



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.

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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?

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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, 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

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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.

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Mr Speaker, it will not have escaped the notice of the hon. Lady that I have been very keen to stress that in order for the hospital to be a properly functioning hospital and for there to be high morale among the surgeons and for patients, of course, to receive what I always say has to be empathic, compassionate, high-quality medical care, there has to be lead in all areas of the GHA.

85

I have also said in this House and outside that there has to be, in terms of administration, a facilitation and support of the clinical functions and not the other way around. In other words, GHA management and my office have to be there to support and provide the resources needed by the clinicians to be able to lead.

90

In terms of formal clinical management positions, I am able to say that the following are leads: in Accident and Emergency there is a clinical lead; in diagnostics, which is pathology and radiology, there is a clinical lead; there is also a clinical lead in ITU and anaesthesia; also a lead in surgical departments; also a clinical lead in the medical department; and there are also three GPs at the Primary Care Centre who take clinical leads.

95

As the hon. Lady may know, the Deputy Medical Director is Dr Krish Rawal, who is, as the hon. Lady knows, quite a popular GP and who receives many kudos and very positive feedback for the work that he does.

In addition to everything that I have also said, I am very keen indeed to ensure that the advisory structures that my hon. predecessor Dr John Cortes introduced, where there is full clinical input and advice into the management structures, are buttressed and reinforced, and to that end I have had meetings with the Medical Director and the Deputy Medical Director.

100

I remind the House that there are also in the Medical Advisory Committee, which is a statutory board that – without wishing to start the morning being too political – a statutory board that had not met in 16 years. That has met three times already during the course of this year. We have clinical leads – in other words, members who are clinicians and who have full voting rights. In other words, the whole policy and thrust of the reforms being conducted by the Hon. Dr John Cortes, and myself following on from his solid foundations, is to ensure that at every single stage of the GHA there is clinical input and there are clinical leads in all areas.

105

DEPUTY CHIEF MINISTER

Q202/2017

**Gibraltar London office –
Schedule of payments**

110 **Clerk:** We now move to Question 202, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a schedule of payments made since December 2011 by the Gibraltar office in London over £5,000 within any financial year to the same individual or entity, including (a) name of individual or entity, (b) payment, (c) date, and (d) description of payment?
115

Clerk: Answer, the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker. I am told that the compiling of the answer to this question requires a disproportionate administrative effort, since the information with regard to payments to suppliers made from financial years 2011-12 to 2015-16 is not available in electronic format and would mean going through the payments book payment by payment, manually.
120

However, we nevertheless have the information requested for the current financial year as this information is now saved electronically, and I will hand over the schedule to the hon. Member for the financial year 2016-17.
125

Hon. L F Llamas: Mr Speaker, could I ask the Hon. Minister if it is possible to know the name of the political consultant employed receiving a monthly sum, given that I asked if it could be possible that the name of the individual entity be disclosed.
130

Hon. Dr J J Garcia: Yes, Mr Speaker, the Government has no objection to giving the name to the hon. Member, but if he would prefer to do so in the anteroom rather than publicly across this House.
135

Mr Speaker: Yes, the Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, I am grateful to the Hon. Minister for this schedule. I do not know whether this is sensitive or not, but could he identify who the political consultant is that we are paying between £1,500 to £2,000 a month is?
140

Hon. Dr J J Garcia: Mr Speaker, the hon. Gentleman just asked the same question.

Hon. R M Clinton: Oh, my apologies, Mr Speaker. I was busy – I was deep in numbers.

Answer to Question No 202/2017

-Supplier	Service/Description	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17
Political Consultant	Consultancy	£1,500	£1,500	£1,500	£1,500	£1,500	£1,500	£1,500	£1,500	£2,000	£2,000	£2,000	£2,000	£2,000
Callaghan														
Insurance brokers	Building insurance									£12,263				
EON	Electricity and Gas		£4,318						£4,030		£4,293			£4,200
Fishmongers	HRH Reception													
Flightcentre	Flight bookings		£666		£1,546	£6,859	£1,060		£379				£610	£1,976
Fulham Palace	Gib Day			£4,800		£9,900								
House of commons	A Poggio retirement													
Lloyds building	Gib Day						£6,379					£574	£7,059	
	IT													
	Maintenance/Web Hosting/New IT													
Lynx	Equipment	£2,957	£6,459	£6,576		£2,007			£7,097		£9,232			£1,985
	Building maintenance							£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.

210 **Hon. R M Clinton:** Thank you, Mr Speaker. I am grateful to the Hon. Minister for his answer. In relation to the Mount, and looking at this from a heritage point of view, can the Government confirm that they will,, whichever expression of interest they consider, that it will certainly be a condition of any development that the Mount is preserved as it is, including the gardens as they are, and that there will be no alteration to the current site at present as it stands? I am sure that the hon. Member will agree that it is a heritage site *par excellence*.

215 **Hon. Dr J J Garcia:** Mr Speaker, I think if we do what the hon. Member suggests then there will be no project, no development, no tender and no expressions of interest for the Mount.

220 What I can say certainly is that the Government is very conscious and very aware of the heritage constraints and also of the environmental constraints that will apply to any project which takes place at the Mount, and that in any case it would need to go through the planning process, where those considerations would be fully safeguarded.

Hon. R M Clinton: Mr Speaker, if I understand the hon Member correctly, is he implying that he would accept some alteration, if not to the building to the current grounds around the Mount?

225 **Hon. Dr J J Garcia:** Mr Speaker, what I said is that this is hypothetical at this stage, so really it very much depends on the nature of the project that comes forward and whether it is something which the Government would like to see from a Landlord point of view or not. But then, independently to the Government as landlord, there are also planning considerations which are enforced by the Development and Planning Commission, so they would also safeguard heritage, environment and all the other considerations which the hon. Member is concerned about.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister.
235 In terms of the new Heritage Act, is it envisaged that the Mount and its gardens will be included in the schedule as a listed building, or not? And from the hon. Member's answer, would he then accept some kind of construction in the gardens around the Mount?

Hon. Dr J J Garcia: Mr Speaker, it is too early to tell. What I can say certainly is that the Mount is not a listed building at present and I have not seen the proposed list of schedules in the new heritage legislation but I am told that it is not included in the proposal either. But we need to wait, because that is something which obviously my hon. colleagues are dealing with.

Hon. R M Clinton: Would the hon. Member then undertake, or at least seek, that the Minister responsible for Heritage includes it in the schedule for listing?

245 **Chief Minister (Hon. F R Picardo):** Mr Speaker, we are talking about a schedule to an Act which is not yet a Bill that is before this House. And so, Mr Speaker, I think that the hon. Gentleman has to accept that we should not be pursuing this line further. If he wants to make that one of the things that he says during the course of the presentation of the Bill when it comes, he can give us a whole list of the things that he thinks should be in the schedule, which the Government may or may not agree. But now is not the time to be dealing with whether there is going to be a particular item on a particular schedule of a Bill that is not yet even published.

255 **Mr Speaker:** Any other supplementary?

Chief Minister (Hon. F R Picardo): Mr Speaker, can I invite the House to recess for 15 minutes.

The House recessed at 10.28 a.m. and resumed its sitting at 10.46 a.m.

CHIEF MINISTER

Q209/2017

**Former coach park site –
Update on sale and development**

260 **Clerk:** We now continue with questions to the Chief Minister.
Question 209, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, further to Question 255/2016, can the Government provide an update on the sale and development of the former coach park site?

265 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Yes, Mr Speaker, detailed negotiations continue and an announcement will be made in due course.

270 **Hon. L F Llamas:** Mr Speaker, would it be possible to know why, whilst negotiations are being undertaken, the car park is not open for the public to use in the interim?

275 **Hon. Chief Minister:** Well, Mr Speaker, because there is a new 1,000-space car park which has been opened a little bit further down and which resolves most if not all of Gibraltar's parking problems, and in the interim that site may be necessary as a laydown area for other developments around it, and indeed we need to have exclusive possession to grant when the negotiations are finished.

280 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer.
Would he be able to advise the House whether there is still an intention to develop a Marriott hotel on the site?

Hon. Chief Minister: Mr Speaker, there is still the intention to develop a hotel on the site.

Q210/2017

**Government employee overtime –
Schedule of payments**

285 **Clerk:** Question 210, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide a monthly schedule since January 2012 of employees of the Government, Government-owned companies, agencies and authorities, who have earned in excess of £2,000 in overtime and/or allowances in a month, broken down into (a) post, (b) grade and (c) department, agency, authority or company?

290 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the information requested is too voluminous to obtain. Nevertheless, a total of all time spent or all amounts spent in overtime or allowances is published in the Estimates book of Revenue and Expenditure annually.

295 **Hon. L F Llamas:** Mr Speaker, does that mean that if I bring the question another month I will not be able to obtain the answer due to the voluminous work necessary to be able to provide an answer?

300 **Hon. Chief Minister:** Well, yes, Mr Speaker, because this essentially means going through the overtime of every single officer of the Government, the Government-owned companies, the agencies and authorities, to check what they have earned in overtime over a period of five years and to give that information to the hon. Gentleman.

305 I know that they want to go to the next election saying we have not fulfilled our manifesto commitments – they would achieve that if we had most of the people who work for us doing this work for them!

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

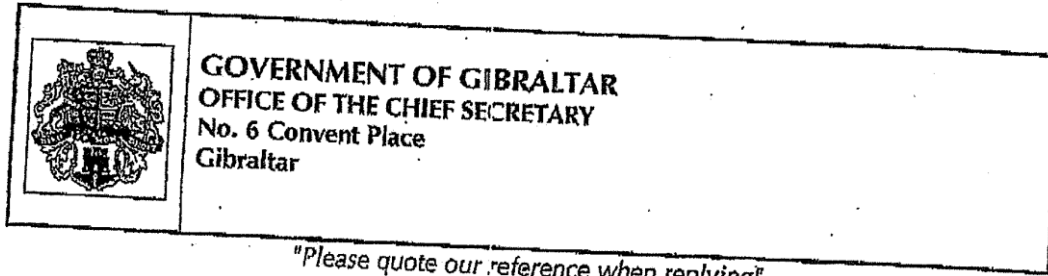
I am conscious that the hon. Lady brings Question 222 – I think she has just been inconvenienced and stepped out.

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.



"Please quote our reference when replying"

Your ref:
Our ref: 498R/2 (26)

07 February 2007


To Head of Departments/Head of Units

NEW TENDER THRESHOLDS

With effect from 12 February 2007, Regulation 5 of the Financial (Tender Boards and Tender Procedures) Regulations should be deleted and substituted with the following wording:

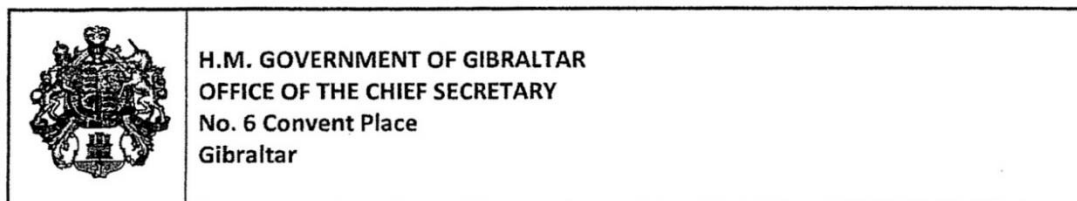
"5.(1) This Regulation shall not apply to:

- (i) the purchase of any one article the estimated cost of which does not exceed £1,000; or
- (ii) the purchase of a quantity of the same article or of a quantity of different articles where (1) the estimated unit cost of any such article does not exceed £1,000 and (2) the estimated total cost of such quantity does not exceed £2,000; or
- (iii) the performance of services the estimated cost of which does not exceed £3,000;
- (iv) the performance of any works the estimate cost of which does not exceed £15,000, provided that works estimated to cost between £5,000 and £14,999 shall only be performed after quotations are obtained through the Procurement Office from at least three suitably qualified contractors.


R P Armstrong
Assistant Chief Secretary

Telephone No: (350) 70071, Centrex 2800; Fax No: (350) 40922, Centrex 2856; e-mail: richard.armstrong@gibraltar.gov.gi

Answer to Question No. 212/2017



"Please quote our reference when replying"

10 January 2014

Your ref:
 Our ref: 6457B

CIRCULAR TO ALL HEADS OF DEPARTMENT

TENDER THRESHOLDS FOR GOVERNMENT DEPARTMENTS

(1) Local Tenders

The local procurement tender thresholds are being revised as from 1st January 2014 as follows:

	<u>CURRENT</u>	<u>REVISED</u>
Supply (for one item)	£1,000	£1,500
Supply (for a number of the same item)	£2,000	£3,000
Services	£3,000	£4,000

As regards works the threshold is increased from £15,000 to £20,000. In the case of works costing between £5,000 and £20,000 these should be put through a Selective Tendering Process (i.e. a quotation system) with at least three quotes obtained from contractors within the Approved Contractors List.

(2) EU Tenders

In addition, Controlling Officers should note that H.M. Government of Gibraltar is bound by the Procurement (Public Contracts) Regulations, 2012. These regulations set out detailed procedures for the award of contracts whose value equals or exceeds specific thresholds. As from the 1st January 2014 to 31st December 2015 the new threshold levels are as set out below, and any contract that is in the region of or exceeds these values must be put out to EU Tender.

<u>SUPPLIES</u>	<u>SERVICES</u>	<u>WORKS</u>
£172, 514	£172,514	£4,322,012

This notice supersedes the previous instructions issued on 7th February 2007.

E Gomez
 Chief Secretary

Answer to Question No. 222/2017



HM Government
of Gibraltar

Office of the Chief Secretary

Your ref:
Our ref: 6457B(2)

30 March 2016

**CIRCULAR TO ALL HEADS OF DEPARTMENT, CHIEF EXECUTIVES,
AUTHORITIES AND AGENCIES**

TENDER THRESHOLDS FOR ALL CONTRACTING AUTHORITIES

(1) Local Tenders

Controlling Officers are reminded that the local procurement tender thresholds are currently as follows:

- | | |
|--|---------|
| • Supply (for one item) | £1,500 |
| • Supply (for a number of the same item) | £3,000 |
| • Services | £4,000 |
| • Works | £20,000 |

In the case of works costing between £5,000 and £20,000, these should be put through a Selective Tendering Process (i.e. quotation system) with at least three quotes obtained from Contractors within the Approved Contractors List.

(2) EU Tenders

In addition, Controlling Officers should note that HM Government of Gibraltar is bound by the Procurement (Public Contracts) Regulations 2012. These regulations set out detailed procedures for the award of contracts whose value equals or exceeds specific thresholds. As from 1st January 2016 to 31st December 2017 the new threshold levels are as set out below, and any project that is in the region of or exceeds these values must be put out to EU Tender.

- | | |
|-------------------------|------------|
| • Supplies and Services | £164,176 |
| • Works | £4,104,394 |

Any queries should be directed to the Procurement Office procurement@gibraltar.gov.gi or telephone 20051631.

This notice supersedes the previous instructions issued on 10th January 2014.

E Gomez
Chief Secretary

Office of the Chief Secretary

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390

Hon. Chief Minister: These set out the criteria requested by the hon. Lady also.

Although these are internal documents, they simply set out thresholds and criteria, and in order to assist the House I am adding the 2007 directive also, which Members will see is not as full as those issued in our time and which, surprisingly, omits the requirement of EU procurement rules which were already directly effective but appear to have been ignored by the former administration.

395

Mr Speaker: I would suggest that, if necessary, we come back to these questions later, once hon. Members have had an opportunity to peruse the schedule.

400 Next question then, number 213.

Q213/2017
United States representative –
Associated costs

Clerk: Question 213, the Hon. E J Phillips.

405

Hon. E J Phillips: Can the Government state the costs associated with our representative in the United States?

Clerk: Answer, the Hon. the Chief Minister.

410

Chief Minister (Hon. F R Picardo): Mr Speaker, Mr Liston does not receive any remuneration for his services as our official representative in the United States. He receives \$3,750 quarterly to cover expenses that may arise in connection with the Gibraltar American Council.

Q214/2017
Parliament Building –
200th anniversary

Clerk: Question 214, the Hon. R M Clinton.

415

Hon. R M Clinton: Mr Speaker, can the Government advise if it has any plans to mark the 200th anniversary of the construction of the Parliament Building?

Clerk: Answer, the Hon. the Chief Minister.

420

Chief Minister (Hon. F R Picardo): Mr Speaker, arrangements are in hand to celebrate in a suitable and appropriate manner. The Government will make an announcement as to the manner of the celebrations in due course.

I am sorry to disappoint the hon. Gentleman when I tell him that he should not expect anything too grand as we are not going to blow money extravagantly pushing the boat out.

425

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer and his concern for cost.

Would the Chief Minister consider looking for the time capsule which was buried with the building when the foundation stone was laid?

430

Hon. Chief Minister: Mr Speaker, I think the answer to that is no, and I think there are good reasons why we will not be doing that but I cannot remember right now what it was I was told when that was first raised with me about two years ago. I remember there were good reason and if he likes, I will try and refresh my memory on that and share that with him. So I would suggest he stops digging.

435

Q215/2017
Senior Civil Service positions –
Terms of employment

Clerk: Question 215, the Hon. R M Clinton.

440 **Hon. R M Clinton:** Mr Speaker, can the Government advise which two of the current posts of Chief Secretary, Financial Secretary, Attorney General and Principal Auditor are under contract and also which two of these four posts are not considered to be civil servants, and if so why?

Clerk: Answer, the Hon. the Chief Minister.

445

Chief Minister (Hon. F R Picardo): Mr Speaker, I can confirm that the four posts which the hon. Member is referring to in his question are Civil Service posts. The current incumbents in the role of Financial Secretary and Attorney General are employed on contract terms. Therefore they are not considered civil servants.

450

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer.

The Financial Secretary and the Attorney General, two of the most senior posts in Government, am I correct in what he has just said is that they are not considered civil servants and therefore would not follow the normal rules that would attach to civil servants – or did I misunderstand him?

455

Hon. Chief Minister: He completely misunderstood the upshot of my answer. They are not civil servants, they are on contracts, but the contracts are on Civil Service terms.

460 **Hon. R M Clinton:** Mr Speaker, certainly I am aware of the Financial Secretary being on secondment to the Government. Personally, I was not aware of the Attorney General being on contract terms. Would the Chief Minister kindly illuminate the House as to what the contract terms are for the Attorney General?

465 **Hon. Chief Minister:** Well, Mr Speaker, I am surprised that he is surprised, given that every Attorney General that Gibraltar has had has been on contract with the Government on Civil Service terms, literally in all of the time that I have been in practice and even in the time –

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Even before me. In twenty four years.

470

Hon. Chief Minister: – that Mr Bossano has been in the House. He now tells me, as Father of the House, in all of the time that he has been there the Attorney General has always been on contract terms. Sometimes people would come as Attorney General only for three years or for five years and then go. Mr Rhoda I think arrived in the mid-90s and stayed until recently on contract terms.

475

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for the background, of which I was not personally aware but I am nonetheless grateful.

480 In terms of the contract terms, in the Estimate Books will they appear as salaries? I know in the case of the Financial Secretary there is a secondment fee. Can the Chief Minister advise if for the Attorney General it is purely within salaries?

Hon. Chief Minister: I believe so, Mr Speaker.

485

Hon. R M Clinton: And finally, Mr Speaker, on this point, we know that the Financial Secretary was, I believe, on a three-year contract, unless that has been extended recently. Can he advise what contract period the Attorney General is for?

490 **Hon. Chief Minister:** Indefinite, Mr Speaker.

Q223/2017
Runway tunnel –
Date for completion

Clerk: We now move to Question 223, the Hon. Ms M D Hassan Nahon.

495 **Hon. Ms M D Hassan Nahon:** With the exit from the European Union looming, can Government give an approximate date for the completion of the runway tunnel?

Clerk: Answer, the Hon. the Chief Minister.

500 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the programmed completion date for the runway tunnel has remained unaffected by the result of the referendum on exiting the European Union. After the Government's excellent victory in the litigation proceedings, the completion date is expected to be in the first quarter of 2019.

505 I therefore allow myself the pleasure of reminding hon. Members opposite – and this is not in relation to her, given where she sits – that this will mean that my Government will not just deliver on *our* manifesto commitments despite Brexit, we will also deliver on theirs!

Mr Speaker: Next question.

Q224/2017
Public boards –
Appointment of non-party activists

Clerk: Question 224, the Hon. Ms M D Hassan Nahon.

510 **Hon. Ms M D Hassan Nahon:** Would Government agree with looking into appointing only non-party activists to public boards moving forward?

Clerk: Answer, the Hon. the Chief Minister.

515 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government that I lead has always wanted to appoint only the best possible person to each and every appointment made to any board or authority, or to any other post. In some instances we have appointed individuals who are activists of other political parties. We are entirely dedicated to Gibraltar having the best possible people available to do the job in each field. We will not resile from that important
520 proposition.

Hon. Ms M D Hassan Nahon: Mr Speaker, I am grateful to the Chief Minister for his answer and I have no doubt that his intentions are noble in this sense, but given recent events and other things that make me think that in a small place like Gibraltar conflicts and influences are very

525 easy to find – we are a very small community – I was wondering whether it would be of value to
looking at reforming the criteria for individuals who are openly affiliated to not form part of this
board. I believe that there is some value in this suggestion in a small community like ours.

Hon. Chief Minister: Mr Speaker, in a small community like ours it is important not to deprive
530 any organisation of the best possible talent. That is why I appointed the founder of the GSD to
the board of the University, to the board of the bank and to be one of the three Peters carrying
out the gaming legislation review.

One of the other Peters is Peter Caruana, the long-time leader of the GSD, probably not
somebody who is ever thought of as a political activist of Fabian Picardo, although things are
535 changing so much in respect of that side of the House – not her – that one never knows.

That is why I appointed Nick Cruz, who stood against her and a GSLP candidate at a by-
election and stood in a number of general elections against the GSLP to be the chairman of the
Category 2 review.

That is why I asked Keith Azopardi to draft the Consultative Council Bill.

540 That is why the appointment of Isobel Ellul-Hammond to be Cancer Services Co-ordinator in
the GHA was not something the Government would have stood in the way of.

That is why Mr Paco Oliva was employed by the Government in the Gibraltar Tourist Board
and now in the Gibraltar Health Authority.

545 That is why Freddy Vásquez, who is not known as a political supporter of Fabian Picardo, has
been appointed to the prison or to the Parole Board – I can check which, Mr Speaker – very
recently. That is why Freddie Vásquez was appointed to that board and he was not for one
moment in any way asked to leave. He asked to leave himself, Mr Speaker. In fact, I can just see
here that under the Prison Act, on Tuesday, 10th January 2017 – I do not know whether this is a
renewal or not – Mr Freddie Vásquez QC was appointed an independent member of the Prison
550 Act.

Mr Speaker, these are not people I could describe by any stretch of the imagination,
unfortunately, as political activists that support the Government or me, but they are people who
are doing a fine job. When we were elected we did not remove people who had been appointed
by the former administration. There were people who were not just political activists; they were
555 leading political activists of the other side. Some of them I think were even chairmen of the
party against whom we had contested elections who remained and were asked in some
instances to even renew in the boards that they were involved in. It is the right person for the
right job.

560 Membership of a political party should not deprive somebody of being able to give their best
for Gibraltar. I do believe it is true that in some instances in the past people who had a lot to
give Gibraltar were not allowed to do so simply because they had supported or not supported a
political party. That would be wrong. Therefore, the hon. Lady I think is right to raise the issue,
but I think it is appropriate to tackle the issue that she raises in the opposite way; in other
words, not to prevent people because of their political activism from being involved but quite
565 the opposite – not to exclude people from being involved as a result of their political activism.
People who become politically active are sometimes the people who care most about their
community and we would not want those people from any of the – if I may say so with respect
to her – any of the three sides in politics in Gibraltar today to be excluded from being able to
give their best in the way that they then form part of these boards or authorities. I think it is a
570 good thing that people want to become involved; that should be encouraged.

It would be wrong if people were prevented from being involved simply because they are not
supporters of the political party that is in administration, and for the reasons I have set out, I do
not think that charge could ever be levelled against my Government.

575 **Hon. Ms M D Hassam Nahon:** Mr Speaker, I am grateful to the Chief Minister for the answer.

I still continue to believe that open affiliation to parties can cause conflict and I disagree with most of the names that the Chief Minister has brought up, because Cruz, Caruana, Montegriffo and Hammond are not party activists anymore, probably have not been for a while, so I do not think that they come into this situation that I am bringing up. But there are party activists who
580 are very active and form part of boards and it can cause conflict and it can make people feel quite insecure, and this is what I have brought up. But I do not believe that the names that the Chief Minister has brought up, with respect, are actually relevant.

Hon. Chief Minister: Mr Speaker, with the very greatest of respect to her she does not know
585 what it is like to be in Government, and when you make appointments like the one that I have referred her to, she might find that political activists take a very dim view of the fact that somebody who has not been a supporter is able to form part of an organisation which is linked to the Government and is able to become involved – and yet it is the right thing to do.

In Gibraltar, winning an election should not be seen as the winning of a war which leads the
590 party that wins to be able to enjoy the spoils of war and spread it amongst its people. That is what we have ensured is not the case when we won the election in 2011, and that is why there is such political diversity now in support of the Government.

That is how you go, Mr Speaker – and I think the hon. Lady should bear this in mind – that is
595 how you go from winning an election by a margin of 200 votes to winning it by a margin of 5,000 votes, when you show that you are not in it just for your own people and your small coterie of supporters, you are in it for the whole of Gibraltar. That also means that if somebody has formed part of the GSD, if somebody has formed part of political activism for the hon. Lady, or indeed if somebody has formed part of political activism for the GSLP or for the Liberals, they should not be in a worse position than anybody else.

The hon. Lady needs to think though what she is proposing. If it were the case that people
600 who have been associated with any political party are not able to form part of our society and the shaping of our society through involvement in boards and authorities etc. where they are required to be independent, what the hon. Lady is doing is trying to push people out of the political process. In other words, people, if they are associated with a political party, have less
605 rights than anybody else, even if they are the best person for the job. That is not something that I think makes any sense, whether that is in respect of the award of a contract or a tender or the appointment to a board. Everybody is entitled to be dealt with properly and independently, and in particularly in relation to boards, people are entitled to be seen to act independently. Otherwise, what the hon. Lady is saying is that forming part of a political process, which is what
610 we are all in favour of – that is what democracy runs on, having the ability to have people involved in the political process – somehow disqualifies you from forming part of other things that we do in our society. I think that is very, very dangerous indeed, Mr Speaker. It is very dangerous whether one excludes one's own from boards or authorities or whether when that...
615 a person can then use that as the excuse for excluding other people from boards. In other words, her supporters are the supporters of the party on the other side.

So I think it is a slippery slope; I think it is particularly dangerous. The definition of political
620 activist would be one on which we could spend hours debating who is or is not a political activist. Does one have to be a registered member of a political party? If you are a registered member of a political party, does the political party have to publish its register? Otherwise, how do you know? Is it the length of the Lord Chancellor's foot?

In the past 20 years in Gibraltar we have lived through a process where a journalist was not
625 invited to public functions of the Government of Gibraltar because he was the editor of a newspaper that was seen in people's eyes to be affiliated to the GSLP. That might sound petty. That is the Gibraltar which I inherited, Mr Speaker. Every journalist is now invited to press conferences of the Government, whoever they may politically activate for, whether in Gibraltar or outside of Gibraltar – because there are some that we know politically activate for Members opposite outside of Gibraltar, but they are invited to our press conferences. That same decision

630 led to a particular newspaper being denied advertising because it was affiliated, in people's eyes, with the GSLP. The hon. Lady might think 'Well, so what? The new people did not get Government adverts; it is the GSLP newspaper,' which it is not. But, Mr Speaker, she might think that is okay, but then when another political newspaper started to take a line that was not in the interests of the party then in Government, they too were denied political advertising – and I am thinking in particular of *Vox*.

635 So you go down the road of saying political activists cannot form part of boards – surely not just the Government's political activists, also all political activists. So, step one: is a political activist an editor of a newspaper who is agitating against or for the Government? So, if you cannot form part of boards, surely you cannot have advertising. The people who define that will be the people in Government. They will never see anything which is in support of the Government as political activism in support of the Government; they will only see things which
640 are contrary. So we will once again stop advertising to some newspapers, we will once again see people not invited to press conferences. This is a very slippery slope.

What is required is that everyone who has something to give Gibraltar is involved in giving it to Gibraltar. Hon. Members are in this House as Members of the Opposition, and that is what they are giving to Gibraltar. We may have a difference as to how they do it or how they do not
645 do it, but that is a matter for people to judge, not for us. But they are giving something. The people who support them are giving something in giving support, as the people who support us are giving something to Gibraltar by supporting a political party. Political parties are the core of our democracy, and so on and so forth.

To exclude people from boards etc. is really, in my view, the wrong thing. To abuse that and only put your own people on boards and authorities would be quite something else, but I think
650 as I have demonstrated, that is not the case.

The next step is to say only our people can get tenders or only people who are not our people can get tenders. So isn't it just important that tenders be awarded openly and fairly in a way that is transparent and whoever gets them pays the Government more or receives the best value for
655 money payment for the taxpayer? Those are the things that we need to be looking at if we are going to mature as a democracy, and I think that is essential.

The hon. Lady might care to take a look at what is happening in the United Kingdom, where in some instances inquiries or boards are headed by lords who are affiliated to the Government, or in some instances by lords who are not affiliated with the Government but who have fallen
660 out with the people they affiliated with before, and because they are no longer affiliated with the Opposition are considered by the Government to be people they can support.

The board for the gaming review involving Peter Caruana, the bank, the University – these things demonstrate a desire to bring in Gibraltar's best talent to give the most they can for Gibraltar in a way that builds a stronger Gibraltar, and that is what a Chief Minister must always
665 strive to achieve, whatever political complexion he represents.

Mr Speaker: There are a handful of questions remaining which are going to be the subject of written answers because the Hon. the Leader of the Opposition is indisposed. I wish him a rapid recovery.

Questions for Written Answer

670 **Clerk:** Answers to Written Questions, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the only indisposition I wish to the hon. Gentleman is a political one; and if it is not, then I do sincerely hope that he recovers quickly.

675 Mr Speaker, I have the honour to table the answers to Written Questions W25/2017 to W32/2017 inclusive, although for the purposes of *Hansard* I may say that those numbers may have changed slightly as a result of the change with the way that some of these questions are being dealt with.

Order of the Day

GOVERNMENT MOTION

Awarding of Gibraltar Medallion of Honour to Representative George Holding – Motion carried

Clerk: (ix) Order of the day, Government motion. The Hon. the Chief Minister.

680 **Chief Minister (Hon. F R Picardo)** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows.

This House:

TAKES NOTE of the policy of the Government to raise the profile of Gibraltar among decision makers in the United States of America;

CONSIDERS that the tabling of a Resolution in the US House of Representatives which supports the right of the people of Gibraltar to determine their own future is a positive development in line with that policy;

WELCOMES the leading role taken by Representative George Holding as the Sponsor of the Resolution and his support for Gibraltar;

HEREBY agrees to award the Gibraltar Medallion of Honour to Representative George Holding.

685 **Hon. Chief Minister:** Mr Speaker, George Holding has been to Gibraltar. He has visited Gibraltar on many occasions, long before Gibraltar knew that he was going to be a staunch supporter of our right to self-determination in the United States. I think it is also fair to say that he has associated himself with similar resolutions supporting the right of self-determination of the people of the Falkland Islands, with whom we have such an affinity.

690 It is not often, Mr Speaker, that when one goes to lobby for support you find yourself kicking down an open door, and that is what Mr Holding represented to us in the meetings that the Hon. the Deputy Chief Minister and I held with Mr Holding. He is probably the person we have met who knew the most about Gibraltar before we started the work of lobbying with him, who demonstrated hard-core, genuine, honest and heartfelt support for the people of Gibraltar and our desire to remain under the British sovereignty that we so cherish.

695 He is a person, Mr Speaker, who has demonstrated by his actions, not just by his words, that he is a staunch supporter of our inalienable right of self-determination and he has gone out of his way to ensure that he has demonstrated that in the dropping of the resolution – and I understand that is the correct terminology in the US Congress, the ‘dropping’ of the resolution – in respect of the right of the people of Gibraltar.

700 Mr Speaker, it is true that the Gibraltar Medallion of Honour is a distinct honour which this Parliament grants sparingly, and Gibraltarians who have received that honour include you and many others who have given very distinguished service indeed to Gibraltar. It is also true, Mr Speaker, that George Holding’s actions demonstrate his deep commitment to the people of Gibraltar.

705 He is a member of the American Republican Party and in that sense he has represented the interests of Gibraltar within that party and he has been able to garner support within that party. He has also, in the terminology used in the United States, reached across the aisle to seek support for Gibraltar from the Democratic Party and from colleagues of his in the Congress which are not of the same partisan affiliation, and therefore the Government considers that the way that he has gone out of his way to support Gibraltar, and continues to do so after the dropping of the resolution in ways which we will continue to garner the benefit of, I think is an essential consideration for the Parliament when determining how to deal with this motion on behalf of the Government.

710 It is true, Mr Speaker, that George Holding does not get the chance to come so often to Gibraltar as he would like. If he were to come to Gibraltar soon, then it would be possible to bestow this honour, if the Parliament approves it, on him in Gibraltar. If that is not possible, then on one of our many lobbying trips to the United States, some of which are combined with our visits there to attend hearings of the United Nations, it will be my honour or the honour of the Deputy Chief Minister, or both of us, to be able to communicate to Mr Holding the award of this honour if the Parliament approves it and to let him have the medal that comes with the bestowment if Parliament should agree with the Government’s motion.

720 And so, Mr Speaker, I have little more to say. I think George Holding’s record speaks for itself. It is there: the resolution was dropped, the other things he has said and done in support of Gibraltar are obvious. I am telling the House that he is also an important part of the lobbying work that we do in the United States. This would be a well-deserved honour indeed and I commend that the House support the motion as drafted.

725 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Chief Minister. Does any Member wish to speak on the motion? The Hon. Elliott Phillips.

730 **Hon. E J Phillips:** Mr Speaker, this motion will enjoy the Opposition’s support.

Mr Speaker: Does any other Member wish to speak? Otherwise, I will call on the mover to reply – if the mover wishes to reply.

735 I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

BILLS

FIRST AND SECOND READING

**Public Health (Amendment) Bill 2017 –
First Reading approved**

Clerk: A Bill for an Act to amend the Public Health Act.

The Hon. the Minister for the Environment, Energy, Climate Change and Education.

740 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**
Mr Speaker, I have the honour to move that a Bill for an Act to amend the Public Health Act be
read a first time.

745 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Public Health
Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Public Health (Amendment) Act 2017.

**Public Health (Amendment) Bill 2017 –
Second Reading approved**

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
Mr Speaker, I have the honour to move that the Bill be now read a second time.

750 The Bill amends Part I ‘Sanitation and Buildings’ and Part VA ‘Waste’ of the Public Health Act.

The Part I amendment is found at section 39, where the words ‘subject to the prior approval
of the Development and Planning Commission’ are inserted. The reason for this is to prevent
landlords from taking the option of demolition without any involvement or consultation from
the DPC.

755 Part VA is amended for the following reasons: (1) to update references as a result of EU
directives and other legislation which have since been repealed or amended; (2) to ensure that
the position is clarified with regard to the requirement of licenses to incinerate waste – the
amendment at section 192D establishes capacity limits for waste incineration, stating that if the
incineration of waste falls below the prescribed limits then the activity will require a waste
760 licence under the Public Health Act; should the amount exceed these limits, the activity would
then fall under the scope of schedule 1 of the Pollution Prevention and Control Regulations
2013, requiring a permit under those Regulations; (3) to create a new ground for refusing a
licence application, that the application is deemed not to be in the public interest – this is a
beneficial power to have in case future applications are received for the storage or processing of
765 radioactive or other types of hazardous materials which may cause concern; the public interest
element has also been introduced for the granting of temporary licences; (4) to create a penalty
provision for anyone who carries out an activity without a licence or contravenes the condition
or an obligation of a licence – this helps prevent any circumvention of the waste licensing
procedures; (5) to introduce minimum standards for the Government to be able to refuse
770 registering an establishment or undertaking and to allow the Government to vary conditions,
add conditions or remove establishments or undertakings from the register if it is found that an
establishment or undertaking has failed to comply with conditions imposed upon them; and
finally, (6) to make reference to a new process and application form in the Public Health Waste
Licensing Form Rules, specifically Form 8 for renewals of existing licences – this will simplify the

775 renewal process for establishments and undertakings, eliminating unnecessary red tape and streamlining the procedure for existing establishments and undertakings.

I commend this Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

780 I now put the question, which is that a Bill for an Act to amend the Public Health Act be read a second time.

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

785 **Clerk:** The Public Health (Amendment) Act 2017.

COMMITTEE STAGE AND THIRD READING

Public Health (Amendment) Bill 2017 – Committee Stage and Third Reading to be taken at this sitting

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

790 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE

Mr Speaker: Will the Chief Minister move that the House resolve itself into Committee?

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.

815

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.

825

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:

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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.

855 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.

860 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.

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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.

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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 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 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 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*)

1115 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 £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 other Government companies, is essentially being used to fund Government expenditure.

1130 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 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, 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.

But, Mr Speaker, what I really must address is the Chief Minister’s contribution about the previous Government’s lack of transparency and his great bugbear about the failure to file
1220 accounts on time and the gravity of not filing those accounts on time and failing to comply with the rule of law. Failing to comply with the rule of law. These are very grave charges. I hope that he will have a look at Credit Finance and wrap himself on the knuckles because he has not filed the accounts of Credit Finance for the last five years – and he created Credit Finance, not the previous administration. So, Mr Speaker, what excuse does he have for not filing the accounts of
1230 Credit Finance, (*Banging on desks*) what excuse does he have for not getting them audited and what excuse does he have for this grave failure to comply with the rule of law? None, Mr Speaker. He talks about transparency. He says you have to not just talk about it but do it, demonstrate it. Well, Mr Speaker, I fail to see how he is demonstrating his love of transparency when not only does he not see the merits of my motion but he himself is guilty of the sin he accuses us of, the previous administration. Credit Finance is not some dormant company which has no public interest; this is a public-owned company which has £400 million of the Savings Bank’s money invested in it. Do you not think that the public might be interested in how Credit Finance is doing, how Mr Bossano is generating his miraculous returns with Credit Finance?

1240 **Mr Speaker:** Just a moment. May I indicate to the hon. Member that under the rules of debate you are now exercising your right to reply. There has been no mention during the course of the debate on Credit Finance at all.

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.

1355 In Question 726, the Hon. Mr Hammond, on behalf of the Hon. Mr Llamas, asked whether
within the elderly care infrastructure Government had a policy to provide outdoor recreational
time to residents on a daily basis, weather permitting. I replied, among other things, that there is
an internal policy that regulates the attendance of residents to outings. The Opposition at that
point did not ask me any supplementaries. Mr Llamas then asked me whether the Government
intended to provide any outdoor recreation whatsoever for the residents of Calpe Elderly Care
Ward and John Cochrane Elderly Care Ward. Had Mr Llamas been present in the House I would
have referred him to my answer to Question 726, in which I had already provided him with the
1360 information requested. In other words, Mr Speaker, the hon. Gentleman has brought a motion
to this House which, in my opinion, reflects quite an unprecedented disrespect to the House's
proceedings and the contents of which betray that he has paid no heed whatever to the answers
I have given to him twice. As a result, I have to tell the hon. Gentleman opposite that his motion
is wrong in content and pointless to the extent that he cannot possibly speak intelligently on the
1365 subject matter without first having given me the opportunity to explain to him all the activities
that the elderly who are in our care undertake. Indeed, Mr Speaker, the hon. Gentleman missed
on an excellent opportunity to keep quiet.

1370 In any case, Mr Speaker, we are where we are and I must now, referring to paragraph by
paragraph of his motion, explain to the Hon. Mr Llamas why his motion is entirely and wholly
incorrect. Whereas he will not believe me, I have said to my colleagues on this side of the House
and to some Members opposite that I have always considered the Hon. Mr Llamas a person who
cares about the more vulnerable members of our community. I have to tell him now, however,
that his recent flurry of press releases, again on issues on which he has not been in this House to
listen to my answers and on this motion, really make me doubt the motivation for tabling his
1375 motion. For myself, Mr Speaker, I would have been mortified to have tabled a motion that
betrayed my absence from this House when my questions were being answered and which
showed that I had not paid the slightest attention to the answers provided by the responsible
Minister.

1380 My embarrassment, however, Mr Speaker, would have quickly turned to anger and my
realisation that it was also my team who had let me down, because the question immediately
arises as to why on earth Mr Hammond or any of his colleagues would have allowed the Hon.
Mr Llamas to put himself in such a politically untenable situation. There is no way on this good
green earth that the Hon. the Chief Minister, the Hon. the Deputy Chief Minister, the Hon.
Mr Bossano or any of my other colleagues, who actually care about my best interests, would
1385 have allowed me to make such an avoidable rookie mistake. But of course the Members
opposite clearly survive in the context of the equivalent of a political jungle while they joust and
jockey for the limelight and for popularity.

1390 In any case, Mr Speaker, the language of the hon. Gentleman's motion, like all other motions
presented by the hon. Members opposite, gives the Government an excellent opportunity to
once again set out the incredibly meaningful strides taken on this occasion in the provision of

care for our elderly and vulnerable members of our community from the position we inherited since first being elected into office.

1395 Mr Speaker, I have to further tell the hon. Gentleman that the wording of his motion shows a lack of awareness by him of the reality on the ground. Had he been in Parliament to listen to answers to 726 and 50, he would not have given notice to what is in effect a non-motion.

Let me set out the various improvements which we on this side of the House have introduced.

1400 In December 2011 we inherited when we came into office 1.5 activities co-ordinators at Mount Alvernia and one activities co-ordinator at John Cochrane Ward and Calpe Ward. We have increased this to five activity co-ordinators at Mount Alvernia, three for the hospital wards and two in John Mackintosh Home, resulting in a total of 10 activities personnel to cover all elderly residential sites.

1405 In his non-motion the hon. Gentleman is asking this House to acknowledge that elderly residents of care homes and wards should have direct access to a safe outdoor environment. In other words he is implying that this is not the case at the moment. But quite the opposite, Mr Speaker, and this is why I prefaced my contribution at the outset to say that the hon. Gentleman would have served himself better by listening to the answers in this House.

1410 The residents of the care homes and the wards have access to safe outdoor environments across all locations. In Mount Alvernia, for example, there is access, including wheelchair access, to the gardens. John Mackintosh Home has an outdoor terrace. John Cochrane Ward, Calpe Ward and the newly set up interim ward at St Bernard's Hospital have access to the beautiful GHA gardens and podium. How can the hon. Gentleman therefore suggest that these wards have no direct access to the outdoors? The hon. Gentleman is incorrect. Is the hon. Gentleman not aware of the garden and outdoor spaces at St Bernard's Hospital? Does the hon. Gentleman not realise that the location of the hospital, for example, affords access to other outdoor recreational activities: Westview Park, GASA swimming pool and even Commonwealth Park?

1415 Mr Speaker, let me advise the hon. Gentleman of the outdoor activities currently undertaken by our elderly in our care: weekly trips to town; morning coffees, breakfast and lunch outings; beach projects; Gibraltar International Dog Show; GASA Family Pavilion; theatre shows; concerts; shopping trips; seasonal events such as Christmas lights, the Governor's tea party, the Convent Fair, Remembrance Day Service; and any other community events they are invited to. In addition, some residents of John Cochrane Ward and Calpe Ward are walked to different venues and St Bernard's Hospital, as I have noted, is conveniently close to many areas, including Main Street. These groups consist of no more than four at any one time and take place two to three times a week.

1425 Mr Speaker, it seems obvious to say, but given the contents of the non-motion I feel bound to say so, that some residents due to illness or frailty are unable to participate in outings. As I will explain a little further on, however, suitable and extensive indoor alternatives are provided so that our elderly whose physical condition prevents them from attending outings receive equal attention. I should further point out that outdoor activities only take place when weather permits.

1430 Further, Mr Speaker, the non-motion before the House asks the Government to implement a policy that all elderly residents are encouraged and assisted to go outdoors. Mr Speaker, you really could not make it up, and you could not make it up because it does show, as I have said, a complete lack of preparation for the serious business of this House. The hon. Gentleman should already know this. Of course, he would have known this had he turned up to Parliament on the two separate occasions that he asked me these questions, but of course instead of filing the non-motion, or at the very least when drafting the non-motion, he could at least have had the decency to consider *Hansard*, as he would have seen my answer to Question 726, which said that there is a policy. The policy does exist. The policy has been in place since 2014 and was designed to ensure the safe movement of both residents and staff. The objectives of the Internal Health and Safety Policy are to safeguard the residents and staff when on outings.

1445 Let me provide the hon. Gentleman with a summary of what is provided in the policy, a précis of course, Mr Speaker, which I would have been delighted to have provided the hon. Gentleman had he asked me any supplementary questions on the subject – but to ask me supplementary questions he must be in this House.

1450 Had the hon. Gentleman been in this House, I would have advised him that the policy sets out the roles and responsibilities of staff Members to ensure that residents going on an outing are well prepared, that the entering and exiting of the vehicles is done safely and efficiently, and that the venue of choice is appropriate for the residents attending.

Had the hon. Gentleman been in this House I would have further informed him that outings are pre-arranged and only residents who have consented, or their next of kin have consented, are taken.

1455 Had the hon. Gentleman been in this House I would have added that staffing levels are adjusted to ensure appropriate supervision. I would have explained that staffing attendance always includes a qualified nurse and a first aider and that venues visited by residents are risk assessed.

1460 Had the hon. Gentleman been in this House I would have advised him that outings depend on the outcome of the assessment – for example, venues are checked for accessibility and suitable toilet facilities. We also have a bus with wheelchair access which operates between 10 in the morning and eight at night to convey residents to different venues.

Had the hon. Gentleman been in this House I would have added that safe manual handling procedures are followed and that packed lunches and drinks are provided if the outing is somewhere other than a restaurant.

1465 At this point, Mr Speaker, I wish to thank the Friends of Mount Alvernia and Community Services who provide an invaluable role when bigger outings are arranged. For trips arranged through the excellent Friends of Mount Alvernia there are on average 26 elderly members of our community who participate. In addition to the big coaches, the Friends of Mount Alvernia's Vito provides for seven members of our elderly community. I also wish to place on the record the much appreciated and valued assistance provided by members of the Jewish community.

1470 Mr Speaker, as the hon. Gentleman can well imagine, all residents are encouraged to participate in the outings which are organised. However, there are residents who do not wish to participate in these outings and this is of course respected.

1475 In total, Mr Speaker, there has been a staggering increase in the number of outings organised for our wonderful elderly community in our care. Under the previous administration total outings in 2010 totalled 35 a year. In 2016 there are, a year, 170 outings, which represents an incredible increase of 385%. (*Banging on desks*) And how could it have been different when my colleagues the Hon. Samantha Sacramento and the Hon. John Cortes were responsible? It is my distinct pleasure and duty to continue to build on their hard work and outstanding legacies.

1480 As always, Mr Speaker, quantitatively and qualitatively we on this side of the House, who actually care and bring our hearts as well as our minds to the discharge of our responsibilities, are quantum leaps ahead of the feeble attempts of the Members opposite, when they clearly did not care when they were in Government.

1485 In addition to all of the above outdoor activities we also facilitate an extensive indoor programme for residents who are unable or choose not to participate in outdoor recreational activities. These are arts and craft, scrapbooking, life story work, baking, sewing, knitting, cinema, exercise classes, yoga classes, board games, games tournaments, reminiscence therapy, garden parties, bingo, staff talent shows, seasonal events, singalongs, building of the grotto – the House may well recall the magnificent Christmas grotto of last year and of other years – speciality lunches, aromatherapy, various evening entertainments courtesy of local artists and schools and social interactions with our younger generation.

1490 Mr Speaker, despite all that we have done, all that we have done, we are by no means complacent and are determined to keep developing and improving the services which are

1495 available for our elderly, who have given so much to us and thanks to whom we are able to continue to build our lives in a safe, stable, prosperous and caring Gibraltar.

Mr Speaker, because, unlike the hon. Gentleman opposite, I am not comfortable talking about particular cases, all that I will tell him is that, given the reports that I have received, I am entirely satisfied that we are doing all that we can for all of our residents. In conclusion, therefore, we on this side of the House are certainly not going to take any lessons from the GSD in this area of policy.

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 motion that he just concocted in the middle of the night for the sake of coming to this House with a motion. This was a motion that was driven by real circumstances and by real people who have real problems.

1530 And now he makes a big deal about 'Well, if the hon. Member had only been in this House he would have heard my answer. If only he had been in this House he would have heard how wonderful it all is. If he had only been in this House he would have heard everything he needed to know and this motion would have been useless.' Well, Mr Speaker, there are people out there who are not in this House who have real concerns and do not have the information that the hon. Minister has. Or he may have a policy, but is it being implemented correctly? The people out there who are not in this House obviously take a different view, and that is why my colleague introduced this motion. The Government may have retrospectively tried to fix things as soon as they saw his motion by recruiting an extra person on to the wards, but that really does not warrant this statement of self-congratulation. And even if the hon. Member had been in this House ... and if he was absent it was for very good reasons. If he was absent it was because we in this Chamber no longer know when we are going to sit because the timetable gets moved around at the whim of the Government. (*Interjections*) It is true! (*Interjections*) It is true! This House could be more efficient –

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.

A Member: Yes, he should hear it.

1555

Hon. R M Clinton: Sorry, you will tell him, or me? (*Interjections*)

Mr Speaker: Order! Order! Carry on.

1560 **Hon. R M Clinton:** Thank you, Mr Speaker.

If the hon. Member was absent it was not because he was wilfully absent; he was absent because we in this Chamber no longer know when this Chamber sits, *not* because he was wilfully absent. (**Hon. Chief Minister:** Disgraceful.) And yes, it is disgraceful, Mr Speaker. It is disgraceful that the Chief Minister –

1565

Mr Speaker: Just a moment. Will you please sit down.

Let me deal with this question as to whether an hon. Member is absent or not. For a number of years the House has been able, or was able, to start its meeting the third week in the month, usually a Thursday. Because of events outside Gibraltar's control – in my view, and if any hon. Member disagrees with me he can say so. Because of events outside our control it has become

1570

necessary for Members of the Government to absent themselves from Gibraltar to deal with these matters more often than has been the case. Consequently, as I understand it, it has not been possible to follow to the same extent the orderly procedure and the orderly programme which we had in this House.

1575 It affects all of us – it affects me, it affects the members of my staff – but that is the reality and we have to put the paramount interests of Gibraltar before our individual conveniences. That may result in it being impossible on some occasions for some Members, on both sides of the House indeed, to be present for a particular session. If that happens, there is nothing they should be ashamed of or condemned for; it is just a reality that we have to live with it, and
1580 please let us not make anything more about it than should be the case.

We are here to serve the people of Gibraltar and to that extent Members of the Government may have to sacrifice themselves in travelling abroad more often than they would like to and hon. Members of the Opposition may find it difficult to attend here when they have other commitments. I am in that position myself. I sometimes have to cancel even commitments as
1585 Mayor because I am required to be here, so please let us not make anything more of it than what we should and let's get on with the business at hand.

Hon. R M Clinton: Mr Speaker, I am grateful for your point of order and that the record should reflect that if my hon. colleague was absent it was due to these turbulent times in which
1590 yes, I agree, we have to put Gibraltar's interests first, but it does mean that if my hon. Friend was absent, nothing should be read into it and certainly he should not be admonished by the Minister for Health.

And so Mr Speaker moving on quickly, my final point is this. The Hon. Minister made a lot about if there had been further supplementaries to the Q&A in the House. Well, Mr Speaker,
1595 you yourself are only too fond of telling us that we should not have debates during Q&A, and this is precisely why the hon. Member has brought this motion. This is to encourage a debate, to have a debate, to discuss the issues, and in a fulsome manner examine what has or has not been done.

And so, Mr Speaker, I really can only commend my colleague for bringing the motion in the
1600 way he has done and I condemn the Government's motion for complete lack of humility.
Thank you, Mr Speaker.

Mr Speaker: Before I call on any other Member to contribute, there is a small typographical error after 'Welcomes'. The first line after 'Welcomes': the opening of the Bella Vista Day Centre which *allows* I think, not 'allow', which 'allows'. Okay, we will take it that it is 'allows' and we will
1605 all make a note in our copy.

Does any other hon. Member wish to contribute to this amendment? The Hon. Mr Bossano.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):
1610 Mr Speaker, the Hon. Mr Clinton has reacted to this amendment on the basis that it is just a list of self-congratulatory statements, and then gone on to say that what has happened is that my hon. colleague has employed somebody as a result of the matter being raised in a motion in the House and notice had not been given. I have to tell the hon. Member that, regrettably, the
1615 longer he is in this House the less credence his statements have in my eyes, because he started 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
1620 Costa is not even asking them to welcome or congratulate him on, but simply to acknowledge 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*)

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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.

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I rise to speak only because I remember quite clearly when I visited John Cochrane Ward with Mr Llamas and had the opportunity to speak to residents and their families, and while many of them spoke highly of the treatment and attention that they were receiving on site, they did sadly reflect on the fact that they were not given many opportunities to go outdoors. Mr Llamas has pursued this cause through a number of questions in this House because it is true that
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
1680 contribution and therefore I will not allow her to speak once again once the amendment has
been approved.

Any other contributor? I therefore now call upon the mover to reply.

Hon. N F Costa: Mr Speaker, turning to Mr Clinton first – and he called me ungenerous – let's
1685 call a spade a spade. The hon. Gentleman asks questions in this House and he does not appear in
this House to ask me.

Hon. R M Clinton: Mr Speaker, on a point of order.

Hon. N F Costa: He asked no supplementaries –

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Mr Speaker: On a point of? (**Hon. R M Clinton:** Order.) Order, yes. What is the Standing Order
that you are referring to?

Hon. R M Clinton: Well I am referring to the point you made before, Mr Speaker, about not
1695 reading anything into Members not being present.

Mr Speaker: About what?

Hon. R M Clinton: Members not being present. Not reading anything into Members not being
1700 present. (*Interjection*)

Hon. N F Costa: That was something else.

Hon. Chief Minister: Not reading anything, then, speaking on it.

1705

Hon. N F Costa: Mr Speaker, he calls me ungenerous because I pointed out that the fact that
although two questions had been asked in this House, no supplementaries had been asked of
me. He then goes on to say that the Hon. Mr Speaker has told us on many occasions not to
debate. But asking supplementary questions and debating are two entirely separate things. The
1710 Hon. Mr Llamas asked me a question as to whether or not the elderly in our care have access to
the outdoors and whether there is a policy. Had he heard my answer he would have heard from
me that there is a policy and the policy sets out, as I have said today, all the different matters
that the carers take into account when deciding whether or not and how those outings are to
take place and where those outings take place.

Mr Speaker, the Hon. Mr Clinton says that the hon. Gentleman may have a policy. It is not
1715 that we may, we *do* have a policy. The policy has been there since 2014 and in those
supplementary questions that could have been asked of me I would have been delighted to have
set out to the hon. Gentleman what the policy contained.

For the hon. Gentleman to suggest that I have employed 7.5 people since the date that the
1720 motion was filed (*Interjection*) to the date that it was heard just goes to show that the hon.
Gentleman does not know how the Government works or that the Hon. Minister Bossano would
not have been at all pleased for there to have been such a jump in such a short space of time.
That has been the work conducted by the Hon. Dr Cortes and the Hon. Samantha Sacramento
over the past five years, where we all considered that having 35 outings in 2010 was not good
1725 enough, and it was as a result of the fact that we thought the 35 outings a year was not good

1730 enough that we increased the number of activities co-ordinated, and that has gone up from 35
to 170. That is a staggering increase and the reason why it matters that we say so is because it
shows that the previous Ministers before me have very much been concerned about the fact of
access to outdoors, access to outdoor activities, access to indoor activities. Therefore,
Mr Speaker, there is no question that the work that has been conducted by this Government in
terms of keeping our elderly minds occupied, of making sure that they have access to the
podium, to the gardens, to Main Street, to coffees, to lunches, to the seasonal events and to
other events, have taken place when we have been in Government and not when they were in
Government. And all the point that I was making, Mr Speaker, was that if this was so important
1735 to them, if this was such a crucial issue, then you would have expected that during 16 years of
Government the number of outings would not have been 35 – they may have been 60 or 70 or
80 or 90 or 100 or 120 or 130 or 140 or 150 or 160 or, as it comes to us, 172, which is damned
site a lot more than when it used to be under them.

1740 So no, Mr Speaker, we will not take any lessons from the GSD, and no, Mr Speaker, we are
not being ungenerous. We are just telling them the facts, and the facts hurt because they never
cared and we do. (*Banging on desks*)

Mr Speaker: I will now put the amendment to the House. Those in favour? (**Several
Members:** Aye.) Those against? (**Two Members:** No.) Carried.

1745 We now have before the House the motion as amended, which is in effect the Hon. Neil
Costa's amendment. That is now the motion before the House and any hon. Member who has
not spoken may speak on it.

The Hon. Lawrence Llamas.

1750 **Hon. L F Llamas:** Do I reply at the end?

Mr Speaker: No, at this stage you can speak on the amendment. You can express your view
about the amendment and then –

1755 **Hon. Chief Minister:** No, Mr Speaker, the amendment has been passed, so now Mr Llamas
has the right at the end.

Mr Speaker: The amendment has been passed. Therefore the Hon. Lawrence Llamas can
exercise his right to reply, but at the end of it all – which may not be now, because there can be
1760 other contributions to the amendment if any Member so wishes. If not, if there is no other
contribution, then I will call upon the mover to reply. Is there any other contribution?

Okay, I therefore now call –

1765 **Hon. Chief Minister:** Mr Speaker, there is.

Mr Speaker: Yes, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the motion now before the House is a motion that, in my
view, accurately and properly reflects the reality today on the ground for people who are
1770 residents of the elderly care facilities that the Government is running.

I must say to the hon. Gentleman that the motion as he brought it of course was asking us to
do more as he saw it. This is a trait we are seeing from hon. Members opposite. They bring
questions or motions to this House asking us to do more at the same time as they issue
statements or say things in this House suggesting we should spend less. If hon. Members
1775 manage to find the elixir of more done for less cash, they should please tell us where they found
it so that we can give a healthy dose of it to all those that we think need it. Looking for
efficiencies is something that is difficult and we are doing. Hon. Members need to realise they

1780 come to the House because they have met someone because they have taken an interest in something and they ask us to do, but at the same time they must remember that they are the ones asking us to spend less.

1785 So, in the context of the generosity that one is asked to read into Mr Llamas's movement of a motion, I will say that once again one is left to be very surprised indeed that hon. Members – neither John Cortes, who used to run the Health Services, or Samantha Sacramento, who used to run Elderly Care Residential Services, or Neil Costa, who now runs the Health and Care Department that deals with all of these issues – should have received not one inkling of a phone call from the hon. Member saying 'I am concerned about this: how can we resolve the issue?' Because that would be the politically generous way of dealing with a genuine problem that somebody wants to resolve. Hon. Members know that if they pick up their phone and they speak to us about a particular issue relating to a constituent or group of constituents, if it is possible to assist we will assist. The hon. Lady has done it often, and it does not mean that we always agree with the solution that we propose but a solution would always be proposed.

1790 That is why, Mr Speaker, the motion that was brought was not a generous motion by any stretch of the Clintonian imagination, (*Laughter*) and what is a generous and genuine motion is the motion now before the House, which is the motion that the hon. Member has put. The motion before the House before was simply a political device. It was a political device designed to try and garner favour with people who the hon. Member feels would have his support politically if he brought that motion. The motion now before the House is a genuine reflection of the position.

1800 Mr Speaker, if I may say so with the very greatest of respect – the hon. Gentleman mentioned him – I have known Pepe Soiza for many years. He is a genuinely concerned, hardworking husband of somebody who suffers an ailment and he deserves all of our support and respect. I did a lot of work with Pepe before I was Chief Minister and a lot of what is reflected in the motion now before the House is the work that John Cortes and Samantha Sacramento and now Neil Costa are doing with me and other Members of the Government to deliver for people like Pepe, given the concerns that they have. And the statistics that are before the House are not self-congratulatory. They are the evidence that the work that Pepe Soiza was so keen to see is actually happening, and that, Mr Speaker, is actions demonstrating our commitment to the people who are the residents of the Elderly Services facilities that we run.

1805
1810 Mr Speaker, I say to the hon. Gentleman – I hope not becoming emotional – that there is no service that at the moment could be closer to my heart than the elderly residential service, and if he genuinely believed that there was an improvement to be carried out in respect of any of those services he knows that he just needs to get in touch with me or any hon. Member, and if he genuinely wanted to see something happen and if it genuinely was the right thing there would be no need for a motion in this House. Indeed I say to him that when we do things which are done as a result of something that an hon. Member opposite does we will not hesitate in recognising that and in giving them credit where it is due. The hon. Gentleman should know that we have very little political fear of the way that they run their political affairs, and therefore giving them credit if they bring something to us that we then do because it is a good idea – coming back to the concept of a good idea – is something that we will not be afraid of.

1815
1820 An honest motion is therefore now the motion before the House, a motion that accurately reflects the position, and there is no lack of humility, Mr Speaker, in moving an amendment to a motion to in history lay down for Parliament in *Hansard* the reality of a situation rather than allow history to be misled and the public to be misled by a very political partisan motion, which was what we were seeing before. There is no humility in allowing yourself to be trod over when you have done the excellent work that John Cortes, Samantha Sacramento and now Neil Costa are doing in bringing about these changes in Elderly Care Services and instead of reflecting that in a motion, allowing simply the hon. Gentleman's very partisan motion to remain what would be on the record.

1830 I am interested to hear that Mr Llamas goes into hospital wards. I do not think that any of us
would think it appropriate for Members of the Opposition to be traipsing through hospital wards
unless they are going to see somebody. That is the basis on which we used to go to hospital
wards before. It is indeed the basis on which other Ministers would be able to go to hospital
wards, other than the Minister for Health. Therefore, Mr Speaker, if that is the case, I should ask
that he be in touch with the Minister for Health and Care so that we know that he is not
1835 breaching clinical protocols in the way that he is visiting these hospital wards. He can go there
only to visit somebody at the invitation of a family member, etc.

Mr Speaker, a lot has been said about whether Members are here or not. It was me that
introduced the concept of a timetable for this Parliament because I had suffered the eight years
that I was in Opposition being told, literally with the minimum notice required by the rules,
1840 when I had to be here and being brought here to debate Bills that I was not told were going to
be debated, etc.

The only notice we were ever given *sometimes*, out of the generosity of spirit of the
(*Interjection*) man sometimes described as the greatest Gibraltarian of all time, was 'Oh, and in
that meeting we will debate the Budget,' (*Laughter*) so one was able to prepare oneself. Hon.
1845 Members do not know how lucky they are to be given an indication, where possible, of what we
are going to be dealing with.

My own view is that the Labour reforms of the British Parliament of the mid-1990s have been
incorporated now into our procedures as much as is reasonably possible. In other words, hon.
Members get a timetable which sets out when we are going to meet and when we expect
1850 questions to be dealt with. And, Mr Speaker, as you rightly pointed out, and I am grateful for
that, we wanted to meet so that Chief Minister's Questions could be dealt with at three o'clock
on a Thursday and for four years we were able to keep to that rhythm. Then the small matter of
something called the Brexit Referendum got in the way. We are now required to travel when we
do not wish to travel, we are not able to be here when we want to be here, and sometimes
1855 therefore the de facto timetable that had sprung up is one that we are not able to follow.

There are Members opposite who are still at work, there are Members opposite who are
retired and there are Members opposite who do this as a full-time job. The independent
Member has no other employment, the retired banker has no other employment, I do not know
that Mr Reyes has other employment, and Mr Llamas has no other employment because he is
1860 on a sabbatical from the Government. When others have employment, or if they simply have a
personal matter to attend to in relation to children or whatever and they are not here, you are
right, Mr Speaker, nothing can be read into that and that is absolutely appropriate and the
Government will not read anything into somebody who is not here because they have a personal
issue to attend to involving their family or they have a professional issue to attend to, because
1865 Parliament is meeting in these circumstances. But, Mr Speaker, the hon. Member was at Crufts
when he was not here to hear those answers. He was at a dog show, as far as the Government
understands –

1870 **Hon. L F Llamas:** Mr Speaker –

Mr Speaker: Order!

1875 **Hon. Chief Minister:** At a dog show, Mr Speaker. And if he was, Mr Speaker, it is a matter
entirely for him –

Hon. L F Llamas: May I ask the Chief Minister to give way?

Hon. Chief Minister: I will give way.

1880 **Mr Speaker:** No.

Hon. L F Llamas: Mr Speaker, I think I need to defend my absence.

Mr Speaker: Very well.

1885 **Hon. L F Llamas:** Mr Speaker, back in November I was invited three years ago to officiate at
the Brussels International Dog Show representing Gibraltar. I was not representing myself and I
was not showing any of my dogs; I was actually judging, officiating and representing my country
in a very, very international event where there are more than 6,000 dogs, where there are more
1890 than 50-odd judges, and I think it is rather unfair to be accused (**Several Members:** Hear, hear.)
(*Banging on desks*) that I was doing something which was personal.

Minister for Housing and Equality (Hon. Miss S J Sacramento): It is rather irresponsible.

1895 **Hon. L F Llamas:** No, it is not irresponsible because I had a contract with that party to actually
perform a judging duty; it is not irresponsible. Right?

Hon. Chief Minister: So you were at a dog show.

1900 **Hon. L F Llamas:** Yes, I was at a dog show –

Mr Speaker: May we please –

1905 **Hon. L F Llamas:** – judging it the same way as other Members may go to backgammon
without –

Mr Speaker: May –

Hon. Chief Minister: You have disrespected this Parliament.

1910 **Mr Speaker:** Just a moment. Order! Order! Order! (*Interjections*) May we please not have
comments across the floor of the House. If any hon. Members wish to speak when another one
holds the floor, ask for the Member to give way.

The Hon. Mr Llamas, have you finished?

1915 **Hon. L F Llamas:** No. So, Mr Speaker, I was actually performing a duty which I had contracted
with the Belgian Kennel Club three years before I even had an inkling that I would be involved in
politics and which I had an obligation to carry out. It would have been unethical of me to have
withdrawn that appointment.

1920 Mr Speaker, obviously I appreciate and I understand that Government's responsibilities and
duties are far more important than that of Opposition, I accept that, but of course when
Parliament is called ... and I know that we started the year with a very structured way that we
would be doing things in the third week of the month, that we would start on a Wednesday and
finish by the Friday. It was very well structured, and obviously when that went out of the
window because of Brexit it is understandable that that takes priority.

1925 But, Mr Speaker, obviously when Parliament is called and we have personal commitments
which we need to see to, we try to liaise with your staff here in Parliament and we try to
ascertain which days are going to be free, because obviously we have other commitments which
we may need to carry out. Unfortunately, if we cannot predict when Parliament will be sitting,
inevitably ... We try our utmost best to always be here and we are 100% dedicated to our job
1930 and it is rather unfair that the Hon. Chief Minister accuses me of being at a self-inflicted cause
wasting my time and the taxpayer's funds. (*Banging on desks*)

1935 **Hon. Chief Minister:** I am very pleased that I gave way to the hon. Gentleman and he confirmed that he was at a dog show, Mr Speaker, (*Laughter*) instead of being here, for which he is paid £35,545 by the people of Gibraltar.

1940 So, Mr Speaker, look, I do not judge whether it is right for him to go to a dog show or not, whether it was right for him to contract to go to a dog show or not, whether he was judging or showing or whatever. I do not judge that, but that is where he was. That is where he was when the hon. Gentleman was answering the questions in respect of these issues which he says are so important. And somebody else might rightly be able to say, 'Well, so what: I went to that and I did not come to this.' Okay, Mr Speaker, but he is full time a Member of this House. He is on a sabbatical from the Civil Service. He is a full-time Member of this House. He earns £35,500 to be a Member of this House and if other Members in their spare time, when they are not required to be here, do other things, that is completely irrelevant. But what is particularly relevant, Mr Speaker, what is particularly relevant, is that the hon. Gentleman says outside of this House that Gibraltar under our administration is on a suicide train and he asks questions in this House about dog parks. He misses meetings of this House to go to dog shows and if Gibraltar were on a suicide train it would be his responsibility to be in this House, trying to put the brakes on that train. So that puts the lie to the things that the hon. Gentleman says outside of this House, Mr Speaker.

1950 When it comes to how the timetable is moved around, the Government regrets unfortunately not being able to stick to what it wishes to be the timetable to our reforms that we made in this House so that everybody should be here, especially given that some of the hon. Members on the opposite benches are doing nothing other than taking the pay of this community to represent this community. For them to come here and suggest that they are rightly out doing things like engaging in their contractual commitments, as the hon. Gentleman has told us to judge dog shows in the Netherlands, really is not an acceptable way of wriggling off the hook that the hon. Gentleman has made for himself, a hook that demonstrates a complete and utter lack of generosity, because this motion which is now before the House is the only one that can be described as genuine and which can be described as reflecting the reality of the position when what we were dealing with, which was once again clearly a directive that two motions be put every month and that they be regarded –

1965 **Hon. R M Clinton:** A point of order.

Mr Speaker: The Hon. Roy Clinton on a point of order.

Hon. R M Clinton: Mr Speaker, I refer to Part X of the Standing Rules, section 45(6):

No Member shall impute improper motives to any other Member.

1970 **Hon. Chief Minister:** Mr Speaker –

Mr Speaker: Just a moment –

1975 **Hon. Chief Minister:** Mr Speaker, improper motive is not to say that you are trying to garner political points. Improper motive is something to be improper. Hon. Members are *supposed* to be seeking to score political points and are *supposed* to be trying to demonstrate that they are an alternative Government. So to say to them –

Mr Speaker: May I?

1980 **Hon. Chief Minister:** – that they are making some –

Mr Speaker: May I?

Hon. Chief Minister: Well, Mr Speaker, can I answer the point of order?

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Mr Speaker: No, but I have to deal with it myself.

Hon. Chief Minister: But, Mr Speaker, you should hear both sides in respect of it.

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Mr Speaker: I will, I will.

Now, the Hon. Mr Roy Clinton, you are referring to 45(6), (**Hon. R M Clinton:** Yes.) which reads: 'No Member shall impute improper motives to any other Member.' Could you please explain to me what is the improper motive which you think the Chief Minister is imputing?

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Hon. R M Clinton: Mr Speaker, the Chief Minister seems to be imputing, in my mind, that my hon. Friend has been negligent in the performance of his duty to this Parliament and to the people of Gibraltar and seems to be suggesting that he is taking his pay on false premises in order to put above that private matters, and I think that is wholly inappropriate.

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Hon. Chief Minister: Mr Speaker, if I can address the question of motive, (**Mr Speaker:** Yes.) this subsection of the rules deals with motive Mr Speaker, with motive. I have not addressed the concept of motive. I am free to say that any Member in his House is negligent. That is not motive, Mr Speaker. I am free to say that the hon. Gentleman takes his pay and does not do enough for the Gibraltar taxpayer in taking his pay. That is not motive, Mr Speaker. Motive is what motivates somebody to do something, and what I have said in that respect is that the hon. Gentleman has been motivated politically to move his motion and that the Hon. Mr Costa's motion is a genuine motion and his was just one designed to create political points. The hon. Gentleman is a politician: if he was not moved politically, what was he moved by?

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Hon. R M Clinton: Mr Speaker, if I may raise another point of order in respect of the same section, section (12) this time, which says –

Mr Speaker: Which one?

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Hon. R M Clinton: Twelve, in which it says:

The conduct of Her Majesty, Members of the Royal Family, the Governor, members of the Parliament, the Chief Justice or other persons engaged in the administration of justice shall not be raised except upon a specific substantive motion moved for that purpose; and in any amendment, question to a Member or remarks in a debate on a motion dealing with any other subject any reference to the conduct of the persons aforesaid shall be out of order.

Hon. Chief Minister: Mr Speaker, addressing that part of the point of order made, does the hon. Gentleman not remember everything he has said since he came to this House, because he has been imputing my motives, if that is what he says that section means, from the first time that he uttered a word in this House after he was elected.

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This is specifically clear: the *conduct* of the Member shall not be called into question. Where is the conduct that has been called into question? What I am saying is –

Mr Speaker: May I –?

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Hon. Chief Minister: Mr Speaker, can I please address the point of order as well?

The conduct that is being addressed is not the conduct in this House. I am saying that he is not value for money for the taxpayer if he goes off to Crufts in Holland instead of being here to

2030 deal with the issues that he has to deal with. If the hon. Gentleman says that this rule does not allow me to say that, then he has got a completely different reading of the rules than every Member has ever had in the history, in particular, the person he used to support to lead the Government of Gibraltar.

2035 It is absolutely right and proper that we should all hold each other to account, and in that respect this rule does not exclude saying that somebody has not acted in a way that we consider to be appropriate value for money for the taxpayer.

2040 **Mr Speaker:** I had occasion to consider 45(12). In about April/May 2014 the matter was raised and I explained to the Leader of the Opposition that if the Speaker was expected to invoke that rule strictly, Members of Parliament here would be very, very limited in what they would be able to say about each other.

2045 It is right and proper that hon. Members should not question the conduct of Members of the Royal Family, the Governor and the Chief Justice, and then 'Members of Parliament' has been inserted into this particular subsection. As I say if it is the view of hon. Members that I should implement that, apply that strictly, they are going to have to be very, very careful about what they say to each other.

2050 I took the view then that that would not be the proper purpose behind this specific subsection. In a letter that I sent to the Leader of the Opposition on other matters as well I dealt with that particular one. I have got it on file; I could look at it again. But that was the view and the ruling that I then gave.

2055 Can we then proceed with a more orderly business before the House?

2060 **Hon. Chief Minister:** Thank you, Mr Speaker.

2065 And so it is entirely orderly to point out that the hon. Gentleman was not here because he was at a dog show, and every attempt that we have seen in the past five minutes to prevent the Government from pointing out to the community what the hon. Gentleman was doing has failed. Mr Speaker, one is almost left to say that the Opposition has gone to the dogs! *(Laughter)* At least on that particular occasion that is exactly where they were, Mr Speaker.

2070 Therefore to play politics with an issue as sensitive as the care that we give to the elderly in our community is really to demonstrate that there is an attempt to turn every potential opportunity for political advantage with little regard for the substance and the importance that it may have, whether dealing with the dates on which accounts are filed to the ways in which people in elderly residential services are taken out.

2075 What we are seeing, again in respect of motions, is this two motions a month – for goodness' sake – directive are taking effect with no regard whatsoever to the effect on the people who may be the ones who are the subject of the motion.

2080 In this respect, Mr Speaker, the motion now before the House, the motion that I am confident the House will pass, is one that reflects the extraordinary hard work, the dedication, the care and the sentiment that the people who have been in charge of discharging ministerial obligations from 9th December 2011 have had, in particular for people in respect of elderly residential services, who could not be closer to my heart than they are and who therefore are now reaping the benefits of the work of John Cortes, the work of Samantha Sacramento, the work of Neil Costa and indeed the support of the whole Cabinet for the spending necessarily associated with that.

2085 That is why, Mr Speaker, I commend the motion as amended to the House and it must be the record that stands for history of the way that we care for the elderly in our community today in the second decade of the 21st century. *(Banging on desks)*

Mr Speaker: The Hon. Mr Llamas can now exercise his right to reply.

2080 **Hon. L F Llamas:** Mr Speaker, I will start by just saying that when I stood for election the first thing that crossed my mind was to do this full time, which I am doing, and the sacrifices that this means for my family and in particular my wife and children. *(Interjection)* Yes. So to insinuate that I do not do this full time and I have chosen not to take any extra work or employment which obviously would compensate at least my immediate family ... I do not think I have to defend that point in this House or outside this House. **(A Member:** Hear, hear.)

2085 Mr Speaker, I will start with the infamous Question 726/2016. My question specifically asks about outdoor recreational time on a *daily* basis; the words 'daily basis' are included in that question. The answer referred to outings and events. Therefore, I find it that, regardless of whether a Member is in Parliament or not, the answers hardly reflect what the question is technically asking for.

2090 Never have I criticised the care staff of these residency homes, never have I even suggested the patients are lacking activities and never have I suggested during this motion that the Government has actually failed and should be ashamed. Therefore, Mr Speaker, I do not think that I have come here to this House with a politically motivated motion. Indeed, Mr Speaker, the support given by the Friends of Mount Alvernia is commendable and invaluable. The services provided by this charity just show how hard they work and the dedicated members it has on board.

2095 What I have sinned on, Mr Speaker, is being accused by Mr Costa of headline grabbing for bringing issues of concern into the public domain through the media, and yet again I am being criticised for bringing issues through the resources available in Parliament, which Mr Speaker always encourages us to pursue.

2100 Residents and families have also conveyed their positive feedback on the activities provided in the residency units and they have also praised the carers and care provided on sites. And, Mr Speaker, whilst the Chief Minister was asking that I seek clearance from the Minister for Health to visit these wards, these wards are not actually clinical wards, they are residential wards and as such I was invited by a family member, so I do not think it is inappropriate for me to attend and have to seek the Minister's approval.

2105 The Mount Alvernia and John Mackintosh Wings have easy access and direct access to the outdoors, Mr Speaker. However, the access to the beautiful gardens down at St Bernard's would be a perilous journey if residents had to travel a rather long way through various lifts to access these gardens. The reality is not in this House, Mr Speaker; the reality is in these two wards in which people are living day in, day out.

2110 The fact is, Mr Speaker, that the Hon. Minister accuses me of not being in this House on two unfortunate occasions; however, I have been to the John Cochrane Ward and I would recommend that the Minister takes time to visit and talk to the residents as to the state of affairs, which are rather depressing.

2115 It is obvious that the Minister must have agreed with my motion, given that last week a policy has been implemented in these two wards and at last there will be elderly escorted – at 30-minute intervals, from what I am told – to the gardens at St Bernard's.

2120 So Mr Speaker, I wish to just conclude by saying that unfortunately I bring a motion to this House in good faith but am met with a bullish answer.

Thank you, Mr Speaker. *(Banging on desks)*

2125 **Mr Speaker:** I now put the question in the terms of the motion as amended before the House. Those in favour **(Several Members:** Aye.) Those against? Carried by Government majority.

**Medical cannabis –
Prescription and legislative framework –
Amended motion carried**

Mr Speaker: The Hon. Mrs Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

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THIS HOUSE:

NOTES the Universal Declaration of Human Rights adopted by the United Nations in 1948 which considers the right for people to receive medical treatment;

NOTES that the international medical community has proven that cannabis flower and oil can be used for medicinal purposes;

NOTES that the GHA already prescribes opiates and other sedative drugs such as Diazepam and Diamorphine;

NOTES that there are a great number of patients in Gibraltar who suffer from ailments which could be treated successfully with cannabis;

NOTES that at present the Government has provided Sativex in very limited cases but not widely available to sufferers;

NOTES that the full plant extract has been known to be more effective than Sativex, both anecdotally, and clinically, and therefore the need for a comprehensive cannabis program is required, through which sufferers can obtain different variants of cannabis medicine, whether it be Sativex, the flower itself, oil extractions, or any other number of variations;

AND THEREFORE RESOLVES that medical professionals within the GHA should be free to prescribe medical cannabis for needy patients immediately and without delay, and should also be given expert training on as to how and when cannabis-based medicines should be prescribed;

FURTHER RESOLVES that the proper legislative framework for a proper cannabis program be introduced and provided by the Gibraltar Government for this to happen.

Mr Speaker, the Government's decision late last week to allow doctors to prescribe Sativex to patients suffering from multiple sclerosis represents an important step in the direction of embracing the medicinal qualities of cannabis-derived compounds. I am sure that there are many in our community who are encouraged to know that doctors will now be able to provide this new treatment option to their patients, granting hope where this time last week there was nothing but frustration and confusion. These patients will now have a chance to experience these qualities and start a new chapter in their treatment of this condition with the expectation of respite from its distressing effects. This relief will likewise extend itself to the families of these individuals, while doctors themselves will benefit from clarification of an issue that was creating uncertainty in respect of the legal implications of prescribing this medicine.

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Both the recent *Viewpoint* debate on the issue and the ensuing discussions revealed a public demand for access to this medication, and having passionately pursued the cause on behalf of patients, families and medical professionals, I commend the Government for making a decision that will benefit some of the most vulnerable members of our community.

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As pleased as I am, however, I am of the view that the Government's stance does not go far enough in offering both patients and doctors a more exhaustive range of cannabis-derived options that present similar treatment benefits to Sativex, for there are members of our community, Mr Speaker, whose quality of life is being significantly let down by the frail trappings of the human body. These individuals all do the right and natural thing and seek help, a help that in other situations would be gladly made available. In these cases, however, and in respect of medicinal cannabis, this help is being denied to them. It is not being denied by medical science,

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it is not being denied by the will of the doctors; it is being denied, I am ashamed to say, by us, and by denying this help we are failing in our duty to keep improving the quality of life of the people we have been elected to serve.

2155 When one is in pain one will do anything to eliminate it. This desperation turns one into researching alternative options, to consulting medical professionals further afield and to pinning one's hopes on a solution that might hold the key to relief. When these hopes are dashed, however, that pain is felt all the more acutely. But in some cases nature itself holds the key. Medical science has shown that cannabinoids can provide that solution and what is preventing
2160 possible treatment is an illogical restriction that does nothing but prolong misery and force patients into accepting a pain that could be alleviated by the measures described in this motion.

Western society's historical misunderstanding of this issue, one which ignores the long-chronicled use of cannabis for medicinal purposes in other ancient civilisations, has meant that the matter was always going to be a controversial one, but this has only forced the science to be
2165 more robust in proving its efficiency.

From Imperial College to Harvard, academics across the planet are increasingly united in the consensus that cannabinoids offer pain-relieving qualities that could benefit patients suffering from a wide range of conditions. Fifteen countries have now followed this lead and the move is steadily spreading across many states and legislations in the US.

2170 The UK currently has its own ongoing inquiry into the benefits of medicinal cannabis with cross-bench peer, Lady Meacher, who chairs the group, having said, and I quote:

The findings of our inquiry and review of evidence from across the world are clear. Cannabis works as a medicine for a number of medical conditions. The evidence has been strong enough to persuade a growing number of countries and US states to legalise access to medical cannabis.

Against this background, the UK scheduling of cannabis as a substance that has no medical value is irrational.

This view is strengthened by the substantial scientific research that has concluded overwhelmingly in favour of such an assessment. I refer my parliamentary colleagues, for example, to the in-depth investigation into therapeutic potential of cannabis-related drugs by
2175 Stephen P H Alexander from University of Nottingham Medical School, which opens with the premise that there is considerable potential for therapeutic benefit to be had from plant-derived drugs and related agents which exploit the system linked to the best understood effects of cannabis-derived drugs. Alexander goes on to highlight the encouraging results being shown in trials exploring treatment for pain, nausea and vomiting, feeding disorders, glaucoma, neuro
2180 degeneration, multiple sclerosis, schizophrenia, cancer, epilepsy, and stress and anxiety. This is but only one of the many detailed academic studies I have come across in my research and I would be more than happy to provide further information to direct the House to similar examples.

Much of this research refers specifically to the experience of patients, many of whom have expressed the firm opinion that cannabis has helped to treat the symptoms of a broad spectrum
2185 of conditions. By means of example I refer the House to the poignant *Millie's Story*, a National Geographic documentary that reports how a baby girl's quality of life was dramatically improved by cannabis oil when all other options had seemingly been exhausted. There are numerous other such examples, with both scientific and anecdotal context, which clearly indicate that
2190 these products work.

As a result, Mr Speaker, the call from doctors and medical professionals in support of this measure is getting progressively louder as scientists draw attention to the fact that such legislation would eliminate restrictions and enable further research with improved quality assurance over the products manufactured and obtained for the purposes of this research.

2195 Gibraltar could even find itself contributing actively to this study with our own resources and facilities used to take the science to the next step, potentially identifying even more effective ways to use a plant that offers 1,400 strains, each one with different actions and capabilities that could potentially help treat so many conditions and illnesses.

2200 Initiatives such as the University of Gibraltar and in particular its connection to the GHA's School of Medicine could very feasibly take the lead in academic and scientific research, and it is in this area where Gibraltar could once again emerge internationally as a beacon in the fields of study of these medicinal substances.

2205 While there may be some who might treat these proposals with genuine scepticism, a scepticism that maybe warranted, one must at the same time remember that there are many medical advancements which were initially dismissed by sceptics but which we now take for granted: vaccinations, incubators, antiseptic hand washing, even the whole idea of germs causing disease in the first place. Years from now the use of cannabis and its derived medications will likewise be taken for granted and future generations will wonder what took us so long – because yes, Mr Speaker, scepticism is healthy but denial is not.

2210 These arguments are already having an impact on public opinion. A recent poll indicates that 85% of Gibraltarians support the medicinal use of cannabinoids, a measure of both the robustness of the medical science and of our community's capability to empathise. There is a growing feeling that politicians should not be telling others how to deal with pain, that this is for doctors, for scientists and for patients, and the majority are giving the same message. These patients need to see that Parliament is not turning its back on their suffering and these doctors need to feel empowered by being provided with the expert training so that, if necessary, they can prescribe these medicines without the fear, or at least the uncertainty, of prosecution.

2215 My motion, Mr Speaker, aims to address this demand while providing broader treatment options for patients and doctors alike.

2220 It notes that the right to receive medical treatment is enshrined by the United Nations Universal Declaration of Human Rights, showing that we as a Parliament have a responsibility towards helping those in pain.

2225 It recognises the overwhelming consensus among the international medical community concerning the medicinal qualities of other cannabis-derived products, while also drawing attention to the fact that opiates are already being prescribed by the GHA in the form of, for example, diazepam, diamorphine and now Sativex, the licensed G W Pharma drug.

2230 The motion calls for a comprehensive programme that will allow patients tightly regulated access to different medicines derived from the cannabis plant, some of which have been proved to be more effective than Sativex itself. The programme could see the cannabis plant either imported or cultivated locally in a controlled artificial environment in order to dispense a range of products outside pharmaceutical regulations, as is the case in most of the jurisdictions which have legalised the use of the plant for medicinal purposes. This system recognises the unique and complex qualities of the cannabis plant – an organism which unlike, for example, the regularly used diamorphine, is entirely non-toxic – while also acknowledging problems regarding quality assurance and production. This is a process that has proved effective in many countries, with the full potential of the plant being exploited for the benefit of patients beyond the use of only one medicine.

2240 The motion also appeals for a relevant legislative framework that will enable medical professionals within the GHA to prescribe these medicines and be given suitable training to understand their benefits and their proper use, particularly through an educational summit where these professionals could learn about these medicines and their benefits, as well as a comprehensive patient-centric programme that will help change the culture of a more traditional system of conventional medication. This would create a productive and trusting relationship between doctor and patient that prizes the wellbeing of the latter.

2245 But let us make one thing clear, Mr Speaker: this motion is not about the decriminalisation or legalisation for recreational use, nor should it be confused with a step in that direction, for that is a very different argument, one with much wider-ranging implications. Instead, this is about the provision of medication through tightly regulated and controlled procedures led primarily by health professionals. Similarly, it is not about the recreational use of other narcotics and neither side of that debate should confuse nor conflate this Parliament's intentions. This is simply about

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reducing pain and these are noble intentions which should not be exploited in favour of a more complex and entirely different agenda.

2255 Mr Speaker, common sense tells us to do this, medical science tells us to do this, health professionals are telling us to do this, public opinion tells us to do this, human empathy tells us to do this; so I have to ask why aren't we doing this, because when science says yes, when doctors say yes and when the call from patients and public opinion is a resounding yes, then who are we to say no?

Mr Speaker, let us end this pain and let us vote in favour of this motion and bring hope and relief to where there is currently neither.

2260 Thank you.

Mr Speaker: I now propose the motion in the terms moved by the hon. Lady.
Does anyone ...? The Hon. Neil Clinton. *(Laughter)*

2265 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, if you are referring to *Bill* Clinton, the former President of the United States, I have no problem being called Mr Clinton, but otherwise I prefer to be called Mr Costa.

2270 **Mr Speaker:** I would rather have been able to refer to Hilary Clinton! *(Laughter)* But anyhow, same surname, the Minister for Health in Gibraltar at the moment.

Hon. N F Costa: Mr Speaker, in the first place I would like to thank the Hon. Member, Ms Marlene Hassan Nahon for bringing the motion, although the motion as drafted is not one that the Government can support.

2275 It does bring to the fore an important issue which, in my view, is worthy of debate in the Parliament. It is also one on which the Government has already moved.

2280 On the premise that I have taken expert advice from professionals within the Gibraltar Health Authority and the Director of Public Health, I will move an alternative motion. The hon. Member will see, I hope, that the Government's motion goes some way towards effecting what she proposes in a manner which the local experts in the field are comfortable with and which reflects the changes in legislation which were made last week.

2285 By way of background, I am informed by expert medical professionals that although throughout history a vast range of therapeutic benefits have been claimed for the use of cannabis, very few of these claims are presently backed by evidence of efficacy and of safety. The reasons for there not being sufficient evidence to substantiate all of the claims vary and it is not helped by the fact that cannabis is not one product but a mixture of a very large number of active compounds in varying quantities. For example, the supposed therapeutic benefit of cannabis as an analgesic has been claimed for centuries and tinctures of cannabis once used to be common but were removed from pharmacopoeias a few decades ago on grounds of erratic function and poor safety.

2290 There is anecdotal evidence that cannabis does help with chronic pain, muscle spasms, improving sleep and improving ticks in persons with Tourette's syndrome. There are, unfortunately, few long-term trials testifying to the safety of the product and there are no licence preparations yet for many of these indications. Hon. Members may agree with me that
2295 unlicensed and unregulated products should not be prescribed by clinicians and that the safety of the patient must be paramount. As Members are well aware, licensing is the primary means of regulation. A cannabinoid product is given a licence within a country for lawful use in tightly restricted circumstances. There are some examples of medicines being used by doctors for treating conditions outside of the licence but these practices are on the basis of expert medical
2300 opinion and supported by august bodies such as the Royal Colleges. The overwhelming view presently is that cannabinoid preparations should not be used for any purpose that is not explicitly licensed.

As such, Mr Speaker, I point out to the hon. Lady that it is not technically correct to suggest that the international medical community has proven that cannabis flower and oil can be used for medicinal purposes. It would be fairer to say that, except in a limited number of cases, the jury is still out. The only product licenced and included for use in the British National Formulary for prescribing is Sativex, which is a proprietary extract of cannabis that is licensed for treatment of severe spasticity in multiple sclerosis. A further product, Nabilone, which has a synthetic cannabinoid licence for treating nausea and vomiting associated with cancer chemotherapy that is unresponsive to conventional antiemetic products, has been brought to by attention. I am advised that because it is synthetic it does not fall within the restrictions that Sativex fell within and that therefore no amendment was required to the law to clarify the position.

I can confirm that following the changes to the legislation there is absolutely no doubt that Sativex may be prescribed by specialist medical clinicians in appropriate circumstances. As with all cannabinoid preparations, its use will be subject to further scrutiny in clinical practice through close medical supervision and protocols that govern dosage, usage, monitoring and stopping. All these indicate that the safety of these products is not assumed lightly by the medical profession.

The motion suggests that there are a great many patients in Gibraltar who suffer from ailments which could be treated successfully with cannabis. I am afraid that the GHA has not been able to find evidence of this, both with regard to numbers of persons with the specific ailment that can be treated with these products and with regard to the specific question as to whether the treatment would be safe or without worse outcome than the current treatment regimes. As I am sure the hon. Member will agree, however, the fact that there is no evidence that there are a great many patients who may benefit from these products is not in itself a bar to allowing for the availability for prescription after careful clinical appraisal on a case by case basis, as with any other drug. I am advised that such prescriptions and use should, as I mentioned earlier, be, as in the UK, subject to strict compliance with the terms of the appropriate drug licence.

There is a further suggestion in the hon. Lady's motion that the full plant extract is more effective than Sativex, both anecdotally and clinically. It is therefore suggested that there is a requirement for a comprehensive cannabis programme in Gibraltar. Again, this may seem like a logical step. According to information provided to me by the medical professionals, at this point in time such a programme is seen by them as being speculative and not yet supported by the licensing process.

Much as I would like nothing better than for clinical trials to have proven the beneficial effects of cannabis products for a whole series of different ailments, I believe we should follow expert professional advice at this time. As the hon. Member is aware, however, I am fully committed to have further research into this issue undertaken by the relevant GHA professionals, and my view, as well as the Government's view, may well evolve on that basis.

This research will of course look at the experiences that other jurisdictions have had with respect to the use of cannabis products for medicinal purposes. We will need to look, for example, at the situation in Canada, where cannabis is legal for medicinal purposes and a new law is due to be introduced this spring which goes further. In the United States there is a wide range of different laws on a state-by-state basis from legalisation to decriminalisation, to legal non-psychoactive medical cannabis to legal medical cannabis of all types, to full cannabis prohibition, and this of course not even touching on the point that in the US at the federal level cannabis remains a prohibited substance classified by the Drug Enforcement Agency a drug with a high potential of abuse and no accepted medical value.

All this needs to be looked at properly in good time by medical professionals and this should not be something that Parliament should rush into. It is right that this need for careful research does not delay the need and did not delay the need for clarity over the prescription of Sativex, but we need to ensure that any further changes are the result of clinical advice, proper consideration and full clinical trials. As a result, the current position would be kept under review

2355 by the Director of Public Health and GHA clinicians and may in the future change if the Government is satisfied that there are good medical grounds and other good reasons to do so.

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.

2510 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.

2520 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.

2525 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.

2530 **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.

2545 **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

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.

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2610 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):
2620 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.

2625 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.

2630 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.

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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.