrs	Glacis Estate	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
21/08/2017	1600hrs	Grand Parade	No Permit	No Permit
21/08/2017	1315hrs	Ragged Staff Car Park	Expired P&D ticket	Pay and Display
21/08/2017	1645hrs	Sir Herbert Miles Road	No Permit	No Permit
22/08/2017	1620hrs	Grand Parade	No Permit	No Permit
22/08/2017	1730hrs	Grand Parade	No Permit	No Permit
23/08/2017	0900hrs	Bayside Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
23/08/2017	1003hrs	Bayside Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
23/08/2017	1200hrs	Bayside Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
23/08/2017	1202hrs	Bayside Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
23/08/2017	1637hrs	Bayside Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
23/08/2017	1428hrs	Emerson's Place	Obstructing a vehicle	Obstruction
23/08/2017	1220hrs	Sir Herbert Miles Road	Parked on yellow lines	Obstruction
25/08/2017	1020hrs	Europa Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
29/08/2017	1643hrs	Grand Parade	No Permit	No Permit
30/08/2017	1220hrs	Grand Parade	No permit	No permit
30/08/2017	1320hrs	Grand Parade	No Permit	No Permit
30/08/2017	1434hrs	Grand Parade	No Permit	No permit
30/08/2017	1555hrs	Grand Parade	No Permit	No Permit
30/08/2017	1630hrs	Grand Parade	No Permit	No Permit

Sep-17

Date	Time	Location	Reason for Tow	Table Group
04/09/2017	1259hrs	Air Terminal Car Park	No P&D ticket displayed	Pay and Display
01/09/2017	1010hrs	Bayside Road	Parked in Department of Education teacher's bay	Obstruction
09/09/2017	2030hrs	Bayside Road	Parking Restrictions	Parking Restrictions
15/09/2017	1300hrs	Bayside Road	Parked on yellow lines	Obstruction
28/09/2017	1033hrs	Bayside Road	P&D ticket not displayed	Pay and Display
23/09/2017	0940hrs	Eastern Beach Road	Parking Restrictions at MOT Center	Parking Restrictions
10/09/2017	1320hrs	Glacis Estate	No permit	No permit
04/09/2017	1648hrs	Grand Parade	No permit	No permit
12/09/2017	1640hrs	Grand Parade	No permit	No permit
26/09/2017	1620hrs	Grand Parade	Residential parking	No Permit
28/09/2017	1549hrs	Grand Parade	No permit	No permit
18/09/2017	1126hrs	Harbour Views Road	Parking from 5pm- 8am	Parking Restrictions
26/09/2017	1110hrs	Landport Ditch	Double Parked	Obstruction
22/09/2017	1340hrs	MOT Car Park	(DVLD) Expired MOT	(DVLD)
06/09/2017	0916hrs	Queensway	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
06/09/2017	1118hrs	Queensway	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
05/09/2017	0931hrs	Rosia Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/09/2017	1125hrs	Rosia Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
04/09/2017	1226hrs	Sir Herbert Miles Road/ Cat	No permit	No permit
06/09/2017	1518hrs	Sir Herbert Miles Road/ Cat	No permit	No permit
01/09/2017	0910hrs	South Barrack Road	Vehicle involved in car accident- requested by RGP	RGP request
14/09/2017	1008hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
14/09/2017	1100hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
14/09/2017	1143hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
07/09/2017	1600hrs	Windmill Hill Road	Parked in a no parking zone	Obstruction

Oct-17

Date	Time	Location	Reason for Tow	Table Group
05/10/2017	1534hrs	Europort Avenue	Exceeding max time at Timeout school drop off area	Exceeding max stay
10/10/2017	0927hrs	Grand Parade	No permit	No permit
10/10/2017	1417hrs	Landport Ditch	Expired P&D ticket	Pay and Display
11/10/2017	0902hrs	Europort Avenue	Exceeding max time at Timeout school drop off area	Exceeding max stay
11/10/2017	1302hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/10/2017	1303hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/10/2017	1335hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
11/10/2017	1416hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
12/10/2017	1700hrs	Europort Avenue	Parked on yellow lines	Obstruction
12/10/2017	1007hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
12/10/2017	1600hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
16/10/2017	1007hrs	Glacis Estate	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
16/10/2017	1640hrs	Landport Ditch	Expired P&D ticket	Pay and Display
16/10/2017	1250hrs	Mount Road	AquaGib works	Works
17/10/2017	0930hrs	Governor's Parade	Obstructing road and exit	Obstruction
17/10/2017	1420hrs	Grand Parade	Resident parking only	No Permit
18/10/2017	1110hrs	Coaling Island	Parked outside area	Obstruction
18/10/2017	1302hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
18/10/2017	1324hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
18/10/2017	1344hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
19/10/2017	1415hrs	Bayside Rd	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
19/10/2017	1500hrs	Bayside Rd	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
20/10/2017	1000hrs	Grand Parade	Resident parking only	No Permit
20/10/2017	1430hrs	Line Wall Road	Cleaning Campaign	Cleaning Campaign
21/10/2017	1600hrs	Forbes Quarry	Resident parking only	No Permit
21/10/2017	1320hrs	Grand Parade	No permit	No permit
23/10/2017	1024hrs	Town Range	Parked on yellow lines	Obstruction
31/10/2017	1025hrs	Cumberland Road	Cleaning Campaign	Cleaning Campaign
31/10/2017	1250hrs	Grand Parade	No permit	No Permit
31/10/2017	1610hrs	Landport Ditch	P&D ticket not displayed	Pay and Display

Nov-17

Date	Time	Location	Reason for Tow	Table Group
13/11/2017	1515hrs	Airport Car Park	No P&D ticket displayed	Pay and Display
14/11/2017	1225hrs	Bayside Road	Obstruction	Obstruction
03/11/2017	0930hrs	Cemetery Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
06/11/2017	1540hrs	Coaling Island	Blocking in other vehicles	Obstruction
01/11/2017	0920hrs	Fish Market Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
03/11/2017	1302hrs	Grand Parade	Was not displaying residents permit	No Permit
07/11/2017	1310hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
08/11/2017	1305hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
08/11/2017	1320hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
08/11/2017	1400hrs	Grand Parade	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
13/11/2017	0945hrs	Harbour Views Road	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
13/11/2017	1300hrs	JT Airport Compound	Private car park- no pass	Parking Restrictions
13/11/2017	1700hrs	Landport Ditch	Expired P&D ticket	Pay and Display
11/11/2017	1435hrs	Linewall Road	Poppy Day clearance	Poppy Day Clearance
11/11/2017	1700hrs	Linewall Road	Poppy Day clearance	Poppy Day Clearance
01/11/2017	1310hrs	North Mole Road	Exceeding max time at loading bay	Exceeding max stay
01/11/2017	1515hrs	Ocean Village	Parking in Keep Clear area	Parking Restrictions
09/11/2017	1015hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
09/11/2017	1045hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign
09/11/2017	1315hrs	Western Beach Car Park	Obstructing Cleaning Area (Cleaning Campaign)	Cleaning Campaign

Q703/2017

**Private parking spaces and garages resulting in loss of public parking spaces –
Technical Services' support or objections**

Clerk: Question 703. The Hon. L F Llamas.

355

Hon. L F Llamas: Mr Speaker, since December 2011, can the Government provide details of cases where the Technical Services department have supported or objected to regarding the development of private parking and garages being constructed which have resulted in loss of public parking spaces, including (a) the date, (b) the number of public parking lost or potentially lost, (c) the number of private parking/garages applied for, and (d) the reasons why the application was supported or objected to?

360

Clerk: Answer, the Hon. the Minister for Infrastructure and Planning.

365

Minister for Infrastructure and Planning (Hon. P J Balban): Mr Speaker, the Technical Services department is a consultee to the Town Planning department on all planning applications received by them.

370

Technical Services comment on matters relating to civil engineering, highways and sewerage infrastructure. They do not, however, maintain a database of the comments that they provide to the Town Planning department, as this is beyond their remit.

Since December 2011 there have been a total of 2,818 planning applications and 89 demolition applications and it would therefore be an extremely laborious task to check through all the applications and comments to identify those instances where the department supported or objected to an application regarding the creation of private parking spaces or garages.

375

Technical Services has discussed the matter with Town Planning, who hold the repository for applications, and they too have confirmed that checking applications for that particular information being requested would require a manual search, which would be laborious and time consuming. Minutes of the DPC meetings, which this Government made public and which are now online, may disclose some such information. The hon. Gentleman has access to those minutes and can review them for himself.

380

Notwithstanding the above, the Technical Services department can confirm that, as a general rule, if the application involves the creation of more car parking spaces within the property/garage than will be removed from the public highway, then the proposal would be supported on the basis that this will produce a net gain of parking – e.g. removal of one car parking on the public highway to create two or more within the property or status quo.

385

On a final point, whilst this is Technical Services' position on these matters, it is ultimately the Traffic Commission who have the authority on these matters and they in turn also advise Town Planning on whether particular applications are approved or not.

390

Hon. L F Llamas: Mr Speaker, coming back to Question 701, can I ask what the Government is doing with regard to the unpaid FPNs, which seem to be quite a lot in some cases? There are more unpaid than paid, especially –

395

Mr Speaker: If we are going to discuss FPNs again, I think it would be useful for the general public who may be watching these proceedings to know that FPNs are Fixed Penalty Notices.

Hon. L F Llamas: Yes, Mr Speaker, you are right; unfortunately, we have become accustomed to calling the abbreviated version of it in this House.

400

Could I ask what the Government is doing with regard to the unpaid Fixed Penalty Notices going back ... from May, June and July in particular, which are quite high months, where the ratio is that there are more unpaid than paid Fixed Penalty Notices?

405 **Hon. P J Balban:** Mr Speaker, every effort is made to follow up and get offenders to pay for their FPNs. There are circumstances whereby it is extremely difficult because the addresses for the particular vehicle in question may not be correct and therefore the NIP may arrive at the wrong address because the person has not changed their details, for example, or a sale has occurred and the information is incorrect. There are quite a few occasions whereby we struggle to find the person in question, and that is predominantly, I think, one of the main reasons why fines remain unpaid, but every effort is made to chase up these records and, remember, these, do remain on file.

410

Mr Speaker: The Hon. the Leader of the Opposition.

415 **Hon. E J Phillips:** Mr Speaker, just a supplementary question in relation to that. It is a good question that the hon. Member makes in relation to unpaid fines because, clearly, if you cannot identify individuals within the system who should be paying these fines, you have an inordinate expense of trying to locate them, for one, and you have hundreds of fines out there unpaid, which are unlikely to be paid because the system clearly has not been updated to include the new addresses of individuals.

420 Does the Government consider whether there needs to be a legal requirement imposed on individuals so that they have to update their details with the relevant Department?

425 **Hon. P J Balban:** Mr Speaker, as far as I am aware, there is a legal requirement that when a sale takes place the owner should, in terms of the forms provided and the log book, pass on the details to the Department. If that does not happen, then obviously it is another issue, but it is obviously serious because we cannot track these people down. Clearly, it is something which we are looking at as a Department because it is not acceptable, this question of chasing these people in that respect.

430 **Hon. E J Phillips:** Just one other supplementary question. I agree, it must be extremely difficult, but we are looking at hundreds of fines here where people should really be paying their dues when they become due insofar as the fines are concerned. It is very difficult if you are just relying on the sale of vehicles in order to update the information, particularly when you cannot locate individuals, and it is likely – and I am sure the Minister would agree – that these fines are likely to be unrecoverable in the future.

435

440 **Hon. P J Balban:** Mr Speaker, it could be the case where a fine could be unrecoverable. Every effort is made, but it is a legal obligation. When you sell a car on you need to notify the Department and they should keep up-to-date records for this particular reason. But obviously there are quite a few occasions when this is not possible. As I said, the Ministry is looking at ways to improve this, but this is something which has been the case for years and years and we do accept it is something that we have inherited and it is something which has been a fact for many years. But it is a legal obligation. I think people are aware and the forms do state when you pass on a vehicle ... And it does happen. In all fairness, when you sell a car, some of it is that goodwill that goes on. You sign your part of the form and the person is meant to sign their part of the form, and that does not happen. So all that process is being looked at together.

445

450 **Hon. E J Phillips:** Mr Speaker, I apologise, but just one more. Clearly, the example that my hon. Friend is giving, the Minister, is in relation to when a purchase is sold and bought by individuals, but what happens in the case where one just simply has a vehicle for years and does not sell it but does not update their details? Clearly there is an entire historical backlog of fines that remain unpaid. I appreciate that this may be something that he may have inherited from a previous administration, but clearly, in the context of that situation, surely there must be something that the Government can do to ensure that fines are paid.

455 **Hon. P J Balban:** Mr Speaker, the whole matter is being addressed, but as the hon. Member
rightly says, it is not just at the point of sale. People do move addresses, people do change
addresses, and at every single MOT, in theory, that should be carried out and there should be a
check of addresses.

460 It is very difficult because it does happen in Gibraltar where people remain at their parents'
address even though they have moved away. There is a lot of that happening, where people
remain at their old address because somebody related to them remains at that address, and that
is a problem. But as I said, the Department is looking at all these issues.

465 Because of FPNs related to speeding, it is something which has come to light even more so in
that respect because this is not a policeman at the end of the gun stopping you and taking down
details, this is an automated system which takes a photograph of the car and then it is up to the
Government or the officials to look and search for the person who committed the offence. As I
said, the Department is looking at this to see how we can, if possible, update the log books,
because it is an issue – and not just what we inherited, it is what the previous administration
inherited themselves. It is something that has been the case for many years, but as a result of
this new system of capturing FPNs automatically through machines, speed cameras, the
470 importance of it is being highlighted even more so.

Mr Speaker: The Hon. Edwin Reyes.

475 **Hon. E J Reyes:** Mr Speaker, if I may – and I know you like us to put things as a question – is
the Minister fully satisfied that the best type of customer service relationship exists?

I have spent the last month having to help a particular constituent who received a Fixed
Penalty Notice issued in his name to the proper address, claiming that there was an offence
committed by registration number such and such, and it was identified as a vehicle of a
particular colour. This constituent came to see me and said, 'The vehicle I own happens to be a
480 motorbike, not a car as stated in this fine,' and the colour obviously is now totally irrelevant and
the location where the parking offence is supposed to have taken place is nowhere near an area
where he frequents.

In trying to help this individual I picked up the phone and rang the office there. I was told in a
very courteous – not rude, but very courteous – manner, 'In order to cancel that, you have got
485 to come here to the office, fill in a form and sign it.' When I relayed that message to the
individual he said, 'I'm not going to take a day's leave to sort out what is an administrative error,
because I have made this attempt to correct it.' So I said, 'Well, look, it's up to you what you do.'
Within a month he got another reminder letter. This time, I went in person and they said, 'Look,
we know you mean well, but you are not the person named here. I am sorry, we cannot deal
490 with you.' So the matter remains pending and unresolved with the individual fearing that he is
going to receive a notice to make an appearance in court for failure to pay a fine, having to take
a day's leave to appear there to then find that the vehicle does not belong to him.

With a little bit of detective work, because Gibraltar is relatively small and we were able to
find out, it now appears that because one has the model of the car and the colour we have
495 found that the registration number is a mistake – made by the officer issuing the parking ticket –
with the letter at the end. This individual was able to do that in his leisure time. Surely those
who are being paid could, somehow or another, go on the computer system and say, 'Have we
made a mistake and put an A instead of a B or a C?' It is all to do with customer relationships
that may or may not help us collectively to solve this problem. I pose that to the Minister.

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Hon. P J Balban: Mr Speaker, I thank the hon. Member for his positive contribution.

As I said, there is a cancellation process and sometimes ... This is the first complaint of that
nature that I have heard, and undoubtedly there may be others but if Notice of Intended
Prosecution is sent to you erroneously, then it should be possible to be able to sort that out
505 without having to go there. But if that fails, there is a process and the risk is that if the

cancellation is not carried out there could be the situation whereby you could receive a letter or summons to go to court for that purpose.

I thank you for your contribution and if it is somebody specifically we can have a chat behind the Speaker's Chair and I will look into the issue for the hon. Gentleman, but I suppose it is something that can happen – I cannot say that it will not.

Mr Speaker: Next question.

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

Mr Speaker: This is the last supplementary I will accept on this question.

Hon. T N Hammond: Thank you, and the question is not related to any question that has been asked so far.

Mr Speaker, during the Minister's initial answer to Question 701 he referenced the fact that the RGP screen a number of vehicles before sending out the Fixed Penalty Notices. I believe Emergency Services were one of those categories but I think he also said forward-facing motorbikes and I just want a clarification as to as opposed to a backward facing motorbike, or is that the aspect of the motorbike? Just a little bit of clarification. And is it the case, therefore, that motorbikes that are photographed by a speed camera in their forward-facing aspect are not being fined or cannot be fined, or are they taken down a different mechanism?

Hon. P J Balban: Mr Speaker, I think we have had this discussion before in Parliament. There are cameras at the moment ... not all cameras can take pictures in both directions, so what happens is that if a person is caught with a motorbike forward facing there is no number plate in the picture; hence at the moment, depending on the sight, unless the motorbike is going at a horrendously high speed – which I have mentioned before generally is over 100 kph, whereby the Police will then look at it as dangerous driving or careless driving and they will go for the individual in question by other means – they will try to visually recognise the person without having to use the number plate.

There are a few cameras that will not take rear-facing pictures and in fact we have already received equipment to be able to tackle that issue. Remember, when we brought out the speed cameras it was a pilot study, it was something that was needed, something that we had never had in Gibraltar before, and they were placed in different locations trying to maximise the use of these cameras as far as possible. It is not possible to have a camera facing each direction because it would not be viable in that respect. Now we are looking at other methods whereby we can start capturing vehicles from the rear or from the front.

But the screening process does happen where the RGP actually look at the speed camera results, making sure that they are not emergency vehicles, making sure that they are legitimately offenders, they are not persons who cannot be traced or are emergency services attending to a fire emergency, or whatever. That is why there is a screening process.

Mr Speaker: I am going to allow the Hon. Lawrence Llamas to raise a matter arising from the schedule to Question 702.

Hon. L F Llamas: Thank you, Mr Speaker.

Looking at the schedule from Question 702/2017, which relates to the foreign vehicles which have been towed away, the majority of these vehicles have been towed away from cleaning campaigns and pay-and-display parking areas. I wanted to ask the Government if they will review the towing away of vehicles because obviously people have failed to display their ticket in the appropriate place in a public pay-and-display area. It would make sense that if they are

going to have to be fined and clamped, they do not then have to actually go and search for the vehicle because the FPN is going to exceed what the daily rate of that ticket would be.

560 Would the Government consider not having to remove the physical vehicles if they are not actually obstructing anything which can be avoided in terms of not having to tow them away and look at that policy so that the person does not receive a negative impact when they are visiting Gibraltar?

Hon. P J Balban: Mr Speaker, clearly the fine, whatever that may be, will generally be more than the figure that they would have had to pay if they had done it properly and had paid at the pay-and-display machine, regardless of whether it is a ticket in the window for £25, whether it is a clamp which guarantees the same, or whether the vehicle is towed away.

570 If you look at the schedule, there are vehicles that are towed away but for different circumstances, different reasons. If there is a clear obstruction to the highway then it is towed away. If it is obstructing the cleaning campaign as well and the company involved, Master Service, cannot get round and do the cleaning, a decision is taken whether to remove the vehicle or not. It is impossible to clean if the vehicle remains there.

575 Just generally there are a lot of complaints, because there are both sides to the coin: those people who feel that this poor person has come across, a tourist, and they have been punished for illegally parking; and there are others who say, 'Well, if you just place a ticket on the window ... or a clamp on the car you immobilise it, but I cannot use that parking, it remains out of use for me.' That happens a lot as well and you get a lot of pressure from people saying, 'What do I do?' That has happened very often in residential parking schemes, for example, where there is a vehicle which is constantly offending and the residents are saying, 'This car has not got a permit. What's going to happen?' We will place FPNs and we will try to control it to a certain level and not any further, and eventually we need to tow the car away.

580 So it very much depends on the circumstances, but if you look at the schedule provided it is not that any particular area has been targeted more than others. There is a very clear idea that it is happening throughout Gibraltar and not necessarily just areas where you expect tourists to be.

Mr Speaker: Next question.

590 **Hon. T N Hammond:** Mr Speaker –

Mr Speaker: Well, briefly. We have to move on.

Hon. T N Hammond: I understand, but this is on Question 702 rather than ...

595 **Mr Speaker:** Okay.

Hon. T N Hammond: Mr Speaker, it is just to understand whether Government has a particular policy or has implemented a policy or provided guidance to the companies who operate the towing of vehicles, considering that back in May 2016 we appear to have one vehicle towed, in July 2016 one vehicle, and then we come to May 2017 and it is something approximating 100 vehicles towed, and that trend, although it subsides somewhat, continues after that point. Has Government actually given instructions for a ... And this is not a criticism in any way; it is just to understand whether Government has given instructions for more vehicles to be towed away or whether this has just happened organically in some way.

605 **Hon. P J Balban:** Mr Speaker, the company responsible for providing this service operate themselves; they are not told to clamp more, tow away more or whatever.

There are certain key dates, if you look at the chart, where certain things have happened which perhaps have led to an increase in the fines or towing etc., and it could be, for example, when a residential parking scheme comes into effect or when there is an area which is due for
610 cleaning and it is a big area.

So it very much depends on the date in question, but I do recall that around ... For example, if you look at May, there are quite a few that have come from cleaning campaigns. Again, cleaning happens generally once a month. If, for example, an area is being left dirty because cars are constantly parking in the same places or the same cars keep on offending, then obviously there
615 is a need to clear those vehicles up and it could be that they are towed away.

But generally what has been the case with the residential parking scheme is that especially with zone 1 there has been an increase attributed to that, and as we roll out the other residential parking schemes that will happen. There is also generally a period of grace, so we will start off, we launch the scheme, give it grace, and then we have to start acting because
620 otherwise, if we are very lenient, the scheme fails from the start. It does not perform the function we expect it to and that is to the detriment of all residents.

This is obviously a tool that we have. It is the only way that we can actually make a scheme a success – or just turn a blind eye and it will not work. I think it is the company's responsibility to actually ascertain, to look, review and see how they manage this for us.

ENVIRONMENT, ENERGY, CLIMATE CHANGE AND EDUCATION

Q704/2017

Sewage treatment plant – Technical specification; awarding of contract

625 **Clerk:** Question 704. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, further to Questions 449/2015, 8/2016, 332/2016, the Minister's speech during the Appropriation Bill and Question 630/2016, can the Minister provide
630 an update on whether the technical specification for the sewage treatment plant is now understood and when Government might be in a position to award a contract?

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

635 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, yes, sir, discussions have commenced with a preferred bidder, but given the position of the former Leader of the Opposition that we should not comment publicly on contracts until the ink is dry on agreements, it would be inappropriate to say more at this stage.

640 **Mr Speaker:** Next question.

Q705/2017
Urban Renewal Programme –
Update

Clerk: Question 705. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, what has happened to the Urban Renewal Programme announced on 13th June 2013?

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

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
650 Mr Speaker, much has already been done in respect of urban renewal in the Upper Town in pursuit of the programme. Hon. Members can see progress for themselves if they care to wander in our magnificent Upper Town, although there is undoubtedly much yet to do.

Hon. Mr L F Llamas: Does the Minister have a schedule of what has been done and what
655 remains to be done?

Hon. Dr J E Cortes: No, sir.

Mr Speaker: Next question.

Q706/2017
Upper Rock –
Entrance fees

660 **Clerk:** Question 706. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, is the Government reviewing the Upper Rock entrance fees? If so, can it reveal what changes will be made?

665 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, yes, it is. Details will be provided in due course.

Q707/2017
Dance and performing arts courses –
Grants awarded

670 **Clerk:** Question 707. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Education provide details in respect of all grants awarded during this current financial year, other than mandatory grants, to any students in respect of dance or performing arts courses, indicating if these courses being followed will be

675 in the United Kingdom or elsewhere, as well as indicating the qualification expected to be
attained upon successful completion of said courses?

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

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Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, all of our students undertaking a dance or performing arts course this financial year
have been awarded mandatory grants.

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Hon. E J Reyes: Mr Speaker, may I clarify – mandatory grants being restricted to those who
have completed A-level or A-level equivalent type of education?

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Hon. Dr J E Cortes: Mr Speaker, mandatory grants in the normal manner of mandatory grants
as opposed to the discretionary awards, which are for those who maybe come into a course
later on or have not quite got the grades. That is the difference, as the hon. Member is well
aware.

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Hon. E J Reyes: Therefore, Mr Speaker, can I ... perhaps the wording in my question because I
have asked in respect of grants awarded ... It could have been that a grant has been awarded but
a course has not yet commenced. Is the Minister in his answer covering that? Or maybe because
of the way I have put ... the answer ... I am giving him the benefit of the doubt, sir.

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Hon. Dr J E Cortes: Mr Speaker, the team in the Department of Education have looked at
students currently undergoing dance or performing arts courses and have checked against those
who are actually undergoing it now whether they are mandatory, and the answer is that all of
them are. Therefore, the ones that are not, the answer is zero, which is the answer that I have
given.

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If there is any specific course or any specific student the hon. Member is referring to, perhaps
he could ask me separately and I will be very happy to look into any particular case, but this is
the information that has been extracted from our database.

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Hon. E J Reyes: Mr Speaker, if I take your leave, perhaps it may be better and save
parliamentary time if the Hon. Minister and I meet behind the Speaker's Chair later and then we
can follow it up if required.

Mr Speaker: Indeed, because I seriously consider that the question as framed has been
answered.

Q708/2017
School classes –
Number of pupils

Clerk: Question 708. The Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, can the Government provide a schedule of the number of
pupils in each class during each school year since September 2012 as prepared by the
Department of Education in preparation for the commencement of each academic year, stating
(a) the year the class relates to, (b) the school the class belongs to, (c) the number of children

720 with special needs, (d) the number of learning support assistants, (e) the number of teachers, and (f) any other staff allocated to each class?

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

725 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** Mr Speaker, questions (a) to (d) were answered by me in reply to Question 612/2017 as overall figures per school.

As I have explained previously, allocations can change on a daily basis and so numbers per class cannot be provided overall. This applies similarly to (e) and (f), in fact possibly more so.

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Hon. L F Llamas: Mr Speaker, we always seem to stumble on this question. I find it hard to believe that the Department of Education would not have prepared a certain figure for each class and the number of pupils who would be attending each class. I understand that things could fluctuate but I am asking for class figures in order to know what the statistics are in all schools and an overall figure will simply not suffice.

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Is the hon. Member able to answer this question, albeit following this session by e-mail as he has done on other occasions?

740 **Hon. Dr J E Cortes:** Mr Speaker, the hon. Member has asked very similar questions repeatedly over the last few sessions, always with a slight difference in wording. I have asked him –

Mr Speaker: That is why it gets by the Speaker, otherwise it would not. It is because there is a difference and it is not quite the same question that I am allowing it, but I can recognise the problems that the Minister has in trying to provide the information to the questions.

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Hon. Dr J E Cortes: Mr Speaker, I was not at all questioning that they had got through because, as I said before in my answer, there are subtle differences in the questions. But I fail to see what the hon. Member is getting to. If he were to sit with me and tell me, 'This is my concern and this is why I am asking,' then perhaps I would be able to assist.

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We get asked for huge quantities of information on a regular basis, all very similar, when I have explained that the classrooms themselves have to be flexible and particularly when we get to learning support assistance and special educational needs when, as I have explained before, some children are assessed and they move on to the SEN group and then perhaps issues are resolved and they move back. It is very difficult to give this information.

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If there is a specific problem that the hon. Member wants to catch me out on, ask me point blank and I will try and assist him in catching me out, but it is very difficult to get the information together in this way time after time.

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Hon. L F Llamas: Mr Speaker, I am not trying to catch the Hon. Minister out on anything other than to get the information which I think is relevant. *(Interjection by Hon. Dr J E Cortes)* Well, it is relevant concerns with which parents come to me about class sizes. *(Interjection by Hon. Dr J E Cortes)* Well, Mr Speaker, all I want to do is to get statistics in order to just allay those fears and just lay out what the statistics are, and I do not think I am asking for any information which is too difficult to compile when the Department would have compiled this information in preparation for each academic year.

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770 Obviously, I do have to tweak the questions in order to get them through, because I am not getting the answers I want – and it is not the answer that I want the Minister to give me; I just want the answer of what the statistics are.

Mr Speaker: If the hon. Member is not getting the answer that he wants here in Parliament, I would suggest to him that he accept the invitation of the Minister, go and see the Minister and try to thrash the matter out, and then come back to Parliament if necessary.
775 Next question.

Q709-717/2017

**New and refurbished schools –
Timeline and impact of works on students; completion dates;
consultation with experts; impact on traffic and transport;
populating of co-ed schools; proposals for Bayside and St Martins sites**

Clerk: Question 709. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government explain what construction works will be carried out beside schools whilst in use and the estimated timeline of the same?
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Clerk: Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
785 Mr Speaker, I will answer this question together with Questions 710 to 717.

Clerk: Question 710. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government reveal what changes will current pupils be expected to adapt to from September 2017 until the new/refurbished schools are delivered?
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Clerk: Question 711. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government reveal the estimated timeline for delivering each new or refurbished school?
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Clerk: Question 712. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, has the Government consulted with experts outside of Gibraltar on the new schools?
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Clerk: Question 713. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, has the Government undertaken a traffic and transport impact assessment for the proposed new schools?
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Clerk: Question 714. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, how will the Government conduct the populating of the two co-educational schools?
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Clerk: Question 715. The Hon. Ms M D Hassan Nahon.

815 **Hon. Ms M D Hassan Nahon:** Can Government give details of the proposed future for the Bayside and St Martin's Schools sites once these have been vacated?

Clerk: Question 716. The Hon. Ms M D Hassan Nahon.

820 **Hon. Ms M D Hassan Nahon:** Will the existing schools that will be undergoing refurbishment be worked on while pupils are present in the schools?

Clerk: Question 717. The Hon. Ms M D Hassan Nahon.

825 **Hon. Ms M D Hassan Nahon:** Following last week's – or actually a couple of weeks ago now, given the parliamentary postponing – attendance by the Chief Minister and Minister for Education at the general meeting held with teachers, can Government confirm whether teachers are happy with the proposed new schools as well as with the plans for the schools that will be undergoing refurbishment?

830 **Clerk:** Answer, the Hon. the Minister for the Environment, Energy, Climate Change and Education.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
835 Mr Speaker, construction of Notre Dame will be carried out next to the current Notre Dame, after which St Anne's will be built next to the new Notre Dame. Construction will be carried out in a timely manner with as minimum disruption as possible and plans are in place to achieve this. This will be done by September 2018 and 2019 respectively.

Current pupils are just as important as those entering the system in 2019 and therefore their educational journey will not be compromised or affected in any way.

840 In answer to Question 711, Notre Dame School, 8.45 a.m., Monday, 3rd September 2018; the remainder 8.45 a.m., Monday, 2nd September 2019.

In answer to Question 712, yes, it has.

In answer to Question 713, the Government is, of course, undertaking this.

845 In answer to Question 714, details of the options of how this is to be achieved are given in the published Co-Education Report.

In answer to Question 715, expressions of interest have been invited for these sites.

There will be occasions – in relation to Question 716 – when this is inevitable, although we clearly will keep disruption to a minimum and ensure in particular that teaching and examinations are not affected and that absolute safety is ensured.

850 In answer to Question 717, our guiding principle has to be whether the proposed changes will improve the education of future generations of children who will go on to become the citizens of tomorrow. We have carried out a wide consultation exercise, and every indication is that teachers and the general public at large are happy overall. With any major change process there will always be diverging opinions and I, of course, respect these.

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Mr Speaker: The Hon. Marlene Hassan Nahon.

860 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may interject on Question 713 as a supplementary: considering the transport impact assessment, wouldn't it have been more practical to have undertaken this assessment before designs were put out, because at this point whatever result comes out is pretty limited anyway, considering that the schools are going ahead, so even if we get a very negative report how can we change things anyway at this point?

865 **Hon. Dr J E Cortes:** Mr Speaker, we are in a stage when we can still make changes to the actual layout, particularly in those that are being designed now beyond the concept stage. Obviously, we are limited to the sites we have available in Gibraltar and there will be a certain amount of adaptation, but I am confident that if any major problems are identified we will be able to address these in the best manner possible.

870 **Hon. L F Llamas:** Mr Speaker, following up on Question 713, from my understanding the parking underground at co-ed schools, for example, is going to be sold off. Will the Government be increasing public transport links to that area?

875 **Hon. Dr J E Cortes:** Mr Speaker, this is one of the matters that will be assessed in time for the opening of the new school in September 2019.

880 **Hon. L F Llamas:** Given, for example, Mr Speaker, that we will now have two co-educational schools where 2,000 pupils will be in one location and then we are going to have St Anne's and Notre Dame both together in the new location, this is going to come with its own impact in terms of transport and access. Is this not something that the Government has already taken into account?

885 **Hon. Dr J E Cortes:** Sorry, Mr Speaker, is what something that the Government has already taken into account?

Hon. L F Llamas: The access to these new schools.

890 **Hon. Dr J E Cortes:** Yes, Mr Speaker, it is taken into account. We are now refining as to how we can ensure that there is only minimum adverse effect, if any at all.

895 **Hon. L F Llamas:** Mr Speaker, in relation to Question 712, I did not catch whether the Government has consulted with experts. However, the Education Minister has stated that schools that cater for over 2,000 pupils are undesirable and therefore I would like the Government to explain how they have concluded that two co-educational schools within the same campus is any better and of more benefit to the students.

Hon. Dr J E Cortes: Mr Speaker, because they are two schools and not one.

900 **Hon. L F Llamas:** Is there a model that the Government has based this idea on, or is it a concept that this Government has come up with?

905 **Hon. Dr J E Cortes:** Mr Speaker, we have two comprehensive schools at the moment. The Government committed to that, as opposed to the party that the hon. Member stood with, who wanted to convert into one, and we are being consistent because that is our policy and that had the wide support of the teaching profession at the time.

Hon. E J Reyes: Mr Speaker, a point of order, sir.

910 **Mr Speaker:** Yes.

915 **Hon. E J Reyes:** The Minister has referred that the party on this side obviously referring to the GSD, wanted to merge them into one I disagree with that completely, Mr Speaker. I think if we leave that out then the Minister, the hon. Member, can continue answering the question, but to bring us into it with a fact, or with what is alleged as a fact, which I would then need to refute is just wasting parliamentary time.

Mr Speaker: As I understand it, the Minister is referring to the policy that was promulgated by the GSD – is that the correct position, or isn't it?

Hon. Dr J E Cortes: That is what I said.

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Hon. E J Phillips: Mr Speaker, the policy that was announced during the last General Election was clear. The GSD was not a proponent of a mega-school, the language that was used by the Government. In respect of our policy it is quite clear what we decided we wanted to do and that was to create an option for co-education, and of course we would have consulted with those stakeholders in relation to education. There was never the inkling of one mega-school; that is completely wrong. There was a TV debate that I had with the Hon. Neil Costa in relation to that very issue and it was language that was used by the GSLP to denigrate the policy of the GSD in relation to the principle of co-education. This party had put forward the policy and it is the Government on the other side that has sought to copy the idea of co-education completely. Therefore, we commend them, of course, for taking on board our ideas on co-education, of constituting a committee to advise the Government in relation to co-education, but of course we commend them for bringing forward a GSD policy.

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Mr Speaker: Which we are not going to debate. The GSD policy is not going to be debated. We have a number of questions seeking information. Information is being provided by the Government. I am not allowing a debate on the education policy either of the Government or of the Opposition at this stage.

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If you want to have a debate, by all means put down a motion for the next meeting of the House. Perhaps it will be a very salutary thing to do, given the announcements which the Government has made. I invite you to do that.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I think it is absolutely right that we should not have a debate on GSD policy because, first of all, we are dealing with an individual who is no longer in the GSD, although he stood with the GSD and the issues that were being put to him were the things that were in the GSD manifesto.

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I think actually we are debating PDP policy, because I think the first to propose co-education were the PDP. I recognise that there is, in effect, what one newspaper this morning has called a takeover of the GSD by the PDP, so I would be delighted to pursue the issue there.

But let's be very clear, Mr Speaker: in our manifesto, the manifesto which people selected at the last election by a ratio of two to one, there was a commitment to look at co-education in the way that we have done.

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And so, Mr Speaker, the only issue that really falls to be considered is whether or not – and this is the issue, I think, being explored by Mr Llamas and which I wish to give him comfort on from here, as the Hon. Minister has done – whether we are looking at a mega-school or whether we are looking at two schools. The policy that he defended at the General Election was to have one comprehensive. You cannot have anything other than co-education, Mr Speaker, if you only have one comprehensive, whatever consultation you may do, unless you have one comprehensive with classes just of boys and classes just of girls, and I think also including the college. We are not going down the route of one institution; we are going down the route of two institutions, two separate institutions.

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Whether hon. Members want to get into a tug of war with the building and say, 'Right, if those two buildings are 500 metres apart, then I'm satisfied it's two schools; if they're half a mile apart, they are definitely two schools; if they're 450 metres apart, then I'm going to call it one school even if it is two schools.' I put it to the hon. Gentleman that that is what they are going to get into if they start looking at the geography of this issue. You have two institutions here. They are close to each other and they share one area, which is the library, and there is a simple reason for that in terms of the resources of this community: do you put cash into building two

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970 libraries? Let's just say, for the purposes of this argument, you put £100,000 into building the
libraries and you then put £200,000 into acquiring books for each of the libraries; or do you put
one set of building costs in and have double the resources available to purchase books for the
975 boys and girls who are going to be in the institutions? That is what we have been consulting on,
that is what we have been working on and that is what we think produces the best result; and it
is a better result than a mega-school, which – the hon. Gentleman is absolutely right – is not
what they said they would do at the last election. It is what we said they said they would do at
the last election because we just had to look at the plans to see that the proposal that they were
making created the sort of school that had been roundly rejected in the United Kingdom by the
teaching profession as being bad for the pupil and being bad for the teachers. That is what we
are not going to do, Mr Speaker.

980 **Mr Speaker:** Next question.

Hon. E J Phillips: One question in relation to ... I am grateful to the Chief Minister for
explaining his position in relation to GSD policy, but it is evident from the numbers of questions
that have been asked by the opposite sides of this side of the House, Mr Speaker ... it is quite
985 clear that there is a genuine interest from parents and members of the community as to the
detail of the Government's ambitious – in their own words – programme to deliver education for
our community for the next 30, 40, 50 years for our community.

My question to the Minister is this: is he willing to explain more of the detail as to their
programme on rolling out new schools for our community? It is quite clear from questions that
990 have been asked in this House, that not enough answers have been given by the Government in
relation to schools.

Hon. Dr J E Cortes: Mr Speaker, of course the details will be given. The details are being
shared already. I have held meetings with teachers, I have held meetings with parents; the
995 Director of Education has had meetings with both. More meetings are scheduled. Some of the
matters are currently under discussion; some of the more intricate designs of the
comprehensive schools are currently being worked through in working groups of teachers. So of
course the details will be made available and anybody who wants them, all they have to do is
ask.

1000 I have answered the questions here. Every question that has been asked has been answered.
They may not like the answer or agree with what I am saying but we are hiding absolutely
nothing at all.

Hon. E J Reyes: Mr Speaker, sir, arising from the Chief Minister's explanations, he said – I
1005 hope I deduced it correctly – the only shared facility would be that of the library. Can the Chief
Minister or the Minister then reconcile why teachers of secondary schools are being told as
recently as this week that, for example, for the teaching of a hairdressing type of course the
students will only be set up in one school and the students have to commute? Is that not the
same as sharing the facility?

1010 **Hon. Chief Minister:** Mr Speaker, a point of order. Crossing the patio has never been
described seriously as commuting in the English language.

Hon. E J Reyes: Sorry, Mr Speaker, then I amend that word as being that of taking a walk
1015 across a brief area.

Hon. Dr J E Cortes: Mr Speaker, we are currently involved in designing the precise allocation
of space in the two new comprehensive schools, and we are currently involved at the same time
in developing new vocational courses. Therefore, we have to consider in the two schools, where

1020 we do not believe there will be enough take between all the boys and girls to, for example, have
two hairdressing facilities, which of the schools will host that, and then the other school will host
possibly something completely different.

Hon. Chief Minister: As is the case today.

1025 **Hon. Dr J E Cortes:** Exactly, as is the case today when there is a sixth form consortium. It only
means that if we start vocational courses at the equivalent of GCSE we may have to have the
consortium working further down for specific things which we should not, in a space the size of
1030 Gibraltar, provide two of, and the fact that the schools are different but close together means it
is easier for students of the two schools, where there are two separate uniforms, to not
commute but walk across the patio in order to make use of those facilities. It makes –

Hon. Chief Minister: Which is what happens today.

1035 **Hon. Dr J E Cortes:** Exactly, instead of going further. So, Mr Speaker, it makes absolute sense
and it is being developed in conjunction with the teachers.

Hon. Chief Minister: And that was through consultation.

1040 **Hon. R M Clinton:** Mr Speaker, the Chief Minister has referred to efficient use of cash and
effective economies of scale, and the Minister has just referred to efficient use of resources. Can
I ask the Minister whether his Department has undertaken any kind of economic impact analysis
as to allocation of resources and indeed the funding of the schools? And does he have at this
1045 moment in time any indication of what the cost of building these schools would be to share with
us; or if he were not willing to share that with us today, would he be willing to share that with us
if I tabled a specific question?

Hon. Dr J E Cortes: Mr Speaker, I am asked by the current Leader – I will not say ‘temporary’,
the *current* Leader of the Opposition – as to whether I am going to provide information, and the
1050 former Leader of the Opposition obviously did not hear information that has already been stated
in the past. We have said that, because there is going to be a tender process, we are not in a
position and we are not willing to put across in the public domain our estimated costs of the
school.

1055 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister.

May I ask him just one supplementary on this? In his estimation, is it the Government’s
expectation that the costs of construction less the sale of the existing land would effectively be
cost neutral to the Government, or will there be a net cost to the Government – or you just do
not know?

1060 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman seems to want to make everyone the
Minister for Finance except the Minister for Finance and he is asking questions of the Minister
for Education, who is very good at finance, what the issues of the financing of the schools are.
The answer to the question in relation to the financing of the schools remains as I set out in my
1065 answer to him in the last Parliament. But, Mr Speaker, that calculation that he wants us to do I
do not think is a wise one for him to invite us to do if we are both keen to ensure that we get the
best possible value for the taxpayer when it comes to the competitive process for the building of
these schools that I have told him we are going to embark on.

1070 **Mr Speaker:** The Hon. Lawrence Llamas.

Hon. L F Llamas: Mr Speaker, I would like to ask if the Government will be engaging in a formal consultation with teachers and parents in the coming months before the details are finalised.

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Hon. Dr J E Cortes: Mr Speaker, I am not sure in relation to what – obviously not co-education; that is done and dusted.

Mr Speaker: Before the plans are finalised.

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Hon. Dr J E Cortes: The teachers are currently involved in developing and designing the content of the school, the detail, the allocation, and so the answer to that is yes; and I have already reached out to those schools which have a parents association in order to give an opportunity to discuss it with them.

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Hon. L F Llamas: Mr Speaker, I think this will be the final supplementary.

Did the Government consider providing secondary education at schools in other locations in Gibraltar – for example, in the north and the south?

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Hon. Dr J E Cortes: Yes, Mr Speaker.

Hon. L F Llamas: Would it be possible to know what other locations the Government did consider?

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Hon. Chief Minister: Mr Speaker, I have said publicly on a number of occasions and I will say again that one of the hardest things to deal with in politics in Gibraltar is the Rubik's Cube of where you put one thing and where you put another. So, when you consider an issue like this you consider *every* potential location, because even if hon. Members might think that there is something on it today, the Government is in a position to move something that may be there today or harry along those that may be there today with inducement or otherwise. So every possible location has been considered and this is the location that has been considered, for a number of reasons, to be the most appropriate.

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We are entirely committed to ensuring that we deliver on our manifesto commitment and the additional opportunities that we have identified; we think this is the right way to do it. The hon. Gentleman is now conducting that consultation exercise. He is taking people's views on board, whether they are teachers or whether they are parents. I do not know how many times we can say it, Mr Speaker, but if the hon. Gentleman simply wants to give us an opportunity to just reaffirm that, the Government is entirely committed to that process of consultation which we have indicated we are embarked on.

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Hon. E J Phillips: Just one question in relation to Question 712 in relation to the experts the Government has consulted, or taken opinions from, in relation to the new schools. Can the Government confirm who and what type of experts they are?

1115

Hon. Dr J E Cortes: This is in the form of visits to highly regarded schools in the UK and discussions with the education authorities in that part of the UK. Both a part of my Department's team and some teachers have attended meetings in the UK at those schools, which includes a – *(Interjection by Hon. Chief Minister)* Oh, yes, thank you, a very relevant point that had escaped me for a moment. Apart from the fact that the team has visited schools in the UK, the design models are based on the latest Department for Education modelling of school construction and design in the UK. So we have actually used the latest UK Department for Education types of modelling and we have been in touch with people in the Department for Education who design

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schools. So we have done both the general guidelines for design and also visited actual schools to learn from their experiences there.

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HOUSING AND EQUALITY

Q718/2017

Government rental homes – Urgent decanting of tenants

Clerk: Question 718. The Hon. E J Reyes.

1130 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide details of how many tenants required urgent decanting from their homes since the answer provided to Question 179/2017, indicating the reason why, the date when said decanting became necessary and the date when the tenants were able to return to their home?

1135 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

1140 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, since the answer to Question 179/2017, six tenants have required urgent decanting from their homes as a result of fires, substantial water ingress and major works. One was decanted in March, one in April, one in August and three in September. Except for one household, all tenants have returned to their flats in June, September and October.

1145 **Hon. E J Reyes:** And the one who has not returned, Mr Speaker, is the one who left the house in which month, so at least it gives an indication of how long that person has had to be away from their home?

Hon. Miss S J Sacramento: The remaining one, Mr Speaker, was decanted on the last day of September and is due to return imminently – hopefully this week.

1150 **Mr Speaker:** Next question.

Q719/2017

Government rental homes – Eviction of squatters

Clerk: Question 719. The Hon. E J Reyes.

1155 **Hon. E J Reyes:** Can the Minister for Housing say how much expenditure has been incurred in respect of legal costs relating to the eviction of squatters from Government rental homes since the answer to Question 180/2017, providing a breakdown showing the number of homes involved and to whom payments were made?

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

1160 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, Triay & Triay have been paid a total of £1,045 in relation to evictions from two properties.

Mr Speaker: Next question.

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Q720/2017
Government rental homes –
Expenditure re contracts for making suitable for reallocation

Clerk: Question 720. The Hon. E J Reyes.

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Hon. E J Reyes: Can the Minister for Housing provide details of all expenditure incurred since the answers to Question 181/2017 and Question W74/2017 in respect of contracts awarded for making empty homes suitable for reallocation, stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment, as well as indicating the type or nature of repair works or cleaning services undertaken?

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

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Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, details are as follows: Keyway, £17,227 for two properties; Accoria Services Co Ltd, £7,140 for one property; A&K General Services Builders, £35,933 for two properties; GJBS, £89,945 for 23 properties; Elite, £29,554 for two properties; Strait Overseas, £9,809 for one property; Ace Plumbing, £7,400 for one property; 501 Construction, £18,805 for two properties.

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

Q721/2017
Government rental homes –
Number reassigned from returned stock

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Clerk: Question 721. The Hon. E J Reyes.

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Hon. E J Reyes: Mr Speaker, further to the answer provided to Question W161/2017, can the Minister for Housing provide details of how many of the 11 rental homes which were in the process of being cleaned and refurbished have now been allocated and/or assigned, inclusive of room composition of said homes, from the stock returned by new tenants who have recently moved into Charles Bruzon House?

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

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Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, since the answer to Question 161, a further five flats have been allocated.

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Hon. E J Reyes: Thank you, Mr Speaker.

I know from the previous answer that it was 11 and is now five, but I have asked here inclusive of the room composition of said homes. Looking at the answer I got to Question W161, where the Minister kindly listed all the 66, I have no idea of the room sizes or the composition of the 11 that had to be cleaned. Of those 11, five have been allocated but I have no idea what the size of those homes were, nor of the remaining six what the homes are. Perhaps the Minister

has that information, just to satisfy my ... I need this answer in order to continue my talk with constituents.

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Hon. Miss S J Sacramento: Yes, Mr Speaker, the hon. Gentleman is right: I do not have it in my answer, nor do I have it as a supplementary. I am sorry, but I will provide it to the hon. Gentleman. I apologise, it has not been provided to me.

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Mr Speaker: Next question.

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Hon. E J Reyes: Mr Speaker, may I? You know that the hon. Lady and I quite often are able to exchange information behind the Speaker's Chair. Can we have that undertaking, that as and when she gets the information from her staff she just passes it on to me? If it happens to be during a parliamentary session, so much the better because I think the Speaker then allows it to be tabled. If not, I am as not finicky. It does not require to be finicky – I will even accept it at any other stage, but as soon as humanly possible, given that her staff could be quite close to having that answer.

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Hon. Miss S J Sacramento: Yes, Mr Speaker, I certainly undertake to provide it, though unfortunately I will not be able to do so during the course of this afternoon because the staff have now left. But as soon as I have the information, I will.

Q722/2017

Mons Calpe Mews – Sign-off of remedial works

Clerk: Question 722. The Hon. E J Reyes.

1225

Hon. E J Reyes: Further to the answer provided to Question W191/2017, can the Government say if and when the Mons Calpe Mews management company or management committee signed off all the remedial works as duly completed to their satisfaction, indicating if the said signing off has been done by the individual blocks or in respect of the construction project as a whole?

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

1235

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, as in any construction project, it is the developer who signs off completion works and moneys are retained to ensure that any defects which may appear during the defects liability period are corrected. The management company or committee do not sign off on the works, although they are consulted and meetings arranged, if necessary, if they feel that there are problems that are not being solved.

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Hon. E J Reyes: Thank you, Mr Speaker. So the hon. Lady has at least corrected me in the right direction: it is not the management company who needs to sign it off. Could she indicate who it is that needs to sign it off? And if it is Government or a Government entity, what position are we at?

1245

Hon. Miss S J Sacramento: Yes, Mr Speaker, of course. Government was the developer in relation to these projects and the contractor has not yet been issued with a making good certificate, so we have retained moneys in case anything arises, as is normal in the process of

1250 construction works, and we will deal with it as and when issues arise. As far as we are, I am satisfied that we do not have anything untoward or undue, but of course we will continue to retain these moneys until we are absolutely satisfied that there are no defects at all.

Hon. E J Reyes: I am grateful for that part of the answer, Mr Speaker.

1255 So that I do not necessarily repeat this again next month, is the Hon. Minister in a position to say, 'I expect it to be in three or six months,' so that I can make a note in my diary of when to pick up the question? I know you, Mr Speaker, even prefer me not to repeat it quite so often, so if the Minister indicates that it should be perhaps within the first quarter of 2018 or the second quarter, I can then flag it up and we will have an official answer for the record upon completion.

1260 **Hon. Miss S J Sacramento:** The issue that we have outstanding, Mr Speaker, relates to water ingress issues that arose last year. These have been rectified, but before we can be satisfied whether they have been rectified properly or not we need to await the rains to pass. So, in terms of a time frame, perhaps the hon. Member can ask me in early summer, once we know that the heavy rains have ceased.

1265 **Mr Speaker:** So, in other words he should put down another question before the summer recess?

1270 **Hon. E J Reyes:** I would like to say that, because the Minister has been extremely honest in the way she has answered that, I am going to interpret 'early summer' as being once winter has been completed. So probably straight after the Easter recess, if we have one, or whatever, could be a good time.

Thank you, Mr Speaker.

Q723/2017

Government rental homes –

Outstanding arrears –

Question withdrawn

Clerk: Question 723. The Hon. E J Reyes.

1275 **Hon. E J Reyes:** Mr Speaker, I have spoken with you, but for the benefit of Parliament this question is withdrawn.

I will be honest: there was an error in the way it has been written, it makes absolutely no sense and I apologise if I have wasted the Minister's time in drafting what would have been a ridiculous question, knowing what both she and I know is a true fact.

1280 I apologise. I hope my maths teacher forgives me as well!

Q724/2017

Government rental homes –

Details of properties allocated since December 2011

Clerk: Question 724. The Hon. L F Llamas.

1285 **Hon. L F Llamas:** Mr Speaker, since December 2011 to date, can the Government provide a schedule with a breakdown of Government rental homes which have been allocated, including (a) the room composition allocated, (b) the date the applicant had originally joined the housing

waiting list, (c) whether the property was handed over as a self-fix or Government furnished, (d) the points the applicant had, and (e) the date the property was allocated?

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

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Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, of a total of 1,145 allocations that have taken place since 9th December 2011, 188 have been on a self-repair basis. I am handing over a schedule of the flat composition and dates of applications.

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Mr Speaker, while we wait, I would like to thank the hon. Gentleman in relation to the previous question. I must say that I was somewhat bemused as to what the angle could possibly have been.

Answer to Question 724/2017

Room composition	Allocations
1RKB	68
2RKB	452
3RKB	428
4RKB	172
5RKB	22
6RKB	

Date of application	Allocations
1994	
1995	
1996	
1997	
1998	
1999	11
2000	10
2001	16
2002	23
2003	15
2004	27
2005	35
2006	28
2007	39
2008	40
2009	82
2010	131
2011	216
2012	135
2013	82
2014	95
2015	65
2016	49
2017	28

Q725/2017

**Government rental homes –
Applicants on social and medical lists**

Clerk: Question 725. The Hon. L F Llamas.

1300 **Hon. L F Llamas:** Mr Speaker, can the Government provide a schedule with the breakdown of housing rental applicants who are on the social and medical lists, including (a) the year the application was accepted, (b) the number each individual is on the list, (c) the room composition required, and (d) the number of points as at the end of each calendar year since December 2011?

1305 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, there are a total of 96 applicants who have a medical category and 31 applicants who have a social category. The breakdown is as follows.

1310 In terms year of application: two in 2011, three in 2012, six in 2013, 16 in 2014, 20 in 2015, 34 in 2016 and 46 in 2017. Their position on the list is fluid and it fluctuates.

In terms of room composition, this relates to 80 1RKB, 15 2RKB, 19 3RKB, 10 4RKB and three 5RKB.

1315 Points are calculated on the anniversary of each applicant's application date and therefore increase yearly. However, no points are allotted for the medical and social categorisation, so they will not have additional points.

1320 **Hon. L F Llamas:** Mr Speaker, going back to Question 724, the question asked for a breakdown with room composition, the date the applicants joined the housing waiting list and so forth. On the schedule provided, unfortunately you cannot marry the allocation with the date the person joined, with the number of points the person has or when the property was allocated. Is this information that the Ministry is able to provide?

1325 **Hon. Miss S J Sacramento:** Mr Speaker, I do not agree with the fact that the question asks for that information to be married. I have looked carefully at the question and at the answer. The question is broken down in categories and the answers have all been provided in the answer.

1330 **Hon. L F Llamas:** Mr Speaker, there is no way that the question has been properly answered. There is no column indicating when the dates of the property were allocated, the number of points the applicants had when they received the property, and there are other elements from this question which have not been answered.

1335 A question like this I believe would require that the components of the question be married so that you can properly analyse the allocation process that the Government has had since December 2011.

Hon. Miss S J Sacramento: Mr Speaker, with the greatest of respect to the hon. Gentleman, I cannot possibly predict what it is that he wants or what he intends to marry, but the question is very clear and the answer is very clearly in answer to the questions as they are broken down.

1340 I am asked, for example, to include the room composition allocated – that is in the first box overleaf; the date the applicant originally joined the housing list – there is a box saying when applicants joined the housing list. Then I am further asked whether the property was handed over as a self-fix – I think he meant self-repair, which is the term that we use – or Government furnished, and that is answered as well. There is a question in relation to the points that is answered; and a date when it was allocated, and that is all answered, Mr Speaker.

1345 The hon. Gentleman needs to understand that the question will be answered in the way that it is asked. If he wants a different answer, then maybe the hon. Gentleman may wish to consider asking it a different way on the next occasion.

Hon. L F Llamas: Mr Speaker, the fact that the question is one question and not five questions I think in itself explains what the answer should be.

1350 With regard to points, there is no way that the Minister has answered that question because there is no way that from the 1,145 allocations it can be analysed the number of points the person had; nor can it be analysed the period that each person has been on the waiting list at the same time.

1355 **Hon. Miss S J Sacramento:** Mr Speaker, in relation to the part on the points, that is not here but that is something that would be such a voluminous exercise to undertake in any event that it would be disproportionate for us to undertake, particularly in the period of time on the resources that are available.

1360 Again I maintain that the questions have been asked in a particular way and the answers have been provided in the way that they have been asked. As I said, the hon. Gentleman may wish to consider asking them a different way on the next occasion if he wants the answer in a particular way. I cannot possibly be in the hon. Gentleman's mind and be guessing what he is trying to get at and the format that he wishes me to answer.

Q726/2017

Purpose-built flats for the elderly – Allocation to non-Government rental tenants

1365 **Clerk:** Question 726. The Hon. L F Llamas.

Hon L F Llamas: Mr Speaker, since December 2011, can the Government provide a schedule of non-Government rental tenants who have been allocated a purpose-built flat for the elderly, such as Albert Risso House, Charles Bruzon House etc., including (a) the reasons why in each case, and (b) whether or not the person was on the Government housing waiting list?

1370

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

1375 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, everyone who is allocated a flat is a housing applicant and allocation of all flats is treated on this basis.

Current records do not provide a breakdown to show the extent of a successful applicant's previous housing situations and the task of looking through every single allocation of an elderly flat going back to 2011 would be unduly onerous on resources.

Q727/2017

Beach View Terraces and Mons Calpe Mews – Information received at time of sale

1380 **Clerk:** Question 727. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a schedule based on the information received as at the time of sale of Beach View Terraces and Mons Calpe Mews,

1385 including (a) family composition of applicant or applicants; (b) room composition purchased and (c) the purchased share?

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

1390 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the Government does not hold a database of the family composition of purchasers.

The room compositions are as follows. There were 47 one-bedrooms, 312 two-bedrooms, 477 three-bedrooms and 59 four-bedrooms.

Trust deeds are required to be registered and, as such, they are public documents and in the public domain, Mr Speaker.

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Hon. L F Llamas: Mr Speaker, given that the policy of the Government was that priority was given to housing applicants, surely the Government would have the information based on the family composition and the applicants were linked to the application being successful. Is this something that the Government does not have?

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Hon. Miss S J Sacramento: Mr Speaker, I think that the hon. Gentleman has just answered his own question in that applicants were given priority and not the family composition of the purchasers.

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Hon. L F Llamas: Mr Speaker, the Hon. Minister has said that they do not hold this information, but surely the Housing Ministry holds the information of the family composition of its housing applicants and which list they are on. Therefore, they should be able to provide an answer with the flat composition that they purchase in the end. Is this something that the Government seriously does not have?

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Hon. Miss S J Sacramento: No, Mr Speaker, because it is not the Housing Ministry that deals with the sale or the allocation of these flats; it is the Government through Gibraltar Residential Properties Ltd.

1415 The hon. Gentleman does not seem to understand procedure and he is just huffing and puffing and saying 'for goodness' sake'. It may help proceedings if the hon. Gentleman were to inform himself of the procedure, because maybe by doing so he may be in a better position to formulate his questions if he wants to derive the answers he is seeking.

1420 This information is provided to me by Gibraltar Residential Properties Ltd. If Gibraltar Residential Properties Ltd tell me that they do not have this information at their disposition, then that is the answer I have been provided. It may well be that GRP would have to liaise with the Housing Department and go through all 1,000 applicants one by one to look at that, but that, I would say, is an unduly onerous use of resources in the circumstances.

Mr Speaker: The Hon. Roy Clinton.

1425

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

1430 I am not sure I heard the Hon. Minister correctly. Did she indicate that, rather than provide my hon. Friend with the information as to the purchase share, the information was available on the purchase deeds, which would be presumably registered at Land Property Services, but she is not prepared to provide the House with that information directly?

1435 **Hon. Miss S J Sacramento:** Well, Mr Speaker, only because Standing Orders provide for this situation. Where documents are publicly available – and these documents are publicly available on a public register that is available to the public – it is Standing Orders that are giving me this direction and I am merely following Standing Orders, which are the matrix that rule this House.

Q728/2017

**Affordable housing –
Action taken re subletting in contravention of lease**

Clerk: Question 728. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, since December 2011, can the Government provide details regarding affordable properties where subletting has been identified contravening the provisions in the underlease and what action has been taken in each case, including the estate the property belongs to?

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

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, when subletting is identified in estates where Her Majesty's Government of Gibraltar is or has been the developer, such cases are investigated. In the event that there is a breach of the underlease, appropriate action will be undertaken in accordance with the terms of the underlease.

In some cases, subletting has ceased upon receipt of our notification. In other cases, investigations are ongoing to establish the necessary evidence. There are no instances of illegal subletting where the tenant is the Government, as was the case prior to December 2011.

Hon. L F Llamas: Mr Speaker, can she provide a breakdown of figures on how many follow-ups have been done by let and how many cases are currently being investigated?

Hon. Miss S J Sacramento: No, Mr Speaker, because it did not form the body of the question, nor do I have the information, otherwise I would of course disclose it. From memory, I know it is a handful. In terms of the ones that have been brought to my attention, I would say roughly four. It may be a bit more, it may be a bit less, but no more than four I think have been brought to my attention.

Hon. E J Reyes: Mr Speaker, may I ask the Hon. Minister: I know that in respect of Government rental we did set up an anonymous hotline where members could report and say, 'I think so and so is not actually living in that flat,' and so on. Is there a similar sort of setup? I know we could be opening up a can of worms, but I am asking so that I may guide constituents in the future.

I have heard people within the co-ownership estate where I live – they tell me, 'Don't you remember so and so used to live there? The people who are there now do not even look like Gibraltarian belongers.' So there is a reasonable doubt whether that house is being ... because the management company ... If you are a shareholder within one of these co-ownership estates, the management company can disclose to you, as a shareholder, who the particular house belongs to, so we then have the police detective work to be done on is it being sublet or not.

Chief Minister (Hon. F R Picardo): Mr Speaker, I do not know whether the hon. Gentleman will recall – I think we were both Members of the House when, as a result of similar anonymous tip-offs resulting from similar identification, we brought to the House similar concerns only to find that a very candid former Minister for Health rightly put his hand up and said, 'Well, now that you mention it, the Government has been subletting those apartments for people of another origin who have come to assist the Health Authority.' The former, former, former, former Leader of the Opposition, Sir Peter Caruana, when he was Chief Minister, agreed in this House that he had just found out about that and that this should not continue.

So there are many circumstances where those things can arise and any information hon. Members have which they might be able to bring to our attention, I would ask them to do so,

1485 not in this forum necessarily but to please alert us to those. If there are breaches of the
underlease, we need to know because these homes are provided at the low cost at which they
are provided not for speculation, not for rental so that people can make a profit other than the
capital value of sale; they are prepared in this way and there has been an agreement, between
1490 both the parties for some time that this should be the case since it was instigated by the
Government led by Joe Bossano, that these homes should be for owner occupation so that we
can house and grow Gibraltarian families, not that people can use these to turn a fair penny
either by realising capital value or rental value. So any information hon. Members have they
should bring to our attention. I do believe that there has been an edict from the day that we
were elected that certainly the Government does not involve itself in renting these properties
now in breach of its own underleases as was the case before.

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Hon. Miss S J Sacramento: Yes, indeed, Mr Speaker, as the Chief Minister points out, that is
exactly why in my substantive answer I said that there had been no instances of this since
December 2011. Having said that, the hon. Gentleman refers to a hotline which may have
existed in the past – I do not know, I do not remember – but in the last six years I think that the
1500 need for a hotline has declined because it has all been overtaken by a phenomenon called social
media, and you will find that in any event if someone finds out about anything untoward going
on in anything you will find a post at some point on Facebook or Twitter or on something, and
when it does not ... I am grateful to the hon. Gentleman that he once came across a post of
some irregularity and he immediately brought it to my attention, and in the same way that he
1505 does, many people who come across this information in public fora do bring it to my attention.
And of course people do also contact the Housing Department in the normal way as well when
they hear of irregularities or perceived irregularities.

So I am quite satisfied that the channels of communication in that respect work. We do of
course follow them up and, where necessary, we do engage with the Police or the Borders and
1510 Coastguard Agency to go and investigate and verify occupants for us.

Mr Speaker: Next question.

Hon. E J Phillips: Just one question in relation to that. Just out of interest, has the
1515 Government conducted analysis when individuals apply, for example, for residency, targeting
effectively the question at those that acquire rentals in Gibraltar possibly from affordable
housing, as to whether there is a joined-up system where the relevant civil status department
would understand this individual is now renting in an affordable house? Is there a joined-up
process by which they can acknowledge and recognise those individuals and therefore enforce
1520 the terms of the underlease and deal with that problem head on?

Hon. Chief Minister: Yes, Mr Speaker, the system is joined up in that respect, so the
addresses are obvious because the Government has been the developer and promoter of those
addresses, and whenever an application comes in from an address which should not house an
1525 individual that collects those characteristics that the hon. Gentleman has referred to, the
individual's ability to reside in that address is questioned.

There are some circumstances where it is acceptable. For example, I can recall an instance,
which the hon. Gentleman will be interested to note, of an individual seeking resident status
from such an address when he had not been in Gibraltar for long enough to avail himself of
1530 residence in that address. It turned out he had arrived in Gibraltar as a child not many years
before, because he had arrived, I think, after the age of 14 but before the age of 18. He had
resided there as a result of a relationship between one of his parents and a local and was now
emerging from that relationship seeking his own status, but he was rightly resident there and
had not in any way been in breach of any underlease as a result. Therefore, it was accepted that
1535 he could be a person to use that address for that purpose. But in most instances the hon.

Gentleman will see from the detail I am giving him this is questioned, we understand what is happening, and if somebody is using that address for purposes of an application when he should not be resident in that address, it is spotted.

1540 The issue the hon. Gentleman refers to, which is one the Government is very alive to, usually arises in the context of private lettings, private dwellings, not in affordable housing estates, so usually in the context of areas which have never been the subject of Government development. Sometimes in the Old Town the hon. Gentleman will have heard the stories, as I have, of 20 or 30 people residing in one address. Those tend to be noted, because as we head towards computerisation it is immediately easier to say, 'Well, hang on a minute, you live in an
1545 apartment where there are two bedrooms and 40 alleged residents, so can you explain to us the miracle of the fishes and how you all feed yourselves each night, let alone sleep?' and that system is throwing up anomalies.

Q729/2017

**Affordable housing projects –
Online application system**

Clerk: Question 729. The Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, why did the Government not set up an online application system for the affordable housing projects?

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

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Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, the application phase has not yet commenced and the process is at expressions of interest stage, the questionnaire for which is available online.

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Hon. L F Llamas: Well, Mr Speaker, it is online but you have to download, print and then submit, and from what I have understood from *Viewpoint* there have been over 4,000 expressions of interest. Therefore, my question is: why was this not online as a form which you would have submitted and a database would have been created, rather than have such an onerous task of civil servants or Government employees having to go through each and every application for expression of interest?
1565

Hon. Miss S J Sacramento: Mr Speaker, the way that the form has been devised requires applicants to complete it in a way that we, as prospective developer, are analysing all these applications. One of the things that can happen, for example, is that people can forget to complete a particular box, whether there is a narrative required or ticking a box.
1570

This is the way that we have done it, Mr Speaker. We had to, in the interest of expediency as well, issue these forms which are expression of interest forms, which are available online, because we wanted to get them out and, at the time, to have commissioned and had a database in place would have taken us longer.

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It may be something that we consider for the formal application stage, but certainly it is working for us now because of the manner in which the applications have been returned. Some applications have been returned to us in a phased process because we gave quite a long time for applicants to return their applications and it has not been as onerous a process as the hon. Gentleman wants to make it out to be. It has been completely workable.

1580 The deadline has now just recently closed. The database is complete, so the manual entry of the database has not caused us any delay whatsoever and we are in the process of analysing the results of that process.

1585 **Hon. L F Llamas:** Then surely, Mr Speaker, if 4,000 applications is not an onerous task, provided in answer to 1,145 allocations, it should not be that much of an onerous task using the same benchmark the hon. Lady is using.

1590 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman is mixing apples with pears and trying to see them through the same lens. It is impossible to explain to him again why these things are different.

If you have a tick box exercise, you can do it on a Google form. So people can be asked to fill in not a handwritten form and just on a Google form say how many bedrooms do you want etc. But this is a form that actually requires also an expression of some of the circumstances of individuals, and that is something that is being collated in the exercise that is being done for the purposes of producing better affordable developments.

1595 In the context of five days, which is the period in which we are to answer questions, going through 1,500 different forms to extract the information in the manner in which the hon. Gentleman has decided this month that he wants it is not something that is a worthwhile use of Government time that can be deployed in the time available to produce the answer available.

1600 We do not choose what information hon. Members wish to have. If they wish to have it and it is something that the civil servants can produce in the time available, we provide it to them. Members on this side of the House do not tell those who are in the Civil Service not to produce something. We do not tell them to tell us that it is onerous to produce it. They simply say to us, 'Look, it's impossible for me to produce an answer to this question without entirely paralysing the Department for three months in doing the exercise if we are going to be able to stand by the accuracy of the information.' That is the reality of the situation.

1605 The hon. Gentleman can continue to ask questions which pile up the requests for statistical information over an exceedingly long period of time, but we simply will not be able to provide it unless he prefers that the Government should stop work on everything that it is dealing with at a political and administrative level in order to answer his questions. I think everybody in this community would agree, probably himself included, that we should just get on with the job and not be side-tracked by some of the things that he makes us try to produce for him and which are statistically almost impossible to provide with accuracy.

1615 **Mr Speaker:** Next question.

Q730/2017
Affordable homes –
Restrictions on resale

Clerk: Question 730. The Hon. L F Llamas.

1620 **Hon. L F Llamas:** Mr Speaker, how will the Government ensure that affordable homes are not bought by those seeking to make a profit moving forward?

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

1625 **Minister for Housing and Equality (Hon. Miss S J Sacramento):** Mr Speaker, the Government is considering various measures to prevent those seeking to profit from resale primarily by reviewing the restrictions on resale.

Q731/2017
Charles Bruzon House –
Cars barrier

1630 **Clerk:** Question 731. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is Government satisfied with how Gibraltar Car Parks is handling the issue of the cars barrier at Charles Bruzon House?

1635 **Clerk:** Answer, the Hon. the Minister for Housing and Equality.

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, initial teething problems with the barrier have been rectified. As far as the Housing Department is aware, no further issues have been reported.

1640 **Hon. Ms M D Hassan Nahon:** Mr Speaker, the barrier has already come down on some vehicles and individuals and on the head of a workman, but the response from Gibraltar Car Parks has been that they are not responsible for any damage, injury or theft. Can the Minister confirm whether this is the case; and if so, does Government make itself responsible for injuries in place of Gibraltar Car Parks?

1645 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has not had notice of any person being injured by a barrier or any of the things that the hon. Lady has referred to. We do not answer questions in the hypothetical. If she wants to write to us with the information we will look into it, but if we have not received claims then it is impossible for us to be able to make any assessment.

1650 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am not dealing in the hypothetical. These incidents have happened and the question remains: who is responsible for injuries? Can the Government say one way or another? Gibraltar Car Parks is saying that it is not them, so can Government confirm that they are responsible? Somebody has to be responsible.

1655 **Hon. Chief Minister:** Mr Speaker, she may say that she is not dealing in the hypothetical, but we on this side are because what I am saying to her is we have not had notice on this side of the House and after her question those at the relevant Department have not brought to the attention of those on this side of the House any such claims.

If the hon. Lady has notice of when these claims were made we can go back and look at on what basis it is alleged that liability has been denied, but we are genuinely telling her that for us this is hypothetical because it has not happened.

1660 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I have been in touch ... or rather the tenants association of Charles Bruzon House have been in touch with me because they felt that they were not being listened to. From what I remember, I think (*Interjection*) they have made representations. Excuse me, I would like to explain this, if anybody wants to listen. I think that they have made representations already and they have tried through Gibraltar Car Parks first and they have been told that they are not responsible.

I think that the question still remains, which has not been answered: who is responsible for injury? And why do I have to bring, anyway, a specific case to get an answer for that? Who is responsible for injury? If the Gibraltar Car Parks are saying that they are not responsible for injury, will Government confirm that they are?

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Hon. Chief Minister: No, Mr Speaker, because injuries can arise as a result of many different circumstances, and depending on the circumstances different parties may be responsible for injury or for damage. Those issues are legal issues. Neither the Government nor Car Parks, nor Charles Bruzon House tenants association can get away from that; it is a straightforward legal issue. If you slip on a banana, the person who left the banana skin is the person responsible, but it does not mean that the Government is ultimately responsible.

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So if the hon. Lady is saying that a tenants association has not been listened to on something as serious as injury or damage, I put it to her that I would be aware of this because I would have had at least a letter from the tenants association that may or may not have been copied to her and to the Leader of the Opposition – whoever he or she may be at a particular point in time – to the Hon. Mr Llamas and to the Speaker. I get these letters all the time and I pay attention, whether or not they are copied to the hon. Lady or the Hon. the Leader of the Opposition from time to time, whoever he or she may be etc. *(Laughter)*

1685

I think there is a developing mutual frustration between the hon. Lady and this side of the House in respect of this question because she thinks something has happened and we are telling her we have not had notice. Can I just say to her, Mr Speaker, that we are happy to look into this with her and to try and address any similar situation she may say has arisen, but we do not have notice of Car Parks denying liability in respect of a tenants association claim for either injury or for damage.

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Mr Speaker: Next question.

Q732/2017

Fire retardants – Installation in Government estates

Clerk: Question 732. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Can Government confirm whether they have any plans to install fire retardants in Government estates; and if so, by when?

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

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Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, concrete, which is the main component in most modern-day buildings, and most certainly so in Government estates, is inherently a fire-retardant material. This together with other composite materials whose structural abilities are not debilitated quickly by heat and fire constitute the main build in Government estates, thus fire-retardant qualities are integral in this type of build.

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Hon. Ms M D Hassan Nahon: Mr Speaker, on 29th September I issued a press release, just after the Moorish Castle Estate fire in Keightley House, asking about fire retardants. I have been waiting for two months for an answer and I do not think I actually have received an answer.

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In the wake of Grenfell and indeed the Keightley House fire, and in view of all the money and the priority that this Government puts to other important elements of our society, like building new schools and refurbishing them, how is it that placing fire retardants – which are necessary, concrete or no concrete ... alarms and sprinklers are necessary, or will they be happy to tell

tenants across Government estates that they are not needed or that they should rely on the two dogs who saved them in the last fire?

1720 **Hon. Miss S J Sacramento:** Mr Speaker, two points here. One, a point of order: I answer to this House and I answer to questions in Parliament; I do not answer to press releases, because if I were to be answering every single press release that everybody from the Opposition were to issue, then I would not get any work done. I have my agenda, there are things that I have to do, so I find it completely unacceptable that I should be accused of not having replied to a press release in two months. I do not reply to a press release because I do not want to, Mr Speaker; I will reply to a question in Parliament. That is number one.

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1730 Number two, Mr Speaker: I do not think the hon. Lady understands what a fire retardant is. Therefore, she may be asking me a different question but she has used the wrong language and therefore my answer is in relation to the language that she has asked. I think she wants to ask me a different question; she may want to consider formulating a different question on the next occasion.

1735 I can reassure the public that the Government is taking the issue of fire, fire risks and fire hazards extremely seriously. Immediately upon the disaster at Grenfell Tower, the Chief Minister and I met with key individuals from the Government Departments and we set up a working group that has looked into every single issue of fire in relation to our high-rise buildings and our estates. That has been an in-depth consideration of everything that may be relevant to fire, fire prevention, fire safety and fire awareness, Mr Speaker.

1740 The matter has been dealt with very responsibly, taken very seriously, and I am afraid that the hon. Lady is asking the wrong question.

Hon. E J Phillips: Mr Speaker, just one supplementary question in relation to that point.

1745 Given that the Government has considered every single issue in relation to fire risk and fire retardants in relation to public housing, my question is: is the Government satisfied with the Government's response to this and indeed satisfied with the measures that are in place to reduce and in an attempt to eliminate that risk of fire?

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is satisfied with the Government's response to this.

1750 **Hon. E J Phillips:** Mr Speaker, is the Government satisfied that our housing estates are safe in light of the investigations conducted by the Government themselves and also in relation to the point that my learned and hon. Friend opposite said in relation to looking into every single issue?

1755 **Hon. Chief Minister:** Yes, Mr Speaker, absolutely, in particular in the context of the safety of the housing estates. But arising out of the question where we have been asked in respect of fire retardant aspects of concrete, as all hon. Members will know, concrete is not flammable.

1760 **Hon. Ms M D Hassan Nahon:** So, Mr Speaker, how would the Government answer the victims ... well, not victims in fatalities but those who were affected by the fire in Keightley House who ended up having to thank the two dead dogs who barked their way into their death and alarmed them? Wouldn't they have done better to have some fire alarms over there?

1765 **Hon. Chief Minister:** Mr Speaker, we would answer those who have suffered fire by commiserating with them, by being delighted that there were no injuries, but in the same way as fires occur, unfortunately ... and not everybody has a smoke alarm, but not every Government property is going to be fitted with a smoke alarm by the Government. These are issues of, in fact, sheer intrusion.

1770 I do not know whether the hon. Lady is aware that modern smoke alarms even have the
ability to listen into a property. Technology has developed to such an extent that most smoke
alarms have the ability to communicate. If what the hon. Lady is saying is that every Government
property should be fitted with a smoke alarm, then that is not where she started, and if she is
making that proposal I will put it to her that it is something that not everybody will support and
some will consider it entirely intrusive. But everybody has the right to fit a smoke alarm in their
1775 home if they wish to.

The rules in relation to sprinklers, fire alarms etc. apply to certain buildings of a certain height
and the Government is satisfied that all of its buildings comply with those rules and that if there
are changes to the rules, then we will ensure that our buildings comply with those changes to
the rules. If there are changes in the United Kingdom to the rules, we will have an eye to those
1780 changes to understand whether they are changes which must be applied in Gibraltar as well, and
if necessary we will make available funding to comply with those requirements. I think I already
said to you within the context of my Budget speech that that would be the case, that the hon.
Lady would have funding available if she needed funding for that purpose.

1785 What I am very keen to do is that people should not be put to any unnecessary concern today
because somebody had an accident x months ago and a fire was caused in somebody's home.
What we cannot do is ensure that there are no fires in anybody's homes. We cannot be on top
of everybody's toaster, we cannot be on top of everybody's turkey at Christmas. Unfortunately,
these things happen but we feel genuinely that the mechanisms are in place to deal with such
exigencies when they occur. There may be accidents again in the future, and please God there
1790 will not be any serious injuries or fatalities but there is no mechanism to stop that if that is what
the hon. Lady is pushing us to.

Mr Speaker: Next question.

1795 **Hon. T N Hammond:** Mr Speaker, if I may?

Mr Speaker: Yes.

1800 **Hon. T N Hammond:** Mr Speaker, I know that the Government, in the very early stages of the
initial concerns after Grenfell, were very quick to conduct analyses and reply to letters, certainly
from me, with respect to concerns about areas such as cladding, and those fears were allayed. I
understand Government was at that stage still only looking at whether any further measures ...
and I know they have undertaken some other measures, like clearing the communal areas as
well, which is something ongoing, controversial though that is in some places.

1805 As part of those exchanges the Government said they might look at the possibility of whether
the fire risk assessments that were being undertaken in the Government-owned estates might
be extended to those estates which were partially Government-owned, obviously the 50-50 the
affordable housing. Has any progress been made in that area and has Government undertaken
that analysis?

1810 **Hon. Miss S J Sacramento:** Mr Speaker, yes, as the hon. Gentleman says, it is indeed true that
this committee has looked at all the aspects, made recommendations such as the clearing of
anything that may cause obstruction in communal areas; and, controversial as it may be, it is the
right thing to do – we are advised by the Fire and Rescue Service that this can cause risk to life
1815 and therefore we follow advice.

The Fire and Rescue Service have been working very closely with the Housing Department,
advising us on several issues. There are some action points that we have as a result of that
committee which we are working on, and one of the major ones is that we are soon to embark
on an awareness campaign on fire prevention.

1820 In relation to moving on to estates that may be co-owned by Government, we have been
liaising with them through the management companies, as is the proper structure to do so,
through our agents, Land Property Services. So, insofar as covering our bases through that
committee, I have to commend the committee for working extremely hard and looking at all the
eventualities and advising us through the process.

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Mr Speaker: Next question.

HEALTH, CARE AND JUSTICE

Q733/2017

**St Bernard's Hospital –
A&E charge nurse posts**

1830 **Clerk:** Question 733. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, further to the answer provided through supplementary
questions arising from Question 658/2017, can the Minister for Health say on which dates the
three charge nurse posts at St Bernard's A&E department were filled?

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Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, as I noted to the hon.
Gentleman in answer to his supplementary question, since the staffing levels in A&E were
increased from one to three charge nurses on 1st April of this year, these posts have been
continuously filled.

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Hon. E J Reyes: Mr Speaker, so that we do not have any unnecessary misunderstanding,
normally those who have dealt with trade union backgrounds and so on – I am sure the Father of
the House would not mind perhaps clearing any misunderstandings we have – when we talk
about a post being filled it is normally understood that that post is now being allocated to
someone on a substantive basis, otherwise the post is just being covered.

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Let me try to explain. If the establishment covers for three nurses, whilst you choose those
who are permanently going to be promoted to that grade and therefore take up that post, we
say the post is being covered, whereas the terminology that a post has been filled means that
three applicants have been successfully chosen through their applications and have been filled.

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Are we in the same language? If not, Mr Speaker, we are never going to clarify this. I
understand and I accept and never doubted that three persons are physically covering that
position, but that is very different to three persons who are actually filling that position. Can we
clarify once and for all, so we do not necessarily lead to any misunderstandings?

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Hon. N F Costa: Yes, Mr Speaker, I think that the difference between the hon. Gentleman and
I is one of terminology. When we talk about posts being filled by the GHA we are talking on
either an acting capacity, on rotation or permanently. I think the hon. Gentleman, when he
approached me after he asked me the supplementary question ... his question was 'Have boards
been held and are these positions being permanently filled?' and when I went back to the GHA
they advised that there have always been charge nurses occupying those posts but that the
adverts were issued in July, the interviews were held on 9th November, there were seven
applicants, and of course three were successful.

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1870 **Hon. E J Reyes:** Yes, great, and, Mr Speaker, taking that following 9th November this year – let's call it the board selection or whatever – three were successful, is the Minister aware, are they now already taking that post? Sometimes one needs a couple of weeks' transition – to vacate your old post you have to hand over to somebody. It is just so that I have an indication if they are already there permanently or about to become ... one would take it that it would be happening shortly.

1875 **Mr Speaker:** But by the same argument that you are making, the posts have been filled on 9th November. Interviews are held and on 9th November appointments are made and the posts are filled.

1880 **Hon. E J Reyes:** Yes, the posts are filled, Mr Speaker. No doubt – I am not disputing that. The posts were filled as from 9th November; I am just asking is the person *in situ*. Have they moved already to A&E?

Hon. N F Costa: Mr Speaker, the successful applicants require approval from the Public Services Commission, so I am not certain whether the successful applicants have already been notified or not. The board, as I said, only took place quite recently, on 9th November.

1885 **Mr Speaker:** What that means is that boards have been held on behalf of the Public Services Commission, recommendations have gone to the Public Services Commission and then the Public Services Commission has to confirm those and then advise the Governor of the appointments.

1890 **Hon. E J Reyes:** And as and when the Public Services Commission advise the Governor it is filled as from then, not as from 9th November?

Hon. N F Costa: But to be clear, Mr Speaker, there have always been three charge nurses in those roles since the increases were announced on 1st April.

1895 **Mr Speaker:** Next question.

Q734-737/2017

Offenders –

**Number and ages of young offenders imprisoned; reoffending rates;
young offenders not imprisoned or fined**

Clerk: Question 734. The Hon. E J Phillips.

1900 **Hon. E J Phillips:** Mr Speaker, can the Government confirm the ages of young offenders who have been sentenced to terms of imprisonment from 15th November 2016 to 15th November 2017, i.e. in the last 12 months?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1905 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 735 to 737.

Clerk: Question 735. The Hon. E J Phillips.

1910 **Hon. E J Phillips:** Can the Government confirm the number of young offenders who have received custodial sentences from 15th November 2016 to 15th November 2017?

Clerk: Question 736. The Hon. E J Phillips.

1915 **Hon. E J Phillips:** Can the Government confirm the re-offending rates of the current prison population by reference to percentage over the last three years?

Clerk: Question 737. The Hon. E J Phillips.

1920 **Hon. E J Phillips:** Can the Government confirm how many young offenders received disposal by the courts other than financial penalties and periods of immediate imprisonment?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

1925 **Hon. N F Costa:** Mr Speaker, I can confirm that during the past 12 months two young offenders were sentenced to imprisonment, one aged 13 and the other aged 14.

We are not able to advise of the reoffending rates of the current prison population over the time period required unless the reoffending has led to a prison sentence. In this respect, 21.6% of the current prison population have had previous convictions resulting in prison sentences during the past three years.

1930 I can confirm that seven young offenders' cases were disposed by the courts other than by means of financial penalties and periods of immediate imprisonment.

Hon. E J Phillips: Mr Speaker, with your leave, there is a reference I would like to make to the rehabilitation of offenders question that I put. I know I am not going to get an objection from my hon. and learned Friend in relation to this point but I can link it certainly to the reoffending rates, which I think is an interesting statistic, that 71% of the current population, as I understand the question, have reoffended but have had previous periods of custodial sentences served. I think that is the analysis that the Hon. Minister for Justice gave.

1940 Just linking it to the rehabilitation of offenders and the Government's programme to do that through employment, through work and through opportunity, I asked a question last time round in relation to whether the Government had any intention of amending the rehabilitation of offenders legislation and I just wanted to correct the record in relation to that question because I made the comment that the Minister may have been mistaken in relation to one aspect at the top end. The Minister was very helpful in that period of time. We have had a discussion about it offline, as it were, and the Minister is correct and I am grateful for the clarification that both he and his Department have afforded me in relation to that question. I am grateful.

1950 **Hon. N F Costa:** Mr Speaker, in respect of the answer to Question 736, just to be clear that the hon. Gentleman has understood the answer that I have given him, what I have told him is that I am not in a position to advise him of reoffending rates unless the person who has reoffended is sentenced to a sentence of imprisonment. That is the only data available to us. By that measure, only 21.6% of the current prison population are serving an additional prison sentence over the past three years. That is not to say that there are 70-odd percent of the prison population who have not reoffended. In other words, the only measure that we have is that there are 21% of the current prison population who have had previous convictions resulting in prison sentences. We cannot provide any additional data other than that, but to be of further assistance to him, if you exclude the fine defaulters, there are currently 51 prisoners in custody as at the date that the answer was drafted. Excluding fine defaulters, the number of reoffenders goes from 11 to seven, which is 13.7% of the current prison population. Of these seven, three

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have reoffended once during the last three years in addition to the current sentence. So that is additional granular information for him.

Mr Speaker: Next question.

1965

Q738-739/2017
Substance abuse –
Breakdown of RGP arrests; cases requiring medical care

Clerk: Question 738. The Hon. L F Llamas.

1970 **Hon. L F Llamas:** Mr Speaker, since 2011, can the Government provide a schedule of arrests made by the Royal Gibraltar Police on drug-related offences, detailing (a) whether the arrest was in relation to possession with intent to supply, (b) personal use, (c) age, and (d) type of drug/s involved?

1975 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Question 739.

1980 **Clerk:** Question 739. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, since December 2011, can the Government provide a schedule of substance abuse related cases requiring medical care from the GHA detailing (a) age, and (b) type of drugs involved?

1985

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Hon. N F Costa: Mr Speaker, the information requested is contained in the schedule that I now hand over to the hon. Gentleman.

1990 Please note that the database for the year 1st April 2016 to 31st March 2017 had corrupt files, therefore rendering the information unreadable or, if readable, indecipherable. However, we have been able to extract some information over the time period 1st April to 31st March in a different format to the other tables.

1995 In respect of the answer to Question 739, the GHA is unable to provide the specific statistics for the period December 2011 to May 2015. The information requested from June 2015 to October of this year is contained in the schedule I now hand over to the hon. Gentleman.

Mr Speaker: These schedules are lengthy, so we are going to move on to the next question and if any supplementaries arise we will come back to them.

2000 Please call the next question.

GIBRALTAR PARLIAMENT, TUESDAY, 5th DECEMBER 2017

Answer to Question 738 of 2017

01/12/11 - 22/11/12

Age	Cannabis	Cocaine	Prescription Drugs	Extasy	Ketamine	MDMA	Methadone	Amphetamine
12	1	0	0	0	0	0	0	0
14	3	0	0	0	0	0	0	0
15	8	0	0	1	0	0	0	0
16	12	0	1	0	0	0	0	0
17	33	1	0	2	1	2	1	0
18	34	2	0	1	1	1	0	0
19	35	3	0	1	1	0	0	0
20	40	2	2	0	1	0	0	0
21	25	3	1	1	0	0	2	0
22	11	0	2	0	0	0	0	0
23	11	1	1	1	0	0	0	0
24	17	0	1	0	0	0	0	0
25	11	3	2	0	1	0	0	0
26	15	3	0	1	0	0	0	0
27	7	0	0	0	0	0	0	1
28	8	1	1	0	0	0	0	0
29	10	1	0	1	0	0	0	0
30	2	0	1	0	0	0	0	0
31	3	2	0	0	0	0	0	0
32	7	1	2	0	0	0	0	0
33	7	1	2	0	0	0	0	0
34	4	0	1	0	0	0	0	1
35	2	1	1	0	0	0	0	1
36	1	0	1	0	0	0	0	0
37	6	0	1	0	0	0	0	0
38	1	0	1	0	0	0	0	0
39	2	1	3	0	0	0	0	1
40	1	1	1	0	0	0	0	0
41	1	0	0	0	0	0	0	0
42	5	0	2	0	0	0	0	0
43	1	0	0	0	0	0	0	0
44	1	1	0	0	0	0	0	0
45	2	0	1	0	0	0	1	0
46	2	0	1	1	0	0	0	1
47	4	0	1	0	0	0	0	2
48	0	1	1	0	0	0	0	0
49	0	0	0	0	0	0	0	0
50	0	0	0	0	0	0	0	0
51	1	1	1	0	0	0	0	0
52	0	0	1	0	0	0	0	0
53	0	0	0	0	0	0	0	0
54	2	0	0	0	0	0	0	0
55	1	0	0	0	0	0	0	0
56	0	0	0	0	0	0	0	0
57	0	0	0	0	0	0	0	0
58	0	0	0	0	0	0	0	0
59	1	0	1	0	0	0	0	0
60	0	0	0	0	0	0	0	0
61	0	0	0	0	0	0	0	0
62	0	0	0	0	0	0	0	0
63	1	0	1	0	0	0	0	0
64	0	0	0	0	0	0	0	0
65	0	0	0	0	0	0	0	0
66	1	0	0	0	0	0	0	0
67	0	0	0	0	0	0	0	0
68	0	0	0	0	0	0	0	0
69	0	0	0	0	0	0	0	0

Cont...

Continued Answer to Question 738 of 2017

23/11/12 - 31/03/15

Age	Cannabis	Amphetamine	Precription Drugs	Cocaine	Extacy	Ketamine	MDMA
12	1	0	0	0	0	0	0
13	2	0	0	0	0	0	0
14	2	0	0	0	1	0	0
15	4	0	0	0	0	0	0
16	12	1	0	0	0	0	0
17	33	0	2	0	0	0	0
18	39	2	0	0	1	0	0
19	34	0	2	1	1	1	1
20	24	0	1	2	1	0	1
21	23	0	1	2	1	1	0
22	23	0	1	3	0	0	0
23	18	0	1	1	1	0	0
24	17	0	2	2	1	1	0
25	13	0	1	3	0	2	0
26	20	0	4	3	0	0	0
27	13	0	3	5	0	0	0
28	13	4	2	3	0	0	0
29	7	0	0	1	0	0	0
30	8	0	0	2	0	0	0
31	10	0	3	0	0	0	0
32	15	0	1	2	0	0	0
33	8	1	3	0	1	0	0
34	9	1	3	2	0	0	0
35	9	1	1	2	0	0	0
36	7	2	1	1	0	0	0
37	5	0	3	2	0	0	0
38	5	0	2	3	0	0	0
39	4	1	1	1	0	0	0
40	5	2	1	0	0	0	0
41	8	0	1	0	0	0	0
42	6	0	0	0	0	0	0
43	2	2	1	0	0	0	0
44	1	0	0	0	0	0	0
45	1	2	3	0	0	0	0
46	1	1	0	2	0	0	0
47	0	0	1	0	0	0	0
48	1	2	0	1	0	0	0
49	2	1	0	0	0	0	0
50	6	0	1	0	0	0	0
51	2	0	1	2	0	0	0
52	3	0	0	1	0	0	0
53	2	1	1	0	0	0	0
54	0	1	0	0	0	0	0
55	1	0	0	1	0	0	0
56	1	0	0	0	0	0	0
57	1	0	0	0	0	0	0
58	1	0	0	0	0	0	0
63	0	0	2	0	0	0	0
66	1	0	0	0	0	0	0

Cont...

Continued Answer to Question 738 of 2017

01/04/15 - 31/03/16

Age	Cannabis	Prescription Drugs	Cocaine	Amphetamine	MDMA
12	2	0	0	0	0
13	1	0	0	0	0
14	3	0	0	0	0
15	5	0	0	0	0
16	7	2	1	1	0
17	8	0	0	0	0
18	16	0	2	0	0
19	22	3	0	0	0
20	13	0	0	0	0
21	8	0	0	0	0
22	15	0	1	0	0
23	11	1	1	0	0
24	11	1	0	0	0
25	8	0	1	0	0
26	9	1	2	0	0
27	9	1	0	0	0
28	3	1	0	0	0
29	1	0	0	0	0
30	7	2	0	0	0
31	4	1	0	0	0
32	5	1	1	2	0
33	5	0	2	0	0
34	3	1	1	1	0
35	5	1	3	0	0
36	4	1	0	1	0
37	3	0	2	0	0
38	1	0	0	0	0
39	2	1	2	0	0
40	1	1	0	0	0
41	1	1	0	0	0
42	0	1	0	2	0
43	1	1	0	1	0
44	0	0	0	0	0
45	1	0	0	0	0
46	1	2	0	1	0
47	0	0	0	0	0
48	2	0	0	0	0
49	0	0	0	0	0
50	3	0	1	1	1
51	2	0	0	0	0
52	0	1	1	0	0
53	0	0	0	0	0
54	0	1	0	1	0
55	0	0	0	1	0
56	1	0	1	0	0
57	0	0	1	0	0
58	1	0	0	0	0
59	1	0	0	0	0
60	1	0	0	0	0
61	0	0	0	0	0
62	0	0	0	0	0
63	0	0	0	0	0
64	0	0	0	0	0
65	0	0	0	0	0

Cont...

Continued Answer to Question 738 of 2017

01/04/16 - 31/03/17

	Cannabis	Cocaine	Prescription	MDMA
Possession on Controlled Drug:	255	42	15	1
Possession with Intent To Supply:	10	8	7	1

Age	Persons
12	2
13	1
14	3
15	5
16	10
17	10
18	18
19	24
20	14
21	8
22	23
23	12
24	14
25	12
26	22
27	15
28	3
29	1
30	9
31	7
32	7
33	12
34	4
35	11
36	5
37	7
38	1
39	2
40	1
41	2
42	5
43	5
44	0
45	1
46	2
47	0
48	44
49	0
50	5
51	2
52	2
53	0
54	1
55	1
56	1
57	2
58	1
59	1
60	1

Cont...

Continued Answer to Question 738 of 2017

01/04/17 - 14/11/17

Age	Cannabis	Cocaine	MDMA	Ectasy	Perscription Drugs	Amphetamines
13	1	0	0	0	0	0
15	2	0	0	0	0	0
16	4	0	0	0	0	0
17	9	1	0	0	0	0
18	5	0	0	0	0	0
19	3	0	1	2	0	0
20	7	1	0	0	1	0
21	3	0	0	0	2	0
23	2	0	0	0	0	0
24	2	2	0	0	0	0
25	2	2	0	0	0	0
26	1	3	0	0	0	0
27	4	0	0	0	2	0
28	1	0	0	0	0	0
29	1	2	0	0	1	0
30	0	1	0	0	0	0
31	3	2	0	0	1	0
32	3	2	0	0	0	0
33	3	0	0	0	1	0
34	0	2	0	0	0	0
37	0	1	0	0	0	0
38	2	0	0	0	0	0
39	2	1	0	0	0	0
40	1	0	0	0	0	1
42	1	0	0	1	0	0
43	1	0	0	0	0	0
45	1	0	0	0	0	1
46	0	1	0	0	0	0
47	1	1	0	0	0	0
48	2	0	0	0	0	0
50	1	1	0	0	0	0
53	1	0	0	0	0	0
54	0	0	0	0	0	1
55	1	0	0	0	0	1
56	1	0	0	0	0	0
57	0	1	0	0	0	1

Answer to Question 739 of 2017

AGE	Diagnosis
3	Upper Respiratory Tract Infection, Other Drug/alcohol Disorder (see Fr
16	Alcohol (ethanol) Intoxication, Major Head Injury (gcs<13)
17	Other Mental Health Disorder (see F, Recreational Drug Use
17	Alcohol (ethanol) Intoxication, Other Mental Health Disorder (see F
17	Alcohol (ethanol) Intoxication, Bruise/ Contusion/ Abrasion - Head, Bruise/ Contusion/ Abrasion - Face
17	Alcohol (ethanol) Intoxication, Wound: Lac/ Incised/ Bite - Face
18	Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12)
18	Alcohol (ethanol) Intoxication, Bruise/ Contusion/ Abrasion Hand, Bruise/ Contusion/ Abrasion - Abdom, Bruise/ Contusion/ Abrasion Toe
18	Upper Respiratory Tract Infection, Recreational Drug Use
19	Simple Tooth Fracture, Alcohol (ethanol) Intoxication
19	Minor Head Injury (gcs>12), Toxic Effect Of Alcohol
20	Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Forearm
20	Infectious Gastroenteritis, Toxic Effect Of Alcohol
20	Gastritis, Alcohol (ethanol) Intoxication
21	Wound: Lac/ Incised/ Bite - Neck, Sprain/ Ligament Injury - Elbow Joi, Sprain/ Ligament Injury - Wrist Joi, Bruise/ Contusion/ Abrasion Hand, Alcohol (ethanol) Intoxication
21	Other Gi System Disorder (see Free , Other Gi System Disorder (see Free , Recreational Drug Use
22	Depression, Alcohol (ethanol) Intoxication
22	Bruise/ Contusion/ Abrasion - Face, Wound: Lac/ Incised/ Bite Knee, Alcohol (ethanol) Intoxication
25	Alcohol (ethanol) Intoxication, Depression
25	Depression, Overdose (see Free Text)
26	Alcohol (ethanol) Intoxication, Anxiety, Other Drug/alcohol Disorder (see Fr
27	Other Drug/alcohol Disorder (see Fr, Other Urinary System Disorder (see
28	Wound: Lac/ Incised/ Bite - Face, Alcohol (ethanol) Intoxication
28	Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12)
28	Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12)
31	Schizophrenia, Alcohol Dependence Syndrome, Social Problem
31	Gastritis, Alcohol (ethanol) Intoxication, Drug Reaction
31	Alcohol (ethanol) Intoxication, Other Mental Health Disorder (see F
31	Alcohol (ethanol) Intoxication, Other Mental Health Disorder (see F
31	Recreational Drug Use, Bruise/ Contusion/ Abrasion Hand
31	Closed Fracture - Ankle, Other Toxicological Disorder (see F
31	Anxiety, Other Drug/alcohol Disorder (see Fr
31	Minor Head Injury (gcs>12), Hyphaema, Alcohol (ethanol) Intoxication, Wound: Lac/ Incised/ Bite - Face
31	Recreational Drug Use, Other Mental Health Disorder (see F, Asthma
34	Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12)
34	Minor Head Injury (gcs>12), Alcohol (ethanol) Intoxication
35	Alcohol Dependence Syndrome, Pr Bleeding
35	Alcohol (ethanol) Intoxication, Bruise/ Contusion/ Abrasion - Face
35	Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head, Alcohol (ethanol) Intoxication, Recreational Drug Use
35	Anxiety, Overdose (see Free Text)
35	Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head, Alcohol (ethanol) Intoxication
37	Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head
37	Alcohol (ethanol) Intoxication, Bruise/ Contusion/ Abrasion - Thigh
38	Wound: Lac/ Incised/ Bite - Face, Alcohol (ethanol) Intoxication
38	Alcohol (ethanol) Intoxication, Bruise/ Contusion/ Abrasion - Face
38	Gastritis, Other Gi System Disorder (see Free , Dependence On Opioids
39	Anxiety, Alcohol Dependence Syndrome
40	Other Mental Health Disorder (see F, Recreational Drug Use
40	Minor Head Injury (gcs>12), Alcohol (ethanol) Intoxication
41	Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head, Alcohol (ethanol) Intoxication
41	Alcohol (ethanol) Intoxication, Wound: Lac/ Incised/ Bite Foot

Continued Answer to Question 739 of 2017

- 42 Wound: Lac/ Incised/ Bite - Face, Alcohol (ethanol) Intoxication
- 43 Bruise/ Contusion/ Abrasion - Head, Bruise/ Contusion/ Abrasion - Thora, Bruise/ Contusion/ Abrasion - Face, Alcohol (ethanol) Intoxication
- 44 Alcohol (ethanol) Intoxication, Bruise/ Contusion/ Abrasion - Face
- 44 Anxiety, Overdose (see Free Text)
- 44 Recreational Drug Use, Other Ophthalmic Disorder (see Free
- 44 Cellulitis, Alcohol (ethanol) Intoxication
- 45 Lower Respiratory Tract Infection, Side Effect Of Medication, Alcohol (ethanol) Intoxication
- 45 Alcohol Dependence Syndrome, Gastritis
- 46 Other Drug/alcohol Disorder (see Fr, Other Mental Health Disorder (see F
- 46 Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head, Alcohol (ethanol) Intoxication
- 46 Depression, Alcohol (ethanol) Intoxication
- 46 Paracetamol Overdose, Other Gi System Disorder (see Free
- 47 Wound: Lac/ Incised/ Bite - Head, Alcohol (ethanol) Intoxication
- 47 Anxiety, Alcohol (ethanol) Intoxication
- 47 Injury Of Liver, Recreational Drug Use
- 47 Alcohol (ethanol) Intoxication, Closed Fracture - Ankle
- 47 Depression, Overdose (see Free Text)
- 47 Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Face
- 48 Postural Hypotension, Toxic Effect Of Alcohol
- 49 Alcohol Withdrawal Syndrome, Infectious Gastroenteritis
- 49 Wound: Lac/ Incised/ Bite - Face, Minor Head Injury (gcs>12), Alcohol (ethanol) Intoxication
- 49 Minor Head Injury (gcs>12), Alcohol (ethanol) Intoxication
- 50 Delirium (acute Confusion), Alcohol (ethanol) Intoxication
- 50 Hypoglycaemia Without Coma, Allergic Reaction Unspecified, Alcohol (ethanol) Intoxication
- 50 Upper Respiratory Tract Infection, Recreational Drug Use
- 52 Alcohol (ethanol) Intoxication, Gastritis, Upper Respiratory Tract Infection
- 53 Alcohol (ethanol) Intoxication, Muscle Injury - Shoulder
- 53 Depression, Overdose (see Free Text)
- 53 Alcohol Dependence Syndrome, Dental Caries, Gingivitis / Gingivostomatitis
- 53 Alcohol (ethanol) Intoxication, Wound: Lac/ Incised/ Bite - Head
- 53 Alcohol (ethanol) Intoxication, Bruise/ Contusion/ Abrasion Back, Chronic Renal Failure
- 54 Anxiety, Alcohol (ethanol) Intoxication
- 54 Other Mental Health Disorder (see F, Alcohol (ethanol) Intoxication
- 54 Alcohol Withdrawal Seizure, Lower Respiratory Tract Infection
- 55 Alcohol (ethanol) Intoxication, Other Mental Health Disorder (see F
- 55 Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head, Alcohol (ethanol) Intoxication
- 56 Minor Head Injury (gcs>12), Bruise/ Contusion/ Abrasion - Face, Bruise/ Contusion/ Abrasion - Head, Alcohol (ethanol) Intoxication
- 57 Other Drug/alcohol Disorder (see Fr, Atrial Fibrillation & Flutter, Lower Respiratory Tract Infection
- 57 Overdose (see Free Text), Lower Respiratory Tract Infection
- 57 Alcohol (ethanol) Intoxication, Epistaxis
- 57 Wound: Lac/ Incised/ Bite - Face, Alcohol (ethanol) Intoxication
- 58 Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12)
- 58 Injury Of Liver, Human Immunodeficiency Virus Infect, Toxic Effect Of Alcohol
- 59 Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12)
- 60 Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head, Alcohol (ethanol) Intoxication
- 60 Grand Mal Epilepsy, Overdose (see Free Text)
- 60 Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head, Alcohol (ethanol) Intoxication
- 63 Osteoarthritis, Toxic Effect Of Alcohol
- 63 Dental Abscess, Alcohol Dependence Syndrome
- 64 Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Face, Alcohol (ethanol) Intoxication
- 64 Alcohol (ethanol) Intoxication, Acute Coronary Syndrome (acs)
- 65 Alcohol Dependence Syndrome, Bruise/ Contusion/ Abrasion - Thora
- 66 Alcohol (ethanol) Intoxication, Other Mental Health Disorder (see F

Continued Answer to Question 739 of 2017

- 67 Hypothermia, Alcohol (ethanol) Intoxication
- 68 Other Nervous System Disorder (see , Toxic Effect Of Alcohol
- 72 Alcohol (ethanol) Intoxication, Hypoglycaemia Without Coma, Wound: Lac/ Incised/ Bite - Face
- 72 Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12)
- 74 Minor Head Injury (gcs>12), Alcohol (ethanol) Intoxication
- 74 Alcohol (ethanol) Intoxication, Minor Head Injury (gcs>12), Wound: Lac/ Incised/ Bite - Head
- 75 Vasovagal Syncope, Alcohol (ethanol) Intoxication
- 76 Alcohol (ethanol) Intoxication, Hypertension
- 79 Wound: Lac/ Incised/ Bite - Face, Alcohol (ethanol) Intoxication
- 85 Lower Respiratory Tract Infection, Overdose (see Free Text)
- 95 Closed Fracture Hip, Other Drug/alcohol Disorder (see Fr, Lower Respiratory Tract Infection

Q740/2017

**Access to justice –
Legal assistance reforms**

Clerk: Question 740. The Hon. Ms M D Hassan Nahon.

2005

Hon. Ms M D Hassan Nahon: Is the Minister for Justice confident that the legal assistance reforms he will enact will sufficiently expand access to justice?

Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

2010

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I quote:

Although at this stage it is only a proposal for a pilot scheme, my sense is that it strikes the right balance between enhancing access to justice by those of limited means and not imposing an inordinate burden on the taxpayer. It is an exercise in lateral thinking which allows for the introduction of the much needed duty solicitor scheme.

Those are the words of the Hon. the Chief Justice at the opening of the legal year. I agree with his assessment of the proposed reforms. The proposed legal assistance reforms were circulated on 2nd October of this year as a consultation paper attached to Government Press Release 575/2017. This was a joint paper and proposal for a three-year pilot project in terms agreed between the Government and the Bar Council.

2015

As set out in the consultation document, the proposed new statutory architecture would see an increase in the financial eligibility threshold for legal assistance from £5,000 – a sum set in 1990 – to over £14,000, being 50% of the average annual income in Gibraltar. This would, in effect, mean that persons in full-time employment and on the minimum wage would be eligible to receive legal assistance.

2020

The proposed new system also increases the amount of capital and the amount of equity in an applicant's home that the Registrar may disregard when deciding to grant legal assistance.

The reforms also include changes to the scope of legal assistance to ensure that taxpayers' money is not used in respect of cases where there is no strong or compelling public interest in making legal assistance available or where controls of expenditure are being introduced in the interest of the taxpayer by limiting the cost payable in certain cases.

2025

I am meeting with stakeholders on Thursday to progress matters now that the consultation has been completed. I am certain that the changes agreed will sufficiently expand access to justice, especially when combined with the duty solicitor scheme that will be introduced at the same time for criminal matters.

2030

Mr Speaker, may I conclude by quoting a local Queen's Counsel, who said:

The proposed reforms to legal assistance and introduction of a duty solicitor scheme that form part of this consultation exercise are very far-reaching and significant. The proposed increase of the legal assistance threshold would increase the potential pool of applicants for legal assistance significantly and for the first time give financial assistance to many individuals who need access to the courts or who have been prevented in the past from recourse to the courts for determination of any dispute because they could not afford the cost of litigation. It will significantly improve access to justice. Likewise the introduction of a duty solicitor scheme has been longstanding and will secure advice and representation to persons in custody thus securing a basic fundamental right. The Council looks forward to responses to this consultation exercise.

Those, Mr Speaker, are the words of the then Chairman of the Bar Council, Keith Azopardi QC, on 2nd October 2017.

2035

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you for that lengthy answer from the Minister for Justice.

What I am more interested in also is what will be done to correct and repair this perception of injustice which the community is feeling in the wake of a trial like the Marrache trial, which cost in the region of £12 million.

2040

I am aware of the difference between legal aid and legal assistance, but following a trial where millions have been made available just for one case when there are so many other cases of innocent people who are vulnerable and needy, will the Government be raising more public and community awareness about these reforms to make it evident to needy members of the community who might not be so aware and tuned in and need to know that these changes have been implemented?

2045

Hon. N F Costa: Mr Speaker, a few matters arise from the preface to the supplementary. In the first place, as the hon. Lady was quick to recognise, these reforms relate to legal assistance which relates to civil matters and not to criminal matters.

2050

Mr Speaker, whereas I was not the Minister for Justice at the time – at the time it was the Hon. Minister Licudi – if I recall the Cabinet discussion correctly, there was robust advice that said that legal representation *had* to be afforded to the defendants if it were not to result in a miscarriage of justice. Therefore the legal aid had to be provided appropriately to the Marrache brothers for there to be equality of arms, if I recall the advice correctly – and I stand to be corrected if the Hon. Minister wishes.

2055

Mr Speaker: Again, we are not going to have a debate about the Marrache case.

2060

Minister for Tourism, Employment, Commercial Aviation and the Port: (Hon. G H Licudi): Mr Speaker, just to clarify what the hon. Member has said in relation to the advice – and I have given this information to the House before. It is not quite that the advice was that this needed to be done to avoid a miscarriage of justice; this needed to be done to avoid the case being thrown out on an abuse argument with the courts. That was the clear advice we had from Triay Stagnetto Neish and therefore we acted in accordance with that advice.

2065

Hon. N F Costa: Thank you to the Hon. Minister.

Also, Mr Speaker, in respect of and focusing on legal assistance, as I told the House, this is now at the stage where the consultation documentation has been issued and the consultation period concluded.

2070

I am meeting with the Bar Council on Thursday as a result of representations received by some law firms, especially the smaller law firms, that have some concerns and we are meeting to discuss those concerns. But as I have pointed out by quoting the Hon. the Chief Justice and by quoting the words of the former Bar Council Chairman, we are all agreed that the reforms will in fact usher significant increases in access to justice for civil cases.

2075

2080 In respect of promoting the reforms further, I think that we will certainly be in a position to do so once we are in a position to finalise and agree the final product, which will require changes to our legislation. Certainly at that point a press release will be in order to once again explain how the reforms have been concluded and what the reforms mean in terms of legal assistance eligibility to the general public.

Hon. E J Phillips: Mr Speaker, just in relation to the question that was posed in relation to legal assistance and access to justice, I agree with the Hon. the Minister that these reforms will potentially usher in potentially large swathes of access to justice, which has been long overdue.

2085 In relation to the confusion that is alluded to by my hon. Friend on this side –

Hon. Ms M D Hassan Nahon: I wasn't confused. I have said that I know exactly –

2090 **Hon. E J Phillips:** I am not saying you are confused, but the confusion she alluded to in the public as to whether people get confused between legal assistance and legal aid. Only yesterday, Mr Speaker, there was a comment by a member of the public to me that ... why can't her daughter-in-law get access to justice, why can't she get legal assistance vis-à-vis why the Marraches have been afforded this gold-plated legal aid.

2095 There is a confusion amongst the public and although there is a clear distinction between the two funding arrangements – I think my hon. Friend now understands what I was getting at on that point – it would be helpful if the Minister would consider explaining the difference possibly to the public in relation to the differences between criminal legal aid and civil litigation which is funded by way of legal assistance. I think it is important to help and to assist the public in communicating that. I know that the Government has previously set out communiqués generally

2100 to members of the public, but I think it would be helpful because there is this underlying confusion within our community relating to those two points.

And just one question that adds on to his question in relation to the duty solicitor scheme. I too have been in correspondence with members of the Bar in relation to this very point, particularly those that practise in criminal law and how law firms generally, as proposed, those

2105 that have five members and above, will be obliged to take part in the duty solicitor scheme. Is the Government considering whether to target those that specialise in criminal law so that they can perfect their practice and actually increase their specialism rather than making an obligation on law firms that may well practise in commercial law – for example, property? My view would be that we should try to ensure that those criminal practitioners within our jurisdiction are able

2110 to develop their skills and to create that expertise that we need in our community.

Hon. N F Costa: Mr Speaker, in respect of explaining the difference to the public between legal aid and legal assistance, I take the hon. Gentleman's comments on board and it may be that at the conclusion of the reforms and once the legislation is enacted there may be some

2115 benefit in having an explanatory note online and also producing leaflets to explain the eligibility of the public once the thresholds have been changed.

In respect of the question that he asks me as to the duty solicitor scheme, I refer the hon. Gentleman to page 5 of the consultation document and I will read from it:

A protocol to be introduced by the Registrar and thereafter adopted by the LSRA, once established, to enable the introduction of a compulsory duty solicitor scheme on the basis of a roster of law firms. All firms with more than four practitioners must take part. Firms of one to four practitioners can opt in.

2120 **Hon. E J Phillips:** I am grateful for the answer to the question, but it also builds in to ... Many lawyers and all of us in this room who have practised at the Bar have given of our time pro bono many times, I am sure across both sides of this House, in relation to the work we do for the public wearing our other hats. But I wonder whether the Government is going to encourage alternative forms of funding within our jurisdiction to also alleviate the public purse from

2125 possible pressures from these changes in legal assistance, because quite clearly there is a risk
that many applicants will come forward to access that justice and create a bigger burden on the
public purse. Is the Government considering other alternative forms of funding for litigation
generally?

2130 **Hon. N F Costa:** No, Mr Speaker, we are not actively considering it at the present moment,
because before we announced the consultation paper my Ministry in particular did a lot of work
on what would be the estimated amount that the Government would pay once the reforms
kicked in. As the consultation paper makes clear, we introduced scaled fees, and the hon.
Gentleman may know what I am talking about when I say that it is a known fact that one
2135 particular area of the law has incurred, in the view of the General Bar, a disproportionate
amount of public funds relating to simple cases, and therefore in the consultation paper we
make the point that for matrimonial cases where there are no children we are limiting the
amount and capping the amount lawyers can claim. But those are not the only categories in
which we are capping and limiting the amounts. There are other categories and I refer the hon.
Gentleman to pages 2 and 3 of the consultation paper where we introduce a schedule of fees –
2140 divorce proceedings where there are no children, probate and administration disputes – so that
we strike the balance between those cases which are simple and which only require limited
correspondence and perhaps one or two appearances in court, and other cases where you
cannot, with the best will and intention in the world, be able to estimate until you get to know
the facts of the case, how much a case is going to cost.

2145 So, having crunched those numbers and created new categories of cases which are scaled
fees, we think ... and without being in the Hon. the Chief Justice's mind, I suspect that is what he
meant when he said that in his sense there is a right balance between enhancing access to
justice by those of limited means and not imposing an inordinate burden on the taxpayer in an
exercise of lateral thinking. I think he may have been referring to that new category of cases,
2150 where we have introduced scaled fees to keep a cap on costs, which we know from experience
and on hard cash analyses have perhaps produced a disproportionate amount of taxpayers'
money previously in such cases.

2155 **Hon. E J Phillips:** In relation to the recent example of a single mother who was unable to
access the system effectively and achieve access to justice so that she could fund her case, one
of the criteria, I believe, is that the equity in the former matrimonial home is a key indicator for
refusing access to justice and for refusing funding. It is a difficult one, I appreciate, because you
may well have a mother living in a fairly valuable property when she is unfortunately estranged
from her husband and therefore really cannot access the system because she does not have the
2160 means. I appreciate that it is a difficult subject, but quite clearly if someone on one hand has
equity in their property but actually has to access a lawyer, who may be charging fairly large
rates to conduct her matrimonial affairs not only in relation to the division of assets but also in
relation to access arrangements with her children ... I am wondering whether the Government is
working through those. I have seen the boundaries in the document that the Government has
2165 issued but it is obviously live to that point and the eligibility requirements for those where they
have equity in the former matrimonial home.

2170 **Hon. N F Costa:** Mr Speaker, I think this is the third supplementary that I have been asked by
the hon. Gentleman. I called him before to congratulate him on having become the Leader of
the Opposition in Parliament, so I do not want to show him up by telling him once again to refer
to the document which actually on the first page sets out the expanded limits which are
disregarded for the purposes of being eligible. If he were to consider the very first page of the
document, he will see that, without commenting on a particular case – because neither he nor I
will have the full facts before us to know whether or not that particular mother would be eligible
2175 under the proposed reforms ... my instinct on having read, as he would have, the report in the

2180 *Gibraltar Chronicle* is that it is more likely than not that she would be caught by the reforms that we are proposing. But I make the point quickly that I am not commenting on that particular case because every case has to be determined on its facts and there may be many other reasons why a particular applicant, notwithstanding that she now fits in the new proposed thresholds, may fall foul because of other reasons. But from the little that I read on the report in the *Chronicle* it would appear that, given the amount of capital that we are excluding for the purposes of allowing eligibility to legal assistance, that particular case would have been caught by the existing rules.

2185 **Mr Speaker:** Next question.

TOURISM, EMPLOYMENT, COMMERCIAL AVIATION AND THE PORT

Q741/2017

LNG bunkering –

Ship-to-ship operations in vicinity of Gibraltar

Clerk: Question 741. The Hon. T N Hammond.

2190 **Hon. T N Hammond:** Mr Speaker, has any ship-to-ship LNG bunkering taken place in the vicinity of Gibraltar since December 2016?

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

2195 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, the question talks about the vicinity of Gibraltar and I am of course assuming that the hon. Member is referring to British Gibraltar Territorial Waters rather than anything else outside that which might be considered the vicinity of Gibraltar.

I can confirm that no ship-to-ship LNG bunkering operations have taken place in British Gibraltar Territorial Waters since December 2016.

2200

Hon. T N Hammond: Mr Speaker, is there any particular reason for that? Is it just demand – there has been no demand? We were certainly led to believe before the last election that there would be significant demand for this. I seem to recall Ministers bobbing up and down on boats and telling us all how this was the future, but then clearly there has not been a significant uptake from that response.

2205

Hon. G H Licudi: Mr Speaker, we have to distinguish between ship-to-ship operations and ... The question talks of ship-to-ship LNG bunkering. We have to distinguish between STS transfers, or ship-to-ship transfers, and bunkering operations; they are two very distinct things. STS transfers are essentially cargo transfers between two ships; those are distinct from bunker supply operations.

2210

LNG STS operations have happened. There have been transfers of cargoes involving LNG and there have been two operations that have occurred in March 2015 and June 2016.

2215

With regard to LNG bunkering, the Government has already announced that it is working with Shell in relation to developing the market following, in particular, the International Maritime Organisation's decision to reduce marine fuel sulphur emissions globally to 0.5% or less as from 1st January 2020. So that is something that we are working on and we are also

working on regulations, changes to the legislation. The legislation currently refers to bunkering generally, bunkering rules. We have to provide specific rules in relation to LNG bunkering.

2220 No STS LNG operations have taken place in BGTW as from December 2016. There have been two STS operations but not bunkering operations. There have been no LNG bunkering operations at all in British Gibraltar Territorial Waters.

2225 **Hon. T N Hammond:** Mr Speaker – because I am not an expert in this field, I will admit, in terms of the semantics and the abbreviations used – can I just confirm that what the Minister is saying is that LNG has not been transferred from one ship to another ship; other bunkering or other transfer of cargo activities may have taken place between LNG fuelled ships, but not actually LNG moving from one ship to the other?

2230 **Hon. G H Licudi:** Mr Speaker, the information I have is that LNG STS ship-to-ship operations have taken place on two of them and that although the hon. Member's question about transfer of cargo and not transfer of LNG puts a little bit of doubt in my mind, I have absolutely no doubt that this involved the transfer of LNG from one ship to the other. That is very different to bunkering, which is the supply of fuel, whether it is through LNG or other types of marine fuel.

2235 We do not have a base in Gibraltar. We do not have anybody in Gibraltar currently offering LNG bunkering. We have other types of bunkering which carries on in Gibraltar, but we do not have a base with tanks or a mother ship involving LNG for LNG bunkering. That will come and that is a market that is being developed; that is the future and that will happen. But cargo transfers involving LNG vessels have happened on two occasions.

2240

Mr Speaker: Next question.

Q742-743/2017

Monarch Airlines routes to UK – Possible uptake by other airlines

Clerk: Question 742. The Hon. T N Hammond.

2245 **Hon. T N Hammond:** Mr Speaker, is Government in talks with any airlines regarding the possible uptake of the routes to the UK lost with the demise of Monarch; and if so, when does Government envisage a new carrier commencing operations?

2250 **Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, I will answer this question together with Question 743/2017.

2255 **Clerk:** Question 743. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, following the collapse of Monarch Airlines, has the Government made any inroads with other airlines to increase our flight links with the UK?

2260 **Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

2265 **Hon. G H Licudi:** Mr Speaker, since Monday, 2nd October the Government has been in contact with both existing airline operators to Gibraltar and other operators from not only the four airports that Monarch Airlines used to service but also other airports. The Government has also been in contact with the airports affected and also alternative UK departure airports. The Government has made a business case to all of these airlines and exchanged information with airports with the aim of recovering these links to Gibraltar left vacant.

2270 As hon. Members will know from two press releases that we have issued recently, on 27th November we announced that SuperBreak was conducting a series of charters next summer over a four-week period, twice a week from Belfast International Airport, Humberside, Exeter, Bournemouth, Durham Tees Valley and East Midlands Airport. That clearly is significant in a number of ways. It fills a little bit of a gap. It certainly does not go as long a way as we would like to in filling the gap left by Monarch, but it does fill a little bit of the void left there. Secondly, we have a geographical distribution of destinations which are now serving Gibraltar in package
2275 tours which we have not had before, including Northern Ireland, the north-east of England, the south-west of England, the east of England and the Midlands. That is particularly significant because if there is good demand for those seats from those regional destinations it may encourage either more charters or may encourage someone to say there is a market there which needs to be exploited and a route which might not otherwise have been available to Gibraltar.
2280 So that is a very significant development. The other issue about this particular package which is significant for Gibraltar is that these are package deals to Gibraltar. This is not just an airline filling seats and many of the people that come on seats, as hon. Members will know, transit into Spain; these are charters to Gibraltar on package deals, meaning hotel beds are also going to be used in Gibraltar. So that is significant from those various aspects.

2285 There was also an announcement on 28th November that easyJet, as from January of this year, are changing the types of aircraft operating between Gibraltar and London Gatwick and also from Bristol, which will mean that over 3,000 additional seats will be made available on these routes, increasing the Gatwick availability by 7% and the Bristol availability by 3%. Again, this does not fill what has been left by the unfortunate demise of Monarch – and it is worth
2290 recalling that the Monarch issue had nothing to do with Gibraltar.

We have had sustained load factors which are significant in terms of Monarch, British Airways and easyJet. We believe that there is capacity in the market, but as the hon. Member may well know with his knowledge of the airline industry, establishing a new route takes time and it is precisely as a result of engagement with airlines and with these tour operators that we have
2295 seen these developments so soon, particularly the charters and the increased availability in easyJet flights.

I want to pay tribute to the work done in this area by the Chief Executive of the Gibraltar Tourist Board, Nicky Guerrero, and also Stuart Finlayson, who works at the GTB and who specifically concentrates on route development. It is not a new role, it is something that he has
2300 had for a long time but he is particularly concentrating in this area now and they are working very hard in contact with airlines, the existing airlines and new airlines. We are making some inroads but this is a slow process. I do expect ... because there is clearly demand, and if there is a demand for seats on a particular route we will see additional aircraft, we will see airlines expressing an interest, but these things take time unfortunately.

2305

Hon. T N Hammond: I thank the Minister for that extensive answer and of course nobody in this House is suggesting that the Government had any involvement or has in any way affected the outcome with Monarch, which would certainly be very unfair.

2310 Just regarding the discussions which may have taken place particularly with easyJet but potentially other carriers which operate to Gibraltar currently, I have good information which would suggest that those carriers have snapped up a lot of the slots out of the likes of Luton Airport and Gatwick Airport that belonged to Monarch previously. (*Interjection*) Therefore, I just wondered if we had specifically approached perhaps easyJet and asked them directly whether or

2315 not they would consider just using those slots out of those airports – Luton in particular, which currently obviously we are not being serviced by – and whether they would consider using those slots to provide a Gibraltar route directly.

Hon. G H Licudi: Mr Speaker, yes, and not just EasyJet. The hon. Member also mentions other slots. British Airways has come up with slots from Gatwick and certainly both easyJet and British Airways have been engaged not just generally, as we have done with them and with other airlines, but specifically in relation to those issues and our knowledge of the routes.

2320 As the Chief Minister has mentioned, there was a recent report in *The Times* about British Airways taking up some extra slots in Gatwick and certainly we would welcome those increased flights to Gibraltar. There is clearly also the possibility, from the British Airways point of view, of increasing the number of flights from Heathrow to Gibraltar, and that is something we are encouraging them to do as well.

2325 So, yes, we are having general conversations with them and other airlines and specifically as a result of the information we have received in relation to the slots.

2330 **Hon. E J Phillips:** Mr Speaker, I wonder whether the Government can confirm whether they have been in discussions with airlines in relation to scheduled flights to Birmingham. The only reason I say that is, given the clear benefits of linking with Birmingham and the advancing HS2 project in which Birmingham has really ... I was there a couple of weeks ago and it has changed phenomenally in terms of inward investment and the clear links between Birmingham and Gibraltar that we could see. I was wondering whether the Government has reached out. I know the Minister said in his answer to the question he was looking at several airlines, but in particular I know that East Midlands is governed by the charter market for the summer that he described before, but whether they are linking out to the scheduled flights from Birmingham.

2340 **Hon. G H Licudi:** Mr Speaker, most certainly Birmingham was a route that was attractive and it is one of the areas that the Government is working on. The hon. Member has mentioned the charter flights from East Midlands, but it is important, certainly from our point of view, to have a continued scheduled service from the Midlands as well as from the north and the south of England.

2345 **Mr Speaker:** Next question.

Q744/2017
Small boats marina –
Berthing fees

Clerk: Question 744. The Hon. L F Llamas.

2350 **Hon. L F Llamas:** Mr Speaker, since the opening of the small boats marina, can the Government provide a monthly schedule of berthing fees in relation to vessels docking on the power boat berths area, including (a) berthing fees charged, and (b) berthing fees collected?

Clerk: Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

2355 **Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi):** Mr Speaker, since its opening, superyachts berthing alongside the Mid Harbour Marina have

been charged the following berthing fees. I have a table here which is part of the answer, but rather than reading month by month how much was invoiced –

2360

Mr Speaker: You are passing as a schedule.

Hon. G H Licudi: – I am making a copy of the answer available to the hon. Members opposite so that they can have it as if it was a schedule.

2365

Mr Speaker, can I just add, whilst the schedule is making its way to the hon. Members, that what this shows is that since its opening we have charged – and collected just about all of it except the last month, which is in arrears and still has to come in – but we have charged close to £¼ million from berthing fees for superyachts, which prior to the establishment of the small boats marina would probably not have been charged at all.

2370

Mr Speaker: Next question.

Month	Invoiced	Paid	Still Pending
May-16	£5,248.15	£5,248.15	£0.00
Jun-16	£5,386.12	£5,386.12	£0.00
Jul-16	£7,361.23	£7,361.23	£0.00
Aug-16	£3,920.61	£3,920.61	£0.00
Sep-16	£30,348.21	£30,348.21	£0.00
Oct-16	£10,877.84	£10,877.84	£0.00
Nov-16	£10,520.40	£10,520.40	£0.00
Dec-16	£36,135.55	£36,135.55	£0.00
Jan-17	£19,140.80	£19,140.80	£0.00
Feb-17	£4,947.58	£4,947.58	£0.00
Mar-17	£1,368.49	£1,368.49	£0.00
Apr-17	£14,734.15	£14,734.15	£0.00
May-17	£18,282.56	£18,282.56	£0.00
Jun-17	£8,650.41	£8,650.41	£0.00
Jul-17	£6,642.94	£6,642.94	£0.00
Aug-17	£7,432.76	£7,432.76	£0.00
Sep-17	£13,747.14	£13,529.90	£217.24
Oct-17	£34,446.62	£13,262.56	£21,184.06
Nov up to 16.11.17	£4,604.56	£0.00	£4,604.56
TOTAL	£243,796.12	£217,790.26	£26,005.86

Q745/2017

**Small boats marina –
Rental costs re construction devices no longer in use**

Clerk: Question 745. The Hon. L F Llamas.

2375 **Hon. L F Llamas:** Mr Speaker, is the taxpayer incurring any rental costs for the construction devices, used to build the small boats marina, no longer in use; if so, can the Government provide details?

2380 **Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, the Government is not incurring any such rental costs.

Q746/2017
Small boats marina –
Plans re slipway

Clerk: Question 746. The Hon. Ms M D Hassan Nahon.

2385 **Hon. Ms M D Hassan Nahon:** Has Government got plans to build or make provisions for a slipway at the small boats marina?

2390 **Clerk:** Answer, the Hon. the Minister for Tourism, Employment, Commercial Aviation and the Port.

Minister for Tourism, Employment, Commercial Aviation and the Port (Hon. G H Licudi): Mr Speaker, it is simply not feasible to build a slipway at the small boats marina itself. The Government does, however, have plans for a service yard for boats at the small boats marina. I would refer the hon. Member to the answer to Question 202/2016.

2395 **Hon. R M Clinton:** Sorry, Mr Speaker, if I may come back to Question 745 and if I may ask the Minister: does the Government own the device that my hon. Friend referred to, or does it have an interest in that device?

2400 **Hon. G H Licudi:** Mr Speaker, that device was, I assume, rented by the contractor. We had GJBS, who won the tender for the small boats marina. They brought the equipment – I assume they rented the equipment that was required for that, so the Government certainly does not have any interest ... As far as I am aware, the Government does not have any interest in the device that was used.

2405 **Chief Minister (Hon. F R Picardo):** If I could be of assistance, Mr Speaker, as far as we know, the people who own that device thought that they would wait here until they determined where they would be gainfully employing it next, whether it was here or elsewhere. Gibraltar, being at the crossroads of the Mediterranean and the Atlantic, seemed to them a good place to remain and there is nothing to be read into that in terms of the Government owning any share or incurring any costs as a result.

COMMERCE

Q747-748/2017

Mail delivery –
Turnaround re parcels and letters

Clerk: Question 747. The Hon. L F Llamas.

2415 **Hon. L F Llamas:** Mr Speaker, can the Government provide a daily schedule with the average turnaround for parcels received from arrival in Gibraltar to delivery of the notification notice at the respective address?

Sorry, Mr Speaker, the notice of questions was wrong and it did not make sense. Can the Government provide a daily schedule with the average turnaround for letters received from ... in arrival to Gibraltar ... It does not read well at all.

2420 Mr Speaker, can the Government provide a daily schedule with the average turnaround for letters received from arrival in Gibraltar to delivery at the respective address?

Clerk: Answer, the Hon. the Minister for Commerce.

2425 **Minister for Commerce (Hon. A J Isola):** Mr Speaker, after all that I will answer this question together with Question 748.

Clerk: Question 748. The Hon. L F Llamas.

2430 **Hon. L F Llamas:** Mr Speaker, can the Government provide a daily schedule with the average turnaround for parcels received from Gibraltar in Gibraltar to delivery of the notification notice at the respective address?

Clerk: Answer, the Hon. the Minister for Commerce.

2435

Hon. A J Isola: Mr Speaker, letters, documents and parcels, goods from around the world, arrive either via the hubs of Madrid or London. The mail that comes from London is flown to Malaga Airport and arrives at the mail centre by three o'clock in the afternoon, Monday to Friday. Mail from Madrid arrives midday, Monday to Friday.

2440 The daily schedule for letter mail is next day delivery. The daily schedule for parcel mail is 48 hours after arrival as notification cards have to be produced. Any local letter posted before 7 a.m. is delivered on the same day.

2445 **Hon. L F Llamas:** Just one supplementary, Mr Speaker: is the Government confident that this timescale is being adhered to?

2450 **Hon. A J Isola:** Mr Speaker, we are currently conducting a review which includes the testing of that to establish how good or bad it is being. Obviously there are peak periods, particularly in respect of parcels, Christmas being one of the areas, so we are ensuring we have additional resources to enable us to meet the demand, and I am confident that we will.

We will be announcing in the first quarter of next year the results of the review we are carrying out into the postal service generally to see how we can use technology to improve and make the efficiency of the postal service even better.

2455 **Mr Speaker:** Next question.

DEPUTY CHIEF MINISTER

Q759/2017

**MoD site behind Cross of Sacrifice –
Handing over to Government**

Clerk: We now move to Question 759. The Hon. R M Clinton.

2460 **Hon. R M Clinton:** Mr Speaker, has the MoD handed over to Government the site of the hangar behind the Cross of Sacrifice on which it is projected to build a college; and if so, on what date?

Clerk: Answer, the Hon. the Deputy Chief Minister.

2465 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, no, sir.

Hon. R M Clinton: Mr Speaker, am I then to understand that the site of the college will be purely on the area between the hangar and the current Cross of Sacrifice, which encompasses the access road to the multi-storey car park? Would that be my understanding?

2470 **Hon. Dr J J Garcia:** Mr Speaker, the site of the college will not involve using MoD land in terms of its construction. There is an area about 1,000 square metres in front of the MoD fence, which is where we intend to construct the college.

2475 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn until tomorrow at 2.30 in the afternoon.

Mr Speaker: The House will now adjourn until tomorrow at 2.30 in the afternoon.

The House adjourned at 6.16 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.36 p.m. – 5.10 p.m.

Gibraltar, Wednesday, 6th December 2017

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Financial Services (Investment and Fiduciary Services) (Amendment) Bill 2017 – First Reading approved	29
Financial Services (Investment and Fiduciary Services) (Amendment) Bill 2017 – Second Reading approved	29
Financial Services (Investment and Fiduciary Services) (Amendment) Bill 2017 – Committee Stage and Third Reading to be taken at this sitting	34
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Supplementary Appropriation (2015/2016) Bill 2016; Public Finance (Statutory Benefits Fund) (Amendment) Bill 2017; Financial Services (Investment and Fiduciary Services) (Amendment) Bill 2017 – Third Readings approved: Bills passed.....	35
<i>The House adjourned at 5.10 p.m.</i>	36

The Gibraltar Parliament

The Parliament met at 2.36 p.m.

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

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

Questions for Oral Answer

INFRASTRUCTURE AND PLANNING

Q701/2017

Fixed penalty notices –

Clarification arising from supplementary questions

Mr Speaker: Arising from supplementaries yesterday in Question 701, the Hon. Paul Balban wishes to clarify some information in connection with the fines that are apparently unpaid.

5 **Minister for Infrastructure and Planning (Hon. P J Balban):** Mr Speaker, thank you for giving me the opportunity to clarify a point raised by the Leader of the Opposition yesterday in one of his supplementaries, where it appeared on the schedule that there were a great number of fines which were unpaid. We went into a debate on why these were left unpaid and obviously my civil servants had told me it was mainly as a result of errors with addresses etc. and we went into
10 discussion on that account.

I chose to look into the figures a little more closely and in fact there are still ... The impression I gave yesterday was that a lot of fines are unpaid because people have perhaps not paid them for whatever reason. The truth is that a lot of them are still stuck within the system in the Magistrates Court. So, for example, the amount of fines that appeared unpaid total ... Around
15 400 fines approximately are still caught up in the referral to the Magistrates Court and that is the reason why they have not been paid, challenged or otherwise.

I thought it was important to clarify that point so that the correct impression is taken from that reply.

20 **Hon. E J Phillips:** Mr Speaker, just one question. I appreciate he cannot identify exactly all of them, but does the Minister know whether they have been responded to positively by the individuals that are clearly being prosecuted for failing to pay, or are these significant numbers of challenges to the Fixed Penalty Notices?

25 **Hon. P J Balban:** I could not tell the hon. Member the exact reason, but of the total amount about 400-odd are in the courts. It could be because a summons has been sent and there has been no reply, and then obviously they need to attend or appear in court, or it could be that they are challenging the legitimacy of the FPN itself. So it could be for a number of reasons but there are quite a number of them caught up in the system as we speak.

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q749-750/2017

Young offenders –

Numbers registered as employed; schemes available

30 **Clerk:** We now proceed to Question 749. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm of those young offenders who have served custodial sentences and/or community punishment in the last 12 months, how many have successfully registered as employed with the Employment Service?

35 Obviously, the Minister will be asked here a question in relation to the previous questions I asked in relation to those young offenders.

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

40 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, I will answer this question with Question 750.

Clerk: Question 750. The Hon. E J Phillips.

45 **Hon. E J Phillips:** Mr Speaker, can the Government confirm what programme schemes are available to young offenders who have completed a term of imprisonment or community punishment to ensure that they are rehabilitated into the community and are assisted in obtaining employment opportunities?

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

Hon. J J Bossano: Mr Speaker, persons, including young offenders, submit a terms of engagement form to register as employed with the Employment Services. They do not disclose whether they have served a custodial and/or community punishment in the previous 12 months when they register, and as such the Department of Employment does not hold any such records. However, from the support given by EDEC to such individuals, I can tell the hon. Member that 11 out of the 23 we have dealt with have found employment in the last 12 months.

55 As regards the programmes that currently provide assistance to persons who have served a custodial or other sentence, the position is as previously explained in answer to similar questions. I am happy to repeat the answer if the hon. Member has forgotten the explanation he was given.

Hon. E J Phillips: I am grateful, Mr Speaker, for the clarification that the Minister brings, although with a slightly tainted response in relation to Question 750. What I would say is that clearly the question I asked before was some time ago and I am grateful to understand that the scheme remains the same. I am grateful for that answer.

60 Just in relation to Question 749, if I have accurately got it, it is that the individuals concerned register themselves with the Employment Service. Is it the case that there is any active encouragement by either those in the prison or those who run the programmes or schemes, to encourage those individuals to register so that they can get on? I know it sounds like an obvious question, but given the fact that the Minister did say that it is up to them, is there an active encouragement by the system, effectively, generally speaking, to register?

75 **Hon. J J Bossano:** The counsellor that EDEC employs and sees people in the prison whilst they are serving their sentence and then subsequently, when they are released, keeps contact with

them. Clearly, the ones who respond well to the approaches are the ones who then come and register with us.

As I have explained in the past, what we do – in using the criteria that are being used to encourage employers in the private sector to provide training or to be given a wage subsidy on the basis that there is a need to have the person on a job for a period of time to settle down, where there may be a high level of incentive at the beginning and that kind of thing – we do in the knowledge that the group of people we are referring to, as a matter of reality, although it should not be happening, tend to have greater difficulty in getting employment and we make the incentives more generous to compensate for it. So, normally, if it is somebody who has served a custodial sentence, we would offer an employer 50% of his wages for one year with the commitment that they would keep them on in the year; we monitor their performance during the year, we get reports during that year and the counsellor sees them.

What I am, in effect, saying is that we know of 23 that have come out in the last 12 months. I am assuming that the 'young people' is 25 or less, so that is the category of people. We have seen more people than this, but they were over 25. Even if somebody comes out and he is 50, he still gets the same support as the younger ... But of the people we are seeing in the programme, we have seen 23. There may have been more that have come out, but either they have not expressed any interest when approached to be helped or they have simply not attempted to find employment and they just disappeared. In some cases they are not people who are residents, who have gone.

There is no evidence, for example, that we are doing less well than we have done in the past. I asked whether the figure of the 12 months that the hon. Member asked about gave any indication whether we were being less or more successful and I am told that on an average our success rate is about 50% of those that we are monitoring and assisting, and in this case it was 11 out of 23, so it is just under the 50% but I do not think it is significant.

Also, I think in a way we need to be looking at a rolling average for the period, because in some cases out of the 23 there will be people who have been out for a year and the ones that are out for longer are the ones that are mainly in the 11, and there are people who have only been out, for example, since October and November and probably that is too soon for the scheme to be able to ... although some people get a job as soon as they come out, but there are not many cases like that.

I think probably what we need to do is see how these figures change if we take, for example, a 12 months that begins, instead of from November to November, December to December and then January to January and we see whether the pattern is maintained in the future, and I am happy to share whatever information I have got with the hon. Member.

Hon. E J Phillips: It is certainly interesting to hear further details about the 50% subsidy that the Government utilise to encourage business to take on individuals who have unfortunately fallen ... Insofar as that, can the Government give any indication as to the flavour of the type of work that individuals are doing where this subsidy is available? Is it across the board to any employment opportunity, or is it directed at specific industries or work places?

Hon. J J Bossano: No, it is available to any industry, and unlike, for example, the training that we provide, which is at the national minimum wage, this is 50% of whatever the wage is, and I think it also includes 50% of the Social Security payment of the employer. But in practice the kind of jobs that people are willing to take, people who come out from serving a sentence, are generally not positions of responsibility. That does not mean they will not get a better job later on, but I think that at the beginning they tend to go in at the bottom of the rung in whatever industry they go into. For example, security would be a good place to put them because there are a lot of security jobs, but it is one where they do not get past the vetting. So it is mainly in the construction industry and in things like cleaning companies and in areas like hotel and catering. Those are the three areas where it is easiest to get them in, where there is always a

high turnover of labour and where the incentive is quite attractive because those are labour-intensive areas. So you are cutting the wage cost by half and it is an attractive proposition.

Q751/2017
CPA project re Public Accounts Committees –
Gibraltar participation

130 **Clerk:** Question 751. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, further to Question 403/2017 can the Government confirm that it is now to participate and send a delegate in respect of the CPA UK three-year project entitled 'UK Overseas Territories Project: Supporting the Role of Public Accounts Committees and Audit Institutions in Oversight of Public Funds'?

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

140 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Yes, Mr Speaker.

Hon. R M Clinton: Mr Speaker, I am delighted to hear that answer from the Government benches. Would the Minister be able to confirm who would be attending on behalf of the Government?

145 **Hon. J J Bossano:** Yes, Mr Speaker, I volunteered to go.

Q752-755/2017
Public finances –
Public debt; liquid reserves; General Sinking Fund balance

Clerk: Question 752. The Hon. R M Clinton.

150 **Hon. R M Clinton:** Mr Speaker, can the Government please advise the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date, being 1st September 2017?

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

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question together with Questions 753 to 755.

160 **Clerk:** Question 753. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please advise the total liquid reserves figure and its constituents, namely Consolidated Fund, Improvement and Development Fund, Government-owned companies, deposits, contingencies and other funds for the following date, being 1st September 2017?

Clerk: Question 754. The Hon. R M Clinton.

170 **Hon. R M Clinton:** Mr Speaker, can the Government please advise how total liquid reserves are invested or held, giving details of all bank and savings bank accounts and cash held for the following date, being 1st September 2017?

Clerk: Question 755. The Hon. R M Clinton.

175 **Hon. R M Clinton:** Mr Speaker, can the Government advise the balance on the General Sinking Fund as at 1st September 2017?

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

Hon. J J Bossano: Mr Speaker, the position as regards the total liquid assets composition, when, where and how these are invested on a particular date chosen by the Member opposite, continues to be as previously stated.

185 The figures requested for 1st September 2017 are: gross debt, £447.7 million; Sinking Fund, £5.2 million; aggregate, £442.5 million; cash, £112.4 million; net, £330.1 million.

Q756-758/2017

Civil Service –

Vacant posts; subcontracted workers; temporary promotions

Clerk: Question 756. The Hon. L F Llamas.

190 **Hon. L F Llamas:** Mr Speaker, can the Government provide a schedule of vacant posts in the Civil Service, including (a) grade, (b) date since when the post has been vacant, and (c) department?

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

195 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Yes, Mr Speaker, I will answer this question with Questions 757 and 758.

Clerk: Question 757. The Hon. L F Llamas.

200 **Hon. L F Llamas:** Mr Speaker, can the Government provide a schedule with subcontracted workers in the Civil Service, including (a) since when has the person been subcontracted, (b) reason for cover, and (c) department or departments the worker has providing services for?

Clerk: Question 758. The Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, without disclosing the identity of the officer, can the Government provide a schedule of officers in the Civil Service who are temporary promoted, including (a) the grade the officer holds, (b) the grade the officer has been temporary promoted to (c) the date temporary promoted, and finally (d) the department?

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

Hon. J J Bossano: Mr Speaker, according to the Human Resources Department, the following posts were vacant last month.

There were, from March 2017 one AO and one AA post vacant in Civil Status.

215 Since March, July, August, September and October 2017 there are two Executive and eight Customs Officer posts vacant.

In Vehicle Licensing there is an HEO post vacant since January 2017.

220 In Education we have seven industrials, one technologist, one technician, one senior technician, one head and two deputy head posts vacant and they date from March, June, August, September, October and November this year; they are all from this year.

In my Department there are an SEO, an HEO, one manager, two AOs and two AA posts vacant; these date from April and May 2015 and July 2017.

In Employment there are two HSOs, from January 2015 and January 2016, vacant.

225 In Environment the vacancies are one environmental monitor, four assistants and one AA from January and April 2015 and July 2016.

In the Finance Centre there are two EO posts vacant from April and August 2016.

In the Financial Secretary's Office there is one SEO, one HEO, one AO and one AA from April 2012 and April, June and July of 2017.

The Fire Service has a fire control officer post vacant in November 2017.

230 In Gaming there is one HEO vacant since August 17.

In Audit, an assistant principal auditor since April 17.

In the Law Courts and Office there are one EO, five AOs, one AA and one word processor post from January, April, May and October 2016 and June, August and October 2017.

235 In Housing there is a principal housing officer, an EO, a personal secretary, two AOs and one AA from July 2012, October 2015, September and November 2016 and February 2017.

HR has one HEO, one legal assistant, two EOs, two AOs, one AA and one industrial vacant post; these date from November 2015, March 2016, October and November 2016 and March 2017.

240 Income Tax has vacant the positions of Commissioner of Income Tax, one SEO, four AOs, one AA from January, May, August and November 2016, and August and October 2017.

The Maritime Department has one senior surveyor post since May 2017.

Culture has one SEO, one HPTO, one messenger and one AO from August 2010, January 2015, January 2016 and May and August 2017.

245 Housing and Equality has one HEO and one equalities officer vacant from December 2015 and August 2016.

Tourism has one law draftsman, two EOs and one personal secretary from February 2014, November 2015 and October 2017.

No. 6 has a senior administrator, one personal secretary, three AOs and three AAs vacant from April and November 2014, August and December 2016, and January and June 2017.

250 The Deputy Chief Minister has one AA vacant from October 2015.

Parliament, one usher from June 2012.

The RGP has eight constables, one crime scene officer and one-word processor vacant from February, May, July, September, October and November 2017.

The Prison has two prison officers from April and May 2017.

255 Procurement, one part-time AO from October 2017.

Postal Services, one ML4, two SOGs and one AO from March 2015 and May 2016.

Statistics, one SO1 and one SO2 from January 2015 and June 2017.

Technical Services have three SPTOs, two HPTOs and one PTO vacancy from February, September and October 2015, November 2016 and November 2017.

260 Town Planning has one SPTO and two PTOs from September 2015 and July and August 2017.

Treasury has the Accountant General, one computer consultant, one SEO, four AOs and seven AAs from October and November 2015, January, May, June and October 2016, and March, April, September and November 2017. That is all the vacancies.

There are no subcontracted workers in the Civil Service.

265 Temporary promotions in the Civil Service are as follows.

The Environment Department has a works supervisor promoted to PTO from October 2012 and a TG1 to environmental monitor from November 2016.

Education has an SEA promoted to director and an AA as AO from September 2016 to January 2017.

270 Licensing has an AO as EO and an EO as HEO December 2016.

Audit has an assistant auditor as auditor from January 2015.

Courts have an AA as an AO from March 2017.

Housing has an SEO as senior officer from December 2012, an AA as AO from January 2017, a HEO as SEO February 2017 and two AOs as EOs from February and June 2017.

275 HR has an AA as AO from February 2016.

Commerce has a senior officer as Chief Officer from April 2017.

Income Tax has an SEO and an EO as Commissioner from January 2016, two HEOs as SEOs January and November 2016, and an EO as HEO in July 2017.

280 Culture has an environmental monitor as HEO since May 2012, an AO as EO since September 2015 and an AA as AO since January 2017.

Housing and Equality has an AO as EO since December 2014.

Tourism has an AO as EO since December 2016.

No. 6 has the Director of Education as Senior Administrator and a typist as AO from September 2016 and May 2013.

285 The Post Office has an AO as EO from May 2017.

Technical Services has three HPTOs as SPTOS from February 2015, November 2016 and January 2008, a PTO as HPTO from September 2009 and a TG1 as PTO from March 2017.

The Tourist Board has an EO as HEO from August 2015.

Town Planning has an HPTO as SPTO since July 2017.

290 Treasury has two AOs as EOs from June 2016 and May 2017, an IT officer 2 as IT officer 3 from October 16, an IT officer 3 as computer consultant from October 2016, an HEO as SEO from September 2016 and an SEO as Accountant General from June 2016. That is all the temporary promotions.

295 **Hon. L F Llamas:** Thank you very much for that answer.

Mr Speaker, with your leave, I would like to ask to study the answer that has been given and come back the following month with any supplementaries, given that it is a very long list that the Hon. Minister has read.

300 I would just like to ask the Hon. Minister: if subcontracted workers do not exist in the Civil Service, what do you call the temporary staff that are employed, so that I can bring this question back in the following month?

305 **Hon. J J Bossano:** Well, the terminology that has been used in all the other questions in this meeting and previously is supply workers. Subcontract workers are when you subcontract the work out to somebody – for example, if we give work to JBS and JBS subcontract it to somebody else and there is a contract. The supply workers are people who are being supplied and are deployed as and when, but they are not there for a particular contract and a particular job; they are sent wherever they are needed.

310 **Hon. L F Llamas:** I would just like to clarify that the confusion arose because in the Care Agency I had been told that there was nothing called supply workers and that they were called subcontracted. That was before the Hon. Mr Costa's time. That has been the confusion and obviously I referred to them as subcontractors rather than supply. I had always been advised that they are called supply workers.

315 Thank you.

320 **Hon. E J Reyes:** Mr Speaker, may I ask the Hon. Minister for a small clarification? When he was giving us the list, he mentioned that in No. 6 there is a Director of Education working there since September 2016. However, prior to that, when he had given us the list with the Department of Education, I may have it wrong but I noted that an SEA – being a senior education adviser, I take it – is in an acting capacity as Director of Education from September 2016 and I think the Minister said up to January 2017. Is that correct?

325 **Hon. J J Bossano:** [*Inaudible*] that date is that in that Department there are two people who have been promoted, one in September and one in January.

Hon. E J Reyes: So, for clarification purposes, as from September 2016 when the Director of Education goes to No. 6, we have a senior education adviser covering that post from September 2016 to date. Am I correct in that assumption?

330 Thank you, Mr Speaker, that clarifies it.

Hon. T N Hammond: I apologise to the Minister if he did capture this in his extensive answer, but is it the case that the current Captain of the Port is in an acting capacity as well? I understand he is, but I did not hear that in the answer and I wonder if the Minister could clarify that.

335 **Hon. J J Bossano:** I have not been asked about acting capacities; I have been asked for temporary promotions, and temporary promotion is something that happens after you have been acting for a period of time. When it is a very short period of cover it is called ‘acting’, and after a certain period of cover there are rules that say you are now temporarily promoted in that post, which carries different benefits.

Hon. R M Clinton: Sorry, Mr Speaker, I apologise in advance if I got the dates wrong: if the Minister could just confirm the Accountant General position was vacant from October 2015 and there is an SEO acting from June 2016. Is that correct?

345 **Hon. J J Bossano:** No, Mr Speaker, none of the dates are until; all the dates are the starting dates. All the people concerned are still doing whatever it is they were doing when they were temporarily promoted, because the question is asking who was temporarily promoted yesterday. They might have been temporarily promoted the day before yesterday or they might have been temporarily promoted 10 years ago, but it is still temporarily promoted as of now. So the answer that has been prepared for Parliament by Human Resources is on the basis that all the people on this list are still temporarily promoted in the posts that I have indicated, which shows what they were before they were temporarily promoted and what they are now as temporarily promoted. There is no end date anywhere in the answer.

355 **Hon. R M Clinton:** Mr Speaker, I thank the Minister for his answer.

In terms of the position of Accountant General, and given the importance of the position, how or at what point does he envisage that the individual undertaking that role at present will be made permanent and that position will be confirmed? It is a very important position to be left acting or temporary or for a short period. It is a pretty critical function to perform and I would expect that to be filled, pretty much the same as the Commissioner of Income Tax to be filled. Does he have a view as to when these positions will be made permanent?

365 **Hon. J J Bossano:** We do not actually get involved in these things of promoting them or deciding how long they stay there. I do not think the Accountant General has been as long as some of the others, but temporarily promoted is the terminology that is used, which the hon. Member is familiar with, which is more than just a short-term thing. You are deemed to be

temporarily promoted when you have been acting continuously in a post, which is different, for example, from what happens where people are acting whilst others are on annual leave or sick leave, which happens all the time in many Departments, but when there is temporary promotion it normally means that the occupant has now left the service and probably the next person, the deputy, as it were ... In a situation like the Accountant General, it would normally be the person who has regularly been acting in previous absences who steps in immediately until the machinery of the Civil Service gets round to advertising the vacancy and promoting, selecting and all the things that happen before the jobs are cleared. Clearly, in some cases, some of these temporary promotions have been there for a very long time; in other cases, it has happened in November. But I think generally, in an area like the Accountant General, I would have thought there cannot be a detriment to the quality of the work that is done, because as a general rule the person that steps in may have been doing the stepping in for many years every time the person at the top went away on annual leave or sick leave. Normally, we are talking about a situation where in the Civil Service people have something like 30 days, which is six weeks, and then you have the public holidays, so for three months of the year the actor is acting, so by the time he becomes temporarily promoted he is probably fairly accustomed to doing the job, I would have thought.

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Hon. L F Llamas: Mr Speaker, I have a question for the Government. I understand that the Government is undertaking an efficiency review and therefore many vacancies are on hold, even though some have been promised in previous sessions that they would have been covered, especially head of department posts. Given that the Government is still undergoing this review and vacant posts or long-term acting are allowed, would it be a policy of this Government to pass those temporary promotion applications through a PSC board and give a bit of fair competition rather than crowning somebody with a temporary promotion?

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Chief Minister (Hon. F R Picardo): Mr Speaker, yes, we have a view and the view is not a million miles from what the hon. Gentleman has set out, but it is not our role. The hon. Gentleman has to understand that we do not decide who acts or who does not act. This is entirely a Civil Service matter, at least since the day I was elected, and therefore when these promotion posts will be advertised, in particular senior promotion posts, and whether the PSC has a role in the context of approving a secondment – which has never been the case before; it has always been an issue, really, for the Head of the Civil Service – is a matter on which the Government will not interfere. But we believe that the Public Service Commission has an important role to play in ensuring that there is a level playing field for all civil servants in the context of any promotions that they may aspire to and we believe that the manner in which things are handled now is no different to the way in which they were handled previously in the context of the structure. In other words, the PSC has never approved temporary promotions. But it should also be clear that the Government is not involved in making temporary promotions in the same way as we are not involved in making full promotions or employment decisions. All of those go through the independent and very rigorous Civil Service and Public Service Commission process.

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Hon. J J Bossano: Can I just add, Mr Speaker, that in terms of the numbers, the number of vacancies is more or less at the level that it was in 2011, except that they are not the same vacancies as they were in 2011. That is to say the service is much bigger than it was in numbers – the party that he joined and then left disapproved of the increase in numbers of civil servants from 2012 on – and we have got, of course, as well, the supplies that provide support while the vacancies are there, which did not exist before. So in fact there are two issues here that need to be taken into account if you are comparing what there is now with what there was before: it is a bigger Civil Service and the number of vacancies is more or less the same, and there are supplies involved which did not exist before.

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CHIEF MINISTER

Q760/2017

**Ministerial Code –
Date of introduction**

420 **Clerk:** Question 760. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, when does Government believe that it will introduce the Ministerial Code?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the Code for Ministers and the separate Code for all Members of Parliament will be introduced together after they have been discussed in the Select Committee on Parliamentary Reform.

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Hon. T N Hammond: Mr Speaker, does the Government envisage calling that Select Committee together in the next three months? I do not believe it has met during this parliamentary term so far, so progress would appear to be fairly slow in that regard.

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman is right. It has not met in this parliamentary term for a reason. We have had to change the composition of that Select Committee already on one occasion as a result of one splinter group from the official Opposition and there has since been another splinter group from the official Opposition. We want everyone to be properly represented in respect of that Select Committee, which will affect Members of political parties in this place as much as it will affect Members of this House who are independent, and so we envisage once again bringing a motion to change the composition of that Select Committee. I do not know whether between now and then there might be other splinter groups or how things will play out. I am not pressing anything that I am concerned about on this side of the House, but that has been an issue.

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I do not know whether the hon. Member remembers the history of this, but we came to the House with the Ministerial Code, ready to implement it. It was the former, former, former, former Leader of the Opposition, my predecessor as Chief Minister, who said from the position on the opposite benches that we should not go down the route of implementing the Ministerial Code. He had the support of what was then the GSD, aka all of the seats on the Opposition benches at the time, and I said, in accepting that advice, that as a result of the fact that this was something for the whole Parliament and not just for the Government side we would agree to go into a Select Committee. So we did not want this to go into a Select Committee; we were ready to make this parliamentary code binding immediately. We have gone down that road because it was suggested by the GSD. The GSD splintered once, then it splintered again, and so we are going to have to change the composition of the Select Committee.

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But I think there is very little for us to argue about in the context of what is proposed in respect of that Code, because it is very much in keeping with the UK code, so we very much hope that it is going to become a binding instrument very soon.

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Hon. T N Hammond: Well, goodness me, the Chief Minister listening to the GSD – not something that happens particularly often.

It is absolutely the case that presumably there will be nothing contentious, and of course I bring the question simply to understand what the timelines might be. I understand the reasons the Chief Minister has given, though I do believe there has been ample opportunity to call that particular sub-committee while it has been correctly embodied. That has not happened,

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regrettably. I do hope and would ask whether the Chief Minister is able to provide any information as to when they may be updating or requesting that the composition of the sub-committee is updated in order to provide appropriate representation, or whether even the Chief Minister would consider just discussing with various Members of the Opposition, pertinent
470 Members of the Opposition, what the Code would look like, providing drafts so there can be maybe a pre-agreement with respect to that particular Code, which, as you say, I do not believe will be contentious, particularly if it is following already-established lines.

Hon. Chief Minister: Well, Mr Speaker, it is not that I was listening to the GSD. The hon. the
475 former, former, former, former Leader of the Opposition was then a backbencher who was representing that his views were views that he put for the good of Gibraltar and for the good of the whole Parliament; and I was not approaching this on the basis of Government and Opposition, because this is a Code for the whole House so I was approaching it really more as
480 Leader of the House, listening to a Member with considerable experience who was putting a point that I thought was worth taking into consideration.

In terms of providing a copy of the Code, there it is behind the hon. Gentleman. *(Laughter)* It has been there for two years, Mr Speaker. Like all the best magic tricks, they are not really magic, they are there. I am told by the Minister for modern technology that it is actually already online, so we could not do more, other than send him an audio book with me reading it to him,
485 *(Laughter)* in case he wishes to fall into his nightly slumber listening to my dulcet tones putting him to sleep. All the information is there. I am surprised he is asking us for things which he has already and he did not know that.

In terms of the timetable, as I told him, we were ready to move on this immediately that we brought the Code to the House. It is a Code that comes from a Parliamentary Commission that
490 Mr Speaker chaired, that had a number of former GSD Members, a number of independents, some of whom have since decided that they want to throw their lot in with the GSD; some of the independent Members have taken another view. So I do not think that this is contentious at all, but I think it would be unfair to Mr Llamas that he should not be represented formally in that Committee, although he is now an independent Member, although Mrs Nahon is going to be
495 represented in that Committee. Because this is a House issue and the House and those in it are the representatives of the people, I think it is important that all of us have been properly represented in that Select Committee.

I would hope that we will be able to deal with this during the context of the first quarter of next year, but I must say that the hon. Gentleman knows that estimating timings of things since
500 the United Kingdom took the decision it did, with us voting in the process, in the referendum in respect of leaving the European Union, it has become very difficult to stick even to one's own best instincts of what the right timing of things should be – and I will deal with another question now which will raise even that again.

505 **Mr Speaker:** Next question.

Q761/2017
Eastside tunnel –
Routing of pedestrians

Clerk: Has Government made a decision on the routing of pedestrians once the ... Sorry. I beg your pardon. Sorry. **(Several Members:** Hear, hear.) *(Laughter and banging on desks)* I am sorry! *(Laughter and interjections)*

510 **Mr Speaker:** For once, the Clerk of the House has transported himself to the Opposition benches! *(Laughter and interjection)*

Clerk: Question 761. The Hon. T N Hammond. *(Interjection)*

515 **Hon. T N Hammond:** Yes, if I may take a moment to compose myself ... *(Laughter)* Mr Speaker, has Government made a decision on the routing of pedestrians once the Eastside tunnel project is complete?

Clerk: Answer, the Hon. the Chief Minister.

520 **Chief Minister (Hon. F R Picardo):** Mr Speaker, there am I, fighting those who say that the Opposition is in the Civil Service and not on the benches opposite!

The decision taken regarding the routing of pedestrians once the new runway tunnel is operational was presented to us upon our election into Government in 2011 as a fait accompli left over from the former administration. The decision was that pedestrians would use the pedestrian tunnel. We nevertheless continue to explore other options.

525 **Mr Speaker:** Next question.

Q762/2017
General Orders –
Publication of Government review

Clerk: Question 762. The Hon. T N Hammond.

530 **Hon. T N Hammond:** Mr Speaker, has Government completed its review of General Orders and does it intend to publish the results?

Clerk: Answer, the Hon. the Chief Minister.

535 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the review of General Orders is ongoing. A working group composed of members of the Human Resources department, the CEO of the Public Service Human Resources Business Support Unit and representatives from the three main unions – that is to say the GGCA the GTA (NASUWT and Unite) – have been working towards the new Public Service Code, which will replace General Orders.

540 The draft document is in its advanced stages and most chapters have been completed. We will be officially submitting the document to the trade unions in the New Year for a final consultation period prior to implementation.

545 On its introduction, the new Public Service Code will be published internally to all Departments and will be made available online to all public servants via HM Government's intranet. Training will be provided at all levels to ensure a smooth transition from General Orders to the new Public Service Code.

Q763-764/2017

**Referendum Anniversary Eve concert –
Contract and lack of Gibraltarian performers**

Clerk: Question 763. The Hon. E J Reyes.

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Hon. E J Reyes: Mr Speaker, can Government say if the concert held at Victoria Stadium on Saturday, 9th September 2017 was awarded to the Royal Philharmonic Concert Orchestra by a tender process or by what other means?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer the question together with Question 764.

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Clerk: Question 764. The Hon. E J Reyes.

Hon. E J Reyes: Can Government say why neither a Gibraltarian orchestra conductor nor Gibraltar musicians nor any Gibraltarian soloist singers were offered the opportunity to perform at the National Day Eve Concert held at the Victoria Stadium on Saturday, 9th September 2017?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the contract to perform at the Referendum Anniversary Eve concert was awarded to a British orchestra, the Royal Philharmonic Concert Orchestra, that was available on 9th September to provide a Last Night of the Proms style repertoire. Additionally, it is the orchestra with royal patronage from the British Royal Family. The BBC Concert Orchestra was not available as the date clashed with their Proms dates.

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The Government sought that the soloists that performed on the evening should have been Gibraltarians. Additionally, the Government sought that a Gibraltarian conductor of international renown should have conducted the Orchestra. Unfortunately, we were informed that it would have cost £20,000 per day for rehearsals required for the Philharmonic to perform with soloists or a conductor that it had not performed with before. That amount does not include the expenses of associated travel and accommodation that would have been incurred. A minimum of three days of rehearsals was required. In addition, no suitable studio for such rehearsals was available in the period and the orchestra itself was not available for rehearsals due to its heavy performance schedule.

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The event was a magnificent celebration of the 50th anniversary of the 1967 Referendum and a fitting tribute to the Referendum Generation. The members of the Opposition who were present and who joyously joined in the flag waving will no doubt want to congratulate the Government on the organisation and planning of the event.

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The Government itself would, in particular, wish to express its gratitude to Mrs Joyce Diaz and her team for their work in delivering the event and to the Gibraltar Choir Collective, who did us all proud. Additional thanks must also go to the Commanding Officer of the Royal Gibraltar Regiment for allowing the Corps of Drums and the Band of the Regiment to perform on the night, and in particular to their musicians for their magnificent rendition of the Gibraltar Anthem. Their contribution was tremendous.

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Mr Speaker, I am particularly pleased that we were able to make the event truly affordable for all and that the £5 ticket price will be donated to that most worthy of Gibraltar's charities, namely Calpe House. I should add that the Government extends its gracious thanks on behalf of the people of Gibraltar to all of the sponsors who enabled us to have the orchestra in Gibraltar without public expense.

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Mr Speaker, I am able to announce today that the Government will be donating £12,665 to Calpe House from ticket sales. I am also able to announce today that a DVD and a digital download of the Referendum 50 Concert by the Royal Philharmonic Concert Orchestra will be available in coming months as a perfect recording of the event for all to enjoy.

Hon. E J Reyes: Mr Speaker, thank you for that answer.

The Chief Minister did say about the non-availability of the BBC Orchestra and so on. I could deduce some things from there, but could he perhaps be a little bit clearer for the record: was it awarded to the Royal Philharmonic Orchestra via a tender process, or rather am I deducing it ...? If the Chief Minister can clarify any doubts I have – how did it end up going to this entity?

Hon. Chief Minister: Mr Speaker, perhaps I should start by saying that the night before, we had a magnificent concert at Casemates where all of the performers were Gibraltarians: Gibraltarian musicians and Gibraltarian dancers. I know all Members of this side of the House were present and deeply enjoyed the event, and I am sure, although I cannot recall, that most if not all of the Members opposite were also present.

Although in my most fanciful of moments I see myself as a Simon Cowell style character, auditioning people and being remarkably affectionate to them in the context of their performances, we did not hold an *X-Factor* style attempt to choose the best orchestra. We were in contact with a number of British orchestras. There is no Gibraltar orchestra yet of the size of the Philharmonic and this was the Referendum 50 anniversary concert, so it was important to us that it should be a British orchestra because we were celebrating that choice made 50 years ago. Scheduling meant that actually there was no beauty parade to be had – there was one orchestra that was available that could do it on the day, and that is the orchestra that we had. If the hon. Gentleman wants to see it in terms of the three quotes system, for example, I think we looked at more than three orchestras, we were in touch with more than three orchestras and there was one that was available, so it was not an issue of tendering.

In any event, there was, as I said, no public expense in respect of the event because the sponsors – and hon. Members will have seen who the sponsors were; I cannot refer to one without referring to the many others, and I think there were approximately 50 sponsors – meant that this was an event that did not cost the public purse, and when there was a ticket price it was to ensure that we could allocate seating to everyone but with a very clear indication that the amounts collected would be donated to charity.

So I do not think it is the sort of event that is a tenderable event, but I was very keen to see Gibraltarians appear on the day on the big stage conducting – we know that we have at least one conductor of international renown in Gibraltar and a soloist, and we know that we have more than one magnificent voice in Gibraltar. Unfortunately, for the reasons I have given, although we pursued that quite vigorously, it was impossible to achieve that. Mr Speaker, I must say that the event, I think, was a magnificent one and that the soloists, despite the fact that they were not Gibraltarian, were not bad either.

Hon. E J Reyes: I am grateful, Mr Speaker.

Yes, it does clarify and put to rest what I had thought, and may I offer a few more supportive words to the Chief Minister.

I think it was particularly pleasing for those of us – and I can confirm that I was definitely there on the evening – where we could introduce an element of Gibraltarian participation, not only through the magnificent performance of the Royal Gibraltar Regiment Corps of Drums but also in the Collective Choir which helped to lead the chorus. I must admit I am tone deaf and although one tries to contribute in the animation of the singing, knowing that the choir was there and would certainly over drown my bad singing habit ... Therefore, I am really pleased that we succeeded in a fantastic concert with, to whatever degree or level possible, Gibraltarian

participation, and the Chief Minister and his team can rest assured of my continued support in that respect.

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Hon. Chief Minister: Mr Speaker, I am very grateful on behalf of the Government for those kind words, and perhaps we should end this part of the questioning in the same way as the concert ended, by remembering always that we stick with Britain because it is the land of hope and glory. We hope that it continues to rule the waves a bit more than it has until now, and God Save the Queen, Mr Speaker.

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Hon. T N Hammond: If I may, Mr Speaker, not quite ending the questions, I would certainly like to congratulate all those involved in both events because they were fantastic events on both occasions, particularly I thought in the Casemates event the Hon. Mr Bossano's speech was superb and for me it really did crown the evening.

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If I could just ask whether the Government is considering running a similar event next year, not necessary associated with the Referendum anniversary because clearly that will have passed, but certainly the event at Victoria Stadium has on the one hand not cost the public any money, has actually raised money for charity and was very well attended and clearly appreciated by all who were there. I just wondered whether the Government has any thoughts in respect of next year.

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Hon. Chief Minister: Mr Speaker, delighted to offer an encore to my speech of a moment ago.

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The Hon. Mr Bossano is superb, as far as we on this side of the House are concerned, on every occasion, in particular in his Budget addresses. I am sure that probably the only person on the opposite side who has done this exercise is Mr Clinton but I commend to all Members that they should start with his Budget address of 1973 and see the consistency that there is there right up until 2017. But everything that Mr Bossano said on that stage at Casemates translates entirely to everything that Mr Bossano does in politics and I think it is an important point to make.

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Sponsors were very generous in the context of the 50th anniversary of the Referendum; I do not know whether they would be so generous every year.

The hon. Gentleman should know that there is a plot afoot to continue to enjoy cultural events of that sort, but I am unable to say more at this stage for want of scuppering it.

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Mr Speaker: Next question.

Q765/2017

Supplementary Appropriation (2015/2016) Bill 2016 – Reason for delay

Clerk: Question 765. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government explain why it has not yet proceeded with the Bill for an Act to appropriate further sums of money to the service of the year ended 31st March 2016, being B26/2016, which was published on 22nd December 2016?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, this has resulted simply from the exigencies prevalent upon the Executive this year as a result of the Brexit process.

Hon. R M Clinton: Mr Speaker, I have no wish to engage in a debate, (*Interjection and laughter*) but perhaps I could ask Mr Speaker's indulgence. The Appropriation Bill for 2015 –

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Hon. Chief Minister: Will the hon. Gentleman give way?

Hon. R M Clinton: Yes.

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Hon. Chief Minister: If it is of any assistance to him, I intend to take the Bill in about 50 minutes.

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Hon. R M Clinton: Well, Mr Speaker, I am enormously grateful to the Chief Minister – it will save us all a lot of time. All I would say is that I am grateful that the Bill is being taken today, but obviously, given his comments last year and obviously it is nonsensical to have a supplementary appropriation after we have passed this year's Budget, I would be grateful if in next year's we try and keep to what he originally intended last year.

Thank you.

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Hon. Chief Minister: Mr Speaker, yes, indeed. He is referring to my own logic, it is something that I am very keen to see, but unfortunately the time of the Executive has been taken almost entirely, as he knows, in respect of the Brexit process. We have had fewer meetings of the House, they have had to be shorter and legislation has built up – this is one of the issues that has built up – but he knows, because I have said so and it is on the record, that it is my intention that these Bills be dealt with and with greater alacrity than has been the case until now, and unfortunately this year, having set that high bar for myself, I have not been able to surmount it because of the circumstances which have prevailed.

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Mr Speaker: Next question.

Q766/2017
Three quotes system –
Works and supplies procured

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Clerk: Question 766. The Hon. L F Llamas.

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Hon. L F Llamas: Mr Speaker, for the periods 1st April 2014 to 31st March 2016, can the Government provide a schedule of works or supplies procured by the Government using the three quotes system, including (a) the company or entity awarded; (b) brief detail of work or supply and (c) whether the award was the cheapest?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo) Mr Speaker, this data is not centrally held. A schedule of all contracts awarded by Government by quotation for sums over £2,000 is readily available online on the Government website.

Q767/2017
Mons Calpe Mews and Beach View Terraces –
Losses incurred to date

Clerk: Question 767. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government disclose the losses incurred to date as a result of the development of Mons Calpe Mews and Beach View Terraces?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government made a profit of £1,039,204 arising from the development of the housing estates that sold for £108 million.

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Hon. L F Llamas: Mr Speaker, I would just like to clarify this question arose as a result from I think it was Direct Democracy, where the Chief Minister I believe said that they had made a loss due to not having taken into account the foundation work of those projects and the infrastructural work of those projects. Is that correct or did I misunderstand?

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Hon. Chief Minister: Well, Mr Speaker, it depends how you look at it, if you look at it in terms of the development or you look at it in terms of wider Government expenditure. If you include every infrastructure upgrade that is required, then it is very likely that you would have a very long piece of string; but if you look at it as a developer, then that is the provision that I have given him.

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A developer does not pay for every single aspect of the infrastructure update that may be required throughout Gibraltar as a result of a development. A developer pays a premium and then he develops, so that is not included in the context of the calculation; neither is the cost of the land included. So, for example, if you were to say we might have sold that land for £10 million, that is not factored in there because one of the principles of affordable housing in Gibraltar has been, since the concept was introduced by the GSLP Government and Mr Bossano, that you do not charge for the land but you are adding value to Gibraltar by having those homes for Gibraltarians. These are the issues that I was saying may need to be taken into consideration in the future and might tip that balance into loss.

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But there are a number of examples of housing developments which have given rise to a loss. For example, on Waterport Terraces there was a direct loss – applying the same criteria, not involving infrastructure or the cost of land – of £7 million, also excluding the cost of infrastructure and the land. And in fact there is a claim against the Government of Gibraltar of €26 million presently being adjudicated in the Spanish courts in Madrid by Gibralcón, formerly Bruesa. The hon. Gentleman might remember that this is what I told Mr Bossino was the real legacy of the GSD when he told me that it was a golden legacy that we had inherited.

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There was a loss of £19 million in respect of the development of Cumberland, Bayview and Nelson's, which was also a project they developed when they were in Government. That includes £4 million which was a loan that the former administration... the taxpayer directly gave to OEM, which has had to be written off. Just so that we understand that, the taxpayer has lost £4 million because the GSD Government gave OEM a loan which has been written off – not like the *Sunborn* loan, which has been fully repaid, as hon. Members will know, to Credit Finance Company Ltd. And there is additionally a £7 million claim against the Government – or there was – by Barclays Bank Plc through the liquidators of OEM.

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So, Mr Speaker, there have been direct losses, even when you do the calculations the same way as I have done them, but not in the estates developed by this administration.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for the answer to that question from my hon. colleague.

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If I may ask, the £1,039 million profit on those two developments, he quoted a sale price – I may be wrong and have misheard him, and I am sure he will correct me – of £180 million. (**Hon. Chief Minister:** *Eight* million.) £108 million. Does that sale proceed include Government 50-50 or is that excluding Government 50-50? Is it all lumped together?

785 **Hon. Chief Minister:** Mr Speaker, from the information that I have and from my knowledge of the estates, I think that would include the Government's 50-50 because of course, as the hon. Gentleman knows, that is value.

790

Questions for Written Answer

Clerk: We now move to answers to Written Questions. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the answers to Written Questions W194/2017 to W215/2017 be now laid on the table.

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Clerk: Bills – First and Second Reading.

Hon. Chief Minister: Mr Speaker, I move that the House should now recess for 15 minutes before we continue with the business.

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Mr Speaker: The House will now recess for 15 minutes.

The house recessed at 3.44 p.m. and resumed its sitting at 4.03 p.m.

Order of the Day

BILLS

FIRST AND SECOND READING

Supplementary Appropriation (2015/2016) Bill 2016 – First Reading approved

Clerk: A Bill for an Act to appropriate further sums of money to the service of the year ended 31st day of March 2016. The Hon. the Chief Minister.

805 **Chief Minister (Hon. F R Picardo)** Mr Speaker, it was not even half an hour, let alone 50 minutes.

I have the honour to move that a Bill for an Act to appropriate further sums of money to the service of the year ended 31st day of March 2016 be read a first time.

810 **Mr Speaker:** I now put the question, which is that a Bill for an Act to appropriate further sums of money to the service of the year ended 31st day of March 2016 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Supplementary Appropriation (2015/2016) Act 2016.

**Supplementary Appropriation (2015/2016) Bill 2016 –
Second Reading approved**

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

The purpose of this Bill is to appropriate further sums of money to meet Government expenditure incurred during the year ended 31st March 2016.

820 Hon. Members will know that last year approval of supplementary appropriation was brought to this House in March 2016 ahead of the main Appropriation Bill for the following year. As I mentioned last year during the session of this House dealing with the Supplementary Appropriation Bill 2015, in order to enable the Principal Auditor to complete his audit of the annual audited accounts earlier and for these annual accounts to be laid in the House on a more timely basis, the Government decided to revert to the earlier practice of presenting the
825 Supplementary Appropriation Bills separately and earlier on in the annual parliamentary calendar. This was and remains our policy, and indeed I have confirmed that to the hon. Gentleman in the context of his question earlier in today's session. Indeed, the fact that the Supplementary Appropriation Bill for the year ended 31st March 2016 was actually published on
22nd December 2016, almost a year ago, shows our commitment to this.

830 Regrettably, due to the exigencies of Brexit, it has not been possible to find the ministerial and parliamentary time to deal with this important matter. Nonetheless, Members of the Opposition have been able to identify the supplementary adjustments required well ahead of the debate of the actual Appropriation Bill for 2017-18. They have also had the benefit of being in possession of the Actual figures for 2015-16 as disclosed within the Estimates Book for 2017-
835 18.

To a large extent, the detail of this matter was in fact debated at some length during the course of the 2017-18 Appropriation debate in June this year. Mr Speaker will recall that the Opposition then took the unprecedented stance of voting against the Appropriation Bill, or at least some Members of the Opposition – the official Opposition, if I can call it that, Mr Speaker –
840 took that step, something which we had not experienced before. If they are to be consistent with that approach, the GSD Members of Opposition will no doubt therefore vote against this Supplementary Appropriation Bill too. It would really not make any sense to vote against a Budget for 2017-18 on grounds of lack of transparency but then vote for an amount spent in excess of an earlier year's Budget which has also been compiled and presented in the same
845 apparently objectionable manner that gave rise to the negative vote.

This Bill is therefore the annual Supplementary Appropriation Bill required to provide appropriation cover retrospectively for the actual figures for the year ended 31st March 2016.

850 Hon. Members should note that in the case of the £11.38 million required to cover the additional expenditure incurred under the Consolidated Fund, this represents the amount required in addition to the supplementary provision of £9 million that is already included in the approved Estimates Book under head 44, the supplementary provision head. As has always been the case, a full breakdown of the £20 million – that is to say the £11.38 million and the £9 million – of reallocations to be made from head 44 will be tabled in the House at the next session of Parliament. This will provide hon. Members with a full and detailed breakdown of the heads and
855 subheads for which this supplementary provision has been applied, although a simple deduction of estimate 2015-16 against the actual disclosed in the Estimates Book for 2017-18 for that year, for 2015-16, will identify the adjustments required.

860 Mr Speaker, I commend the Bill to the House and I will just note that I will be moving an amendment at the Committee Stage in relation to the date of reference of the Act.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? The Hon. Roy Clinton.

865 **Hon. R M Clinton:** Mr Speaker, whereas I recognise what the Chief Minister has said in terms of his intention for bringing this Bill earlier and that it is indeed going to be a Government policy to do so in future, nevertheless the fact remains that here we are a year later debating the Bill that was published in December last year.

870 It is a requirement of our Constitution under section 69.3 that the Minister with responsibility for finance come to this House to seek Parliament's approval for any departmental overspends in respect of the Consolidated Fund or project overspends in the Improvement and Development Fund as compared to the approved appropriation for that particular year. Section 69.3 of the Constitution reads as follows, and I quote:

(3) If in any financial year it is found –

(a) that the amount appropriated by the appropriation law for the purposes included in any head of expenditure is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by the appropriation law; or

(b) that any moneys have been expended on any head of expenditure in excess of the amount appropriated for the purposes included in that head by the appropriation law or for a purpose for which no amount has been appropriated by the appropriation law, the Minister with responsibility for finance shall cause a supplementary estimate showing the sums required or spent to be prepared and laid before the Parliament and the heads of expenditure shall be included in a supplementary appropriation bill introduced in the Parliament to provide for the appropriation of those sums.

875 Today, in this Bill, Parliament is being asked to approve overspends in respect of the financial year 2015-16, being the Budget approved in July 2015. There are exceptions within the financial year to this requirement which I have just outlined, which I will explain as follows.

In respect of Consolidated Fund Expenditure, there are two exceptions, one in the Public Finance (Control and Audit) Act and the other under section 6 of the Appropriation Act 2015 in respect of the application of sums voted for supplementary provision.

880 Under section 45(1) of the Public Finance (Control and Audit) Act, the Minister responsible for finance may, in respect of Consolidated Fund expenditure heads, allow a reallocation between purposes within a head provided that there is no increase in establishment of staff. The Act provides under section 45(2) that:

Any warrant issued under the provisions of this section shall be laid before the Parliament at the earliest opportunity.

Section 6 of the Appropriation Act 2015 reads as follows:

Notwithstanding anything contained in the Public Finance (Control and Audit) Act, the Minister responsible for finance may direct by means of a warrant that the whole or any part of the sums appropriated under Head 44 Supplementary Provision shall be applied to any of the other Heads specified in Parts 1, 2 and 3 of the Schedule.

885 As the Chief Minister has already pointed out, the amount approved for head 44, Supplementary Provision, was £9 million under the Appropriation Act 2015. The description of the purpose of this head 44 in the Estimates Book for 2015-16 was as follows, and I quote:

A provision for the year ending 31st March 2016 for the funding of pay settlements and supplementary expenditure which can be reallocated to other departmental heads of expenditure, the controlling office being the Financial Secretary and the Minister being the Minister for Finance.

And now, Mr Speaker, as regards the Improvement and Development Fund:

Under section 33(2) of the Public Finance (Audit and Control) Act, but subject to any moneys provided by external agencies for specific projects, the Minister may similarly reallocate project moneys but without restriction as follows ...

Section 33(2) reads, I quote:

Subject to the provisions of subsection (1) the Minister responsible for finance, if it appears to him to be necessary to do so, may by means of a warrant under his hand re-allocate moneys between one development project and another of the same head of expenditure if he is satisfied that further provision is needed for the development project to which moneys are to be re-allocated and that there is, or is likely to be, a surplus in respect of the development project from which the moneys are to be allocated.

890 The total approved appropriation 2015 under head 102 projects within the Improvement and Development Fund was £78,891,000. As in the case of the Consolidated Fund, reallocation in section 33(3) in respect of the Improvement and Development Fund provides that 'Any warrant issued in accordance with subsection (2) shall be laid before the Parliament at the earliest opportunity.'

895 Thus I have now outlined the various legal requirements and exceptions so as to provide the framework within which this Supplementary Appropriation Bill for 2015-16 needs to be considered.

Let me say at the outset that I really do have great difficulty in supporting this Bill in the manner it has been presented to this House, and of course I also have taken issue with the timing of it coming to this House.

900 Let me deal with the latter point first. The Bill was published on 22nd December 2016, and despite being on the Agenda of this House for almost a year it is only now that we are able to debate it. Last year, the Supplementary Appropriation Bill for 2014-15 was published in December 2015 and debated in Parliament on 2nd March 2016. The Chief Minister, during that
905 debate on 2nd March 2016 – and he has acknowledged that – explained a change in the policy in the manner of presenting supplemental appropriations and the reason for it as follows, and I quote:

Hon. Members will take note that in past years requests for approval of supplementary appropriations have been brought to this House as part of the main Appropriation Bill for the year. For example, the supplementary funding requirements for the financial year 2013-14 were included as part of the main Appropriation Bill for the year 2014-15 and the supplementary funding requirements for the financial year 2012-13 were included as part of the main Appropriation Bill for the year 2013-14.

Because the main Appropriation Bills for the year are normally now debated in this House at around June or July of each year as part of the Budget session, this has meant that the annual audited accounts for the previous year have necessarily been delayed until the approval of these supplementary appropriations and the Principal Auditor has not been able to complete his audit of the annual public accounts until then.

In order to enable the Principal Auditor to complete his audit of the annual audited accounts earlier and for these annual accounts to be laid in the House on a more timely basis –something I am sure will be welcomed by some, Mr Speaker –the Government has decided to revert to the earlier practice of presenting the Supplementary Appropriation Bills separately. These will therefore no longer be included within the main Appropriation Bill for the year. The practice in future will be that the Supplementary Appropriation Bills will be published earlier and within the statutory nine months after the close of each financial year prescribed for the submission of the annual accounts to the Principal Auditor under section 52 of the Public Finance Control and Audit Act.

I welcomed the Chief Minister's statement at the time, and in fact his confirmation that it is still his intention today, but we have seen many Bills come to this House since December 2016
910 and, despite Brexit, I cannot see there has been a lack of time available for this House to debate it. It is particularly of concern to me since it causes a knock-on delay in the Principal Auditor being able to complete his audit of the annual public accounts. Delaying of the annual accounts in this House on a more timely basis is, as the Chief Minister will surely appreciate, a matter close to my colonial book-keeper's heart. More so, Mr Speaker, since the Minister for the
915 Savings Bank will not gazette the audited accounts of the Savings Bank that are already in his possession until of course the annual public accounts of the Government as a whole for that particular year are laid in this House.

And so, Mr Speaker, in the interests of transparency ... and again I am grateful to the Chief Minister for confirming that he will stick to this timetable that he announced last year and that
920 in future we will be debating the Supplementary Appropriation Bill on a more timely basis,

because of course it is entirely illogical to have passed the Budget already for 2017-18 and yet not passed the supplementary for 2015-16.

925 Last year, Parliament was asked to approve a supplemental appropriation for £16.2 million for Consolidated Fund expenditure in the financial year 2014-15 in respect of what was head 43, Supplementary Provision. During the debate in March last, I pointed out to the Chief Minister that Parliament had not yet been provided with an analysis of the £16.2 million appropriation, despite my letter to him on 17th February 2016. In his response on 29th February 2016 the Chief Minister stated:

As regards the Supplementary Appropriation Act, I will be providing to Parliament in the normal way a breakdown by departmental heads of the £16.2 million required to meet additional departmental Consolidated Fund expenditure.

930 This information was not provided prior to the March 2016 debate, and in fact it was the Hon. Dr John Cortes, as Acting Chief Minister, who tabled the following documents in Parliament in June – in fact on 29th June 2016 – being the Consolidated Fund Pay Settlement Statement 1/2014-15, the Consolidated Fund Supplementary Funding Statement Number 2/2014-15, the Consolidated Fund Reallocation Statement 3/2014-15 and the Improvement Development Reallocation Statement 1/2014-15. I find it hard to believe that this was the earliest opportunity to present these schedules to Parliament, as envisaged by the Public Finance (Audit and Control) Act, well after we debated the Supplementary Appropriation Bill.

935 Mr Speaker, I have now since studied in depth how the head called ‘Supplementary Provision’ is utilised and I have come to the conclusion – and I have not come to this conclusion easily – that it really is contrary to the intentions and not the spirit of our Constitution.

940 In this year’s Supplementary Appropriation Bill for 2015-16 the House is being asked to approve an additional amount of £11,380,000 to head 44, Supplementary Provision, bringing it to a total of £20,380,000, given the original £9 million approved estimate. It is clear to me that head 44 is being used as a miscellaneous suspense account by the Government to fund Government departmental overspends, using the reallocation method under section 6 of the Appropriation Act. That cannot have been the intention of section 69(3) of the Constitution, which requires specific heads of expenditure to be identified where additional funding is required for parliamentary approval. Furthermore, head 44 is clearly identified as a provision in the Estimates Book for 2015-16, and as the Financial Secretary will know, it is not possible to overspend the provision: it is either utilised or not.

950 Mr Speaker, what the Government is inviting Parliament to do is to top up its general provision for departmental expenditure without identifying its purpose in the Bill. This is hardly a transparent way of conducting public finances and in my view it is entirely contrary to what is envisaged by our Constitution. Taken to its absolute extreme, if we follow the same logic, the Government need only allocate £1 to each head of expenditure in its Estimate Book and put 955 £453 million into head 44, Supplementary Provision, to allocate it as it sees fit during the year. *(Interjection)* And before the Chief Minister states the supplemental head was used by a GSD Government for the first time, let me point out that specific heads of expenditure were always identified when requiring a supplementary appropriation, as was the case in the Supplementary Appropriation Act 2012 and earlier.

960 Mr Speaker, whereas in the past I objected to a lack of information presented with the Supplementary Appropriation Bill, I now also object to the way head 44 is being used as a general suspense account for Government departmental overspending. I thus invite the Chief Minister in his role as Finance Minister to discuss this matter with the Financial Secretary and come back to this House with a redrafted Bill with the information in respect of Department 965 overspends by head, as envisaged by the Constitution in this Bill.

In addition, Mr Speaker, I will be grateful if the appropriation of £5,107,000 for the Improvement and Development Fund, which is only identified under Part 3 as being for head 102, Projects, could be expanded upon as in previous years.

970 In the schedules provided to the Opposition under Standing Order 43(1), this additional expenditure is identified as being in respect of tunnels and roads to the North Front with the explanation as follows:

Expenditure higher than budgeted. Parts of the budgetary overrun will be met through the reallocation of savings identified elsewhere within head 102.

975 Mr Speaker, I would also be grateful if the Bill could be amended so that head 102 will show the project being additionally funded. Let us be under no illusion that these are merely internal reallocations. The request for funding in the Improvement and Development Fund is a real additional expense, having exhausted any surpluses as provided by section 33(2) of the Public Finance (Audit and Control) Act.

Last year the Chief Minister went to great pains to underline that, in his view:

The hon. Gentleman has said something that I think is important I should deal with, which is that this is an overspend. I do not want anybody to go away with the idea that this is additional money. This is money that is moving from one part of the book to another part of the book.

980 Any supplemental appropriation by definition must represent an overspend when compared to the original estimate, even if there are departmental reorganisations. The Government's saving grace is that there may be compensating underspends in other heads that neutralise the overspend, but that cannot always be assumed, which is why Parliament needs to have full and detailed information in any Supplementary Appropriation Bill.

985 So, Mr Speaker, unless the Government considers redrafting the Bill, I am of the view that the Bill is defective as presented and it is certainly contrary to the spirit of our Constitution, and as such I will not support it and cannot support it and I will not recommend the Bill to my colleagues on this side of the House. And we can do without the Chief Minister's histrionics about hospitals shutting down and people dying, because this is obviously in respect of expenditure almost two years ago.

990 Finally, I again urge the Chief Minister to keep to the timetable he announced last year for the supplementary appropriations so that the Principal Auditor's work is not delayed unnecessarily in tabling the Government's annual accounts.

Thank you, Mr Speaker.

995 **Mr Speaker:** Does any other hon. Member wish to speak on the Second Reading of this Bill? Otherwise, I will call upon the mover to reply.

The Hon. the Chief Minister.

1000 **Hon. Chief Minister:** Mr Speaker, it is good to see the Hon. Mr Clinton come back into his own and into his area of comfort.

1005 He started his address dealing with the issue of the delay in Parliament dealing with the Bill. I thought I had dealt with that, but it is becoming a characteristic of his time in this place that he delivers the speech that he arrives to deliver regardless of what may be said in this place, although I am grateful that he at least acknowledged, in an element of parenthesis in what he was saying, that I had already given the commitment that he was suggesting that he was seeking to extract. He also said that he recognised that we have the intention to move in the way that he suggested. This is a Government that is seeking to act in a way that is most transparent, which is now what Members opposite would also like us to do, despite the fact that they represent a regime which might not exactly have been doing the same.

1010 Taking us through the Constitutional requirement of section 69(3) on authorisation of expenditure, the Public Finance (Control and Audit) Act, both the sections on relocations 45 and 33 for the I&D and the recurrent account, was no doubt riveting to accountants listening, but I do not think it took us much further. The Bill is based on an interpretation of those sections and

of, in particular, the constitutional requirements, which is accepted in the context of the practice of this Parliament stretching back many years – indeed, even before I was here, let alone his recent arrival. So the Government is advised and considers it is acting in full compliance with the constitutional provisions and the provisions of the Public Finance (Control and Audit) Act.

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He said that he would find it very difficult, as he started his peroration through the Bill, to support the Bill, but indeed I would have thought he should have started somewhere else. I would have thought he should have started by telling us that he would find it very difficult not to vote against the Bill if he had wanted to, because of course part of what we are dealing with is in the book that they voted against in July, so I would have thought that it was now very difficult indeed for the hon. Gentleman to come to this House and perform the utter volte-face he would have had to perform to advise his colleagues to vote in favour of this supplementary provision. As he develops in politics he may be becoming more adept at the volte-face, but it is not something that fits in the logic of the way that he introduced his party's position on the Estimates in July; and indeed I am grateful to see that he has stuck consistently and doggedly to that approach, although it was in effect political hara-kiri for the former, former Leader of the Opposition to have taken his advice, but at least I applaud him as the former Leader of the Opposition in taking that position and advising the Leader of the Opposition that he should follow in the footsteps of those he had taken to the edge of political suicide.

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So, Mr Speaker, in respect of the delay of the audited accounts, that is understood by this side of the House; it is why we moved to move more quickly in the context of these Bills. The Bill was published in keeping with the commitment that we gave; we have just not been able to deal with it in the time that we expected.

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He says many Bills have come to this House and we have been able to deal with much. We have, Mr Speaker, but he might care to look at the fact that apart from the Appropriation Bill, which requires a lot of specific preparation and we did toy with the possibility of dealing with the issue then, a lot of the Bills that have been dealt with in this House this year have not been Bills on which I have led as Minister for Public Finance – because of the unfortunate distraction upon which we are all embarked, which is called leaving the European Union.

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But he said something, Mr Speaker, which I think I must deal with head on. He said that, as a result of all of this inability to move in respect of the audited accounts, we have not yet seen the accounts of the Savings Bank, which are traditionally – not because of Mr Bossano wishing it to be that case, but traditionally – published once the audited accounts are published. Well, I agree with him. It is a pity we have not yet seen those audited accounts, because I think when we see them we will once again see why it is that this community looks to Joe Bossano as a magnificent manager of the funds that are the responsibility of those of us on this side of the House who manage savings money in the Savings Bank, or indeed taxpayers' money more generally. I do not think that the Government is dreading the day that the audited accounts of the Savings Bank are published; indeed we are very much looking forward to that day, but perhaps Members opposite might wish to rue that day a little, given some of the things that they have said in the past about the Savings Bank.

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Mr Speaker, there is no breakdown in the normal way of laying on the table the follow-up requirements. Indeed, they can only be laid once the approval of this House has been given. There is nothing, therefore, that is contrary to the Constitution in what is being done. This action is in keeping with the advice the Government has as to how it must act and indeed with the practice in the past and entirely in keeping with the provisions of the Public Finance (Control and Audit) Act – if I may say so, Mr Speaker, in keeping with the practice not just under this Government but, as the hon. Gentleman ventured to suggest I might be saying, also in keeping with the practice of former Governments, even those led by the former, former, former, former Leader of the Opposition and the current Leader of the GSD when he was Deputy Chief Minister.

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So, Mr Speaker, I commend him on his return to the role of colonial book-keeper. So often the colonial book-keepers got it wrong in respect of Gibraltar, and I think part of the most important history of Gibraltar starts when the Chief Minister of Gibraltar starts to deliver the

1065 speech on the Budget for Gibraltar, which happened in 1988 under the first Bossano Budget. I
cannot resist but tell him that it was good to see him deploy in this place the riveting charisma
and ability to persuade which led him to the results he had in his leadership election last week
and to tell him that he need not fret about hospitals closing down or civil servants not being
1070 the Budget which would have had that affect, sensible heads prevailed on that side and sensible
heads prevailed on this side and our hospitals stayed open, our law enforcement agents
remained paid and Gibraltar did not fall into the bear trap that he sought to lay for our
community.

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

1075

Mr Speaker: I now put the question, which is that a Bill for an Act to appropriate further
sums of money to the service of the year ended 31st day of March 2016 be read a second time.

Hon. Chief Minister: Mr Speaker, I will call a division in respect of this Bill.

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Mr Speaker: A division is required.

Voting resulted as follows:

FOR	AGAINST	ABSTAIN	ABSENT
Hon. P J Balban	Hon. R M Clinton	None	Hon. Dr J E Cortes
Hon. J J Bossano	Hon. T N Hammond		Hon. D A Feetham
Hon. N F Costa	Hon. E J Phillips		Hon. Miss S J Sacramento
Hon. Dr J J Garcia	Hon. E J Reyes		
Hon. Ms M D Hassan Nahon			
Hon. A J Isola			
Hon. G H Licudi			
Hon. S E Linares			
Hon. L F Llamas			
Hon. F R Picardo			

1085 **Mr Speaker:** There are 3 Members absent, 8 votes in favour of the Second Reading of the Bill,
four against. The Bill is carried. The Second Reading of the Bill is carried by a majority.
(*Interjections*) (**A Member:** You said eight.) I said eight? I should have added the other two, sorry
my mistake. I have got them here – I am getting old! – 10 in favour, 4 against and 3 Members
absent.

Clerk: The Supplementary Appropriation (2015/2016) Act 2016.

**Supplementary Appropriation (2015/2016) Bill 2016 –
Committee Stage and Third Reading to be taken at this sitting**

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage
and Third Reading of the Bill be taken today, if all hon. Members agree – and, Mr Speaker, I do
hope I get old like you and Mr Bossano, because I would give money now to get there like you
have!

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the
Bill be taken today? (**Members:** Aye.)

**Public Finance (Statutory Benefits Fund) (Amendment) Bill 2017 –
First Reading approved**

1090 **Clerk:** A Bill for an act to amend the Public Finance (Statutory Benefits Fund) Act 2008.
The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Public Finance (Statutory Benefits Fund) Act 2008 be read a first time.

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Mr Speaker: I put the question that a Bill for an Act to amend the Public Finance (Statutory Benefits Fund) Act 2008 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

1100 **Clerk:** The Public Finance (Statutory Benefits Fund) (Amendment) Act 2017.

**Public Finance (Statutory Benefits Fund) (Amendment) Bill 2017 –
Second Reading approved**

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

The purpose of this Act is to correct an error within the original Public Finance (Statutory Benefits Fund) Act 2008. The amendment is in fact a technical correction of a drafting error which was noticed by officials recently and which inadvertently altered the position which existed in 2008, and in fact as drafted does not make sense.

The Public Finance (Statutory Benefits Fund) Act 2008 was introduced to replace existing funds as defined by the Statutory Benefits Fund. There exists a lot of legislation that refers to existing funds individually. Where other legislation designates moneys as receivable by existing funds, the purpose of the Public Finance (Statutory Benefits Fund) Act 2008 was to re-designate these such that they should be credited to the Statutory Benefits Fund.

Under the present wording of the Public Finance (Statutory Benefits Fund) Act 2008, section 4(1) reads:

There shall be credited to the Statutory Benefits Fund and not to the Existing Funds–

and then there is a list that follows, Mr Speaker. That list currently includes as a last point:

any moneys specified in any other law as being payable into the Statutory Benefits Funds.

1115 This section can only be intended to act as a catch-all to ensure that anything receivable by the existing funds is actually redirected by virtue of the Public Finance (Statutory Benefits Fund) Act 2008 to the then newly established Statutory Benefits Fund. By using the words ‘Statutory Benefits Fund’, all this section achieves is a circular approach, thereby defeating its original objective.

1120 There can be no need for a separate provision with the Public Finance (Statutory Benefits Fund) Act 2008 to credit moneys to the Statutory Benefits Fund where other laws refer to the Statutory Benefits Fund as the fund to be credited. The section only makes sense where other laws refer to the existing funds receiving money which should as from 2008 be receivable, by virtue of this Act, by the Statutory Benefits Fund.

1125 Mr Speaker, the amendment Act corrects a historical error and I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? No.

1130 I now put the question, which is that a Bill for an Act to amend the Public Finance (Statutory Benefits Fund) Act 2008 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Public Finance (Statutory Benefits Fund) (Amendment) Act 2017.

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**Public Finance (Statutory Benefits Fund) (Amendment) Bill 2017 –
Committee Stage and Third Reading to be taken at this sitting**

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

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Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Financial Services (Investment and Fiduciary Services) (Amendment) Bill 2017 –
First Reading approved**

Clerk: The Financial Services (Investment and Fiduciary Services) (Amendment) Act 2017.
The Hon. the Minister for Commerce.

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Minister for Commerce (Hon. A J Isola): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Financial Services (Investment and Fiduciary Services) Act be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Financial Services (Investment and Fiduciary Services) Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Financial Services (Investment and Fiduciary Services) (Amendment) Act 2017.

**Financial Services (Investment and Fiduciary Services) (Amendment) Bill 2017 –
Second Reading approved**

1155

Minister for Commerce (Hon. A J Isola): Mr Speaker, I now have the honour to move that the Bill be read a second time.

1160 As its title indicates, this Bill would amend the Financial Services (Investment and Fiduciary Services) Act. The amendments are required to support the Government's proposals for the regulation of distributed ledger technology (DLT), the technology which underpins decentralised virtual currencies but which also has a wide range of other applications in the financial services sector, such as clearing, settlement and other post-trade activities or claims or portfolio management.

Members will be aware of the work Government has been carrying out these past three years through three different consultation processes with the sector and the community more widely,

1165 both in Gibraltar and outside Gibraltar, to focus and explore the opportunities in DLT. Those consultations have led Government to believe that we should be one of the first jurisdictions in the world to introduce a regulatory framework for DLT businesses and providing the regulatory certainty that so many of them have asked for and we will now be delivering with effect from 1st January.

1170 Regulations have already been published and we know of a list of businesses waiting to file their applications with the Financial Services Commission on 1st January.

I would like to just briefly thank the working group – David Parody, Paul Astengo and Joey Garcia – for their work these past three years at no cost to Government, and of course the Financial Services Commission for their work, and Sian Jones, as well the rest of the private sector who have contributed and worked hard. We will be publishing, I expect next week, guidance notes on the nine core principles of the regulations that have already been published with the full support of the entire private sector, and I am grateful to all of them for making this happen.

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1180 The Financial Services (Investment and Fiduciary Services) Act provides for the regulation of both investment services and a range of controlled activities. The Government proposes that DLT services will be regulated by being made a controlled activity under that Act. For that purpose, this Bill makes some relatively minor but nonetheless important amendments to the Act.

1185 Many of the Act's regulatory powers provide that they may be exercised where doing so is for the protection of investors. As the provision of DLT services is in essence the transmission or storage of value belonging to others, service users will be customers of a DLT provider but will not necessarily be investors within the meaning of the Act. Accordingly, clause 2 inserts appropriate references to customers into the relevant provisions, a term which is already used in the Act – for example, under section 12(2)(f), which refers to making for the protection of investors or customers. The term 'customer' is not defined in the Act and so is used in its ordinary sense to mean a user of goods or services purchased from a business. It is deliberately wider than 'consumer', which would exclude business consumer.

I commend the Bill to the House.

1195 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

The Hon. Roy Clinton, the Leader of the Opposition.

Hon. Roy Clinton: Former. Thank you, Mr Speaker.

1200 As the Minister will be aware, I have been following quite closely the development of DLT and block chain and the underlying technology. I, of course, welcome anything that will enhance the product offering that Gibraltar has in financial services and other services, and this is certainly an area in which we are really at the very beginning of this type of business. Indeed, the SEC and certainly the FCA in the UK are still getting to grips with concepts such as initial coin offering and how on earth that should or should not be regulated and even what it is that it represents, whether an ICO is a security or not a security.

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1210 I appreciate and no doubt the Minister will emphasise that this particular Bill is not necessarily covering that type of financial ... or, not financial, the ICO concept, but I would be grateful if the Minister could clarify for the benefit of Members, certainly on this side of the House, when he talks about it being a Bill to protect investors, or rather extend the protection of investors to customers of licensees, what protection that would be.

1215 Is the Minister saying by extension that any customers of DLT-type licensees will be able to access the Investor Compensation Fund or some other type of fund? How will customers be effectively protected? Is it purely by way of regulation, or is it that these customers will be able to make a claim for compensation in respect of any losses? If so, on whom would that claim fall and how is it that the Minister would envisage that the potential new licensees would contribute

1220 to such a fund, if at all that is the intention, or is there some other intention by way a fund would be established for any potential claims – or is it to be completely unfunded and a call made on licensees individually or collectively? I would welcome any comment from the Minister in that respect. And, of course, if there is to be no compensation available to investors or customers, to what extent are we actually protecting them? Is there a risk to the jurisdiction, if anything does go wrong, that there would be a complaint that ‘we thought we were protected and we are not’?

1225 **Hon. A J Isola:** If the hon. Member will give way it might help him.

Hon. R M Clinton: Yes, certainly.

1230 **Hon. A J Isola:** When we talk about protection of investors we talk about what the financial services legislation does, and the regulatory powers that the FSC have, both in terms of licensing, regulation and supervision, are all focused on the protection of the investors. What we are doing in this Bill is simply saying that that regulatory oversight will now extend not just to investors but customers.

1235 So we are not talking about a compensation scheme. We are not going to compensate – nobody is. There is no fund, they do not have any access to the current compensatory schemes. We are simply extending the regulatory powers to cover not just investors but also customers. And why are we doing that? Because somebody who sets up a DLT business in order for it to be a controlled activity, they are not investors; these are shareholders, so they are customers. Somebody that a DLT firm holds or transfers an item of store or value, which is for example
1240 where a cryptocurrency could be – not only, but it could be a whole host of things – as customers of the firm that is licensed, the regulatory powers will extend to looking after them to make sure that the company they are customers of is regulated fully like any other financial services firm would be.

1245 So you must not confuse customers in the sense that what we are doing is offering compensation. What we are doing is expanding the power of the FSC to cover not just investors in a financial services firm but customers of a financial services firm. That is what we are doing by bringing it under the ambit of a controlled activity. If it is not a controlled activity it cannot be regulated. So the very small change we are doing here is by making DLT businesses which hold or transfer something of value as a controlled activity, it now becomes regulated – if that helps.

1250 **Hon. R M Clinton:** Mr Speaker, I am grateful for the Minister’s intervention, and certainly it does illuminate what it is that the Government is thinking in this respect.

1255 Having heard what he just said, of course I am conscious that there are all sorts of different types of licensees within financial services – for example, trust company managers may have a certain class of licence but are obviously not entitled to claim compensation from certain funds – but given that we are dealing with what are some very new concepts and that people may have not fully understood all these concepts, certainly not customers, or customers will understand what it is they are signing up to as this is new stuff and I think even the law is still being written on this, just perhaps a word of caution in future to make sure that there is a health warning that,
1260 although you may be licensed by the FSC, it does not necessarily mean that you are going to get any compensation, there is no safety net. *(Interjection)* Again, only a suggestion to the Minister. I am not saying he should do it; I am just saying given that ...

1265 Certainly from the contributors to the cryptocurrency conference in the summer – which was very interesting, having come from a highly regulated banking background myself – they have a rather, dare I say it, ‘wild west’ view of what it is that they think they can do with things like initial coin offerings: ‘Isn’t it great your grandmother can invest her life savings in this and they do not have to have a minimum \$100,000 wealth to do so.’

1270 I am just a bit conscious that this is something new, this is something that we are all learning about and there may be some customers out there who may not fully understand what it is that they are covered for or not covered for, and this is something that ... I think it would be wise to make sure that whoever does have a licence does not put out on their main banner on whatever website saying 'Licenced by the Gibraltar Financial Services Commission' and there is an assumption that somehow we are on the hook for it. Again, only a suggestion. I am not saying that this is something that he has to do, but this is something new, this is something that we ...

1275 Again, I welcome the initiative of the Government to look into this, but as I said at the beginning, caution would be wise and I am sure that the Minister has taken advice on this and will continue to take advice on it, because this is obviously something that will change literally by the day in terms of how regulatory authorities around the world view this.

1280 Other than that, and given the Minister's intervention already, I have no further comments on the Bill.

Thank you, Mr Speaker.

Mr Speaker: Does any other hon. Member wish to speak on the Second Reading of the Bill? Yes, the Hon. the Leader of the Opposition.

1285 **Hon. E J Phillips:** Mr Speaker, we on this side of the House welcome any action taken by the Minister for Financial Services in relation to the extension of the regulatory framework to DLT and, as the Minister said, in relation to underpinning decentralised currencies in relation to extending it for supervision, regulation and indeed enforcement.

1290 We would also welcome the focus and the exploration of opportunities that is being conducted by the Government in this field. I have been fortunate enough to speak to many law firms in London recently, particularly very large London law firms with American outfits, and their view is that Gibraltar really is trailblazing in DLT and this is a very welcome piece of legislation that extends the framework to DLT.

1295 And of course this House should also recognise, as the Minister has done, the work that has been done by David Parody, Paul Astengo, the FSC generally and also Joey Garcia as well.

1300 Therefore, we agree with the comments that the Minister has made in relation to DLT and the regulated controlled activities. From my perspective, in terms of wearing my other hat outside this House, I have had a lot of exposure to DLT insofar as the risk strategy, KYC and the many questions that people have in relation to this aspect of DLT, and many of those questions have been answered by the consultation that the Government has conducted.

1305 I take it from the Minister and what he is saying about DLT generally that as with gaming, although I do not link the two, that the Government is looking to attract blue-chip business to our community because that is what works here and our experience has shown that encouraging blue chip will only increase the reputation of our jurisdiction to attract good business into Gibraltar – and also we welcome it from this side of the House.

Mr Speaker: The Hon. the Chief Minister.

1310 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I rise simply to, I think, highlight importantly the work that has gone into this, the amount of travel that has been involved to get out the message that Gibraltar is, as the Hon. the Leader of the Opposition has put it, trailblazing in DLT. That reflects the amount of industry that this has required on the part of the hon. Member for Financial Services, Gaming and Commerce and his team.

1315 The hon. Members have mentioned Parody, Astengo, Garcia, Sian Jones, and in particular it is right to mention also Isola. I think the work that the hon. Member has done is recognised as having got the Gibraltar message out there, and that message is producing an understanding of the exciting opportunities that Gibraltar now offers – especially once the Act is on our statute book – that has not been lost on the international business community.

1320 I think that our prudence, our understanding of cutting-edge technology and industry produce the opportunities that Gibraltar is now poised to take advantage of and I commend the hon. Member for the work that he has done and the importance it will have for Gibraltar, not just now but I think in the future.

1325 Mr Speaker, I say nothing more than that I think I heard two slightly different speeches from the other side, but I am pleased that they both concluded in commending the hon. Member for the work done and suggesting that they are going to be supporting the Bill. One was from the current Leader of the Opposition and one from the former Leader of the Opposition, but I did detect a slightly different approach in each of them.

1330 **Mr Speaker:** Does the mover wish to reply?

Hon. A J Isola: Yes, Mr Speaker.

1335 I am grateful to the Chief Minister for his kind words, and indeed the Leader of the Opposition for his clear and categorical support for the work that has gone in and what we are doing. If I can just deal with the points that he has made first, the philosophy behind this is to attract long-term sustainable business to our community. That, by definition, requires us to ensure that we set the bar at a high post where we will attract those quality operators, because what we have learned from the gaming experience is that if you attract quality operators they themselves attract new business. That is what has worked so well for us in gaming and we hope
1340 will work for us similarly in this space.

Like in the previous example, we are insisting that DLT firms have their mind and management in Gibraltar. There is no question of a firm having a shelf company with a licence operating from somewhere else. They will have to have their mind and management here in Gibraltar and the care that the FSC will take in reviewing these applications is a part of that blue-
1345 chip process in ensuring that we attract the kind of firms that we want to be here and partnering up with us. That is a very important part of the work that will now start as we sift through the applications that are pending and will come in in the coming months and years.

It is an exciting time. We are trailblazing and we are doing so in the same way that we have done before, which is with enormous caution and with great care. However, when you start
1350 talking about ICOs, as the former Leader of the Opposition just did, we are talking about a totally different space and I would urge him not to confuse the two. What we are doing today is dealing with a block chain technology. Only last week the House of Lords issued a report in which they revealed that the UK government should consider adopting block chain for its own systems internally. There is a group of 40 banks with IBM, called R3, that are considering the further
1355 expansion and use of block chain, and every day in *The Telegraph*, in *The Times* and in the *FT* and all the business journals and newspapers they are reflecting an increased interest and investment in the technology – and that is what we are doing today. We are not talking about tokens; we are simply talking about DLT block chain technology and how that can be operated, and by definition it includes the holding of value in whatever form that may take.

1360 Now, tokens, I have to say that the extent of the number of token sales being done through Gibraltar is something that is causing us some concern. We are moving as quickly as we possibly can to regulate token sales too in order to ensure that those people who are dealing initially in token sales have a minimum level of corporate governance, have a minimum level of transparency of information with all the health warnings the hon. Member has referred to, in
1365 order that customers and consumers are absolutely clearly aware of the risks they are undertaking in investing in tokens.

I hope that we will be able to issue very early in 2018 the new proposed regulations for coin offerings, which will, I think, to some extent replicate what you have when you have an IPO either on the FTSE or on AIM, a Nomad or a sponsor, so somebody is going to take responsibility
1370 for the filing of that documentation which will have to confirm that it complies with the regulations that we will publish as to how we expect token sales to be made.

1375 That is the risk area. We are fully aware of that and we are working very hard to try and get there as quickly as we can, but it is complicated and it requires some significant drafting to be able to deal with that. But in respect of this, we are dealing with a very different kind of business and the two must not be confused with each other.

1380 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Financial Services (Investment and Fiduciary Services) Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Financial Services (Investment and Fiduciary Services) (Amendment) Act 2017.

**Financial Services (Investment and Fiduciary Services) (Amendment) Bill 2017 –
Committee Stage and Third Reading to be taken at this sitting**

1385 **Minister for Commerce (Hon. A J Isola):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE AND THIRD READING

1390 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should now resolve itself into Committee to consider the following Bills clause by clause: the Supplementary Appropriation 2015/2016 Bill 2006, the Public Finance (Statutory Benefits Fund) (Amendment) Bill 2017 and the Financial Services (Investment and Fiduciary Services) (Amendment) Bill 2017.

1395

In Committee of the whole Parliament

**Supplementary Appropriation (2015/2016) Bill 2016 –
Clauses considered and approved**

1400 **Clerk:** A Bill for an Act to appropriate further sums of money to the service of the year ended 31st March 2016.

1405

Chief Minister (Hon. F R Picardo): Mr Speaker, as I indicated in the context.

1405 **Mr Speaker:** Clause 1: the date 2016 appearing after the word Act should be amended to read 2017. Do all Members agree with that amendment? Carried.

1410

Clerk: Clauses 2 to 6.

Mr Speaker: Stand part of the Bill.

1410

Clerk: The schedule.

Mr Speaker: Stands part of the Bill.

Clerk: The long title.

1415 **Mr Speaker:** Stands part of the Bill.

**Public Finance (Statutory Benefits Fund) (Amendment) Bill 2017 –
Clauses considered and approved**

1420 **Clerk:** A Bill for an Act to amend the Public Finance (Statutory Benefits Fund) Act 2008.
Clauses 1 to 3.

Mr Speaker: Stand part of the Bill.

Clerk: The long title.

1425 **Mr Speaker:** Stands part of the Bill.

**Financial Services (Investment and Fiduciary Services) (Amendment) Bill 2017 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Financial Services (Investment and Fiduciary Services) (Amendment) Act 2017.
Clauses 1 and 2.

1430 **Mr Speaker:** Stand part of the Bill.

Clerk: The long title.

1435 **Mr Speaker:** Stands part of the Bill.

**Supplementary Appropriation (2015/2016) Bill 2016;
Public Finance (Statutory Benefits Fund) (Amendment) Bill 2017;
Financial Services (Investment and Fiduciary Services) (Amendment) Bill 2017 –
Third Readings approved: Bills passed**

Mr Speaker: The Hon. Chief Minister.

1440 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Supplementary Appropriation (2015/2016) Act 2016, the Public Finance (Statutory Benefits Fund) (Amendment) Bill 2017 and the Financial Services (Investment and Fiduciary Services) (Amendment) Bill 2017 have been considered in Committee and agreed to with an amendment and I now move that they be read a third time and passed.

Mr Speaker: I will now put these Bills to Members separately.

1445 I now put the question, which is that the Supplementary Appropriation (2015/2016) Bill 2017 be read a third time and carried. Those in favour? (**Several Members:** Aye.) Those against? (**A Member:** Nay.) The official Opposition, I take it, are voting against. The two independent Members are voting in favour. That has been read a third time and passed.

1450 Next, I put the question, which is that the Public Finance (Statutory Benefits Fund) (Amendment) Bill 2017 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried unanimously.

1455 Thirdly, I put the question, which is that the Financial Services (Investment and Fiduciary Services) (Amendment) Bill 2017 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

Hon. Chief Minister: Mr Speaker, it has been the longest year in many respects. Not only have we happily together celebrated the 50th anniversary of the Referendum, we have celebrated the 200th anniversary of this building.

1460 We come now towards the end of the year and I am about to move that the House should adjourn *sine die*. Before I do that, I want to wish hon. Members a happy Hanukkah and Festival of Light – I think it comes first – a happy Christmas to all on all sides of the House and a very happy, healthy and prosperous New Year to all Members of the House and all those watching in this community, and indeed to the whole of this community.

1465 Two thousand and eighteen will be as testing a year, no doubt, as 2017 has been, but with industry and with hard work Gibraltar will see us through. Mr Speaker, I hope to return here in January to see all hon. Members prospering in every way – except politically, as far as I am concerned, for those opposite – and having done my bit to increase the population of this place so that Gibraltarians keep on growing. (**A Member:** Hear, hear.)

I move that the House should now adjourn *sine die*.

1470 **Mr Speaker:** The Hon. the Leader of the Opposition.

1475 **Hon. E J Phillips:** Mr Speaker, I echo the comments, save for the last one in relation to whether we will flourish in Opposition; but I echo the comments insofar as wishing our community and Members opposite a very happy Christmas, a happy New Year and a happy Hanukkah to my hon. Friend to the left.

Mr Speaker: May I add my best wishes to all hon. Members and all other persons present here, including the staff of Parliament, for a very Happy Christmas and a peaceful 2018.

1480 The House will now adjourn *sine die*.

The House adjourned at 5.10 p.m.