



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.34 p.m. – 7.39 p.m.

Gibraltar, Wednesday, 29th March 2017

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The Gibraltar Parliament

The Parliament met at 3.34 p.m.

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

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

Questions for Oral Answer

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q289 and 290-301/2017 – Public finances – Supplementary questions continued

Clerk: We continue with answers to questions. I believe we are on supplementaries to Question 301. The questioner was the Hon. R M Clinton.

5 **Hon. R M Clinton:** Mr Speaker, if I can move to the answer to Question 295 in respect of the Savings Bank and any new products, the Minister advises that there are no new products being offered to holders of maturing debentures in 2017. With reference to his press release in March about the change of interest rates, I can see that the debentures that are available – and he will correct me if I am wrong – are three-year fixed term, five-year fixed term for non-pensioners;
10 and five-year fixed term, 10-year fixed term for pensioners. Is there a reason why there is not a 10-year fixed term for non-pensioners?

15 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, the question is whether anything is being offered to people whose debentures mature, and there is nothing about pensioners in the question.

20 The answer is, of course, that we are not creating a product which is only available to the people whose debentures mature. We did that only once, which was when people had debentures that were redeemed before the maturity date and then something was created because we were moving from the Government to the Savings Bank. Normally with the Savings Bank debenture what happens is that whatever is available on the web page for anybody is what is available to the people whose debentures are maturing now, including taking all their money in cash out. There is about £200 million this year of maturing debentures and if the people wanted the £200 million the cash is there.

25 I think, in terms of why there is not a 10-year one, in fact in the past the 10-year one has not been all that attractive in terms of the money that has been brought in and therefore, because we wanted to keep the higher rate for pensioners, which would not apply to non-pensioners, we decided that since there was already a 10-year one for pensioners we would not reduce the rate of that and we would leave that at the 5%. That is the reason why it was done.

30 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer. If I may move to
Question 296 in respect of Strand Credit Finance Company Ltd and the striking off by the UK
Registrar of Companies, the answer was that it had been dormant and there was an oversight on
the part of the UK administration. I would be grateful if the Minister could advise the House who
is responsible for managing these companies. I believe it is a subsidiary of Gibraltar Strand
35 Property Company Ltd, which is registered in Gibraltar. How did this oversight occur? And the
second part of my question was: was any property consequently *bona vacantia*?

Thank you.

Hon. J J Bossano: Mr Speaker, I gave an explanation to Parliament when the company was
40 originally set up. I think I had questions then from the Leader of the Opposition at one stage, and
then I think from Mr Bossino at another stage. What I said was that the purpose of the company
was in case there were properties that we wanted to buy in the United Kingdom and there was a
difficulty. Let us say, for example, that Calpe House, which has got a mortgage in the United
Kingdom for the new Calpe House ... If Calpe House had been unable to get it or unable to get it
45 on sufficiently attractive terms, then we had a vehicle ready to do that. I gave the example the
last time also of sometimes when there are long-term patients in the United Kingdom that need
family accommodation. I think we have got one case where a property was bought in
Manchester. If it is not easy to get the necessary mortgage facilities, then we would have a
vehicle already in existence.

50 Those circumstances have not materialised, so in effect the company was dormant because
there has been no activity and there is a company of accountants, or something like that,
engaged in the United Kingdom that does the books of these two companies and that is the one
that overlooked the need to keep the registration alive. When it came to light they accepted
that it was their mistake and they put the mistake right at their own cost because it was their
55 fault.

The answer is there is no management, because the company is a vehicle that is ready there
for, and when we need it, but we have not needed it so far.

Hon. R M Clinton: I am grateful to the Minister for his answer.

60 Coming on to Question 297, which I think the Minister may already have answered in
answering my first question, was it then reincorporated because you may envisage a need for
something similar in future and presumably you would want to keep that optionality? And when
you say there is no cost, I presume, as you say, there is no cost to the taxpayer – if you can
confirm that – because the administrator has covered that cost. Would that be right, eh?

65 **Hon. J J Bossano:** I think the cost of maintaining the company is under £200. We think that
for £200 a year it is worth having the company there, because we might need it in a situation
where we want to act quickly if we have difficulty in raising finance simply because the ultimate
owner would not be an entity that lending institutions in the UK might be familiar with.

70 **Hon. R M Clinton:** Mr Speaker, just to finalise on these two questions, if the Minister could
just confirm, then, there was no issue of *bona vacantia* when the company was dissolved.

Hon. J J Bossano: The hon. Member is right, there was not.

75 **Hon. R M Clinton:** Mr Speaker, if I can move now to Question 299 in relation to the Housing
Allowance, the answer the Minister has given the House is that the Housing Allowance payments
will be received by the company, the company being Gibraltar Capital Assets Ltd, from the funds
in the pool. My question is really quite specific in that I wanted to know which Government-
80 owned company is to make these payments and what contractual arrangements are in place. I
wonder if the Minister could answer those two questions.

Hon. J J Bossano: Mr Speaker, I think I have been explaining to the Members opposite something they would know from the time they were in Government – those who were in Government – but I have had to explain it to those who arrived subsequent to 2011 and now to those who have arrived subsequent to 2015. The pool is the pool invented as a device by the GSD administration, which we continue to use because in fact it is a very efficient way of dealing with the situation where all the money during the year the Treasury uses as one single pot of money. There is a pot of money that is company money, there is a pot of money that is I&D money and there is a pot of money that is Consolidated Fund money, and whatever movement there is, that is all reconciled at the close of the financial year. Clearly, if there are companies that have got surpluses and companies that have got deficits, the company which will get charged any payment will be the one that has got the resources available to it to be able to make the payment, because at the end of the day we have got the income that comes in from the rent which goes direct to that company and then it has to be supplemented by the Government because that is part of the agreement that there is with the lenders – which had been explained to the hon. Member by the Chief Minister in the meeting that they had.

So the answer is that there is not a specific company that is there to do that. The money will come from the company that has got the available resources, but at the end of the day we supplement it in order to meet the obligations of what has to be the annual cash that has to be paid and the annual cash that has to be built up for the eventual repayment of the £300 million. That is how it works. That is as much detail as I have got.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister, and yes, I am now well familiar with the cash pooling concept. However, what I am finding some difficulty with is understanding whether there is any contractual obligation to make this payment to Gibraltar Capital Assets Ltd, and if so with whom if the liability gets passed to whichever company has surplus assets. How has this arrangement been formalised to ensure that payments are made? Who is the guarantor of this payment?

Hon. J J Bossano: Mr Speaker, the hon. Member seems to forget that we are the owner of all the same things. I know that he is an accountant but he is not the accountant of the Government who has to satisfy himself that one thing is in one pocket and should not be in another pocket.

We have got Gibraltar Investment Holdings, which has got other companies which are subsidiaries, of which the Member knows from the book; and then we have got the GDC, which has a number of subsidiaries. Those 100% Government-owned companies, if they require decisions, all have the same owners and all have the same directors, all of them, so whatever technicality needs to be done is done in order to make sure that the mechanism that we are using – inherited from them – is working in accordance with any legal requirements there may be.

As a matter of policy, as a policy maker, I do not have to take a decision on that. There are people employed in the Treasury who have been doing this before 2011 and who continue doing it. Obviously, before 2011 there was not the equivalent of the hon. Member on that side who was an accountant trying to be the accountant of the companies, so those kind of questions were not asked before by me. I tended to limit myself to having the Government explain to me or defend its policies, not the technicalities of what the employees in the Treasury do and whether they are doing something that they should or should not be doing. I cannot imagine that any civil servant would be willing to expose themselves to doing things that are in conflict with the law.

Hon. R M Clinton: Mr Speaker, if I may ask the Minister a direct question: is there a contract with Gibraltar Capital Assets, signed by the Government, saying that we will give you the Housing Allowance to make up the difference in your cashflow requirements, and is it a contract

135 between the Government – not a Government-owned company but the Government – and
Gibraltar Capital Assets Ltd?

Hon. J J Bossano: I do not know what the Government told the hon. Member in that meeting
where I was not present, and I do not know whether he asked the questions, so I am not going
to give him an answer until I have found what he asked them and what they told him.

140 **Hon. R M Clinton:** Mr Speaker, is the Minister telling the House that he does not know?
Surely he must know whether there is a contract in place with the Government and Gibraltar
Capital Assets Ltd.

145 **Hon. J J Bossano:** Mr Speaker, I do not have to tell the hon. Member how much I know; I only
have to tell him how much I am prepared to tell him, and therefore what I have just told him is
he had the opportunity – which I probably would not have given him if it had been my decision –
of being briefed in private for several hours. I do not know how much he asked in those several
hours and I was not at that meeting. If I had been, he probably would have been told less than
150 he was told. But I am telling him now that any questions that he wants to know about this I will
look at on the basis of finding out what he asked before and what he was told before and
whether he was told things that he was told there on the basis that he was being given a private
briefing and not a public airing. If he wanted a public airing he should have refused to go to the
private briefing and then he would have had to be content with what he got.

155 But I am telling him as a policy maker the position is that the mechanism works on the basis
that that is how it was working. It is an efficient mechanism, and it was not invented by us but it
is an efficient way of doing things from the point of view of doing things administratively. I do
not believe in adding layers of bureaucracy that cost money; I believe in removing layers of
bureaucracy, which saves money for taxpayers. He believes in that as well because he urges me
160 to do things. I know that he supports the fact that I have taken the responsibility on behalf of the
Government for improving efficiency. If it is something that works and is cost effective, then as a
matter of policy I would not try to change it. If it is something that is in breach of some
technicality, then there are two ways of dealing with it: either we as a Government change the
requirement for the technicality, which we have got the majority to do; or we say to the
165 professionals, 'Well, look, you are technically out of order: put it right.'

When he goes beyond that to say 'Is there an agreement between somebody or the other?' it
is like the questions he has asked on previous occasions: 'Well, did you tell the Attorney General
to do something, or not?' Governments do not come to Parliament to give verbatim reports of
their conversations during office hours with their civil servants. I will find out, and if there is
170 information that is available to me and there is no problem in sharing it with the hon. Member I
will share it with him here so that he is free to do with it what he likes.

Hon. R M Clinton: Mr Speaker, I am, as always, grateful to the Minister for his honesty in
response and his helpfulness in undertaking to at least go and look and see if there is such an
175 agreement. If I may just say that certainly when we attended the meeting we were told there
was going to be a payment from a Government company, although it was not identified to us,
and certainly nothing was said that deemed that information commercially sensitive or private in
any way, which is why I have asked the question of the House.

180 My interest – and I am sure the Minister will appreciate this – is the contractual
arrangements, because I am sure he will agree with me that it would be inappropriate, for
example, for another Government-owned company or, indirectly through the Savings Bank,
Gibtelecom to make a contribution to Gibraltar Capital Assets Ltd. I am sure he would agree that
that would be completely out of order.

185 So, Mr Speaker, I would be grateful if the Minister would find out, if he can, whether there is
such an agreement in place and revert to the House as he said he would.

Thank you.

Hon. J J Bossano: Mr Speaker, I am answerable for the Gibraltar Savings Bank and all the shares of Gibtelecom, as an example, held by the Savings Bank. The profits pay the dividends to the Savings Bank and I can assure the hon. Member nobody is going to touch a penny of my dividends for as long as I am there!

Hon. D A Feetham: Mr Speaker, the hon. Member may recall that in the past when we have spoken about where the money from the Gibraltar Savings Bank, Credit Finance, into this pool mechanism has gone, the hon. Member, when I asked him what is that money being used for, has said to fund the cash requirement of Government-owned companies. That was the answer, that is a matter of record, and I think that he recognises that is what he said.

Bearing in mind that he has given a very similar answer now, in relation to capital assets, to my hon. Friend Mr Clinton – that it is going into the same central pool – and bearing in mind that in fact there are no subdivisions of that pool into defined pockets, as he has described it, am I also right in saying and assuming that that money too is of course being used to fund the cashflow requirements of Government-owned companies or whatever else the Government may need the money for?

Hon. J J Bossano: The money that has been provided to Gibraltar Investment Holdings as FRNs, is then, as he has been told before, finds its way to companies that may need the cash at the time they need the cash. That money has not increased; if anything it has come down. That is to say the original provision of funds to GIH has not gone up since, and if anything it is coming down rather than going up, so there is no question that Credit Finance is providing additional money to GIH other than the money that was provided before this arrangement existed. Before the £300 million facility existed, the money that was given to GIH would have gone down. Nothing extra has gone from Credit Finance to GIH since then.

Hon. D A Feetham: Capital assets, £300 million.

Hon. J J Bossano: Yes, but the £300 million, Mr Speaker, is in the company that obtained the money on the basis that it was secured on the leases of the estates. Having obtained that money, that money is available to the pool. Okay? It is not the case that the company that got the money from Credit Finance, GIH, has received any additional money from Credit Finance in order to make any payments to the company that has the annual rental payments to make, so it is not the case that any new money has gone in that direction from Credit Finance. The money that went initially from Credit Finance has been available to other companies for other things that they were undertaking. For example, you have got property companies that have been receiving money from the sales of properties, from the 50-50 sales. That money is available in the pool either for investment in other things or for the payment or for the amortisation of the capital of this company because it formed part of the same pool.

If the hon. Member is asking is it the case that we are relying on fresh money from Credit Finance, the answer is no; is it the case that the money is not being repaid to Credit Finance, the answer is no. Money is being repaid to Credit Finance at the same time, so there is nothing that has happened as a result of this company coming into existence that has cost more money to be provided from Credit Finance to Gibraltar Investment Holdings.

Hon. D A Feetham: No, that is not the question. Mr Speaker, I apologise, it is probably my fault, but the hon. Gentleman has not understood the question. I understand that otherwise there would be implications of the nature of the scheme. I understand this is not capital assets, Gibraltar Investment Holdings into Credit Finance. I am not asking about that.

I am saying: in the same way as the money from Credit Finance went into the central pool at the Treasury – which was then, according to him, used to finance the cashflow requirements of Government-owned companies, as he said to this House – is the new £300 million from capital assets, which has also gone, according to him, into this pool which is effectively operated by Gibraltar Investment Holdings ... or not? (**Hon. J J Bossano:** Treasury.) Yes, okay, Treasury. Is that pool, is that money, also being used in order to fund the cashflow requirement of Government-owned companies and indeed the Government itself?

Hon. J J Bossano: I do not think it is being used in the sense that use has been made of it so far, but it would be available for that use.

Hon. D A Feetham: Yes. Yes.

Hon. R M Clinton: Mr Speaker, if I may move to Question 298 on the same subject of the money raised by Gibraltar Capital Assets Ltd – and, for the benefit of the House, of course Gibraltar Capital Assets Ltd effectively paid £275 million to Gibraltar Residential Properties, so the holder of that money technically will be Gibraltar Residential Properties ... Coming to my question – and again we always end up with a question on this idea of cash pooling, but can the Minister advise if this £275 million is in any way ring-fenced or restricted in use by the Treasury, as the Chief Minister's office said that these will be used for stuff that will generate economic activity for Gibraltar?

So my question to the Minister is: is this money in any way ring-fenced by Treasury, whether mentally or by way of direction, and told that they cannot use this £275 million unless for a specific purpose?

Hon. J J Bossano: I do not believe there is any legal impediment to the money being used for any specific purpose in the sense that there is anything in the provision of the funding that says you can only use the money for x. It would be a matter of Government policy. Certainly from my perspective the best way to use that money is in a way that generates income, so that in effect it funds itself. Whether that happens or not remains to be seen.

Hon. R M Clinton: Well, Mr Speaker, I sincerely hope that it does fund itself.

If I may just ask one final question: in terms of the responsible officer – and just to confirm my understanding from his response that the money will be managed by the Treasury – is it the case that the Treasury are effectively responsible for this money and therefore it would come under ... the responsible officer would be effectively the Accountant General?

Hon. J J Bossano: Well, Mr Speaker, the question – Question 298 – that the hon. Member asked originally, was who is the controlling officer. The concept of the controlling officer is what there is in the estimates in a Department. The pool of money is managed by the Treasury in the same way that it has always been managed and it is not that there is a list of controls for different kinds of money depending on the source. Otherwise, what would be the use of having a pool? It is not that there is one particular named civil servant who is the one who takes the decision on how to spend £275 million and some other named civil servants who take a decision on money from another source. The money is the cash available to the Government and to wholly owned Government companies, and the availability of that cash at any point in time is used in whatever way is the most efficient way to use that cash from the point of view of managing the financial affairs of the Government and the public service.

The hon. Member has been told that the preferred option – and I would agree that that is the best way to make use of this money – is to invest it in areas where there is a return which not only meets the cost of servicing this money but makes a profit. Therefore, if the hon. Member said that that is what was indicated to him I have to tell him I would clearly think that that

290 should be the preferred option. But the preferred option can only materialise and be put into
effect if an opportunity exists to do that. Everybody who has money wants to make money, but
if wanting to make money was all that was needed then everybody would be very wealthy.
There has to be an opportunity to do it; there has to be a project or an investment possibility
that could do it. For example – I am giving the hon. Member examples and I do not want him to
read into things something I am not doing; I am trying to make him understand – I explained to
295 him before the decision that was taken that Credit Finance should be the one that did the joint
venture on Shell LNG. It could equally have been, ‘Well, look, that is a profitable investment that
will give a return that is more than we have to pay on that money, so we can use the money for
doing that.’ That would be an example, but it is not a decision that was taken. I think in any
event the money was required before this was finalised and, from the point of view of the
300 Savings Bank, we saw that as an opportunity for the Savings Bank to bring in money, which is
important because we want to be able to keep our interest rates as attractive as possible for the
benefit of local savers. I am not saying that it was something that was considered; I am giving
him an example of what might have been a possibility.

305 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his illustration of the use this
money could be put to, but I really have a very specific question. He mentioned controls earlier:
who is responsible for the control of Government-owned companies ultimately, other than
himself? Is there somebody in the Civil Service who is responsible for oversight? You talk about,
on the one side, what is in the Estimates Book, and we all understand that, but who is ultimately
310 responsible for the control of the Government-owned companies?

Hon. J J Bossano: Ultimately, Mr Speaker, the same people who were responsible in the last
15 years: the people who put us here and put him there.

315 **Hon. R M Clinton:** Well, Mr Speaker, I am sure the people of Gibraltar will be pleased to
know that their influence is still acknowledged and the fact that we are their servants.

I must ask again, and forgive me if I repeat myself: who is responsible for the control of
Government-owned companies? Is it somebody in Treasury? Is it the Financial Secretary? There
must be somebody in the Civil Service who is responsible for monitoring these companies.

320 **Hon. J J Bossano:** Mr Speaker, the hon. Member has asked that question before. It is a
question that ... As far as I am concerned, the only person who has ever asked it in this
Parliament in the 44 years that I have been here has been him.

I am here because I am responsible for the Savings Bank. I am not on the counter in the
325 Savings Bank taking money from people for debentures, but if anything goes wrong with the
Savings Bank the guy who can be sacked for it is me. The civil servant cannot be sacked – he can
be reprimanded, he can be given a warning, but he cannot be sacked – but I am liable to be
sacked and I am liable to be sacked by the people who employ me, who are the people who
have voted for me.

330 This is not something new. This is something that has been true of the responsibility you have
in Government since I have been here in 1972, and it is the responsibility that the people in the
Opposition, in all the time that I have been here, clearly understood: the division between the
ultimate responsibility, which is a political one, and the responsibility that civil servants have,
which is not a matter for which they have to be scrutinised, answered, named or identified. The
335 hon. Member has actually even asked for the names of the people concerned. Well, look, it is
not going to happen and it is not right that it should happen. If the hon. Member wants to
criticise the Savings Bank, I take the responsibility and he criticises me; and if he wants to
criticise something that is wrong with the management of the economy, then I take the
responsibility and he criticises me.

340 It does not mean that the day-to-day decisions in matters that affect the economy ... or it
does not mean that, for example, the production of the statistics on which our economy
depends for policymaking are done by me. I do a lot of my own work because I am used to it,
having spent more time in Opposition than in Government, but the bulk of the work has to be
done by the professionals that we employ. Those professionals are the same ones as when they
345 were in Government. They are people who are dedicated people, who know their job – some
know it better and others know it less well – and the work that they do ... It is simply not correct
that the Opposition say, 'Well, I want to know who it is that is responsible for running this or for
running that,' because responsibility rests at a political level with us, just like they have a
responsibility which is political. I think that the hon. Member should understand that distinction.

350 So, ultimately it is the people who decide. If they are not content or satisfied with the
management of their property, they ultimately get rid of the people who have to be voted, just
like if you were talking about a private corporation. If a business is not doing well, what you
would expect would be that the board of directors get kicked out by the shareholders, not that
there should be a mass redundancy of the employees, although the guys who take the
355 responsibility may not have been the individuals who were directly responsible on a day-to-day
basis for running the show. At the end of the day, one sees it all the time in the private sector.
People in the private sector, when a company does very badly, accept that they are the ones
that the shareholders will hold responsible, even though the board of directors may not be
meeting more than two or three times a year. He needs to understand that there is a parallel in
360 the public sector and that is the parallel that where the responsibility is ... He can ask who is the
individual who takes a decision as many times as he wants and the answer is going to be that I
am responsible for all the mistakes that the people who work for me do.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer. I have a question
365 on this at the end, but if you can bear with me ...

He mentions that no, I should not have the names of the people who are responsible for
expenditure and it is not correct for me to ask, but if anybody picks up the Estimates Book – and
there is four hundred-odd million or more of expenditure in here – Department by Department,
at the top of each page, it tells you quite clearly: for example, No. 6 Convent Place, the
370 controlling officer is the Chief Secretary. And it goes on and on and on.

All I am asking is really, quite simply, who is the controlling officer. Who is it that is
responsible for making sure that the Government companies are managed? It is as simple as
that. The Minister may not want to answer me. If he does not want to answer me, I am perfectly
happy for him to say 'I am not going to answer you', but surely there must be somebody who
375 has oversight of these companies who is not a Government Minister. Is that in the Financial
Secretary's office? Is that in Treasury? Under which area of Government does this come under?
There is four hundred and fifty-odd million here. Penny by penny, line by line, it is all accounted
for and we all know who is ultimately responsible for that expenditure. We have well over £700
million going through Government-owned companies. Somebody in Government, either in the
380 Civil Service ... must have oversight of that; and if there is not oversight, would he not agree with
me that there should be?

Hon. J J Bossano: Mr Speaker, I cannot agree with the hon. Member, and it is not that I do
not want to give him an answer; it is just that he does not want to accept the answers that I give
385 him.

What he has just told me I told him 15 minutes ago. Fifteen minutes ago I said the
terminology the hon. Member is using of 'responsible controlling officer' is a public sector
concept in the Book of Estimates, where there is a controlling officer for the expenditure. I told
him that 15 minutes ago. Fifteen minutes later, as if I had not said anything, he tells me what I
390 have told him.

He says that I do not want to answer him. I try as much as I can to provide him with information and I think I go the extra length to satisfy his curiosity, but what I cannot do is restructure the way the public service operates, including state-owned enterprises and Government Departments, simply because of his ideas of how it should be, which is not the way
395 it has ever been. It may be that one day he will be on this side and revolutionise the whole system and introduce controlling officers everywhere – presumably a controlling officer for the University and a controlling officer for the Gibraltar International Bank, who are also owned by the taxpayer. But what he is asking now ... The answer is there is no such thing as a controlling officer.

400 The pool of money is controlled by the same people in the Treasury who control the pool of money. When money is spent on the basis that it has been approved by Parliament, there is a controlling officer because the Parliament, which has approved the expenditure of that money, is informed of who is controlling the money that they have approved. If a Government company tomorrow decides to buy a typewriter, he does not need a controlling officer to buy the
405 typewriter, because the mechanism of a commercial company, even if the shareholder happens to be the state, is not the mechanism of a Department. Maybe if Departments were more like private sector companies and they did not have so many controls things might be done more efficiently and less expensively, but all these controls that they have do not exist in state enterprises here or anywhere else. They have never existed before, and we have had state-
410 owned companies going back to the ship repair yard in the 1970s.

At the end of the day what the Member wants me to do is to say to him either I am not prepared to tell you who is the controlling officer or I am prepared to tell you who is the controlling officer. I am telling him that the concept of a controlling officer is totally alien to the commercial structure. It is an invention of the public sector in a situation where the Parliament
415 says 'I have approved £1,000 for photocopying paper', and the controlling officer makes sure that the £1,000 is for photocopying paper and not for writing pads. In a company you decide if you want writing pads or whether you want photocopying paper, and the guy who decides is the guy who is going to use it. He does not have to go through a line or chain of command, nor is there a paper trail which passes through God knows how many stages.

420 I have explained that to him before. I have explained to him the problem we have in providing any information, given the length of time between the action taking place and the record of that action taking place in the inputting. I have said to him more than once this is a system that needs to be modernised and reviewed but it is a system that has been there a very long time and the inputting takes ages after the event. Therefore, if I say to him 'How much has
425 been spent today?' I know while I am saying it that the figure I am saying is wrong.

So I am not withholding information; I am trying to explain to him they are two different concepts, two different structures and two different ways of carrying out what is ultimately money that belongs to the public, because it is not just taxpayers' money – if a company makes profits, this is not taxpayers' money; it belongs to the citizens whether they pay taxes or not,
430 because ultimately they are the owners and we are what would be the equivalent of the board of directors if there was the same kind of structure. So we have got a role that we play in the Government and a role that we play in Government companies at a policy level, and what we are doing is using civil servants because, frankly, it would cost more if you had all the administration of the companies done by other people in addition to the people we have got in
435 the Government. So it makes more sense to do ...

Before it was introduced by the GSD, the concept of pooling it was not done. It was much more cumbersome and much more expensive and much more rigid. There were vertical lines of decision making, and if you needed to spend money on one thing you then had the situation of how do you go about the machinery of transferring money from one company to another. If you
440 put all the money in one pot, then in effect you are able to do much more efficient management of that money. For example, if somebody needs to borrow money and somebody has got money to lend, it makes more sense that they all draw from a common pool than that one should be

445 depositing money in the bank and another company should be borrowing from that bank as an overdraft – and then the bank is actually giving money to one company using the money of the other company. Those kinds of things used to happen in the past. I think whoever it was who advised the Government after 1996 came up with this concept and it is a concept that has worked for many years; I learned about it on that side, not this one.

450 **Hon. R M Clinton:** Mr Speaker, if I understand the Minister correctly, effectively what he is telling this side of the House, or just me, is that the concept of the controlling officer is irrelevant in this discussion in respect of this £275 million because it is through a Government-owned company and, as such, there is no controlling officer that would normally be associated with the numbers in the Estimates Book. I would just like the Minister to perhaps, if he could, confirm to me that effectively, as I understand it – and this may be blindingly obvious – everything that is a Government-owned company, anything that is not in the Estimates Book, is not subject to the Public Audit Finance and Control Act and is therefore beyond the scrutiny of this Parliament.

460 **Mr Speaker:** This is the last supplementary that I am allowing on this particular issue of controlling officer. The two hon. Members have been at it for 25 minutes on the same supplementary. It is going beyond the pale. It is a kind of situation that I do not think is contemplated in any parliament; I do not think it happens. Of course, we no longer have a question and an answer; what we now have is a discussion going on for 25 minutes, and here the rest of us are as if there was nothing else in the world that is important, as if that was the sole issue that this Parliament meets to debate.

465 I have been very liberal, I think, very patient, but there is a limit. There really is a limit on this specific issue of the controlling officer or the lack of controlling officer. I am not curtailing the hon. Member's supplementaries on any of the other questions, because they have all been answered together; but on this issue yes, because I think the Minister has given exhaustive answers and now the hon. Member is asking the Minister to confirm whether his understanding of those exhaustive answers is not ... Honestly, look, there is a limit and we have come to the limit.

470 Whether the Hon. the Leader of the Opposition likes it or not, I think he must give me credit that we have been 25 minutes on just one simple issue, and surely that is a liberal application of the rules by any concept other than a biased one. *(Laughter)* Okay?

475 Now, the Hon. Mr Clinton has the floor based on what I have told him.

Hon. D A Feetham: Mr Speaker, may I? I just had –

480 **Mr Speaker:** You do not have to intervene! The Hon. the Leader of the Opposition thinks that every time I intervene –

Hon. D A Feetham: No, I don't.

485 **Mr Speaker:** – he has got to intervene in order to bring me to order, as it were. *(Laughter)* He does not have to. It is a matter between the Hon. Mr Clinton and me as Speaker only. Yes! It has got nothing to do with you as Leader of the Opposition! You have not asked a question; he has asked the question. He has had the floor for half an hour this morning, half an hour this afternoon, and it goes on. And that is it! *(Laughter)*

490 **Hon. D A Feetham:** No, Mr Speaker –

Mr Speaker: Yes!

Hon. D A Feetham: Yes, it does have something –

495 **Mr Speaker:** You have the floor.

Hon. D A Feetham: Thank you very much. Yes, it does have something to do with me. I was going to just ask Mr Speaker's leave to ask one supplementary question. *(Interjection by Mr Speaker)* That is all! I did not want to say anything else. *(Interjection by Mr Speaker)*

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

Mr Speaker: I will, of course, allow you one question, but I will not allow you to query what I have told Mr Clinton –

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Hon. D A Feetham: I'm not querying anything!

Mr Speaker: – because I think I am entitled to point out to him that he is abusing my liberality in respect of the Rules of the House.

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Now I will allow Mr Clinton supplementaries on other matters. I will allow the Leader of the Opposition his supplementary if it is that he wants additional information or any other issue arising.

Hon. D A Feetham: Just on this issue, yes?

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Mr Speaker: On this issue?

Hon. D A Feetham: That he has not answered – or do you want to hear mine first?

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Hon. J J Bossano: I have had a question from the hon. Member which is not really a question; it is an attempt to set a trap for me – and he should know me better than to think I am going to walk into it.

I am not here to tell him what he should make or think or interpret from what I have said; I am here to give him information. He says, 'Having heard everything, can the hon. Member confirm that that means that we have not got enough scrutiny, or we have no scrutiny of this Parliament, of the money that is spent through the Government companies?' Well, the answer is that when there are in this Parliament 17 Clintons, then no doubt that interpretation would be correct, but when there is only one Clinton in the Parliament I doubt that that interpretation would be correct.

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Mr Speaker: And when there are 17 Clintons, perhaps the Speaker will have to be a Clinton as well! *(Banging on desks and laughter)*

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Hon. R M Clinton: Alas, Mr Speaker, Hilary didn't make it, but never mind! *(Laughter)*
The House will be relieved to hear that I have nothing further to add.

535

Several Members: Hear, hear. *(Laughter and banging on desks)*

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Hon. D A Feetham: Well, Mr Speaker, that is the first time that I hear enthusiasm from the other side at a Member on this side saying he has no more questions. That is no doubt because he has been extremely effective *(Interjections and banging on desks)* in the way that he has conducted the questions this afternoon.

Mr Speaker, I have a slightly different angle related to this. I have found the hon. Gentleman's answers very helpful. Can he confirm that really what he is saying is, in a sense, is this: the companies that are spending this money have their own board of directors – it used to be the Chief Secretary, the Financial Secretary and a couple of others; now it is actually

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550 corporate directors, there is a corporate director – but what he is saying is, irrespective that the companies have their own directors, really the decisions about how the money is being spent are made by the Government, because the Government is making those decisions. The day-to-day running may be done by the directors but it is the Government that makes the decisions as to how that money is being spent in that pool contained at Treasury.

555 **Hon. J J Bossano:** I have no doubt that it was so in the four years that he was in government and I have no doubt that it was so in the 11 years before he was in government, when the party that he leads was in government. And I can tell him it was so in the eight years when the GSLP was in government, and to my knowledge it was so between 1972 and 1988 when the AACR was in government. So, if he is asking is something new happening that has never happened before, the answer to that is no. If he is asking, is it the case that the people who are on the board are appointed to that board because they have senior positions in the Civil Service ... And he is right
560 in saying it is a corporate entity, but let's be clear. It was explained, I think, to him previously that the decision is that, in order to be able to facilitate any change of directors in terms of individuals, the corporate identity, which will be Gibraltar Government Directors is the corporate entity – or GDC Directors is the other corporate entity ... Instead of having to change a director in 20 companies, you change the director in that corporate entity and automatically you change
565 it in the whole of the companies. That was the rationale that was proposed to us, we thought it was a good idea and we said to go ahead and implement it.

The policies of all the Government companies, like the policies of all the Government Departments, are policies taken at the political level, for which we are responsible. There is no question about that; it has always been like that and it will always be like that. It is not the case
570 that, because it is a company structure, the company director can decide to go on a jaunt and spend the money of the company without reference to anybody else. But this is not something that is new; it has always been like that.

Mr Speaker: Next question.

Q302/2017
Ship repair industry –
Apprenticeships

575 **Clerk:** Question 302, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government state how many apprentices undertook apprenticeships in the commercial ship repair industry in Gibraltar in each of the calendar years ending 31st December 2012, 2013, 2014, 2015 and 2016; and how many of them have been kept
580 on after completion of those apprenticeships?

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

585 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Yes Mr Speaker, the number of apprentices in ship repairing have been: 2012, 10; 2013, eight; 2014, seven; 2015, two; and 2016, four. Thirteen apprentices have completed the training and been taken on by Gibdock.

590 **Hon. D A Feetham:** Mr Speaker, there appears to be a trend of downward recruitment of apprentices within ship repair from 10, going down to two in 2015 and four in 2016. Does he

595 know why there is this particular trend? Has he himself enquired? I know this is a particular question that he used to ask from the Opposition benches when he was on this side of the House, so I take it that he has continued to take an interest in this area from the Government benches.

Hon. J J Bossano: Well, there is a difference in respect of what happens now and what happened then when I was on the other side, because now we only take the apprentices on the basis that the company tells us that they are going to be employed. Before, people went and did
600 an apprenticeship ... I remember one particular ceremony, because in those days there used to be a ceremony where the Minister went along to hand the people the Level 3 certificate, and when he gave the Level 3 certificate – I think it was Mr Montiel – a couple of the apprentices said, ‘Okay, thank you very much for the certificate, but now, next week I am on the dole,’ which got more publicity, as one can imagine, than the certificate ceremony had had in any other year.

605 The argument that we had pursued from the Opposition is the policy that we have adopted in Government, which is that we train people for jobs; we do not train them for acquiring skills and then hoping that there will be a vacancy somewhere and that somebody will employ them. I think there is a rationale to that policy. I think people need to understand that although it is normal in countries, in Spain or in the United Kingdom, for people to be trained in a particular
610 trade even if there is no demand in the area where they live, there is a reason for it. You can be trained in the town next door to be a carpenter and finish up in Barcelona working as a carpenter; but in Gibraltar, if we analyse what the labour market wants, then the logic is that we train people for employment – we do not train them to be unemployed and then after the training the guy comes back and says, ‘Why have I wasted three or four years of my life and then
615 I am on the dole and I have to finish up doing something else and not what I have been trained to do?’

So the reality of it is that this is driven by two factors: it is driven by what the company tells us they are willing to employ and by the availability of candidates willing to do the jobs for which they will be trained. Just like there is a level of deficiency in a system which just trains people
620 and then hopes they get a job, there is also a situation where some people will go into training simply because they are out of work but not because they have got any intentions or interest in staying there.

I can tell the hon. Member, for example, that in welding and fabrication, which are two of the fundamental skills, it is difficult to get candidates who want to learn those trades if the answer is
625 that when they finish they will have to work in Gibdock. There are people who have done the trades in the past and then finished not ... in the past, given that the Government finances the whole thing ... Look, in terms of Gibdock there is no expense in this. The Government meets the cost of the training and meets the pay of the trainees, so now that they are being told, ‘You have to tell us if ...’ This year, for example, I think we could only find four suitable candidates and they
630 were willing to take on six, but of all the many people – something like 40 or 50 people – who were interviewed because they were interested in an apprenticeship, when they found that the apprenticeship was not going to lead to a job in the Government sector but lead to a job in Gibdock, then they were not so keen to take it on, so ultimately we finished up with four candidates, who have already started.

635 I think the important thing is that all the 13 candidates that completed were all taken on, but the ship repair yard is a commercial entity and if they feel that the candidates they take on in Gibraltar tend to form part of their permanent workforce, which is something like a hundred – whereas when they have got a lot of work they may go up to two or three hundred, and they bring in workers when there is a peak and they downsize when there is no work – it is that core
640 of a hundred jobs that is the one we expect to be filled locally if there are people who are wanting to do that kind of work. But there is no particular reason or reluctance of the company to take the people on because we made that a necessary part of us financing it.

We are now making it more attractive than it used to be before 2011. People would get three or four hundred pounds a month and now we are giving them about a thousand. So, from the point of view of our apprenticeships, I think in the United Kingdom they get about £2.50 an hour, or £3; here, they are getting the £6.28 from the age of 15. So they can go in at the age of 16, and provided ... Like our own Construction Training Centre, we tend to not ask for academic achievements before you go in. We just give people the basic literacy and numeracy test, because really what we want to do is provide an avenue for the children who come out of schools who have not got qualifications and therefore they are the ones who tend to have less opportunities in life, and those are the ones we want to attract into the apprenticeships. Therefore, in the area of construction we are not as demanding and there is more of an involvement by the instructors in helping people to make the level that they need to make to get their Level 1 and their Level 2 – and in the construction industry, as Members know, the construction trades accept a Level 2 as a craft level, whereas in the mechanical trades it has to be a Level 3. But there is no difficulty in having more, subject to the fact that there is a maximum because of the number of instructors and the facilities that there are in having more.

The other thing is, of course, that I have answered the question based on Gibdock and on the ship repairing trade. The hon. Member knows that that does not mean that these were the only people who were training. There were people training ... For example, we introduced, a couple of years ago, motor car mechanics, which did not exist before, and now that there is that choice some people say, 'Well, I don't want to be working in a shipyard – I would rather be a motor car mechanic.' So they have got other options that were not there before. But I cannot think of any other specific reason.

Hon. D A Feetham: Mr Speaker, that was a very interesting answer, and in fact ... I am going to ask a supplementary, but if I may say so the answer that he has provided about UK trainees being paid £2.50 an hour basically also adds justification for the argument that I used to put to the hon. Member that trainees are not employees and that is why we never counted them as such in the unemployment list, which is the position in the United Kingdom. That is why actually they were able to be paid £2.50, well below the minimum wage. The United Kingdom government, or the local authorities, would have been in breach of the law if it were otherwise.

But, Mr Speaker, out of 31 trainees in the last five years only 13 have been employed by Gibdock. In fact, that actually compares in the same period more or less to the position that it was when the GSD was in government and the hon. Member was asking questions about this. Does he therefore now accept that, really, having attempted to incentivise the taking on of trainees by paying more, so therefore making it more attractive to the trainee, and indeed paying for the training rather than have the company pay for the training, the reality is that really this is led by the employer and there appears to be very little that the Government can do to increase these numbers, which was one of the answers that Mr Montiel used to give him when he used to ask Mr Montiel this very same question when he was in Opposition? And if not, does the Government have any plans to try and further incentivise this particular company to increase the employment rates, which at the moment is well below 50% of those trained?

Hon. J J Bossano: Mr Speaker, not everybody completed the course. The hon. Member asked me how many people completed their training and the answer was 13, and how many people had been taken on and the answer is all of them.

Hon. D A Feetham: I understood 31 had completed their training.

Hon. J J Bossano: Thirteen completed their training. For example, in 2015 we had five who completed and the five were employed.

Hon. D A Feetham: Mr Speaker, he said to me in 2015 two were trained.

695 **Hon. J J Bossano:** No, Mr Speaker, in 2015 two were training and five stopped training because they completed and were employed. So in 2015 two people were left still training after five people had stopped training because they had got their Level 3 and Gibdock took them on.

So the answer is that of the people who have been in training, of the ones that have completed, all the ones that have completed have been employed by Gibdock, which is the result that was not happening before. I have given him the example of what happened – he may remember the occasion – when there was a ceremony where they were given the certificates and there were two trainees who stood up, put up their hands and said, ‘This is all very well, I have got a piece of paper, but next week I have to go to the ETB and sign on as unemployed, so what have you trained me for?’ What we were always urging was that the training should be based on the knowledge that there was a job, particularly when you are in a specialist area. If you are training somebody to be ship repairing and there is only one ship repair yard, short of going to Lisbon or Cádiz, where does a guy go? Some skills are transferrable, but not all of them.

705 What I am saying to him is that if the intake we have got is driven by the numbers that Gibdock tells us they will ... This is future planning. They have to commit themselves three years ahead and say to us that in three years’ time, if the trainee has passed their Level 1, their Level 2 and their Level 3, there is a job for him. This year they told us there would be a job for six at the end of three years and we were not able to produce six candidates interested. There were candidates who were interested in other things – people wanted to be electricians or car mechanics, or other things, but not working on ship repairing, which is a demanding job, as anyone knows who has been involved in the dockyard in the past. Therefore they took on four, because we could not produce six that would meet their criteria. They interview the candidates and they require a certain level, because they say they are only interested in candidates, from their perspective, who they judge have a good chance of being successful and not drop out in the middle of it.

715 So the answer is that we have made it more attractive by increasing what we pay, but of course the fact that we make it more attractive does not necessarily mean that people are willing to work in a shipyard simply because we make it more attractive. People will say, ‘Well, no, if the end result of my training is that what I can do is work in a shipyard,’ and that is why I told him that it was the welders and the metalworkers were the grades where they recruit people and where we have difficulty in supplying sufficient trainees.

720 But what I can say is that I have given him the people who were in training and I have given him the total, which is what he asked me for, of those who had completed their training; and as an example I have said to him that in 2015 there were two people still training and five people who finished, and the five who finished were all taken on. That is the last intake into employment. The last cohort that finished training and were given a job by Gibdock was in 2015. The people who are in 2016 are still in the middle of their training, and there is a new intake in 2017.

Q303/2017
Lift contractors –
Official contractors list

735 **Mr Speaker:** There remains one question on the Order Paper directed to the Hon. Mr Bossano. The Hon. Ms Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Government explain which lift companies were removed from the official contractors list by this present administration and which companies remained?

740 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunication and the GSB.

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): None, Mr Speaker.

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Hon. Ms M D Hassan Nahon: Mr Speaker, from my information there have been companies that have been removed, but obviously I have to take the answer from the Hon. Minister at face value and perhaps will revisit this question at another point in time.

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Hon. J J Bossano: Well, none have been removed by the administration. There may be people who have said they do not want to be on the list anymore and they have been removed at the request of the person, but nobody has been removed and nobody has left. The list has only got longer since 2011; it has not got shorter.

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Hon. Ms M D Hassan Nahon: Can I ask whether Government has been using any lift companies more often than others or favouring any lift companies in particular?

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Hon. J J Bossano: It is a very long list, Mr Speaker, because she is asking 'official contractors list'. The official contractors list that we inherited consisted of construction companies, cleaning companies and security companies, which were the three areas that in 2010 were introduced when the previous administration said they were going to put a list where they were making it a requirement that anybody who wanted to be an official contractor to the Government had to commit to taking on people from the unemployment list. And in fact, as I have explained before in Parliament, maybe before the hon. Lady was here, one of the elements in that requirement – and quite extraordinary, and I have never seen anything like it in other jurisdictions, was that it is one that was only on paper; it still is on paper, but I do not think it has ever been actually enforced – was that not only did they have to take the client that was submitted by the Employment Department but they could not terminate the contract of that employee without the permission of the Government. That clause is still in the approved contractor list conditions. It was there from 2010 and it is still there. I do not think anybody has tried to enforce it. I am not sure to what degree it is enforceable, but I can tell the hon. Lady that the initiation of that list was the system that has continued since then and what has happened since then is that we have expanded it to other areas.

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Recently, when my friend Neil Costa was involved, we agreed that we would be extending it to other areas because there is no logic why some Government contractors should be subjected to those requirements and others not. So now what we do is we make sure that all the contractors are subject to the same conditions.

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In the case of, for example, the construction industry, it also affected the subcontractors, so that in some cases you have had a situation where you have subcontractors ... and there, there are some companies that have been removed, but not because of a decision on their removal but because their inclusion in the list was with a fixed date or with a fixed project. So, for example, if we had people who were subcontractors on the marina, when they came in they were put on the list and then in the conditions of their addition to the list was that they would remain on the list, because they had been brought in to do the marina, for as long as they were doing the marina, and then when they finished the marina they would be removed from the list. This is partly to protect local businesses; otherwise, you would have a never-ending flow of new competitors coming into the market. If there is a specialist that needs to come in to do something, normally they are put on the list and their place on that list is conditional on their still being engaged in the work for which they were brought in; or, where there is a known date, then the date is put in. If something has got to be completed by a specific date, then they are an

approved contractor up to that date. Alternatively, they are an approved contractor until the project is finished.

So those people fell off the list automatically. It was not that they were required to be removed, because their original inclusion was for a limited period. But other than that, the list
795 has only changed by having more people in rather than having less.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Hon. Minister for that detailed answer and I am grateful.

My question arose from the fact that, out of the new buildings and housing estates that have
800 been completed, overwhelmingly there is one lift company that tends to be servicing and providing these lifts. So my question was in relation to whether there was in fact fair competition, whether other lift companies were tendering, or whether there was one company that was effectively taking over the new buildings and estates.

Hon. J J Bossano: The lift companies, Mr Speaker, were not on the original list when we came in, and of course given that the lift companies that I know of employ nobody here, indeed it was necessary, for the maintenance of the lifts, to call somebody in Madrid to get somebody from Algeciras to come here and repair the lifts. I do not know how the people caught in the lifts felt about that arrangement, but that was the arrangement that existed.

It may well be that those companies feel that they are not being as well treated nowadays as they were before 2011, but we believe that it is important to give an opportunity to train locals in the installation of lifts and in the maintenance of lifts and not to be in a situation of total dependence on people who are detached workers. They were not even Frontier workers. They were workers who were employed in Spain, posted to Gibraltar when a job needed to be done,
815 paying their social insurance in Spain, and certainly with the Article 50 Notice that we have had today it makes it even more important that we look to having a home-grown industry in that area. But at the time there was no inclusion of these companies on the approved contractor list and therefore it was not that we were breaking any conditions – there were no conditions attached. They did not have to employ anybody and they did not have to pay anything.

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Hon. Ms M D Hassan Nahon: Thank you once again. So then, there is effectively an admission by the Minister that home-grown companies and the work that they are producing means that effectively they get favoured for contracts.

Hon. J J Bossano: When the work is given it is given with the criteria that there has to be the quality, the reliability and the most effective price or value for money, but I make no apologies for putting the interests of Gibraltarians and Gibraltar first – no apologies. And I am sure that her Dad would not either.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you. I have no doubt that his intentions – as, he claims, my father's too – are for the best for Gibraltarians. That was never my question. My question was whether there was some sort of favouring for one particular company, which, it seems there has been an admission of that. The reasons behind it is a different debate, possibly.

Hon. J J Bossano: Mr Speaker, if I want to say something I do not insinuate it, so if she thinks she has discovered that I was subliminally making an admission of something ... I am quite happy to stand up for the beliefs that I have without insinuating something or other.

I have told her that the selection has been on quality and on price. I have to tell her that when it comes to fair and unfair competition I think that not having to have people employed in
840 Gibraltar and being able to bring people in from outside Gibraltar may be unfair competition against a local company, and therefore the local company is not getting preferential treatment if they have to comply with things in Gibraltar and their competitors do not.

845 Certainly I can tell her that I think the position that existed where the competition was
between two companies, both of which employed nobody here, contributed very little and in
terms of multiplier effect in the economy was not satisfactory. Notwithstanding that, they have
not been debarred from competing and putting in tenders. I can tell her also that their tenders
have been lower since we have had a local competitor than they were when they held a
monopoly – but in spite of that, nobody has been given favoured treatment, although there are
plenty of reasons to justify it.

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**Suspension of Standing Order 7(1)
to proceed with Government Statement**

Mr Speaker: The Hon. the Chief Minister.

855 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move, under Standing Order 7(3), to
suspend Standing Order 7(1) in order to proceed with a Government Statement.

Mr Speaker: I now propose that the Standing Order cited by the Chief Minister be suspended
in order to allow him to make a Statement. Those in favour? (**Members:** Aye.) Those against?
The Hon. the Chief Minister.

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**Activation of Article 50
of the Treaty of Lisbon –
Statement by the Chief Minister**

865 **Chief Minister (Hon. F R Picardo):** Mr Speaker, all hon. Members will be aware of the
statement by the Prime Minister, the Rt Hon. Theresa May, in another Parliament earlier this
afternoon. At 1.30 p.m. Central European time the Prime Minister has informed the House of
Commons that she has formally written to the President of the European Council activating the
operation of Article 50 of the Treaty of Lisbon in respect of the United Kingdom's membership of
the European Union. The United Kingdom's Permanent Representative to the European Union,
Sir Tim Burrow, has already delivered the letter to the President of the European Council, Donald
Tusk.

870 I can assure the House, Mr Speaker, that we have considered in the Joint Ministerial Council
aspects of that letter and on the tactical and strategic aspects of what it should or should not
contain in relation to Gibraltar specifically. Although the letter does not mention Gibraltar
specifically, it does cross refer to the White Paper published in February this year which dealt
with Gibraltar issues. Another White Paper, to be published tomorrow, will also be relevant to
Gibraltar.

875 The Prime Minister has moreover just answered two questions in Parliament about Gibraltar
arising from her statement, confirming specifically that Gibraltar is a specific part of the
multilateral negotiation she will lead with the rest of the European Union. She has also stated
explicitly that she and her government are absolutely and steadfastly in support of Gibraltar and
its people and economy. She has also confirmed on the floor of the House her government's
880 commitment to continue to work closely with the Government of Gibraltar as the negotiations
develop.

Mr Speaker, Gibraltar has been a part of the European Union and the application of the
treaties establishing the European Economic Community and the EU since this House, in

December 1972, voted to give effect to the provisions of the Treaty of Rome through the passing
885 of our European Communities Act.

Article 355(3) of the Treaty Establishing the European Union makes specific provision for the
application of the treaties to a territory for whose external relations a member state is
responsible. Gibraltar is constitutionally such a territory. Since 1973 our constitutional position
has nonetheless developed and now, although a matter may be related to the relationship with
890 the European Union, such a matter will not be outside the constitutional competence of
Gibraltar if it is otherwise a matter for which Gibraltar holds competence. This withdrawal,
Mr Speaker, is therefore a matter of constitutional significance for Gibraltar. The 2006
Constitution provides in section 47(3) as follows:

Without prejudice to the United Kingdom's responsibility for Gibraltar's compliance with European Union law,
matters which under this Constitution are the responsibility of Ministers shall not cease to be so even though they
arise in the context of the European Union.

895 Our membership of the EU is also based on a number of derogations from the full application
of the European *acquis communautaire*. Those who negotiated our membership for Gibraltar in
1972 managed to secure for us terms which have stood the test of time and led to a remarkable
level of prosperity in Gibraltar in the 30 years since the opening of the Frontier with Spain really
allowed us to trade with the rest of the EU. Mr Speaker, I reflect at this moment of
900 commencement of our withdrawal from the European Union, therefore the gratitude of the
generations of Gibraltarians that have followed to those of the AACR and IWBP who were
responsible for those negotiations and those decisions. Former Chief Ministers Sir Joshua
Hassan, Bob Peliza, Joe Bossano and yourself, Mr Speaker, were Members of the Parliament that
took us into the European Economic Community. With you were also former leaders of the
905 Opposition Peter Isola and Maurice Xiberras. The decisions made then now fall to be analysed as
we make decisions about the future direction of trade in and from Gibraltar.

Our Brexit Select Committee will now soon start its work as the negotiations commence to
analyse the choices we should make for today and for the future. The world today as we leave
the European Union is a different place, Mr Speaker, to the world that saw us enter the EEC.
910 Today Gibraltar has access to the United Kingdom market in financial and other services, where
we do 90% of our business. That access has been guaranteed going forward as a result of our
negotiations with the UK in the aftermath of the result of the referendum. Today the globalised
economy and the virtual economy provide opportunities for Gibraltar beyond its immediate
geography. In that respect, Mr Speaker, we will be working to ensure that we open up access for
915 Gibraltar to markets around the world. Today the UK is already considering trade deals with the
world beyond the EU. Those deals will also likely include access for Gibraltar to such markets as
the United Kingdom does trade deals in coming years.

Mr Speaker, considerable work is being done by the Government with the relevant
departments of the government of the United Kingdom to ensure such access is secured. We
920 know that those markets are likely to include nations of the Commonwealth and the United
States. With those nations we share perhaps much greater affinity than we might with some of
the nations with whom we were in partnership today in the European Union. Bonds of language
and the common law create synergies which may yet provide a more interesting market for
those operating from Gibraltar than some nations of the EU have done to date. We look forward
925 to having access to those markets in future. Indeed, we are in fact cautiously optimistic that we
will be able to grow further and prosper even more in the future than we have in the past in the
context of access to those new markets.

Mr Speaker, I can inform the House this afternoon that after the Prime Minister delivered her
message to the Commons I have spoken to the Parliamentary Under-Secretary of State for
930 Exiting the European Union, Robin Walker MP. I have once again been directly assured by
Mr Walker that the government of the United Kingdom will continue to ensure that we are fully

involved and Gibraltar's priorities are fully understood and fully taken into account as we enter the process of negotiations with the European Union on the UK's departure.

935 He has further assured me of the understanding there is on the part of the government of the United Kingdom of Gibraltar's key interests in maintaining market access to the UK in key sectors and in the UK's double lock on sovereignty. Indeed, all hon. Members will be aware of the tenor and content of the Minister's statements when he was in Gibraltar. The double lock commitment, Mr Speaker, has been repeated by the Prime Minister a moment ago in respect of her answers to questions in Parliament this afternoon.

940 Hon. Members will also have noted the statements made by other member states about the United Kingdom's withdrawal from the European Union. The recent statements from the Kingdom of Spain in particular suggest areas of common interest and concern. Speaking last week on Radio Nacional de España, the current Spanish Foreign Minister, Sr Dastis Quecedo, said that he believed Spain was going to have a constructive attitude to Gibraltar because they
945 had an interest in the prosperity not so much of Gibraltar but of the Campo. He added that the region would be one of Spain's priorities.

In a parliamentary response to a written question filed by Salvador de la Encina, who is a friend of the Campo region and a representative of it in Madrid, in the Spanish Cortes, the Foreign Ministry has said the following:

The possible consequences of the departure from the European Union of the UK on the Campo and Spanish workers in Gibraltar will depend on the terms on which the UK leaves the EU.

Amongst the priorities of the Government in this respect in particular is the defence of the interests of Spanish citizens and companies that operate in Gibraltar, with the objective of avoiding that they should be prejudiced by this process.

... Spain will direct its efforts to obtaining favourable conditions for our workers, in terms of free movement and in preserving their social security acquired rights and rights in the process of being acquired, in the context of opportune negotiations with the other side and in agreement with the rest of our Community partners.

950 Speaking to Frankfurter Allgemeine Zeitung, Sr Dastis also specifically confirmed on Monday that Spain is *not* looking to impose punitive measures on Gibraltar and neither is it going to close the Frontier with Gibraltar. He confirmed the Frontier will remain open, that the controls will remain as they are now and subject to such control as there may be on the EU's external borders.

955 It bears saying these things, which should be obvious, Mr Speaker, because we have heard some other things in the past from others. Indeed, we have heard many other discordant voices from the past say more outrageous things, but the position of the Spanish government now is increasingly clear and we have some common concerns and interests.

960 This is a serious time and serious matters affecting the lives of people who live in Spain and work in Gibraltar are at stake. This is not a time to inflame or shout at each other in the headlines; it is time to work to deliver solutions that work for cross-Frontier workers, the tourists who create a large number of their jobs and the children who cross the Frontier every day.

No doubt every Member of this House will welcome the statements that suggest that the government of Spain is also seriously concerned to ensure continued Frontier fluidity in the future. On this, however, all will consider that the jury is out, given their track record in the past.
965

Gibraltar, for its part, certainly will be working to ensure continued Frontier fluidity, and with full constitutional power to determine matters related to immigration, we will be able to guarantee access to Gibraltar in future on an unimpeded basis, because Her Majesty's Government of Gibraltar continues to believe that Gibraltar is an important economic engine for the whole of the Campo region, which delivers benefits to citizens on both sides of the Frontier.
970 We can continue to do so even after the UK leaves the European Union. We also recognise a moral responsibility to those European citizens who are established in Gibraltar. We will be willing partners in ensuring their continuing ability to live amongst us, even though the position may be different for those settling after we leave the EU.

975 We will approach all aspects of the discussion about the future relationship with the EU in the spirit of sincere co-operation which the treaties require of existing members of the EU.

We want to see people's lives as unaffected as possible by this process. We will work to avoid disruption to all citizens, in particular those who have to cross the Frontier to work or for any other reason. In this respect, Mr Speaker, we welcome the Prime Minister's statement seeking that the United Kingdom's withdrawal from the European Union should be fair and orderly.

980 Mr Speaker, today is undoubtedly a sad day for Gibraltar. It is not the result we wanted from the referendum. Today is a day when we must be ready to work to turn sadness into optimism and hope. It is a day when we embark on a process we did not choose but are determined to make a success of.

985 As the United Kingdom looks to establish itself as a truly global Britain that reaches beyond Europe, so do we the British people of Gibraltar look to establish ourselves also as a nation with commercial relationships well beyond Europe and in partnership with Britain.

We are a resilient and entrepreneurial people. We will rise to the challenge. We will deliver a prosperous, outward looking, global British Gibraltar living in peace with its neighbours and we will thrive as a people as we adapt to the new realities of post-Brexit trade and adopt its myriad opportunities, because one thing must be clear to everyone beyond our shores: our affections as a people are not for sale. Our sovereignty is not in play. Our future is British now, during and after this process. Let no one think we are a bargaining chip. Gibraltar will be no one's bargaining chip. We will be no pawn in Brexit and we will be no victim of Brexit. As far as we are concerned, this day brings us nothing to celebrate, but it also brings us nothing to fear and everything to fight for, because the stark reality is that in 720 days the United Kingdom will likely no longer be a member of the European Union, and Gibraltar out of Europe will be closer than ever to a truly global Britain. (*Banging on desks*)

1000 **Mr Speaker:** The Hon. the Leader of the Opposition.

Hon. D A Feetham: Mr Speaker, may I start by associating myself with the words of the Chief Minister. It is indeed a sad day for Gibraltar. It is not something that Gibraltar would have wished, and indeed the vast majority of the people of Gibraltar voted against this outcome during the referendum last year.

1005 Mr Speaker, it also is a momentous day – a momentous day for Europe, a momentous day for the United Kingdom, and of course a momentous day for Gibraltar itself.

The Opposition remains cautious and it will remain vigilant in relation to the next two years and the developments and water that must pass under the bridge – and a lot of water I envisage will indeed pass under the bridge and we must remain very vigilant indeed.

1010 The first time that I rose in this House to deliver a speech post the referendum result I said to this House that the priorities of Gibraltar needed to be fourfold, and I, and certainly this side of the House, will remain of that view. Gibraltar needs to aspire to continued access to the UK market; new access to any trade agreements negotiated by the United Kingdom; any access negotiated by the United Kingdom for access into the single market; and above all, in our view, a workable, sensible, reasonable agreement in relation to Frontier fluidity.

1015 Mr Speaker, from our own conversations with the Parliamentary Under-Secretary, Robin Walker MP, the message emanating from the United Kingdom in relation to the first of those two – access into the single market – and also inclusion of Gibraltar in any agreements that are negotiated with third party countries by the United Kingdom ... Mr Walker was extremely positive in his message and confident that the United Kingdom would be able to deliver in relation to those.

1020 In relation to access into the single market, in this regard Mr Walker also drew a distinction between membership of the single market, which perhaps the United Kingdom is not pursuing, but access into the single market, which the United Kingdom is certainly pursuing.

1025

In relation to Frontier fluidity, although the message emanating from the United Kingdom is that it would do everything that it can in order to ensure that we come out of at the end of this process with something that Gibraltar will be able to live with, and that Gibraltar will be able to continue to prosper, and that the United Kingdom will do everything that it can in order to ensure that we do form part of, for example, any agreement for access into the single market.

Mr Speaker, that is where I believe, and certainly on this side of the House we believe, that the fight, if there is to be a fight in those negotiations, that is where it is going to be, because of course that is where our neighbours to the north, Spain, will be able to exert its influence in relation to any possible agreement emanating between the United Kingdom and Europe. And yes, while we welcome the restatement by the Prime Minister this afternoon of the double lock guarantee, an undertaking provided to the people of Gibraltar, and whilst we also welcome the statements made by the Spanish Foreign Secretary in relation to the Frontier, we must remain extremely vigilant about this because of course the view of one Foreign Secretary at this moment in time in Spain may not be the view of a different Foreign Secretary at some other point in the future. And in the same way as Mr Margallo made all those outrageous statements not long ago when he was Foreign Secretary, of course it is always possible that some other Spanish Foreign Secretary will continue to make those outrageous statements and will continue with its policy of unfriendliness, to say the least, in relation to Gibraltar.

That is why, Mr Speaker, it should not be acceptable to the people of Gibraltar and to Gibraltar for there not to be an agreement that deals with Frontier fluidity. In other words, it should not be acceptable to have a default position of Spain and the United Kingdom reaching an agreement in relation to everything else but remaining silent in relation to the Frontier, because to remain silent and for there not to be included within any such agreement anything on the Frontier always leaves us open as hostages to fortune in the future should there be a Mr Margallo mark 2.

Mr Speaker, I end by saying that the Opposition ... and certainly it has been my policy since I have been Leader of the Opposition in 2013 to offer to work closely with the Government of Gibraltar, shoulder to shoulder, united for the benefit of this community, because at the end of the day we all have common goals which are to ensure the survival and the prosperity of this community, which must always transcend narrow political interests. And in the same way as I proposed, when I became Leader of the Opposition, for there to be meetings of the House in a motion ... I am sorry, I beg your pardon, meetings between my learned and hon. Friend the Chief Minister and myself, and his team and our team, to work together in 2013 to foreshadow what could transpire if the vote at the referendum was negative – and also, Mr Speaker, I proposed on behalf of this side of the House the creation of a Select Committee, after we knew what the result of the referendum was, in order to work together for a positive road map that assists everybody in achieving the best possible result – we maintain that policy and we are ready, willing and able to work with the Government in order to ensure that the people of Gibraltar and our future generations enjoy the same prosperity and the same standard and security of living that all of us in Gibraltar have enjoyed in the past. The sooner we set up the work of the Select Committee on Brexit the better, and I welcome, too, the Hon. the Chief Minister's Statement in that regard. *(Banging on desks)*

Mr Speaker: The Hon. Ms Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, may I too associate myself with the Chief Minister's Statement.

For many, today's events will represent a sober return to the emotions of the morning of 24th June, the day which set us all on the journey beyond our relationship with the European Union. June gave birth to Brexit, but today is its baptism and civil registration. Unlike the happy affair of christening a child, this event unfortunately will not see us booking up a local social club for drinks and tapas. If I may be permitted the indulgence of continuing with my metaphor,

1080 unlike the birth of a child, we are not in a hugely different place to where we were nine months ago. The road ahead continues to be lined with uncertainty. In many ways we are passengers in this process and the voice of the British people has been heard.

So, Mr Speaker, here we are: it has happened. Now is the time to put everything in place. As an Opposition MP I have a role to play, but compared to the hon. Members opposite it is a minor one.

1085 It was the Government led by my father which steered us through the early years of our democracy when we had been delivered from exodus; it was the Government of the Hon. Father of the House who, when our economic future was threatened by the MoD's withdrawal, thought outside the box and redefined our model; and it was the Government of Sir Peter Caruana which saw off the joint sovereignty proposals. Now comes a new challenge, and I daresay it falls on us all. So, once again, I offer my hand of support across the floor of this House.

1090 I have proudly accepted the offer of forming part of the Brexit Select Committee, where over the next 24 months we will analyse and monitor the progress of the UK government in its steer, as well as devise a strategy for lobbying and pushing our agenda beyond our borders. I stand by, ready to be called upon at any moment and will also take every opportunity to promote our joint cause through the international media and my friends and contacts in the UK – for there is
1095 only one way we will get through this, and that is together.

Hon. Chief Minister: Mr Speaker, I am grateful for the statements from hon. Members opposite.

1100 The Hon. the Leader of the Opposition has set out that there were four things that he thought we should achieve in the context of Brexit and he enumerated them as, first, continued access to the United Kingdom market; second, access to new trade agreements; third, access to – *(Interjection by the Hon. T N Hammond)*

Mr Speaker: The Hon. Mr Hammond, yes, I will give you the floor.

1105

Hon. T N Hammond: My apologies, Chief Minister. I was just asking the Speaker if this was a debate. I was not quite sure what process we were in here.

1110 **Mr Speaker:** Perhaps I should explain. When a ministerial statement is made the Rules provide for questions of clarification to be made arising from the ministerial statement. However, given the gravity of the situation, given the matter that is the subject of exchanges this afternoon, and which is something that has happened in the past, Speakers here in Parliament and in the House of Commons are very, very liberal in the application of those rules.

1115 Therefore, invariably what happens in the House of Commons, and has happened here over the years, is that the Leader of the Opposition and the leader of other minority opposition parties are allowed effectively to make a counterstatement, which is what has happened today. Obviously, in that counterstatement matters arise, which have not been perhaps this afternoon posed as questions of clarification but which nevertheless I feel the Chief Minister should be given an opportunity to deal with them as if they were questions of clarification.

1120 So I have interpreted the rules, as I say very liberally; I think it is in the interest of this Parliament that we should, given the seriousness of the matter. I would not always deal with other matters in the same way. I might only expect serious questions of clarification, which can be made by any Member of the Opposition and not just by the Leader of the Opposition and the leader of a minority interest, as has been the case this afternoon.

1125 So, just to clarify the matter, I think it is in the interest of Parliament and of our people this afternoon that the Chief Minister should therefore have an opportunity to deal with issues which have been raised by the two hon. Members from the Opposition benches.

1130 **Hon. Chief Minister:** Thank you very much, Mr Speaker. So we are not dealing with this as a
debate but we are dealing with it as the Rules provide that we should, and perhaps before
challenging Mr Speaker's manner of running the proceedings of the House people should
familiarise themselves with the Rules. The Prime Minister has been on her feet from 12.30 when
she started Prime Minister's Question Time, or quarter to one when she started Prime Minister's
1135 Question Time, until about 4.15, dealing with questions arising from her statement, and she has
dealt with questions from just about every Member of the Parliament in the United Kingdom.

Mr Speaker, the Hon. the Leader of the Opposition raised four matters which he said were
the fourfold issues he wanted to see dealt with in the context of Brexit: continued access to the
UK market; access to the new trade agreements that the United Kingdom may do; access to any
trade agreement the United Kingdom may do with the European Union aka with the single
1140 market; and finally, a workable, sensible agreement with Spain on Frontier fluidity. He went on
to say that it would not be acceptable for the United Kingdom and Spain not to do an agreement
on Frontier fluidity, as far as he was concerned, because we should not be at the whim of any
future Spanish Foreign Minister.

Well, Mr Speaker, dealing with those questions first, in respect of (1) and (2), as he says that
1145 Mr Walker told him in the context of a meeting, we are very much there in respect of continued
access to the UK market and access to the United Kingdom's trade agreements with third
countries when those are done. There has been a very clear commitment from Robin Walker on
behalf of the British government, from Secretary of State Liam Fox in statements made in the
context of Gibraltar Day in London last year, and followed up in writing in respect of both of
1150 those. I say in November of last year, Mr Speaker, because in fact we have been able to achieve
those two of the Hon. the Leader of the Opposition's criteria by November of last year in terms
of commitment. But I think we will be able to go even further, so if I may say so – not in self-
congratulatory terms but in terms of ensuring that those who are doing business from Gibraltar
and in Gibraltar continue to have the confidence that they need to have to know that they can
1155 continue to invest in Gibraltar – I think that is a very good result indeed for the Gibraltar
economy.

The issue of what agreement the United Kingdom will have with the single market is one
which, of course, is vexed in a different way. The first two are matters largely in the bilateral gift
of the United Kingdom itself and we have found absolutely no resistance whatsoever to having
1160 access to things which the United Kingdom controls itself and in the bilateral relationship with
Gibraltar. Of course, hon. Members will know that there has been a debate until very recently as
to whether the United Kingdom should remain a member of the Customs Union, whether it
should seek to stay in the single market. That debate has been resolved really by the Prime
Minister asking people to realise that the objectives for which people appear to have voted in
1165 the context of the referendum are not compatible with some of the rules of the single market
and the Common Customs Union, so what deal the United Kingdom achieves in terms of access
to the single market is the subject of continued debate in the United Kingdom.

Hon. Members may have watched the recent *Question Time* on Monday, where David Davis,
the Secretary of State for Exiting the European Union, was repeatedly asked what deal the
1170 United Kingdom would have with the single market, and he was of course unable to say because
the negotiations have not yet begun. Mr Davis has said that he hopes that the final agreement
between the United Kingdom and the European Union is as good as the relationship ... or
produces as good an opportunity for business as the relationship produces today. That is one of
the six criteria that Sir Keir Starmer, as the Labour shadow Brexit spokesperson has therefore
1175 established for Labour's support to any deal that may come back from the European Union. So
we will see what deal it is that the United Kingdom is able to do with the European Union in
respect of its own access to the single market.

We have to be alive to the fact that what has commenced on the triggering of Article 50 is
the process of withdrawal from the European Union, whilst the new deal for access to the single
1180 market, such as it may be if one is achieved, would be not the process of Article 50, although the

United Kingdom is approaching this process as one that should be intertwined with the new deal going forward that the United Kingdom does with the European Union. In fact, hon. Members will know that one of the things that Mr Davis has said repeatedly, and the Prime Minister herself has said repeatedly, is that no deal in terms of future trade relationships between the United Kingdom and the European Union is better than a bad deal in that respect. So this is very much an issue that is live.

A workable, sensible agreement with Spain on Frontier fluidity is of course what the Government also considers is an essential part of the future, Mr Speaker. To a very great extent we have said so explicitly and implicitly in the context of the Select Committees of the United Kingdom Parliament that I have attended: the importance of the Frontier and the ability to continue to seek fluidity across that Frontier is essential. I have repeated that to the House today, and that is why I say that the jury is out on what a Spanish Foreign Minister or a Spanish President may say one day in relation to Gibraltar and the Frontier and may do on another day. In fact, the references I have made to other statements that we have heard are the recent statements we heard by Sr Margallo when he was Foreign Minister – he was talking about planting the Spanish flag on Gibraltar in the next four years – and Sr Marcelino Oreja, who was a leading light in the Partido Popular at one stage, saying that of course, now that Brexit is going to happen, they will close the Frontier.

I think to an extent we have to put those in context and look at the run of play of what is being said in Spain but understand who is speaking for the government and who is speaking for the position of the government today. That is why, although I put it no higher than the statements which have been uttered in the past days, it is important that we reflect that those are the statements made and they are statements about the Frontier *not* being closed – of course, because it would be an act of political idiocy in the 21st century to close a frontier in Europe, and I doubt that there is anybody in Spain who is going to even seriously countenance that in the upper echelons of government decision making – and second, that there is a desire to achieve Frontier fluidity for Spanish workers.

Spanish workers are an important part of our economy, but they are not *just* Spanish workers who come to Gibraltar to work; there are other EEA nationals and third country nationals who live in Spain and who come to Gibraltar to work, and a lot of the work that they do is for people who arrive in Gibraltar as tourists, who also need to be able to come across a free-flowing Frontier if there is going to be work for Spanish Frontier workers and other people who come to Gibraltar not because they are working here and not because they are tourists but simply because they want to come because they have family here, because they want to buy goods in our stores, etc. So it is important that we understand that fluidity is something that must apply across the board and not just to a select few. But, Mr Speaker, I think it is also important to say that there are provisions in EU law which I have referred select committees to in the UK and I have referred to in previous statements I have made, which provide for access to the Schengen area of the European Union. Regulation 1931/2006 specifically provides for agreements in that respect and that is one potential avenue where an agreement may arise from.

Mr Speaker, the hon. Gentleman says that he has offered to work closely with the Government and shoulder to shoulder with us on this subject. Well, the hon. Gentleman knows that we have said that we are going to set up the Brexit Select Committee to deal with these issues as the negotiations commence. He will have seen that in the United Kingdom the Government is running the Brexit matters; it is not something they do with the Opposition. Here, the process until now has been really a process of information gathering. The process of negotiation begins now. That is when our Select Committee will meet.

But I will say this to the hon. Gentleman – and I do not want to strike a discordant note but it is important that I say it: it is all very well to say that one will work closely with the Government and ‘we will work shoulder to shoulder with the Government’ and then go off and do things which might be interpreted in a different way. I would urge that, for the period in which we are about to embark, we need to all be very conscious of what the effect of our statements and

actions may be on confidence in the Gibraltar economy, on the perception of the Gibraltar economy and Gibraltar outside of Gibraltar, in particular the perception that Spain may be given of the positions being taken in Gibraltar. When we talk about the economy being virtual and globalised, that is a very good thing – it enables us to do business with distant parts of the world. The other side of that, of course, is that everything that we say to each other can be read in another capital just further to the north as if it were being said there. So we have to be conscious of what we say and we have to have that particular desire to ensure that anything we do does not affect Gibraltar’s prospects ... shine through what perhaps might otherwise be seen as normal partisan activity. But it is a matter entirely for Members opposite what they do, how they do it, how they say it and what the repercussions of that are.

Can I thank the hon. Lady for bringing a smile to my face on an otherwise difficult day with her reference to this being a baptism or civil registration of the process of Brexit. At least the thought of being able to get together in a social club and eating some calamares, which seems to be the way that most people celebrate baptisms here, was at least more enticing than what is coming!

Mr Speaker, she said that Gibraltarians, that we in this part of the franchise of the referendum, were passengers in this process. Well, we are as much passengers in this process as everybody who voted remain and finds themselves with a leave result may be, but there is a deep political significance in that concept, and that is that at a time when some might be going off on frolics thinking that Gibraltar’s sovereignty is somehow in play, that this was a moment when perhaps there was an opportunity in respect of the big political sovereignty issue, actually what was happening was the gelling even further together of the people of Gibraltar and the United Kingdom, because we voted together in a franchise on an issue as seminal as whether the United Kingdom should remain a part of the European Union.

The Article 50 letter talks about the withdrawal of the United Kingdom from the European Union. The United Kingdom has a definition in law – those words ‘United Kingdom’ are defined in law – and that definition does not include Gibraltar. Gibraltar is included with the United Kingdom as part of the European Union because of the operation of the European treaty, not because of the operation of English law. We voted in a referendum with a question that did not include the word ‘Gibraltar’ in it, but we voted as part of that franchise in respect of a question that mentioned the United Kingdom. In Gibraltar there have, for 50 years, been integrationists and not integrationists, but there have been very few who want to be anything other than British. In the context of that debate and wanting to be British and continue to be British, voting as part of that franchise in that referendum, even though we were on the side – at least 96% of us – that lost, means that we are not just passengers. We are a part of that process. It is, like it or not, a process which the British people are embarked upon and we are embarked on it with them.

You could take that language and say, well then, that of course you are a passenger if you are embarked on a vessel that is going in a particular direction, but so are all the British people. And so, for those of us who believe passionately, as I know that all Members of this House do, that Gibraltar should continue to be British in perpetuity and exclusively British in perpetuity, then being embarked on that process with the United Kingdom, even though the trajectory of this particular cruise ship is not the one that we chose, demonstrates that we are in it together and that therefore anybody who thought that this was a process that might lead to a destination where Gibraltar might be disembarked from the United Kingdom’s sovereignty they have read it completely wrong and they have not understood the significance of Gibraltar voting as part of the franchise in the referendum and indeed of how that was kicked off – the man sitting behind me is largely responsible for that – by the winning of the Matthews case and Gibraltar’s voting in European parliamentary elections as part of the south west constituency of the United Kingdom.

If anything, the umbilical links between Gibraltar and the United Kingdom are stronger now, and those who might celebrate the fact that when the United Kingdom leaves the European Union Gibraltar leaves with them because they are interested in taking our sovereignty are

1285 celebrating the wrong overture, because what that demonstrates is that we leave because we
are with the United Kingdom and in the sovereignty of the United Kingdom and nowhere near
the sovereignty of any other – though they might have, for one moment, dangled a carrot
suggesting that we might be interested in staying in the single market if we were to change our
sovereignty. So I take the hon. Lady's remarks about being passengers and I suggest to her that it
1290 is not a bad place to be, given what I know her objectives and our objectives on this side of the
House, and indeed the objectives of any Member of this House, are in terms of the long-term
sovereignty position of the people of Gibraltar and Gibraltar itself.

Mr Speaker, the Prime Minister spent, as I have said, four hours today on her feet dealing
with these issues. There are going to be many challenges in the months ahead, but for Gibraltar
1295 there are also many opportunities. Economically, Gibraltar's relationship with the single market
has really been a relationship with the United Kingdom. The hon. Member talks about that first
particular limb, the continued access to the UK. I think it is important for people to understand
that it is an access that no other Overseas Territory has secured. When we went in, in 1972, the
single market had not been created. I saw references to the fact that the single market was
1300 really one of Mrs Thatcher's contributions to the growth of the European Economic Community.
For Gibraltar it meant that we were, in effect, the only one of the Overseas Territories who
obtained the ability to trade freely into the UK, not reliant on the umbilical bilateral relationship
between each Overseas Territory and the United Kingdom but on the basis of the European
Acquis. That is going to continue, which is going to mean that the Gibraltar relationship with
1305 the United Kingdom is going to be, in market terms, in particular in financial services market
terms, closer than it can be between the United Kingdom and other Overseas Territories, and it
is fair to say that others look at the relationship we have with the UK and I think wish they had
made other choices in the 1970s.

But we now will, to use a European terminology that we may not be using so much in future,
1310 we are going to grandfather that into the world post Brexit and we are going to continue to have
that access. We identified from the first moment that that was one of the most important
measures, and in a letter that I sent to Prime Minister David Cameron I identified that we
needed to be able to say quickly to financial services firms established in Gibraltar that that
would continue post Brexit, and the then Prime Minister was very quick to come back to say that
1315 the political will was there to make that happen – and you have then seen how we have
continued to develop that commitment into something more tangible and it is now an accepted
part of the future going forward.

But the relevance here is this: when the single market happened, Gibraltar started accessing
it principally in relation to the United Kingdom, and so you will have heard, Mr Speaker, and so
1320 will hon. Members have heard me say that 90% of our trade has been with the UK in the single
market. Well, the remaining 10% has principally been with Ireland, and some of the rest of it in
the rest of the European Union. So, when we do this analysis and we get a lot more information
after the Brexit result from the firms that are established in Gibraltar telling us what their
interests are going forward, I think it becomes increasingly clear that the products that Gibraltar
1325 is able to sell, and which are our unique selling point, are clearly best marketed in places where
there is a common language with us, where we have a common legal interface like the common
law, respect for the rule of law. But importantly – and I commend to hon. Members to think
through this important distinction – the common law brings an understanding of ownership
which is twofold, legal and beneficial, and therefore it is possible to do things where that
1330 equitable ownership of things is recognised that it is not possible to do in civil law countries.

The 28-member block is made up principally of civil law countries, and so our financial
services are sold better in a small number of those member states of the European Union than
they would in the whole of the European Union, and some of those are also small jurisdictions
that sell services and therefore are not potential markets for our products. As we go forward, if
1335 the United Kingdom is able to do as they confidently expect that they will, trade deals – whether
in two years, in five years or in 10 years – with states in the Commonwealth, of which I will refer

only to five in dealing with the issues put by hon. Members this afternoon, then it may be that the markets for Gibraltar's services are much more receptive ones post Brexit than the ones that we have pre Brexit. The examples are these, the ones that have been spoken of specifically in the context of the debate already: New Zealand; Australia; the United States of America; Canada, which has just done its agreement with the European Union and is therefore a good blueprint for trade with the United Kingdom going forward; and, of course, India. In those five Commonwealth nations – except the United States, which is not a Commonwealth Nation, although I recently read that the United States may be seeking access to the Commonwealth of Nations – we would see represented almost two billion people. A lot of the argument with all my predecessors, yourself included, as former Chief Ministers, and I put in the context of the Brexit referendum, was to say 'How can we leave a market of 520 million people?' Well, Mr Speaker, of those 520 million people it appears that there were about sixty to eighty million people interested in our financial services, those governed by the common law principally, for all of the reasons that I have referred to the House. Of course, that is not to say that those 80 million each bought a financial service from Gibraltar, but a market of sixty to eighty million people who have that common interface and understanding of the law. If the United Kingdom is able to do trade deals with nations – the five that I have set out that represent two billion people governed by the common law where we have that common interface of language, of common law, rule of law, etc. – then it is possible that the markets to which we have access in the future will be even more attracted to the services that we are able to sell from Gibraltar.

Mr Speaker, that is not to say that we would have changed the recommendation that we made to the people of Gibraltar at the time of the referendum – I certainly would not have – but we have to accept that the referendum result is now firm. The Prime Minister has taken action today to start a process which in 720 days will very likely produce a result, and we have to look for the opportunities, such as I set out to hon. Members today, that deal with not just those four issues that the Hon. the Leader of the Opposition has identified but looks beyond them at what markets there may be for Gibraltar thereafter and enables us to understand why it is that we are pursuing the criteria that we are pursuing.

It is not, Mr Speaker, the day that the people of Gibraltar were most looking forward to, but with the resolve and resilience that this community has shown in the past, and with the hard work that everyone in this community is going to put into ensuring that Gibraltar continues to be a success – and I for one pledge my work to ensuring that the political aspects of this are dealt with, as I am sure every other Member of this House will – I am sure that for Gibraltar this is just, in history, going to be seen as another challenge: another challenge that we surmounted, another challenge that did not make us bend to anybody else's will, and another challenge that ensured that Gibraltar and Gibraltarians will continue to forever be of the British sovereignty that the people of Gibraltar choose it should continue to be.

Mr Speaker, the Prime Minister has one quality which I think it is important to reflect to all Members of this House. Apart from the fact that she is a determined woman, as we have seen, it is also true that, like all of us, she was a remainer. She advocated the vote for the United Kingdom to remain in the European Union and the argument she is making now is an argument born out of respect for the result of the referendum. That is how we must all act in working with the Parliament at Westminster in continuing our work at a technical level with the devolved nations of the United Kingdom, with the islands of the Channel Islands and with the other Overseas Territories to ensure that we take the best opportunities for Gibraltar and take from what might otherwise have delivered a hammer blow to our prospects and turn it into an absolute success going forward for many future generations of Gibraltarians, and I have no doubt that we will achieve that, Mr Speaker. *(Banging on desks)*

Questions for Oral Answer

HEALTH, CARE AND JUSTICE

Q247 and 248 /2017

Care Agency carers –

Gibraltar-resident and cross-Frontier employees and subcontracted workers

1385 **Clerk:** We now resume questions and we commence with Question 247. The Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provided statistics of how many carers employed by the Care Agency are resident in Gibraltar and how many are cross-Frontier workers?

1390

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Question 248.

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Clerk: Question 248, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide statistics of how many subcontracted workers providing care services for the Care Agency are resident in Gibraltar and how many are cross-Frontier workers?

1400

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

Hon. N F Costa: Mr Speaker, the number of carers employed by the Care Agency who are resident in Gibraltar and those who are Frontier workers is broken down as follows: resident in Gibraltar, 125; cross-Frontier workers, 34.

1405

The total number of subcontracted workers providing care services for the Care Agency who are resident in Gibraltar and are cross-Frontier workers is broken down as follows: resident, in Gibraltar, 27; cross-Frontier workers, 169.

Q249-252/2017

Dementia and long-term elderly patients –

Dementia Residential Unit; St Bernard's Hospital; Mount Alvernia

1410 **Clerk:** Question 249, the Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government confirm that the Dementia Residential Unit will be fully operational on 1st April 2017 and that Grand Home Care are to operate the facility?

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Questions 250 to 252.

1420

Clerk: Question 250, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, in what wards at St Bernard's Hospital are dementia and long-term elderly patients currently located?

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Clerk: Question 251, the Hon. D A Feetham.

Hon. D A Feetham: How many extra beds at the hospital put in place by the GHA since December 2016/January 2017 are being occupied by dementia and long-term elderly patients, and where are these located?

1430

Clerk: Question 252, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government state how many elderly citizens are presently waiting for a place at Mount Alvernia and how many of these are occupying a bed at St Bernard's Hospital?

1435

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

Hon. N F Costa: Mr Speaker, as announced by the Hon. the Chief Minister in his New Year message on 10th January, the Dementia Residential Unit will open within 90 days of his address – that is to say in April of this year. The facility will not be operated by Grand Home Care.

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Dementia and long-term elderly patients are currently located in Captain Murchison Ward, Victoria Ward, Calpe Ward, Cochrane Ward and the temporary ward.

The GHA has put in place 11 extra beds at St Bernard's Hospital since December 2016 and January of this year, all of which are being occupied by dementia and long-term elderly patients. These are located as follows: Captain Murchison Ward, two beds; Victoria Mackintosh Ward, two beds; temporary ward, seven beds.

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There are currently 70 elderly citizens waiting for a place in Mount Alvernia and 27 of these are occupying a bed in St Bernard's Hospital.

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

I was surprised to hear that Grand Home Care will not be operating the Dementia Residential Unit. If I may ask the Minister: who is to operate the Dementia Residential Unit, why the change at this stage, and was there a retender process?

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Hon. N F Costa: Mr Speaker, the company that will be operating the Dementia Residential Unit will be Medoc. This bid was the second preferred bid at the time of the tender; it also happened to be the lowest bid.

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Certain information came to the Government, which I will be more than happy to discuss with the hon. Gentleman behind the Speaker's Chair, but certain information came to the Government which made the Government deem that it would be unsuitable for Grand Home Care to continue to be the preferred bidder to operate the Dementia Residential Unit.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his response. Can he advise the House on what date this decision was taken?

Hon. N F Costa: Mr Speaker, I do not have the exact date but it was certainly after I answered this question when he asked me originally which was the preferred bidder and at the time I answered Grand Home Care. It happened subsequent to those events.

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Mr Speaker: Next question.

1475 **Hon. R M Clinton:** Mr Speaker, if I may ask the Minister: in terms of the size of the contract, is it not a requirement under European law that if a tender award has been taken away from a contractor that it is required to go back out to tender? Or am I wrong in that assumption?

Hon. N F Costa: Yes, Mr Speaker, he is wrong.

1480 **Clerk:** Question 253, the Hon. D A Feetham.

Hon. D A Feetham: May I just ask one supplementary on my ...? It is in relation to the seven beds in the temporary ward. When he talks about 'temporary ward', he means the temporary ward that has been created out of the rehabilitation gym?

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Hon. N F Costa: Yes, the hon. Gentleman is correct, Mr Speaker.

Mr Speaker: Next question.

1490

Q253/2017
Cardiac rehabilitation –
Location of classes pending return to use of gym

Clerk: Question 253, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, in the light of the fact that the cardiac rehabilitation gym is now being used as a seven-patient ward, where are cardiac patients undertaking rehabilitation?

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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, it is perhaps pertinent to remind the Hon. Leader of the Opposition that this area was originally designed as a hydrotherapy pool which had never been commissioned to be used as such by the previous administration. Talk about the prudential use of taxpayers' money for yet another hole in the ground, Mr Speaker!

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As a result of the non-use of the pool since 2004, my hon. Friend and predecessor Dr John Cortes decided to convert the area into store capacity for the rehab departments. This was later used as a temporary isolation unit for the Ebola outbreak contingency, which when decommissioned was converted to an additional gym for rehab services.

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The hon. Gentleman should also know that the cardiac rehab classes have always been conducted within the established rehabilitation areas. This has been the practice since the move to the current St Bernard's Hospital in 2005.

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Once the temporary ward is decommissioned in April of this year, it will be adapted again as an additional gym which will be used fully as a cardio rehabilitation area once our elderly are eligible for admission into the new Hillside residential home.

Hon. D A Feetham: Well, Mr Speaker, thank you very much for the history lesson. I have to say I did not even have to push any buttons: the hon. Gentleman decided of his own motion that he would go on the attack! I commend him for that. And here I was telling my hon. Friend Mr Hammond, 'I don't think I'm going to be asking any supplementary questions,' Mr Speaker!

1515

He has outlined the history of this, and then he says that now ... almost indicating, I should say, when he gives the history, 'Well, it's never really been designed as a rehabilitation gym; it was really something else, but now the Government is going to turn it back into a rehabilitation

1520

gym.’ That presumes that it is a space that is usable as a rehabilitation gym and that the Government has made the decision to actually use it as such. What he has not answered is where are those people who require a rehabilitation gym at the present moment in time, where are they being treated. Where are they going –

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Hon. N F Costa: I have.

Hon. D A Feetham: Oh, have you? I beg your pardon. Because if there is no gym and it was being used for something else before and now it is being used as a – (*Interjection*) Well, can he, please, because I have to say that I did not understand the answer that he provided.

1530

Hon. N F Costa: Mr Speaker, I did decide to go on the attack but I also did answer the question.

Yes, as I explained, the area was originally designed as a hydrotherapy pool but never actually used. As a result, it was the decision of my hon. predecessor to convert the non-used hydrotherapy pool into a rehabilitation gym, but as an additional rehabilitation gym because, as I explained to him, the cardiac rehabilitation classes have always been conducted within the established rehabilitation areas. And so once the temporary ward is decommissioned, because of course those patients will then be either transferred to the new Dementia Residential Home or indeed to the additional beds that will be provided at the elderly residential facilities, then it will be converted once again into the additional rehabilitation gym and then they will be able to use that additionally for rehabilitation classes.

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Hon. D A Feetham: Mr Speaker, it is just that he uses and he has continued to use this phrase ‘rehabilitation areas’. For me, a rehabilitation gym contains gym equipment that is used for rehabilitation purposes. Is he saying that there is another space within the hospital that contains rehabilitation gym equipment for rehabilitation purposes? (**A Member:** Yes.) That is one question.

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The second question is: if it was that the Government, by converting this particular space into a rehabilitation gym – he has told me that Minister Cortes was responsible for that ... The Government must have felt that extra rehabilitation space was necessary. That must follow. Therefore, what impact is this having on those people who want to have rehabilitation and indeed need to have rehabilitation?

1550

The Hon. Minister cannot have it both ways. He cannot say to me there is additional rehabilitation elsewhere – but that has always been the case, unless the conversion has taken place after this has been closed. Otherwise there is now a minus lack ... you are in the minus area in terms of rehabilitation equipment and rehabilitation gym.

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Hon. N F Costa: Mr Speaker, and then he wonders why I go on the attack! No, the hon. Gentleman clearly has not heard the answer that I have given to him.

1560

The space where the additional rehabilitation gym is currently placed used to be a hydrotherapy pool. The hydrotherapy pool had lain unused for many years, as a result of which my hon. predecessor decided to convert that area into a cardiac rehabilitation gym in addition to the cardiac rehabilitation areas already within St Bernard’s Hospital. The reason why that was decided was not because it was necessary, and therefore I do not agree with the hon. Gentleman’s respectfully flawed logic, but because it was advisable to have additional rehabilitation areas.

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In any event, that area was not used because of the Ebola outbreak which became an isolation unit, and following the decommissioning of the Ebola outbreak as an isolation unit the issue with beds arose, as a result of which we made that into a temporary ward since January of this year.

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As I have also explained to the hon. Gentleman, this is a temporary ward, as the name suggests, and will be decommissioned by April, once the Dementia Residential Home is open. Therefore, at that point, the additional rehabilitation gym, which forms the subject of this question, will now be fully and properly used as additional space.

Hon. D A Feetham: One final question: what in the Hon. Minister's mind is the difference between necessary and advisable? (*Interjection*) Well, absolutely.

Mr Speaker, the hon. Gentleman has said to me that there has always been rehabilitation space, and then he says it was not necessary but it was advisable to convert this particular space into a gym – that it was not necessary, it was just simply advisable – and he is also telling me that, actually, when all this is over it is going to be reconverted back into a gym.

In my respectful view, Mr Speaker, he is splitting hairs. Is it not the case that the Government deems that it is necessary to have this additional rehabilitation space, otherwise it would not be reconverting it back into a gym; and therefore does it also follow from that that there are patients, certainly who have come to me, who are telling me that they are being prejudiced by the fact that they have lost this rehabilitation facility?

It is the only reason why I ask this – I do not use the gym, I do not use rehabilitation facilities. I ask the questions because constituents are concerned about these issues, and that is why I raise them in the House, so that I can then go back and I can then say to them this is the answer the Minister has provided. I will go back and I will say, 'Well, the Minister says that it is not necessary but it is advisable and it is going to come back later on.'

Hon. N F Costa: Mr Speaker, if the constituents that have gone to talk to him feel prejudiced, they must have been extremely prejudiced during all of the time that the GSD had a hydro pool that was not used since the St Bernard's Hospital came to its current location.

I do not need to explain to a Queen's Counsel the difference between necessity and desirability or advisability. It is necessary to breathe oxygen and it is advisable to have a Leader of the Opposition who understands the answers that are given to him.

Mr Speaker: [*Inaudible*]

Hon. R M Clinton: Okay, thank you very much.

If I may ask the Hon. Minister a very, hopefully, simple and inoffensive question, I heard him refer to Hillside residential home: is that what the Dementia Residential Home will be called?

Hon. N F Costa: Yes, sir.

Mr Speaker: Next question.

Q254/2017
GHA locums –
Numbers and assignment by department

Clerk: Question 254, the Hon. D A Feetham.

Hon. D A Feetham: I am just reading a message received from a constituent listening to this debate saying he is not answering the question, so obviously there are others out there who remain just as unsatisfied by the answer the Hon. Minister has given me.

1615 Mr Speaker, how many locums have been engaged by the GHA in the years ending 2011, 2012, 2013, 2014, 2015 and 2016, and which Departments were they assigned to?

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

1620 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, perhaps the person who is writing to him can write to me directly and I will answer the question directly to the person.
Mr Speaker, the information is in the schedule I now hand over to the hon. Gentleman.

Answer to Q254

Year	Total Nursing Locums	Breakdown of Nursing Locums	Department	Total AHP Locums	Breakdown of AHP Locums	Department	Total Medical Locums	Breakdown of Medical Locums	Department	
2011	12		3	30	19	89		2	Surgical	
			7		6			3		Orthopaedics
			2		2			7		ENT
			1		9			Ophthalmology		
			1		5			Obstetrics & Gynaecology		
			1		3			Surgical		
2012	6		3	14	8	56		1	Surgical	
			1		2			13		ENT
			2		2			1		Ophthalmology
			2		2			Surgical		
					1			Surgical		
					3			Orthopaedics		
2013	2		2	7	2	64		1	Surgical	
					2			6		ENT
					2			2		Obstetrics & Gynaecology
			1		2			Surgical		
					3			Orthopaedics		
					4			Surgical		
2014	5		4	19	10	115		3	Orthopaedics	
			1		2			17		ENT
					2			15		Obstetrics & Gynaecology
			2		5			Surgical		
			1		2			Surgical		
			1		7			Orthopaedics		
		1	3	Medical						
			10	Anaesthesia						
			2	Paediatrics						
			3	Pathology						
			3	Mental Health						

Cont...

Continued Answer to Q254

						1	Public Health		
						20	Primary Care		
						22	Medical		
						2	A&E		
2015	11	1	Critical Care	9	4	Physiotherapy	3	Surgical	
		4	Mental Health		2	Radiology	17	Obstetrics & Gynaecology	
		4	Maternity		1	Pathology	1	Surgical	
		2	Theatres		1	Speech & Language	2	Surgical	
			1		Occupational Therapy	13	Orthopaedics		
						11	Anaesthesia		
					5	Paediatrics			
					3	Radiology			
					5	Pathology			
					1	Mental Health			
					1	Medical			
				2	Public Health				
				26	Primary Care				
				6	Medical				
				3	A&E				
2016	8	7	Paediatrics	17	7	Physiotherapy	12	Surgical	
		1	Critical Care		5	Radiology	5	Orthopaedics	
						2	Occupational Therapy	14	Obstetrics & Gynaecology
						2	Pharmacy	10	Surgical
						1	Speech & Language	15	Orthopaedics
								1	Dental
							13	Anaesthesia	
							10	Paediatrics	
							19	Radiology	
							26	Pathology	
						4	Mental Health		
						2	Public Health		
						4	Primary Care		
						15	Medical		
						1	A&E		

1625 **Mr Speaker:** Can I ask the Hon. the Leader of the Opposition, who has a number of questions, if he would allow the hon. Lady to ask her question, since she has an urgent engagement at 6.30?

1630 **Hon. D A Feetham:** Mr Speaker, I have no objection, but can I say that I have cancelled an appointment which was very urgent, at six o'clock, because of these questions myself. But I have no objection, but I just wanted that to be on record because we all need to be making sacrifices when we are in this House.

Mr Speaker: I am sure we are all going to be rewarded for the sacrifices that we are making!

Q275/2017
Visiting neurologist –
Frequency of visits

1635 **Mr Speaker:** The hon. Lady, Question 275.

Clerk: Question 275, the Hon. Ms M D Hassan Nahon.

1640 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Hon. the Leader of the Opposition for giving way and I can assure you that it is by no means a facetious engagement: my daughter is eleven years old and she is a drummer and has to compete for the Festival of Young Musicians this evening and really wants her mother there. So I am grateful for that.

My question is: what is the Government's position with regard to the frequency of the visiting neurologist to the GHA?

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the Government is satisfied with the frequency of the visiting neurologist to the GHA. We are in the process, however, of seeking to repatriate this and other services.

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Hon. Ms M D Hassan Nahon: Mr Speaker, thank you to the Hon. Minister for his answer, but could I commit him to giving us an answer in terms of was there a frequency quarterly, biannual or something like that, because certain constituents who suffer from neurological conditions have been told on the one hand that he was meant to come quarterly but unfortunately did not see him appearing since last October until very recently, and obviously it has caused them concern and problems obviously.

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Hon. N F Costa: Mr Speaker, to take the questions that the hon. Lady has asked me in order, the neurologists come from St George's Hospital. There are three neurologists who visit every three months for around two or three days.

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There has been, according to my supplementary information, one complaint, and we could therefore be speaking of exactly the same complaint about a patient having missed an appointment. If the hon. Lady cares to give me the details of the patient who has missed the appointment, I will obviously make sure that at the next visit the patient is seen, and of course if the patient requires to be referred urgently we also do that. This year there have been 13 referrals and last year there were 37. So if this patient, having missed the appointment with the neurologist ... it is now felt by another consultant within the GHA should be urgently referred to the UK or to Spain, then the hon. Lady need, as she ordinarily does, only write to me and I will make sure it is immediately looked into.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I am grateful for this answer and for your offer, to the Minister, of being available for this patient, but from what I understand, this patient has never officially complained, he has never missed an appointment, and the complaint and the query is that he was assured that a visiting neurologist comes to Gibraltar every three months and then was told six months later, when no neurologist was coming to Gibraltar, that the missing of a neurologist every quarter is due to the crisis with the NHS.

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Hon. N F Costa: No, Mr Speaker, I will certainly go back and ask my team but I would certainly have been told by the Medical Director, with whom I consult daily on numerous occasions and certainly in respect to answers to questions ... He would definitely have told me had there not been the usual quarterly visit by the visiting neurologists, but I will double check that information for her.

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Hon. Ms M D Hassan Nahon: I am grateful for that, but I can assure the Minister, and I will have a conversation with him, that this is what the patient was told by the doctor.

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I now ask, and perhaps he has already intimated it, but do we have a plan for a frequently visiting neurologist moving forward?

Hon. N F Costa: Mr Speaker, as I have explained to the hon. Lady, there is a quarterly visit by three neurologists from St George's Hospital. Therefore, there is an existing structured visit from the relevant clinicians from St George's Hospital.

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As I said, it would really ... I am not doubting for one second what the patient is relaying to the hon. Lady is what the patient says the doctor told him; what I am telling the hon. Lady is that

1695 I would be very surprised indeed if, having discussed all of these questions with the clinical team, they would not have warned me that the question may have been due to the fact that in one particular quarter there was an absence of the visiting neurology team.

1700 **Mr Speaker:** I am grateful to the Hon. the Leader of the Opposition for giving way. Question 255.

Q254/2017
GHA locums –
Supplementary questions

Hon. T N Hammond: Mr Speaker, if I may, one supplementary on the information that was provided on locums.

1705 **Mr Speaker:** What question are we dealing with?

Hon. T N Hammond: Sorry, it would be Question 254, on the statistics provided for locums, and it is simply ... and forgive my ignorance, but I do not necessarily understand all the terms used. I understand what nursing locum means, I think. I am not sure what an AHP as opposed to a medical locum is – I wonder if the Minister could clarify that information.

1710 **Minister for Health, Care and Justice (Hon. N F Costa):** Could the hon. Gentleman refer me to the year and the column he is referring to, please? Oh, I see, yes.

1715 **Hon. T N Hammond:** Absolutely – it is in the headers.

Hon. N F Costa: Yes, sorry, he is referring to the head 'Allied Health Professional'. That relates to occupational therapy, physiotherapy, radiology, psychology, that sort of thing.

1720 **Clerk:** Question 255.

Hon. D A Feetham: Can I just ask one question?

Clerk: I am sorry.

1725 **Hon. D A Feetham:** Mr Speaker, with locums I gather that the total locums are on the right-hand column, is that the case?

Hon. N F Costa: That is correct.

1730 **Hon. D A Feetham:** So it is 89 in 2011, 56 in 2012, 64 in 2013, 115 in 2014, 99 in 2015 and then it is 151 in 2016?

Hon. N F Costa: Yes.

1735 **Hon. D A Feetham:** Does he have an explanation for the sharp rise in locums in the course of 2016?

Hon. N F Costa: Mr Speaker, not one that I have been entirely satisfied with. The fact of the matter is that I would have expected an organisation such as the GHA to have succession

1740 planning in place where the use of locums would not be as necessary. But then again, of course,
Mr Speaker, as the hon. Gentleman will know, specialisms require continuous training –
consultants, allied health professionals, in order to be able to keep up with their skills need to
1745 undergo continued professional development – and of course then there are issues that arise
such as annual leave, maternity leave and usual sickness cover. And of course the reality is that
the GHA continues to grow the services which it provides. For example, if for whatever reason,
say for example the absence of a particular consultant due to illness or due to maternity or any
other reason, and as a result of that there has been an increase in the referral list, the GHA
1750 would always move to bring in locums in order to ensure that that list remains manageable and
within the expected timeframes that Gibraltarian patients expect that they will be referred to by
the GHA consultant.

Hon. D A Feetham: Does he also have an explanation for the sharp rise in locums in
gynaecology? For example, in 2014 it jumped from two the previous year to 15. It then increased
1755 to 17 and it is down to 15 again in 2016. And there is also a sharp rise in locums in relation to
orthopaedics, and I gather ... presumably that is because the Department is trying to do
something about the waiting list in relation to orthopaedics, which we know and which the hon.
Gentleman recognises was not what we all want. And finally, in relation to surgical, which is now
10 in 2016 when it was only one in 2015 – well, two in 2015 – is that because there have been a
number of surgeons that have left the department in recent times and that those gaps left in the
1760 service as a consequence are being filled by locums?

Hon. N F Costa: Mr Speaker, the hon. Gentleman will appreciate that, given the information
that I have provided to him, which is extremely detailed, I could not anticipate each
supplementary that he would ask me. So the hon. Gentleman, if he wants absolute certainty in
1765 the answers that I am going to provide to him, then he should give me notice of those questions.

In respect of the orthopaedics, the hon. Gentleman is right, I can definitely answer that one.
In respect of gynaecology, it relates to 2014, during the course of which my hon. Friend was the
Minister so I will allow him to please assist.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):
1770 Yes, Mr Speaker, it is also to do with the waiting lists. I found, at the time, that the gynaecology
waiting list was totally unacceptable. I cannot remember exactly now, but it was many months
and we were in a situation where, because there were three gynaecologists at the time and they
had about 10 weeks of leave each, it happened that we were one gynaecologist down for 30
1775 weeks of the year. Therefore, a decision was taken at the time for a period of time that 15 of
those weeks would be covered by a locum in order to cut down the waiting list, which was done
successfully, but there would have been a spike there and it was precisely to ensure that there
was cover for one of the gynaecologists on leave during half of the total time, and that had a
tremendous effect in lowering the waiting list in that year.

1780
Hon. D A Feetham: And finally, Mr Speaker, has he done an analysis as to whether the
numbers of locums are being influenced at all ... are being driven by vacancies? In other words,
there are vacancies within the GHA in relation to doctors and those are being filled by locums, so
that ... I do not know ... for example, one job is being done by five locums, or anything like that?

1785
Hon. N F Costa: No, Mr Speaker. The hon. Gentleman may recall that very shortly after I was
appointed Minister for Health there was a whole gamut of vacancies advertised in respect of all
of the medical requirements. It takes, unfortunately, quite a few months to be able to fill those
positions. Of course specialisms and consultants that are required for any particular field may
1790 not necessarily be in Gibraltar and therefore we need to advertise in the UK. A process needs to
be followed, a board needs to be set up and then there has to be a recommendation etc.

So no, if locums are being recruited, it is only because we are undergoing the recruitment process through the traditional process of advertising vacancies and establishing boards, and of course once these vacancies are filled then the locum cover will no longer be required.

Q255/2017
Dialysis Unit –
Replacement doctor

1795 **Clerk:** Question 255, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, who will be taking over from the two doctors at the Dialysis Unit whose contracts recently terminated?

1800 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, there was only one doctor at the Dialysis Unit. A doctor has already been contracted to cover until a replacement is appointed.

1805

Hon. D A Feetham: But, Mr Speaker, is it not the case that there was one permanent doctor and there was another temporary doctor who was assisting the principal doctor at the Dialysis Unit?

1810

Hon. N F Costa: Mr Speaker, the answer provided to Parliament has been drafted by the Medical Director, so I have to assume that he would know exactly the number of doctors in any given service in the GHA.

1815

Hon. D A Feetham: Yes, Mr Speaker, that is certainly true. I get my information from patients who are actually being treated in the Dialysis Unit and I am assured there were two doctors working there: one who was permanent and the other one who was on a temporary basis – not a temporary basis, but he was almost part time, he was part time – working to assist the principal doctor.

1820

Mr Speaker, why was the contract terminated, if it was terminated by the Government; or is it a case of the contract having been terminated by a fluxion of time?

Hon. N F Costa: The latter, Mr Speaker.

1825

Hon. D A Feetham: And can the Government explain why the contract of this particular doctor was not renewed?

Hon. N F Costa: The doctor who served the Dialysis Unit could not be registered by the General Medical Council.

1830

Hon. D A Feetham: And why is that, Mr Speaker?

Hon. N F Costa: Because he does not satisfy the requirements of the General Medical Council.

1835

Hon. D A Feetham: Mr Speaker, that is self-evident, but –

Hon. N F Costa: Well, why are you asking me? *(Laughter)*

1840 **Hon. D A Feetham:** Well, because is it, for example, that we are dealing with a doctor who has a foreign qualification and therefore that places a difficulty in terms of registration under the General Medical Council in the United Kingdom? My understanding is that that is an issue with a number of doctors who have been very successfully treating patients at the hospital and elsewhere within the GHA.

1845 **Hon. N F Costa:** Mr Speaker, I do not have the particulars of the reasons why the General Medical Council determined in this particular case that this gentleman was not registrable. My information is that, due to the fact that the General Medical Council would not register the dialysis doctor, it was obviously decided that the post had to be advertised and a usual selection process followed.

1850

Hon. D A Feetham: Mr Speaker, how long had this particular doctor been in this particular post? Does he have that information?

Hon. N F Costa: No, Mr Speaker, I do not.

1855

Hon. D A Feetham: But he accepts that this particular doctor ... there had been no complaints from patients and there was generally – if he has the information – satisfaction in relation to the way that this particular doctor was performing?

1860

Hon. N F Costa: Mr Speaker – and I say this really not wishing to be unhelpful – the original question of the hon. Gentleman is who will be taking over from the doctors at the Dialysis Unit. If the hon. Gentleman wanted to ask me specific questions on the particulars, then, with respect to him, he should have provided me with notice of those particulars he sought from me. I would have been delighted to have exchanged that information with him across the floor of the House, but unfortunately, given the original question on the Order Paper, I am afraid to tell him that I do not have whether there have been or have not been any complaints against this particular doctor.

1865

Hon. D A Feetham: Mr Speaker, is it a locum that is going to be taking over on a temporary basis in relation to this doctor, or is this post going to be filled on a permanent basis by somebody else? Also, is that person coming over from the United Kingdom? Does he have any links with Gibraltar at all?

1870

Hon. N F Costa: Mr Speaker, the nephrologist advertisement was on the 17th of this month. There has already been a successful applicant who has accepted the job offer by email on 13th March and who will start on 10th July.

1875

The current contract, the current replacement, is not being carried out by a locum but rather by a doctor on contract – at, I must say, a better rate than the previous doctor that currently provided the services.

1880

Hon. D A Feetham: Mr Speaker, given the very short timeframes – and he must be mistaken in the way that he has provided the answer ... He said that it was on the 17th of this month that the advert went out. It must have been the previous –

1885

Hon. N F Costa: Sorry, February, yes.

Hon. D A Feetham: February. No, I understand that. But we are talking about very small timeframes here, which does indicate that in fact the Government did not envisage that there

1890 would probably be this particular problem with a doctor who was then serving. But am I right in saying that although the job was advertised, the Government had made moves to perhaps identify a replacement for this particular role? Or is it a situation where the Government advertised, there were applicants, and there had been no previous contact at all with the successful candidate?

1895 **Hon. N F Costa:** Mr Speaker, could he repeat the last part of his supplementary?

Hon. D A Feetham: Despite the fact that there has been an advert going out, was this particular candidate headhunted, so to speak? Was there some contact between the GHA and this particular candidate, where this particular candidate was invited to apply? It does appear to me that we are talking about very small timeframes within which this has happened, and it may well be that what has happened is that the Government had identified somebody with Gibraltar connections, for example – I am not putting words in his mouth, but I am just trying to get to the explanation of this – and therefore there was an advert and the successful candidate really was somebody the Government had already identified, even though the Government may have advertised and said, ‘Well, let’s see who applies.’

Hon. N F Costa: Mr Speaker, in the first place I think I ought to clarify that, whereas I replied to the hon. Gentleman that the contract had ended because of the fluxion of time, and indeed that is correct because the last working day was on 28th February, the doctor actually decided to leave before the last day due to ill health and I thought that it was important to make that fact clear, given how he has phrased ... No, given how he has phrased ... I just thought it was important to clarify that point for the avoidance of doubt.

The hon. Gentleman should know that the advertising process is conducted by the GHA. The Government – or, as the Hon. Mr Bossano has called us before, the ‘outfit’ – had no person in mind, but it is certainly the case that the GHA, when they do advertise for posts ... the different clinicians do contact persons whom they think would be suitable and interested and who have Gibraltar connections. That is the case.

Mr Speaker: Next question.

Q256 and 257/2017
Speech and Language Therapy Unit –
Therapist post; location and complement

1920 **Clerk:** Question 256, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, has the Government now filled the post of speech and language therapist?

1925 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, this question will be answered together with Question 257.

1930 **Clerk:** Question 257, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, where is the Speech and Language Therapy Unit located and how many people are working engaged within it?

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

1935

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the GHA does not have any vacancies for the post of speech and language therapist. The hon. Member's mole has got it wrong again.

1940

The Speech and Language Therapy department is not a department with a singular purpose and as such is not limited to solely one unit.

The Speech and Language Therapy department provides valuable input into many settings, including schools. If I assume that the hon. Gentleman is asking me in relation to the main offices they report to on a daily basis, the GHA Speech and Language Therapy department have the following bases.

1945

The Primary Care Speech and Language Therapy department. This is the main base of the Paediatric Therapy department. There are four speech and language therapists.

St Bernard's Hospital. This is the main base of the Adult Therapy team. There is one speech and language therapist.

1950

Bella Vista Dementia Day Centre: through this facility, the GHA has ensured that the care provider offers speech and language therapy support for dementia patients. There is one speech and language therapist.

1955

The Paediatric Speech and Language Service consists of two separate caseloads, mainstream and special needs, with clinical leads heading each area. These services are responsible for children, from neonates to adolescents of 18 years of age, who present with communication, swallowing and feeding disorders, including diagnosed genetic and medical conditions, developmental delays, learning disabilities, hearing impairments, autism and specific speech and/or language difficulties. Service locations for these services include mainstream schools; learning support facilities; special schools and special needs nursery; outpatient clinics at Primary Care, Rainbow Ward and the community.

1960

Both service streams within paediatrics have benefitted from staff recruitment within the timeframe of 2014 and 2015. In March 2014, a senior II speech and language therapist was employed to work alongside the clinical lead within this mainstream service and the following year another senior II therapist was recruited within special needs. To date, the staff complement within paediatrics is four full-time posts.

1965

The benefits from increasing from two speech and language therapists to four is self-evident, as it has allowed for a doubling of speech and language therapist time in both areas and has allowed the therapists to develop their competencies accordingly. Therefore, we have increased both availability and the quality of the services.

1970

The adult service is responsible for clients with swallowing and communication difficulties resulting from stroke, neurological disorders, cancer, dementia and voice disorders. The range of disorders which present can include aphasia, dysarthria, dyspraxia, dysphonia, dysphagia and dysfluency.

1975

Service locations for this service include inpatient and outpatient services within St Bernard's Hospital; ECA facilities, including Mount Alvernia; John Mackintosh Wing; Jewish Home; Calpe and Cochrane wards; and community.

The Adult service is staffed by one full-time post.

1980

Hon. D A Feetham: Mr Speaker, how many speech and language therapists did the hon. Gentleman say were being employed by the GHA? How many?

1985

Hon. N F Costa: Mr Speaker, there are four at the Primary Care Speech and Language Therapy department and there is one at St Bernard's Hospital. I also mention, Mr Speaker, that the Bella Vista Dementia Day Centre has ensured that the private provider also provides speech and language therapy support for dementia patients and they have one speech and language therapist. So, four plus one, plus one.

Hon. D A Feetham: Mr Speaker, is there one of those speech therapists that is actually taking care, at the present moment, of paediatric caseloads?

1990 **Hon. N F Costa:** Mr Speaker, I refer the hon. Gentleman ... As I have explained to him in my answer right now ... I just gave him an entire two paragraphs on the fact that the Paediatric Speech and Language Service has gone from two speech and language therapists to four under my hon. predecessor, Dr John Cortes, and I explained to him all of the services that are provided and that it consists of two separate caseloads, one for mainstream and another for special needs, with clinical leads heading each area.

1995

Hon. D A Feetham: So there, is at the moment, a speech and language therapist that is dealing with paediatric caseloads?

Hon. N F Costa: There are actually four.

Q258-264/2017
GHA posts –
Workers on fixed-term contracts

2000 **Clerk:** Question 258, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, have the 22 vacant posts occupied by subcontracted workers identified in answer to Question 518/2016 been permanently filled?

2005 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Questions 259 to 264.

2010 **Clerk:** Question 259, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government state how many workers currently working within Mount Alvernia are on fixed-term contracts?

2015 **Clerk:** Question 260, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government state how many workers employed directly by the GHA are on fixed-term contracts?

2020 **Clerk:** Question 261, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government state how many workers employed directly by the Care Agency are on fixed-term contracts?

2025 **Clerk:** Question 262, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government state how many workers working within the Care Agency and the GHA are on fixed-term contracts with a Government-owned company?

Clerk: Question 263, the Hon. D A Feetham.

2030

Hon. D A Feetham: Of the previous four questions concerning fixed-term contracts within the Care Agency, the GHA and Mount Alvernia, please provide a schedule setting out (a) how many successive fixed-term contracts each worker has been engaged on and (b) the date each were first engaged on the first contract.

2035

Clerk: Question 264, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, in what Department within the GHA are the workers employed by the GHA on fixed-term contracts currently working in?

2040

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, it is hard not to press the buzzer when you know the answer to the question! (*Laughter*)

2045

Mr Speaker, subcontracted workers will be recruited as and when required.

There are three workers currently working within Mount Alvernia on fixed-term contracts.

There are 126 workers employed directly by the GHA on fixed-term contracts. It is pertinent to note that out of the 126 workers 55 are contracts of consultants and doctors who have been on fixed-term contracts, some for over 20 years. Her Majesty's Government of Gibraltar is confident that all consultants will enter into new and specifically negotiated contracts during the course of this year.

2050

There are 33 workers employed directly by the Care Agency on fixed-term contracts, eight of which are to commence employment on indefinite contracts as from 1st April 2017. This will reduce the number of workers employed by the Care Agency on fixed-term contracts to 25. Further, the Care Agency has recruited eight qualified social workers from UK agencies whose contracts will not be renewed after three years.

2055

There are no workers working within the GHA and the Care Agency on fixed-term contracts with a Government-owned company.

In relation to Questions 263 and 264, I now hand over schedules with the information requested, to the hon. Gentleman.

2060

Answer to Question 264 of 2017

Answer to Question 263

GHA

No of Employees issued a FTC	Amount of successive FTC	D.O.C
2	12 contracts per employee	Feb-97 (2 employees)
1	5 contracts per employee	Feb-98 (1 employee)
1	12 contracts per employee	Feb-01 (1 employee)
1	9 contracts per employee	Aug-03 (1 employee)
1	12 contracts per employee	Feb-03 (1 employee)
1	30 contracts per employee	May-03 (1 employee)
1	10 contracts per employee	Feb-04 (1 employee)
1	7 contracts per employee	Aug-05 (1 employee)
1	22 contracts per employee	Sept-05 (1 employee)
1	30 contracts per employee	Feb-05 (1 employee)
2	11 contracts per employee	Sept-06 (1 employee)
		Oct-06 (1 employee)
1	20 contracts per employee	July-06 (1 employee)
1	27 contracts per employee	Aug-06 (1 employee)
1	28 contracts per employee	Sept-07 (1 employee)
1	7 contracts per employee	Oct-08 (1 employee)
1	17 contracts per employee	Nov-09 (1 employee)
1	8 contracts per employee	Jun-10 (1 employee)
1	10 contracts per employee	Nov-10 (1 employee)
1	15 contracts per employee	Dec-10 (1 employee)
1	5 contracts per employee	Sept-11 (1 employee)
1	12 contracts per employee	Jun-11 (1 employee)
1	5 contracts per employee	Jun-12 (1 employee)
1	6 contracts per employee	Sept-12 (1 employee)
1	10 contracts per employee	Feb-12 (1 employee)
1	1 contracts per employee	Oct-16 (1 employee)
1	2 contracts per employee	Sept-13 (1 employee)
2	3 contracts per employee	Jun-13 (1 employee)
		Jul-13 (1 employee)
8	4 contracts per employee	Aug-13 (3 employees)
		Sept-13 (3 employees)
		Oct-13 (2 employees)
3	5 contracts per employee	
		Jul-13 (1 employee)

Cont...

Continued Answer to Question 264 of 2017

Continued Answer to Question 263

		Sept-13 (2 employees)
1	6 contracts per employee	Jul-13 (1 employee)
1	7 contracts per employee	Oct-13 (1 employee)
4	1 contract per employee	Apr-14 (1 employee)
		Sept-14 (1 employee)
		Oct-14 (2 employees)
1	2 contracts per employee	Feb-14 (1 Employee)
7	3 contracts per employee	Sept-14 (3 employees)
		Nov-14 (1 employee)
		Dec-14 (3 employees)
7	4 contracts per employee	Jan-14 (2 employees)
		Mar-14 (1 employee)
		Apr-14 (3 employees)
		Jun-14 (1 employee)
1	5 contracts per employee	May-14 (1 employee)
6	1 contract per employee	Jan-15 (1 employee)
		Apr-15 (1 employee)
		Aug-15 (1 employee)
		Sept-15 (1 employee)
		Oct-15 (2 employees)
16	2 contracts per employee	Jan-15 (1 employees)
		Feb-15 (1 employee)
		Mar-15 (1 employee)
		Apr-15 (1 employee)
		May-15 (2 employees)
		Jun-15 (1 employee)
		July-15 (3 employees)
		Aug-15 (4 employees)
		Nov-15 (2 employees)
6	3 contracts per employee	Jan-15 (2 employees)
		July-15 (2 employees)
		Sept-15 (1 employee)
		Nov-15 (1 employee)
2	4 contracts per employee	Apr-15 (1 employee)
		Sept-15 (1 employee)
1	5 contracts per employee	Sept-15 (1 employee)
21	1 contract per employee	Jan-16 (1 employee)
		Feb-16 (2 employees)
		Apr-16 (1 employee)
		May-16 (4 employees)
		Jun-16 (3 employees)
		Aug-16 (2 employees)

Cont...

Continued answer to Question 264 of 2017

Continued Answer to Question 263

		Sept-16 (6 employees)
		Oct-16 (2 employees)
5	2 contracts per employee	Mar-16 (2 employees)
		Apr-16 (2 employees)
		Sept-16 (1 employee)
6	1 contract per employee	Jan-17 (5 employees)
		Feb-17 (1 employee)

CARE AGENCY

No.of Employees issued a FTC	Amount of successive FTC	D.O.C
2	7 contracts per employee	Apr-10
		Dec-10
6	4 contracts per employee	Jul-13 (1 employee)
		Aug-13 (2 employees)
		Oct-13 (2 employees)
		Nov-13 (1 employees)
1	3 contracts per employee	Nov-13 (1 employee)
3	4 contracts per employee	Feb-14 (1 employee)
		Mar-14 (1 employee)
		May 2014 (1 employee)
10	3 contracts per employee	July-14 (6 employees)
		Aug-14 (1 employee)
		Sep-14 (1 employee)
		Oct-14 (1 employee)
		Nov-14 (1 employee)
3	3 contracts per employee	May-15 (2 employees)
		July-15 (1 employee)
14	2 contracts per employee	Jun-15 (2 employees)
		Aug-15 (3 employees)
		Sept-15 (8 employees)
		Nov-15 (1 employee)
4	1 contract per employee	Apr-16 (1 employee)
		May-16 (1 employee)
		Aug-16 (2 employee)
2	2 contracts per employee	Mar-16 (1 employee)
		Dec-16 (1 employee)

Contd Answer to Question 264 of 2017

Answer to Question 264

No of Workers	Department
6	Maternity Ward
12	Primary Care Centre
1	Victoria Ward
2	Captain Murchison Ward
4	Night Duty
2	Dudley Toomey Ward
7	John Ward
4	Rainbow Ward
4	A&E
10	Critical Care Unit
4	Day Surgery Unit
5	Operating Theatres
8	Ocean Views
2	Dental Department
47	Medical
1	Public Health
3	Radiology
3	Physiotherapy
1	Occupational Therapy

2065 **Hon. D A Feetham:** Mr Speaker, now I understand, having heard the answer to these questions, why the hon. Gentleman came to this House with his cannons firmly locked and loaded, because he was obviously concerned about the answers that he had to give in relation to these questions.

2070 In relation to Question 259 – can the Government state how many workers currently working... sorry, I beg your pardon, Question 258: have the 22 posts occupied by subcontracted workers identified in answer to Question 518/2016 been permanently filled – the answer the hon. Gentleman gave me was ‘that post will be filled as and when necessary’. Unless I have misheard him, that was the answer that he gave me. But of course that is an extremely evasive answer, does the Hon. Minister not agree, because in answer to Question 518/2016 he said there were 22 vacant posts within the Care Agency at the time, and then when I asked him the question about several ... I think it was last month or the month before – were there any vacancies, or how many vacancies there were within the GHA and the Care Agency, the hon. Gentleman said to me there were no vacancies.

Hon. N F Costa: That is right.

2080 **Hon. D A Feetham:** No vacancies. The answer in 2016, towards the end of 2016, is there are 22 vacancies in the Care Agency.

Hon. N F Costa: Of care workers.

2085 **Hon. D A Feetham:** Of care workers only, indeed. At the beginning of this year he tells me there are no vacancies in the Care Agency, and now when I ask him, ‘Of course, well, look, in the light of that answer that you have given me, that there are no vacancies in the Care Agency, which you gave me a couple of months ago, I ask how many of the posts of these 22 which the Government told me existed barely a few months before?’ he now says posts will be filled as and when.

2090 Does he not agree with me that is an unsatisfactory answer that he has provided and it is an extremely evasive answer, and the fact is the Government does not want to come clean to this House providing statistics on what the true level of vacancies are within the Care Agency and the GHA?

2095 **Hon. N F Costa:** Mr Speaker, I do not understand how the hon. Gentleman can construe my answers as anything other than extremely specific.

2100 He tells me that I have come to this House with my cannons loaded as a result of the answers that I am going to give to him in answer to this question. The hon. Gentleman could not be more wrong. The reason why I come with my cannons loaded is because of the sheer nonsense that I have to reply to in press releases as a result of the incredibly incorrect information he is being fed with by a disgruntled mole. Mr Speaker, I should pay this mole personally, from my own pocket, so that he keeps feeding the Hon. the Leader of the Opposition such bloody nonsense, to be honest!

2105 Mr Speaker, the hon. Gentleman really has the hard face of cement. The Hon. Leader of the Opposition, when he sat here as Minister for Justice, used to subscribe to the view that there were no vacancies in authorities and agencies. That view was presented by the best Gibraltarian of all time, Sir Peter Caruana, and when he was the Minister for Justice he never disputed that theory postulated by the greatest Gibraltarian of all time. Therefore, if it was good for the goose
2110 it is good for the gander, and if Sir Peter Caruana used to say that there were no such things as vacancies in companies, agencies and authorities and I stand up to say the same thing, and he did not utter a word of disapproval from these benches, then surely he has to agree with me that the answer I am giving him has to be specific, it has to be precise. It cannot be evasive, because I am emulating the greatest Gibraltarian of all time. So, unless he is saying that the

2115 greatest Gibraltarian of all time uttered falsehoods in this place, he has to agree with me that my answer is correct.

And in any case, Mr Speaker, does he not remember the most eloquent and erudite answer given to the Hon. Mr Llamas by my colleague, the Hon. Samantha Sacramento, when she explained the rudimentaries of these things to him? She said:

Mr Speaker, I appreciate that the hon. Member is new to this and I will of course be as helpful as I possibly can. Unlike the complement in the Civil Service, there is no such thing as a complement in agencies and that is the position that was taken by the GSD when they were in Government.

2120 So no, Mr Speaker, I did not come here worried or with my cannons loaded, to use his colourful metaphors, as a result of these answers. I am proud of the answers that I am giving and I am more proud of the work that I am conducting with Unite the Union that has resulted in an industrial relations review that has, for the first time since the Care Agency was set up by the previous administration, given them – consistently with their considerations of what are
2125 appropriate terms and conditions for them, concluded just the other day – a very satisfactory industrial relations review that actually values, truly values, the work that is conducted by care workers.

They did not do that, Mr Speaker. They did not conduct that industrial relations review. They were the ones who brought in fixed-term contracts and we, unlike them, who are consistent and would be embarrassed to present a political hypocritical discourse in this House and then
2130 outside ... When they stood up in this House and spoke about fixed-term contracts and they said, 'We will introduce fixed-term contracts because whilst we bring fixed-term contract workers from across the way, we will identify local, suitable people, whether in the UK or currently being trained in Gibraltar, to fill those posts.' And of course Minister Bossano, always being entirely
2135 consistent and true to his political beliefs, stood up and said:

Well, if the reason why you are bringing fixed-term contract workers from across the way is because you have identified suitable people to be trained or educated in the UK to fill those posts, then we will support the position.

And given that when the greatest Gibraltarian of all time expanded that philosophy he agreed and banged the table, he should agree and bang the table for my answers. (*Banging on desks*)

Mr Speaker: I think I should warn the Hon. the Minister for Health and the Hon. the Leader of the Opposition that they are now getting into debating territory and if they continue in this vein I will move on to the next question. So no debate, please.
2140

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

2145 **Mr Speaker:** I do not have to tell them the object of Question Time: seek information, urge the Government to adopt a policy or a line of action, but no speeches. We have had enough speeches today.

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

2150 I am tempted to ask the hon. Gentleman by way of supplementary is he the GSD in disguise, because quite frankly he is using us to justify what are, quite frankly, in my respectful view, answers that are not straight answers. They are not straight answers. I will explain that and ask him whether he will review those answers in the light of what I am going to tell him now.

I do not agree with the way that he has characterised it, but whether our policy was that technically there were never any vacancies in the GHA or the Care Agency because there is a distinction to be drawn between that and the Civil Service ... in September when I asked the
2155 question about vacancies I was told that there were about 40-something vacancies within the

GHA. Okay? It is not the hon. Gentleman who answered the question; it was a written answer that was provided. That was the answer provided to me in September.

2160 Separately, my hon. Friend Mr Llamas asked on 29th September what vacancies there were within the Care Agency specific to care workers ... or the answer came back specific to care workers, and the answer was vacant posts pending recruitment – we all know the English language, Mr Speaker – the answer, vacant posts, recruitment, 22.

2165 And now the hon. Gentleman seeks to evade giving me an answer in this House by saying, ‘Well, because the policy of the greatest Gibraltarian of all time ...’ and everybody there on the other side laughing, including the Father of the House, who had innumerable battles with the greatest Gibraltarian ... or the greatest Gibraltarian of *our* time; that is what I said.

2170 Mr Speaker, the Government has got to make up its mind. Does he not recognise that there is a huge, monumental inconsistency in the way that the Government has been answering these questions across the floor of the House? And indeed it is only when I raised this issue publicly in my press releases, that so seem to vex the hon. Gentleman, that the Government’s position then changed and all of a sudden they decide, ‘Well, we’re not going to provide figures for vacancies.’ Does he not recognise that there is that inconsistency? For the sake of our friendship?

2175 **Mr Speaker:** A short answer – does the Hon. Minister recognise, or doesn’t he – and then we can move on to the next question.

Hon. N F Costa: Mr Speaker, my answers in this House have always been entirely consistent with the policies of the Government.

2180 **Mr Speaker:** Any other supplementaries on these number of questions that have been grouped together?

Hon. D A Feetham: None that I can think of Mr Speaker.

2185 **Mr Speaker:** Okay. Shall we move on to the next one?

Hon. D A Feetham: Yes. I will analyse them at home.

2190 **Mr Speaker:** Okay, fine.

**Q265 and 266/2017
Intensive Care Unit employees –
Indefinite permanent and fixed-term contracts; recruitment consultants**

Clerk: Question 265, the Hon. D A Feetham.

2195 **Hon. D A Feetham:** Mr Speaker, how many staff working within the Intensive Care Unit are currently employed directly by the GHA (a) on indefinite permanent contracts and (b) on fixed-term contracts?

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

2200 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this question together with Question 266.

Clerk: Question 266, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many staff working within the Intensive Care Unit are currently employed directly by the GHA via the services of recruitment consultants?

2205

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, there are 20 nurses on indefinite contracts.

2210 There are 10 less nurses on fixed-term contracts, two of whom will have their contracts varied to indefinite and the two nurses in question have already been informed.

2215 Mr Speaker, temperatures may rise even further. I am astonished that the hon. Gentleman should not have withdrawn this question, given that he decided, contrary to parliamentary convention, to issue a press release having filed this question in this House. (**A Member:** Hear, hear.) The Hon. the Leader of the Opposition should by now surely know the conventions and the practices of this place. In any case, I am delighted to remind the House that the number of nurses under this Government has increased from 387 in 2010 to 473 last year – in other words, a staggering increase of 19%.

2220 The numbers show an unprecedented level of investment in our clinical professional staff. Moreover, the fact that the Hon. the Leader of the Opposition issued a press release in circumstances where he had already filed a question in this House demonstrates that the Opposition is not at all interested in learning the answers to the question that they pose and are instead blatantly interested in cheap political theatrics and pathetic headline grabbing based on the mistaken information provided to them by this – I have to say wonderful – disgruntled mole.
2225 (*Laughter*) This in itself would be serious enough and is made more so by the fact that when the Opposition jump the gun in relation to our Health Services it only serves to worry the public and to denigrate the excellent clinical professionals at the GHA.

2230 Further still, Mr Speaker, I make no apologies for the Government's policy to identify existing nursing staff to train in the various specialisms. As the House may be aware, the GHA is currently in the process of providing presentations to Westside and Bayside students highlighting the many different career pathways. The Government will continue to identify members of our community currently studying in the UK or already working, to train them in order to provide high-quality empathic and compassionate medical care.

2235 Mr Speaker, whilst the role of the Opposition is to challenge the Government, it is not to cause undue and totally unwarranted, and more than likely malicious, concern by repeating in their press statements what is plainly and simply unsubstantiated gossip by their disaffected, but worth his weight in gold, disaffected informer. If the hon. Gentleman really wanted to know the answer to the question that he posed, he would have waited for my answer in Parliament.

2240 I used to shadow the Health portfolio when I was in Opposition and I used to write to the then Minister for Health before issuing press releases, and I even used to counsel complainants not to issue press releases and to give the then Minister the opportunity to consider their cases and reply. The stark difference between them and us is that whilst I am still waiting for the GSD's Minister for Health to answer any one of my emails or phone calls in relation to individual complaints – and I had better sit down in my wait – the Opposition will have to admit that I
2245 answer every email, every phone call, every text, every WhatsApp, and meet them with their constituents if they so request. We therefore mark a profound difference, in that actually we also then proceed to resolve their constituents' issues.

2250 Even further still, the hon. Gentleman would do well to learn from the Hon. Marlene Hassan Nahon, who has the decency to write to me first to enquire if there is any truth in any complaint made to her by any person. This must surely be because the hon. Lady fully understands that casting doubt on the quality of care in an intensive care unit can only create unnecessary panic among our community, which is something that she clearly does not want to generate.

For his part, the Hon. Mr Feetham has tried panic for votes over the Savings Bank. That did not work and Mr Bossano is taking more deposits than ever in the bank. He tried panic for votes

2255 over the natural gas facility. That did not work either, and we got more votes than ever in the last General Election. They tried panic over public finances for votes and that did not work either: Gibraltar is better off than ever under the Government. And now Mr Feetham is trying to create panic over our Health and ICU services, when we are investing more than ever in that service.

2260 Mr Speaker, in relation to answer to Question 266, there are none. *(Banging on desks)*

Chief Minister (Hon. F R Picardo): Well answered.

2265 **Hon. D A Feetham:** Mr Speaker, there I was, thinking that the Drama Festival had ended some months ago! **(A Member: Hear, hear.)** *(Laughter and banging on desks)*

At least nobody on this side of the House has participated in any Spanish programmes calling into question the services offered within the Care Agency here in Gibraltar. I cannot say the same about him, I have to say.

2270 Mr Speaker, I am very grateful for the answer and I am very grateful, in fact, for the press release that he provided that also shed some light in relation to this. But I want to focus on the decision, if there has been a decision. In fact, I will ask the first question: has there actually been a decision by the Government not to renew the contracts of four fixed-term contract nurses within the Intensive Care Unit because the Government has made a decision to basically train four local people, which we commend, four locals, but in substitution for four nurses whose
2275 contracts are coming up for renewal once they expire?

Hon. N F Costa: Mr Speaker, the hon. Gentleman needs the services of the memory clinic: the Drama Festival did not finish last month, it finished on Saturday. And no, Mr Speaker.

2280 **Hon. D A Feetham:** So can the Government then therefore guarantee and assure this House that the current complement of nurses there within the Intensive Care Unit, be it – well, those that are there on fixed-term contracts – that those are going to be maintained and that there is going to be no attempt to replace experienced nurses and the number of experienced nurses, a dilution of that, in favour of trainee nurses, however small that they may be?

2285 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman has accused me of rattling off a press release, but clearly he did not read my reply. I told him in the reply to his press statement that the hard facts are strikingly clear. In May of 2011, when they were in Government, the CCU had 28 registered nurses; we have 30 registered nurses, an increase of two. When they were in
2290 Government, those 28 registered nurses comprised of two charge nurses; we have three charge nurses. And then 24 staff nurses; we have 27 staff nurses. So there has been no dilution, it has been quite the opposite: there has been an increase in the quality of the specialisms and the complement being provided in CCU, which is why I am telling him that he really ought to stop listening to this disgruntled mole. He ought to start thinking that maybe, just maybe, I am
2295 feeding him the information because every time he shouts on the back of that information he gets it horribly wrong.

2300 **Hon. D A Feetham:** Mr Speaker, he seems to be obsessed by the mole, I have to say. And how does he know that it is just one mole? He keeps on going on about 'the mole, the mole, the mole'. It could be several moles for all that the hon. Gentleman knows. *(Interjection)* Well, no, they are all actually getting it right – that the answers that the hon. Gentleman chooses to provide me are half the truth and half not the truth. Well, that is another matter.

2305 Mr Speaker, it is obvious – because people have come to me, employees have come to me; they have come directly to me about this – that there is concern within the Intensive Care Unit, where there are a number of nurses ... The majority of them are actually foreign nurses, because this is a very specialised area. It requires training abroad and the specialism does not exist here.

2310 People who have fixed-term contracts, who know that, for example, if they are employed under successive fixed-term contracts for more than four years they will acquire rights, and the intimation to them ... It has been on an informal basis, but the intimation to them has been that the Government or the GHA is not going to renew those contracts because they do not want people within the Intensive Care Unit acquiring permanent rights, and that therefore the Government is planning either to replace with a number of trainees or with contract staff – please listen to the question; you can deny it afterwards (*Interjection by Hon. N F Costa*) – contract staff, either from Medoc or other recruitment consultants.

2315 Can he confirm and assure the House that that is not the intention of the Government – and of course he knows that when he gives me that answer I am going to be looking at this with a hawkish gaze in the future.

Hon. N F Costa: Mr Speaker, what a tangled web we weave when first we learn to deceive. 2320 And when he talks about half truths, surely he was referring to the witches and Lady Macbeth and he could have at least have quoted that paragraph for me.

In any case, I have just told him *again* that the complement of the CCU has gone up by two, that the number of qualified nurses has gone up from 24 registered nurses to 27. Therefore, it logically follows numerically, mathematically, logically, inevitably, inexorably, that there has 2325 been an increase in the quality and the specialism and the skills in care. Can he not see that if there were 28 in his time and there are two in our time that is two more? Can he not see that if there were 24 registered nurses and three enrolled nurses but with us there are 27 registered nurses, the skills have gone up? Can he not see that? Can he not add numbers? Can he not follow simple logic? The complement has gone up, the skills mix has gone up. It is, of course, not 2330 possible ever to replace a registered nurse with a trainee. Whoever is telling him that really has not got a clue what she is talking about. How could you possibly replace a CCU trained nurse with an assistant? Does he think I am mad? Does he think that I am so nationalistic that I would choose a Gibraltar nursing assistant over a Spanish registered nurse? Does he honestly think that? Does he think that I would put Gibraltar's patient safety at risk by way of hollow 2335 nationalism? Of course not.

When one goes into hospital, when one is admitted, one does not care who is in government and who is in opposition; one only cares about the quality of the service that one receives. One wants the best consultants, the best nurses and the best care. I have demonstrated to him – and he can check it with hawkish glare or with bunny eyesight (*Laughter*) – I have demonstrated to 2340 him, numerically, that under us specialisms are up, complements are up, skills are up, investment is up, 19% of nurses are up, and if he cannot do the mathematics, Mr Speaker, he should go back to school.

Hon. D A Feetham: Mr Speaker, the hon. Gentleman does not really need to get angry – 2345

Hon. N F Costa: I'm not angry.

Hon. D A Feetham: – in the answer.

2350 **Hon. N F Costa:** I have He enjoyed it thoroughly.

Hon. D A Feetham: Mr Speaker, he doesn't, he doesn't. Also, Mr Speaker, his unhealthy obsession with the mole should end. He has just described the mole as 'she'. I do not know how he knows it is a she; it may well be a he or a number of moles, as I have told him in the past. 2355

But he has not answered the second part of the question. There were two parts to the question. I am satisfied with the first, I have to tell him, and I will continue to monitor Government policy. But the other question that I asked, the second part of the question, was: does the Government intend to essentially not allow those nurses within the ICU to serve out

2360 those four years in successive fixed-term contracts, thus not allowing them to acquire permanent rights, and replace those people with subcontracted labour from Medoc or other recruitment consultants? I am asking about Government policy.

2365 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman, in his previous supplementary, said that there was some informal intimation about Government policy: there is no informal intimation of anything. The Government's policy, continuing *their* policy, is that we will bring fixed-term workers, with the skills necessary for any particular ward, for a fixed-term period. Fixed-term contracts: within the name lies the answer. They are brought in to fill in a gap in a skill that is required by the GHA, and because it is a fixed-term contract the person is told that he or she will be serving at the GHA for a fixed period of time – and for which we are eminently and forever grateful for the care they provide our community, but in order to give effect to the GSD's wonderful policy of bringing in fixed-term workers with a particular skills set for a period of time until local suitable people have been fully trained with the right experience, to be introduced in any of these areas. There is no intimation and it is not informal – it is the policy of the Government. I have said it here, I have said it in a press release, and I am repeating it to him again.

2375 So, Mr Speaker, to answer his supplementary, the fixed-term worker will be told from the outset that the contract will not run beyond a certain period of time. Therefore the person has the choice and the right to say, 'I don't want to be here for two years, I don't want to be here for a year, I don't want to be here for three years – I want to be made indefinite from the get-go.' 2380 The GHA would reply, 'I am sorry, that is not the policy of the Government.' Therefore, the person has a right to either choose to stay or choose to go, and whilst they are here they will be treated with the rights and privileges of every other GHA employee and welcomed to the family.

2385 But to follow that policy, whilst those fixed-term contract workers are providing the services we will be identifying suitable local people to be trained in the School of Health Studies – which is why we have it, which is why we allocate money for it every year – and we will also identify those Gibraltarians out in the world or being trained in the UK for when they come back they have a job, a satisfying career at home for which he and I, as taxpayers, have paid for their education.

2390 So we make absolutely no apologies whatever, Mr Speaker, to scream from the rooftops and say calmly in this Parliament that it is the fixed policy of this Government to ensure that we have fixed-term workers to ensure quality and safe care, and then those persons will be thanked and then the contract not renewed.

2395 **Hon. D A Feetham:** I am afraid, Mr Speaker, that is an unsatisfactory answer, and again he knows, he knows that he is evading the point because the reality is there are substantial numbers of nurses within the ICU who are on fixed-term contracts, who are on the second or their third fixed-term contracts, and he must know as well that those same people have been informally told, 'You're not going to get another contract, not because we are unhappy with the service you are providing but because we don't want you to acquire permanent rights.' (**Hon. N F Costa:** No.) Yes, Mr Speaker, and I am asking him again: is that or is that not Government policy? 2400

2405 **Mr Speaker:** I will allow the Minister to answer that question and then we are moving on to the next question.

Hon. N F Costa: Mr Speaker, the hon. Gentleman –

Mr Speaker: We are just having repetition and debate.

2410 **Hon. N F Costa:** Yes, Mr Speaker, I agree, and the hon. Gentleman should have some chai tea and relax; he should not get angry. *(Laughter)*

Mr Speaker, there is no intimation or informality. I have told him that it is the expressly, publicly stipulated ... of this Government, for which we make no apologies. If the result of that policy is what he says, he can colour it in whatever way he likes.

2415

Mr Speaker: Next question.

Q267/2017

Sponsored patients –

Policy re check-up and review appointments

Clerk: Question 267, the Hon. D A Feetham.

2420 **Hon. D A Feetham:** Mr Speaker, has there been a change in policy in relation to the ongoing check-ups and review appointments for sponsored patients?

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

2425 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, there has been no change in policy.

2430 **Hon. D A Feetham:** Mr Speaker, the reason why I am asking this is because there have been individuals, patients, that have come to me, who would have in the past have had reviews in the United Kingdom, for example, which would have been their preference, but are now being told that that is no longer possible and the reviews have got to be here when they would feel more comfortable with having the reviews in the United Kingdom.

2435 Is the hon. Gentleman then saying, really, that the Government has not changed its approach from the past in relation to this and that there must be some explanation – some medical explanation, for example – as to why the review is happening here in Gibraltar? And in that case, Mr Speaker, can I refer those individuals directly to his Department so that the Department provides an explanation to them? Because obviously people who are being treated – for example, being reviewed in respect of cancers and things of the like – who are being told, ‘Well, you have got to do your review here in Gibraltar’ obviously are going to feel panicky, as is natural, and in circumstances where there might be a natural and quite acceptable explanation people jump to conclusions.

2440

Hon. N F Costa: Mr Speaker, there has been no change in policy; it may well be that the policy is now being more actively enforced. I am surmising as to why some persons who may have before gone for reviews to the UK are not being sent to reviews anymore.

2445 The hon. Gentleman should understand that these determinations are not made because of clients’ preference. In other words, he said to me that ‘some patients would prefer’. Well, clinical decisions are not made on patients’ preference. Clinical decisions are made on what the clinician determines to be the most medically indicated service or the most medically indicated intervention. For a person to be referred to the UK or to Spain there has to be a consultant who refers that person to the UK.

2450

2455 In the past what has happened as well is that UK hospitals, without appreciating that the person is Gibraltarian and not from the UK, may have sent the review date to the patient directly rather than to the Sponsored Patients department. Since I have become the Minister for Health I have more fully resourced within existing resources the Sponsored Patients department, and therefore, as a result of those additional human resources, they have been able to more actively manage to ensure that where services are being able to be provided locally and the clinician

determines that it should be provided locally, they ought to be provided locally. I am sure that the hon. Gentleman would agree that that is a very good thing, because it saves the expenses of sponsored patients where they do not have to be spent.

2460

Hon. D A Feetham: Yes, and it does seem to me that it does indicate that there has been a difference of approach. It is a question of semantics whether one calls it a policy or an approach.

2465 What the hon. Gentleman is telling me is: I came in as a Government Minister, I looked at it, I resourced the sponsored patients department here in Gibraltar; as a consequence of that, we were able to review more people here in Gibraltar, and therefore, rather than have a situation where we are spending more money in getting them reviewed in the United Kingdom, we are doing it in Gibraltar.'

2470 It does provide an explanation, but it does seem to me to indicate that that is a change of approach. Whether one calls it a change of policy or otherwise, it is a change of approach. It is a conscious decision by the Government to have more people reviewed here – (*Interjection*)

Hon. N F Costa: No, Mr Speaker, the hon. Gentleman is intent today on either misunderstanding me or repeating me and then characterising my remarks in a way that I have not uttered them.

2475 I have said that, in the past, UK hospitals may have, accidentally and without meaning to, tried to arrange an appointment directly with a Gibraltar patient. When a sponsored patient is referred by a consultant to the hospital in the UK with which the GHA has a service level agreement, the consultant's letter is necessary for the initial referral, investigation or procedure. Then the letter makes it clear that any subsequent reviews need to be done through Sponsored
2480 Patients. In the past, if a Gibraltar patient may have received that reminder, rather than going through Sponsored Patients they may have decided to go ahead and keep the appointment. And then, of course, because the UK hospital would have emailed the patient in Gibraltar directly, the GHA would naturally – because we do tend to be as fair and as reasonable as humanly possible – that they would have paid for the trip – for the transport, for the flights and for the
2485 escorts. But because there is now a more active management of the existing policy, I can assure him that the policy remains the same as it was when my hon. predecessor, Dr John Cortes, was the Minister, but as a result of resourcing the Sponsored Patients department more from within the existing human resource capital of the GHA, they are just making sure that all sponsored patients' referrals are being done properly in accordance with the policy.

2490 As I have just explained to him, money, thankfully – and, please God, may it continue forever – money does not factor into determinations by clinicians. In other words, if a clinician determines that a person in Gibraltar would be best served by some treatment which has been clinically tested and is proven to cure cancer, and it costs whatever, the clinician will make that determination and the GHA will actually pay for it. It is an important point to make, Mr Speaker,
2495 because in the NHS there are some cancer treatments that the NHS does not fund because of the cost – they consider it prohibitive – and because they may only extend the life of the person between four to six months. We, the GHA, on the other hand, if a clinician says, 'This treatment is available, it has been clinically tested, it is successful; it is going to cost you an arm and a leg but it will extend that person's life for a few months,' we will pay for it.

2500 So, Mr Speaker, given the answer that the Hon. the Leader of the Opposition has made, I do not want anyone leaving this Chamber thinking for a moment that any choice is made depending on how much it costs. It is not, never has been and, please God, never will be.

2505 **Hon. D A Feetham:** Mr Speaker, I am glad about that, but of course if it has all been clinician led throughout it is difficult to envisage why there has been this tightening up of the policy. But in relation to the tightening up ... That is what he is telling me: there is a tightening up of the policy. That is –

2510 **Hon. N F Costa:** Enforcement of the policy.

Hon. D A Feetham: Yes, okay, tightening up the enforcement of the policy. My point is that if it were always clinician led, there would not have been a need to tighten up the policy – because it is clinician led.

2515 **Mr Speaker,** does he have an idea of how much this is going to save if that is being done –

Mr Speaker: No, that does not arise. Out of order. It does not arise at all from the question.

2520 **Hon. D A Feetham:** No, it arises from the answer that he has given me. He has said that effectively what the Government wants to do is ... that there is a wastage financially and therefore there is a tightening up of the policy so that it is dealt with here in Gibraltar.

Mr Speaker: He has just said that savings do not come into it, (*Interjections*) that the Government (*Interjections*) ... [*Inaudible*] on treatment which is recommended by the clinicians, and you are asking ... [*Inaudible*] It does not arise, I am sorry.

2525 Next question.

2530 **Hon. D A Feetham:** Well, Mr Speaker, how can you tighten a policy if it has always been clinician led? That is the question. If it has always been clinician led, how can you tighten up a policy, unless what he is really saying is that all he has done is ensured that those hospitals in the United Kingdom that used to send, according to him, these letters, no longer send these letters?

Hon. N F Costa: Mr Speaker, the hon. Gentleman really does need to just focus and listen to the very full answers that I give him, because I have explained what he is asking me in supplementary information, so I am not going to repeat it.

2535 The record shows that the policy has always been that referrals to the UK for investigations, for opinions and for interventions, have always been determined by a clinician. And because there is now active management, or rather more active management of sponsored patients, where the services can be provided locally and the clinician determines that the appropriate level of service can be done locally, it is done locally according to that clinical determination.

2540 **Mr Speaker,** the hon. Gentleman really is trying to be all things to all men. If I had stood here to say that there was a free for all in sponsored patients, he would be wagging his finger at me and telling me that I need to get control of the financial arrangements of the GHA, which no doubt will be his line at the Budget, because every time he talks about the GHA he says, 'Oh, it costs £7 million a year and we have got to get the most value for money for the taxpayer.'

2545 **Mr Speaker:** The Hon. Minister is now debating. Please stick to the question in hand.

Hon D A Feetham: it is financially led.

2550 **Hon N F Costa:** No.

Mr Speaker: Next question.

**Q268 and 269/2017
Mount Alvernia nurses –**

Direct employment; employment through recruitment agency

Clerk: Question 268, the Hon. D A Feetham.

2555 **Hon. D A Feetham:** Thank you very much for answering my non-supplementary question.

How many nurses were employed directly by the Care Agency at Mount Alvernia as at 31st December 2012, 2013, 2014 and 2015?

2560 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Question 269.

2565 **Clerk:** Question 269, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many nurses were placed working within the Care Agency at Mount Alvernia through the services of a recruitment agency as at 31st December 2012, 2013, 2014 and 2015, identifying the recruitment agency?

2570 **Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the answer is in the schedule I now hand over to the hon. Gentleman.

Answer to Question 269

Answer to Question 268

The following is a breakdown of the nurses employed directly by the Care Agency and Mount Alvernia:

As at 31 st December 2000	2 - SSA
	20 - Mount Alvernia
As at 31 st December 2001	2 - SSA
	20 - Mount Alvernia
As at 31 st December 2002	2 - SSA
	22 - Mount Alvernia
As at 31 st December 2003	2 - SSA
	22 - Mount Alvernia
As at 31 st December 2004	2 - SSA
	22 - Mount Alvernia
As at 31 st December 2005	2 - SSA
	22 - Mount Alvernia
As at 31 st December 2006	2 - SSA
	22 - Mount Alvernia
As at 31 st December 2007	2 - SSA
	38 - Mount Alvernia
As at 31 st December 2008	2 - SSA
	38 - Mount Alvernia
As at 31 st December 2009	2 - Care Agency
	39 - Mount Alvernia
As at 31 st December 2010	2 - Care Agency
	48 - Mount Alvernia
As at 31 st December 2011	2 - Care Agency
	47 - Mount Alvernia
As at 31 st December 2012	8 - Care Agency
	56 - Mount Alvernia
As at 31 st December 2013	8 - Care Agency
	57 - Mount Alvernia

Cont...

Cont. answer to Question 269

Cont. answer to Question 268

As at 31 st December 2014	8 - Care Agency 56 - Mount Alvernia
As at 31 st December 2015	9 - Care Agency 58 - Mount Alvernia

Answer to Question 269

The following are the number of nurses who were placed / working within the Care Agency and Mount Alvernia through the services of a recruitment agency:

As at 31 st December 2000	Nil - Elderly Care Agency (ECA) (ECA was formed Jan 2000)
As at 31 st December 2001	Nil - Elderly Care Agency (ECA)
As at 31 st December 2002	Nil - Elderly Care Agency (ECA)
As at 31 st December 2003	Nil - Elderly Care Agency (ECA)
As at 31 st December 2004	Nil - Elderly Care Agency (ECA)
As at 31 st December 2005	Nil - Elderly Care Agency (ECA)
As at 31 st December 2006	Nil - Elderly Care Agency (ECA)
As at 31 st December 2007	Nil - Elderly Care Agency (ECA)
As at 31 st December 2008	Nil - Elderly Care Agency (ECA)
As at 31 st December 2009	Nil - Care Agency (ECA & SSA became CA in May 2009)
	Nil - Mount Alvernia (part of ERS)
As at 31 st December 2010	Nil - Care Agency
	Nil - Mount Alvernia (part of ERS)
As at 31 st December 2011	Nil - Care Agency
	Nil - Mount Alvernia (part of ERS)
As at 31 st December 2012	Nil - Care Agency
	Nil - Mount Alvernia (part of ERS)
As at 31 st December 2013	Nil - Care Agency
	Nil - Mount Alvernia (part of ERS)
As at 31 st December 2014	1 - Care Agency - Grand Home Care
	8 - Mount Alvernia (part of ERS) - Grand Home Care
	12 - John Macintosh Home (part of ERS) - Grand Home Care
As at 31 st December 2015	2 - Care Agency – Grand Home Care
	10 - Mount Alvernia – (part of ERS) Grand Home Care
	12 - John Macintosh Home (part of ERS) – Grand Home Care

Q270/2017
GHA workers –
Identification of recruitment agencies

2575 **Clerk:** Question 270, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, in relation to Questions 152, 153, 154 and 155/2017, please break those figures down by identifying the recruitment agencies concerned.

2580 **Clerk:** Answer, the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the answer is in the schedule I now hand over to the hon. Gentleman.

Answer to Question 270 of 2017

Question 152 - Number of nurses within the GHA through the services of a recruitment agency	
Year	Agency Used
2012	5 Pulse Staffing Locum Agency (UK) 1 Team24 Locum Agency (UK)
2013	1 Pulse Staffing Locum Agency (UK) 1 Team24 Locum Agency (UK)
2014	4 Flex Staffing Locum Agency (UK) 1 Independently sourced
2015	5 Flex Staffing Locum Agency (UK) 1 Pulse Staffing Locum Agency (UK) 5 Nursdoc Locum Agency (UK)

Question 153 – Number of workers within the GHA through the services of a recruitment agency	
S&K recruitment	26 (Clerks)

Number of workers within the Care Agency through the services of a recruitment agency					
Question 154	ADA	Grand Home Care	S&K	JFM	JT Security
RGNs	3	1			
Care Workers	77	25	1		
Admins			9		
Counsellors			1		
Drivers					1
Maintenance/Hybrid/General Operative			2	1	
Domestics			14	11	
Cook		1			

Number of workers within Mount Alvernia through the services of a recruitment agency			
Question 155	S&K	Admiral Security	JFM
Admins	2		
Security		1	
Catering	5		
Domestics	2		3
Maintenance/Hybrid/General Operative	1		2

Q271 and 272/2017
Gibraltar Health Authority –
Vacant posts

2585 **Clerk:** Question 271, the Hon. D A Feetham.

Hon. D A Feetham: Please refer to Written Answer 51/2016. Which one of the vacant posts under the schedule headed 'Agencies, Authorities & Government Owned Companies (Gibraltar Health Authority)' related to the Gibraltar Health Authority? Note, the same schedule highlighting the relevant entries would suffice.

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Question 272.

Clerk: Question 272, the Hon. D A Feetham.

Hon. D A Feetham: Please refer to Written Answer 51/2016. In relation to the heading 'Agencies, Authorities & Government Owned Companies (Gibraltar Health Authority)' in the schedule provided in answer to the question, please state (a) which agency, authority or Government-owned company each vacancy relates to (b) whether such vacancy has now been filled (c) whether it has been filled permanently or on a temporary basis (d) whether the vacancy has been filled by someone employed by those entities directly or through the placement of a worker via a recruitment agency (e) if employed directly by those entities, the length of the contract of service.

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, as previously mentioned in answer to Questions 149 and 150 of this year, all posts within the Gibraltar Health Authority are covered, and as such there are no vacancies. What was provided in answer to Written Question 51/2016 was a snapshot of the vacant posts at that particular point and not necessarily vacancies going forward.

I can inform the hon. Gentleman opposite that all posts are being actively evaluated. Where possible, the workload has either been redirected within the existing workforce or the post has been filled.

Hon. D A Feetham: Mr Speaker, we have gone through this in the past in relation to a previous question, so I am going to limit my supplementaries.

Again I am not happy with the answer, Mr Speaker. In October 2016, which this question relates to – that is the month; Question 51/2016 – the Government at the time told me that there were ... I think it was about 45 – (Hon. L F Llamas: Seventy nine and a half.) Seventy nine and a half, I am told by my hon. Friend Mr Llamas. In fact, I had underestimated it from memory. So, if it is 79½ vacancies in 'Agencies, Authorities and Government Owned Companies (Gibraltar Health Authority)' and I have asked how many of those related to the Gibraltar Health Authority, the Hon. the Minister should be in a position to tell me, bearing in mind that the Government has answered, in October of last year, that there are 79½ vacancies in this area, including the Gibraltar Health Authority – I actually suspect they are all, or most of them, in the Gibraltar Health Authority – how many of them related to the Gibraltar Health Authority? Is he not at least prepared to provide me with that answer?

2635 My second supplementary, Mr Speaker, to move it on, is he said some of them have been moved, some of them have been filled – is he not prepared to tell me how many of those 79½ that related to the GHA have actually been filled and how many have been 'moved on', as he put it in his answer?

Hon. N F Costa: Mr Speaker, we have just had the same debate not 15 minutes ago and I have already explained to the hon. Gentleman at least four or five times that the GHA does not have a fixed complement and that therefore vacancies do not exist.

2640 When the clinical teams, whether the Medical Director, the Director of Nursing, the Director of the Allied Health Professionals or the manager of the hospital ... when I am advised that they require additional people, a study is carried out and if the case is made out then posts are advertised. I have explained that to him already.

2645 **Hon. D A Feetham:** Mr Speaker, it really is completely unsatisfactory. (**Hon. N F Costa:** Why?) No, he can moan all he likes, but I get an answer in October when I ask how many vacancies there are within agencies, authorities and Government-owned companies, and I get the answer: Agencies, Authorities and Government Owned Companies (Gibraltar Health Authority), 79½. Now is he saying that the previous answer that the Government provided, 79½, was an incorrect answer? Or has there been a change in policy in the way that the Government answers questions before this House? Because clearly everybody can see there is an inconsistency.

2650 I am just referring to an answer that has been provided to me. He can say to me, 'Look, Mr Feetham, out of that 79.5% none related to the GHA and there was a mistake in the previous answer provided by the Government when it said this includes the GHA.' I do not think it is correct, but at least it is a sensible answer, I could understand it; but what I do not understand is the Government answering 79.5 vacancies including the GHA in October of 2016, and now he tells me there are no vacancies and there has never been any vacancy in the GHA. I am sorry, but what it indicates to me is a Government intent on playing games, and because we have focused on the number of vacancies and because they do not want to disclose to people who may be disgruntled by the number of vacancies, they now decide to change their policy to say there have never been any vacancies in the GHA.

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2660 He knows I have got a lot of time for him, but he is really now stretching everybody's patience to the limit with the fine distinctions that he seeks to draw and the evasiveness in the answer.

2665 **Hon. N F Costa:** Mr Speaker, in the same way that the hon. Gentleman did not understand what a short-term contract was between a fixed-term contract, and is a QC telling me whether we have any short-term contracts and there are in fact-fixed term contracts, whether he says he has got time for me ... And he definitely has time for me; he spent seven minutes asking me I do not know how many questions. It is meant to be a supplementary question, one supplementary question at a time. I have written down seven supplementary questions in seven minutes. I wish he had a little less time for me in Parliament, Mr Speaker.

2670 I do not know how else to tell him. My answers in this House have always been consistent. He quotes to me one answer given by this Government and I have quoted to him the answer already given by the Hon. Minister Sacramento that there are no fixed complements in authorities, agencies and Government-owned companies and that recruitment is taking place according to the demands of the service.

2675 He has a very peculiar notion of how he defines reasonableness. He is not here to tell me how I should answer to satisfy him, and he is not here to tell me how he thinks I will satisfy and assuage the concerns of what he says are the disaffected members.

2680 Mr Speaker, I see a lot of people in my office. I meet with the clinical nurse managers, I meet with the directors, I meet directly [inaudible] In fact, I am told off regularly for taking complaints directly from members of staff. I am told off regularly for taking complaints from people directly

2685 who have concerns with the Health Service. I have a very good idea of what is going on in the
GHA, an excellent idea of what is going on within the GHA because I am there every day and I
know what is going on. I can assure him that if the GHA required more people in any service we
would hire them in the same way that we increased nurses by 19%, in the same way that in
November we increased the number of consultants we are trying to recruit, in the same way
that we went from two speech and language therapists to four, plus one in ERS and plus one at
2690 the Bella Vista Day Centre.

Mr Speaker, does he not see that, under this Government, investment in the GHA has really
grown? Of course, not being at all conscious or being blithely unaware, consciously unaware of
the hypocrisy of his political discourse, he will today say here why aren't I filling the supposed
vacancies, but then in the next question or in the next breath or in the next press statement will
2695 accuse us of spending too much money in the GHA. The person who cannot have it either way is
him. Either we are spending too much money and we should put on the hand brake and stop
recruiting people, or we should fill what he says are those vacancies. He cannot have it either
way, Mr Speaker.

I have been entirely consistent. The policies of the Government have been expressly put
2700 forward by me. There are no informal intimations of anything: I carry out my business openly
and notoriously. My policies are set out in writing and if there is any issue with anyone they
need to see me. I dare say that I have received complaints from persons about their contracts
not being terminated and I have told them this: I am following the policies of the GSD.

2705 **Mr Speaker:** I am allowing one other supplementary and then we are moving on to the next
question.

Hon. D A Feetham: I am very grateful for Mr Speaker's patience, but unfortunately this is
2710 about the answers that have been provided to this House. This is about the fact that the
Government has provided an answer in October of last year saying that there are 79.5 vacancies
in Government agencies and authorities, including the GHA, and the hon. Gentleman cannot say
to me which ones of those 79.5 related to the GHA or did not relate to the GHA.

In answer, he has also said to me that the Hon. Minister Sacramento, in relation to the Care
Agency, provided an answer, and yet he has not been able to explain to me why, in an answer in
2715 September 2016, Minister Sacramento said 'vacant posts pending recruitment, 22'. Not 'there
are no vacancies because the policy, because we simply recruit people as and when'; she said
'vacant posts pending recruitment, 22'. And then, in a bulletin issued by Unite to its members, it
says:

Vacancies, GHA – all existing vacancies are being brought to the Minister's attention as a matter of urgency and
will be dealt with ASAP.

2720 Unite the Union. Mr Speaker, I suppose that what he will say to me, and I am asking is, all this
is wrong and the position that the Hon. Minister is now taking is the correct one.

Hon. N F Costa: Mr Speaker, if he knows the answers to his own questions he should not be
2725 asking them, but maybe the Hon. the Leader of the Opposition thinks that if he repeats the same
thing again and again he may somehow convert me to his position. Mr Speaker, that is never
going to happen.

The Hon. the Leader of the Opposition refers to a bulletin of Unite that was dated, if I recall,
sometime in –

2730 **Hon. D A Feetham:** 17th January this year.

Hon. N F Costa: – January of this year. But he then will have recalled, surely – because time moves on, it is not static – that that same entity which he has quoted here today and which he has quoted in a press release and which he has repeated again and again, has also issued a statement jointly with the Government, and they have said that they have drawn a line in the sand in respect of those affected members which they thought ought to be converted from fixed-term contracts to indefinite contracts. So yes, Mr Speaker, I am satisfied with the position, I am satisfied with my answers. That same entity which he quotes in respect of the bulletin has also already come out publicly with us to say that they are now satisfied that they can draw a line in the sand, that they are happy with the work that the Government has conducted in respect of their previously affected members.

**Q273 and 274/2017
Care Agency and GHA –
Payments and receipts**

Clerk: Question 273, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can Government state what have been the payments made by the Care Agency, and separately the GHA, for this financial year to 30th September 2016 and 31st January 2017, with a breakdown for personal emoluments, industrial wages, other personnel and employer contributions, and other recurrent expenditure?

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I will answer this question together with Question 274.

Clerk: Question 274, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government state what have been the receipts of the Care Agency, and separately the GHA, for this financial year to 30th September 2016 and 31st January 2017?

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

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, in accordance with the practice of providing tentative figures at the mid-point of the financial year – that is for 30th September – limited to the summary of heads of expenditure, the payments for the GHA and the Care Agency were as follows. September 2016: GHA, £57,087,460; Care Agency, £7,283,682.

In respect of the answer to Question 274, at September 2016: GHA, £10,815,583; and the Care Agency £2,952.

Hon. D A Feetham: Mr Speaker, again, unfortunately, this falls short of the answer that I was seeking from the hon. Gentleman.

I should explain to this House, Mr Speaker, that this is a question that is verbatim, word for word, except for the fact that I perhaps went a little bit too far in asking for the information up to 31st January 2017. But if you omit 31st January 2017 and just restrict yourself to 30th September 2016, which is six months after the end of the last financial year, it is a question, word for word, both of them, that the Hon. the Father of the House used to ask when he was on

2780 this side of the House, and indeed the Hon. the Minister for Health and Social Services – for the Care Agency, I should say – used to ask when he was on this side of the House. And when we were on the other side of the House we used to provide a full answer to this particular question, so therefore, given that the Hon. Minister Costa has provided to this House during the course of this evening a masterclass as to how to be the GSD in disguise, and bearing in mind that he also used to ask this very same question when he was on this side of the House, may I ask him to provide a full answer to this question.

2785 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):**
Mr Speaker, the Government has already stated the policy of information that it will provide for the estimated six months' expenditure. That information was provided to the Hon. Mr Clinton and that is the information that will be provided. The agencies were not included there because they were not included initially in the answers that I used to get, and therefore the same information is being provided in respect of the agencies, which matches quite closely what is in
2790 the book in terms of the amount that is provided from the Department to the agencies but is not necessarily an exact coincidence of figures.

2795 **Hon. D A Feetham:** Yes, Mr Speaker, I understand that, but what he has not done and what the Government is refusing to do is to provide us with the same information which we used to provide them when they used to ask for this information. The full breakdown was provided. I have gone back to *Hansard* and the full breakdown of everything that I asked was provided by the GSD Government to the Hon. the Father of the House – and indeed, more pertinently, to the Hon. Mr Costa. No doubt on Minister Bossano's instructions he used to ask this particular question, because it has Minister Bossano's prints all over it and I just cannot see on what basis
2800 the Government is now refusing to provide those answers.

2805 **Hon. J J Bossano:** On the basis that that is the policy that I informed the hon. Member we were adopting in answer to Question 243, where I said that we would be providing tentative figures up to September and that they would be provided with the same caveats that they could not be relied on to be an indication of the full year and that they would be provided in January in respect of the figures up to September, and having informed the hon. Member in March 2016 that that was the policy, I have to tell him that in March 2017 it continues to be the policy. If, in fact, he is now saying that they used to do more in that respect, perhaps that must be the exception to the rule because in almost every other respect we do more than they did, by far.
2810

Hon. N F Costa: By far.

ADJOURNMENT

Mr Speaker: May I invite a Government Minister to move the adjournment of the House.

2815 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):**
Mr Speaker, I have the honour to move that this House do now adjourn until tomorrow at 3 p.m.

Mr Speaker: The House will now adjourn until tomorrow at three in the afternoon.

The House adjourned at 7.39 p.m.