



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.

Hon. D A Feetham: Mr Speaker, the original question relates to the possibility of the Victoria
165 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.

In the context of that, there are certain requirements which are of UEFA and certain
180 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
190 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
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.

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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.

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.

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 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**

Clerk: Question 100, the Hon. T N Hammond.

415

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?

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

420

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.

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?

Hon. P J Balban: Mr Speaker, shortly –

430

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'.

440

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

GIBRALTAR PARLIAMENT, MONDAY, 13th FEBRUARY 2017

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

GIBRALTAR PARLIAMENT, MONDAY, 13th FEBRUARY 2017

	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?

680

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 116 and 132.

685

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.

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.

705

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.

720



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 CEPSA 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 CEPSA 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 Autonoma* 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.

780 I would like to think it was as a result but we must remember that there have been other 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 the Minister with his greater and more in-depth knowledge will certainly know that it has had an 815 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.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
860 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.

1065 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?
1075

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.

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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.

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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!

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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.

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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.

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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?

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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, 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.

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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 Gibraltarian-Syrian girl his friend by doing what she has asked him to do.

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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.

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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.

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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.

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Hon. S E Linares: Is there a question?

Mr Speaker: The Leader of the Opposition.

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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.

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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?

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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 –

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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.

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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.

1715 **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.

1730 **Hon. Ms M D Hassan Nahon:** How many teaching posts are currently vacant and being acted?

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

1735 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):** 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.

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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.

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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?

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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, 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.

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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.

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1980 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.

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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.

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Hon. Ms M D Hassan Nahon: Oh, okay.

Hon. Chief Minister: This is very important, with respect –

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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.

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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*)

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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*)

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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.

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But I honestly cannot understand why Parliament –

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Hon. Chief Minister: Mr Speaker, can I –

Mr Speaker: – should be having a debate –

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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?

2055

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.

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.

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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)*

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.

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 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 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.

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 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.'

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, Mr Speaker.

Mr Speaker: I am not aware that the Speaker's authority extends beyond the boundaries of this building!

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 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.

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Q180/2017
Government rental homes –
Squatters

Clerk: Question 180, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing say how much expenditure has been incurred in respect of legal costs relating to the eviction of squatters from Government rental homes since 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. –

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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?

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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.

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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.

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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.

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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.

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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.

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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.

190 **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'.

195 **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.

200 **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.

205 **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?

215 **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?

220 **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.

225 **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?

230 **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.

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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?

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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.

265

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?

270

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.

285

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.

405

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.

410

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?

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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.

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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.

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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.

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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.

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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 the things are apportioned accurately where they should go.

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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 me to the chart in the official Annual Estimates of Revenue and Expenditure, which will be that one.

480

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 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.

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Hon. J J Bossano: Mr Speaker, I do not ask that level of detail. I know that the money is 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 at, £25 million a year. Or didn't he notice that in the book?

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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 will perhaps ask whether there is anything further that can be said to the Chief Minister's contribution.

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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.

635 **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?

640 **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.

645 **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.

650 **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?

655 **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.

Mr Speaker, there are currently 12 people on the waiting list for domiciliary care since 16th January of this year.

665 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?

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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 –

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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.

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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]

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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)*

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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.

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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.

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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.

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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.

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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.

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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.

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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.

1030 **Several Members:** Hear, hear. *(Banging on desks)*

1035 **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.

1040 **Hon. Chief Minister:** Have I?

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.

1060 **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?

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.

1135

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.

1140

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!

1145

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.

1150

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.

1165

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.

1180

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.

1205

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.

1330

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.

1340

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?

1355

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

1360 **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.

1370 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.

1375 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%.

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.

1495 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*)

1500 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.

1510 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.

1515 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.

1520 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.

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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 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
1925 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.

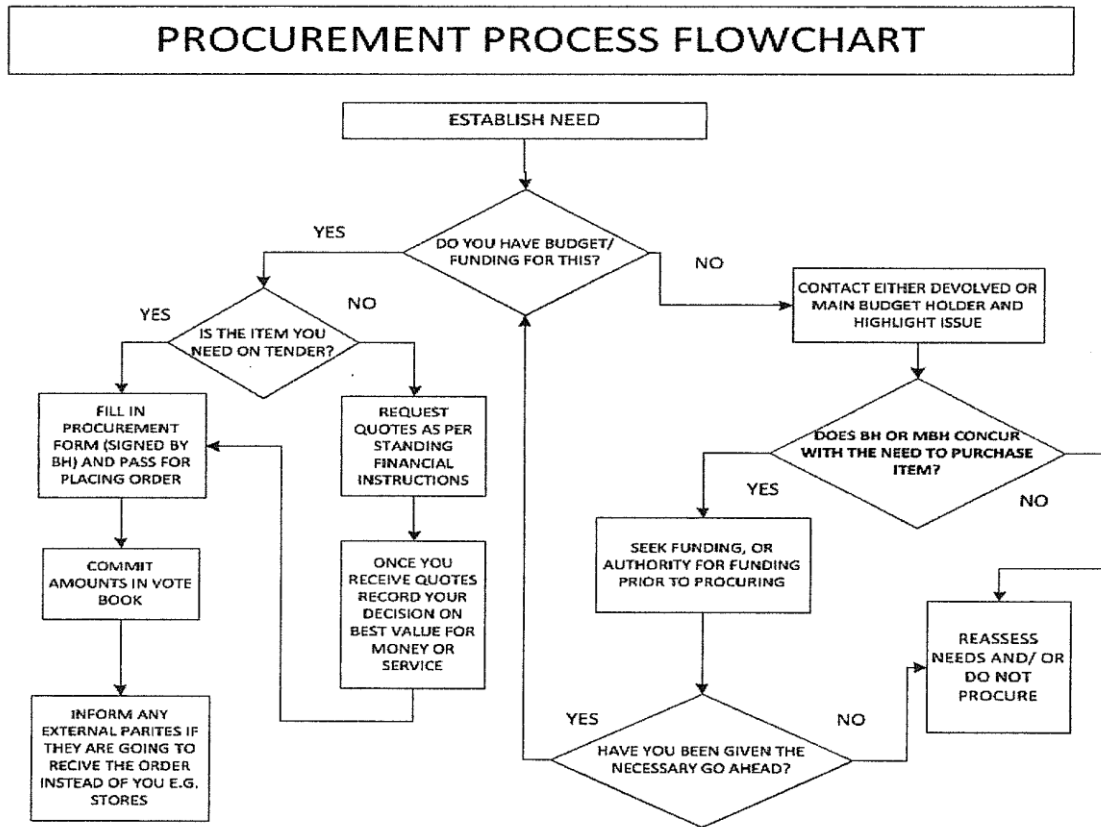
2075 Prior to placing any order, due diligence is carried out by the specific Department submitting the request and subsequently countersigned by the respective budget holder.

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.

70

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.

75

80

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							£189	£9,523		£190	£11,010		
MNIM Projects														
BT	Land line charges	£2,233	£2,037			£1,024			£2,530		£1,352	£1,881	£1,617	£1,480
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		£210	£8	£1,461	£984
Viking								£2,751						
Whitehouse Appt	Director's Rent	£4,766	£2,383		£2,723	£3,037	£6,413	£2,751	£66	£1,165	£2,751	£2,751	£3,010	£2,751

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.

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!

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?
310

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.
315

Mr Speaker: Next question.

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?
320

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.
325

Hon. L F Llamas: Just one final supplementary. Would it be possible to ask for just one month in particular?
330

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.
335

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.
340

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.
345

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:

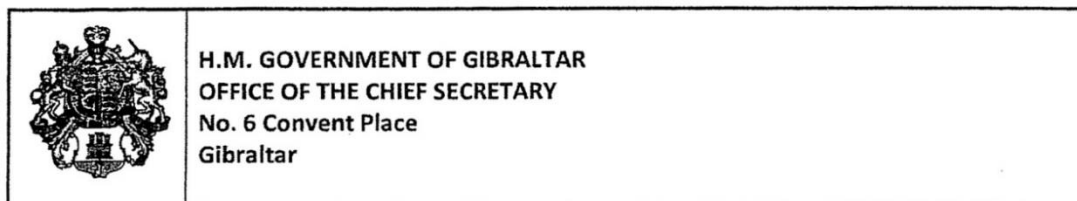
- (i) the purchase of any one article the estimated cost of which does not exceed £1,000; or
- (ii) the purchase of a quantity of the same article or of a quantity of different articles where (1) the estimated unit cost of any such article does not exceed £1,000 and (2) the estimated total cost of such 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

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.

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 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 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 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 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 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 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?

795 **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.

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.

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Mr Speaker: I now put the question, which is that the Public Health (Amendment) Bill 2017 be read a third time and passed.

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

820

PRIVATE MEMBERS' MOTIONS

**Savings Bank (Amendment) Bill –
Leave to introduce not granted**

Clerk: Private Members' motions, the Hon. R M Clinton.

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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.

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.

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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.

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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.

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:

840

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 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
1100 **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
1105 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
1110 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 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
1120 £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 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
1125 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 investments? Is it that he does not want the public to see on a timely basis what he is doing with 1185 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.

1220 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 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.

1245 **Hon. R M Clinton:** Yes, there has.

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.

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
1355 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.

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
1370 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.

My embarrassment, however, Mr Speaker, would have quickly turned to anger and my
1380 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.

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
1390 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.

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.

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
1530 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.

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
1535 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
1540 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
1545 House could be more efficient –

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.
1570 Member disagrees with me he can say so. Because of events outside our control it has become

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?

1650

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.

1665

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
1670 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
contribution and therefore I will not allow her to speak once again once the amendment has
1680 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 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 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.

1770 **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 residents of the elderly care facilities that the Government is running.

1775 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 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.

2235 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.

2240 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.

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.

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.

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.

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.

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 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.

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 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 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.